

Minutes of Public Hearings held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Monday, September 13, 2004 at 1:00.

**Present:**

Philip Cardinale,	Supervisor
Edward Densieski,	Councilman
Barbara Blass,	Councilwoman
Rose Sanders,	Councilwoman

**Also Present:**

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

**Absent:**

George Bartunek,	Councilman
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There was a disc error and the first part of the meeting wasn't recorded.

Supervisor Cardinale called the meeting to order and the pledge was recited led by Tim Gannon.

Speakers: Supervisor Cardinale  
Richard Hanley

Marie VanDerBer  
Jack Bleu

Public Hearings opened: 1:15 p.m.

Regarding the consideration of a local law amending Chapter 108 entitled Industrial/Recreational District (IR).

Regarding the consideration of a local law amending Chapter 108 entitled Industrial A District (IA).

Speakers: Jack Bleu  
Supervisor Cardinale  
Peter Danowski, Esq.  
Richard Feldman

Regarding the consideration of a local law amending Chapter 108 entitled, Hamlet Center District (HC).

Speakers: Marie VerDerBer  
Robert Wiebolt  
John VerDerBer

Additional speakers who appeared before the meeting was recorded:

Peter Danowski  
Sal Mastropolo  
Laura Courtney  
John VerDerBer  
John Chiarelli

Public Hearing opened: 1:25 p.m.

Regarding the consideration of a local law amending Chapter 108 entitled Village Center District (VC).

Regarding the consideration of a local law amending Chapter 108 entitled Shopping Center (SC).

Public Hearing opened: 1:38 p.m.

Regarding the consideration of a local law amending Chapter 108 entitled Business Center (BC).

Regarding the consideration of a local law amending Chapter 108 entitled Commercial/Residential Campus District (CRC).

Speakers: Robert Wiebolt

Public Hearing opened: 1:43 p.m.

Regarding the consideration of a local law amending Chapter 108 entitled Destination Retail Center District (DRC).

Speaker: Peter Danowski, Esq.

Public Hearing opened: 1:45 p.m.

Regarding the consideration of a local law amending Chapter 108

entitled Rural Corridor (RLC).

Public Hearing opened: 1:52 p.m.

Regarding the consideration of a local law amending Chapter 108 entitled Tourism/Resort Campus (TRC)).

Public Hearing opened: 1:56 p.m.

Regarding the consideration of a local law amending Chapter 108 entitled Downtown Center: Main Street (DC 1).

Public Hearing opened: 2:05 p.m.

Regarding the consideration of a local law amending Chapter 108 entitled Downtown Center 2: Waterfront (DC2).

Public Hearing opened: 2:5 p.m.

Regarding the consideration of a local law amending Chapter 108 entitled Downtown Center 2: Office (DC 3).

Public Hearing opened: 2:10 p.m.

Regarding the consideration of a local law amending Chapter 108 entitled Downtown Center 2: Office/Residential transition (DC-4).

Public Hearing opened: 2:25 p.m.

Regarding the consideration of a local law amending Chapter 108 entitled Down Center Residential District.

Public Hearing opened: 2:25 p.m.

Regarding the consideration of a local law amending Chapter 108 entitled Transfer of Development Rights (TDR).

Speakers: Richard Feldman  
Laura Courtney  
John VerDerBer  
John Chiarelli

(At this time the public hearing was recorded)

Martin Sendlewski: (Mr. Sendlewski had been speaking when the

recording started)

"They would exceed by 50% their allowable impervious surface. So the zoning schedule simply doesn't work. It's impossible to develop the property in accordance with the proposed zoning.

Also, on each side of them they do have the higher density uses. The adjacent Village Center is 80% coverage. Directly adjacent to them which is 10%, it seems really out of proportion.

Secondly, is a property owned by Mrs. Cohen (phonetic) who will also speak. This is a second correspondence. This is for a piece of property directly across the street adjacent to the apartments, and I've attached a copy of the maps blown up on the back of each correspondence so you can see it.

That property is on the south side of the road here. They own the property directly west of the apartment complex. That is being changed to Downtown Center 3 which makes sense. They- she also owns the parcel behind this piece which is RB40- which is intended to be zoned RB40. That piece that she owns in the back has an easement to Main Street for utilities and access. The property north of this piece now between this piece and Main Street is DC3. To the west of her is DC3. To the east of her is the apartment complex and to the south of her is the Long Island railroad tracks. So essentially you have a piece- a single piece of property that's spot zoned as RB40. I think in reviewing the map- I think that's a relatively simple one to see that it should be included in the DC3 zoning.

The last letter that I gave you is not something that's on the agenda but I have to give you the letter anyway for the record. The F zoning is not included in the hearing today so I just had a correspondence. We thought it was going to be. We have a site plan for a project that doesn't have a proper zoning. I understand that will be included as part of the 23<sup>rd</sup>. So I won't comment on that further.

Lastly, I have a question about the timing of the approval of this zoning. Is there going to be another publication of the requirements that was handed out at the Town Clerk's office incorporating these comments and then are we going to have another public hearing to comment on what revisions you've made as a result of this hearing or, you know, I hope we're not wasting time.

I hope we're not going- everybody is going to get up here and say

something and nothing is going to change and you're just going to approve it in a couple of weeks. What's the status of that?"

Supervisor Cardinale: "The process will be the same as we followed for the residential which is to have a hearing, to go back into session, to review all the comments, to make necessary changes, and then to proceed to pass a statute which we hope will be improved by all of the comments that we hear today and on the 23<sup>rd</sup>.

But we're not going to keep going- we're not going to keep going into hearing, review the comments, go to another hearing, review the comments, go to another hearing because if we did that, we'd never pass the statute."

Martin Sendlewski: "Right. But I think maybe once wouldn't hurt on something that's so important as this is for the Town of Riverhead."

Supervisor Cardinale: "Well, I think that we are going to leave it open for comment for 10 days, for written comment- for further written comment, so if there's anything that needs to be said and isn't said at today's hearing we hope it will be said in writing and we'd be glad to take that. After the 23<sup>rd</sup> hearing, we'll be able to take additional comment for a period of at least five days. So that's the present plan. If we find that we're inundated, we will amend."

Martin Sendlewski: "Last question. We just received a site plan approval in DC1 zone. Peter had questioned this and I didn't really see if there was any answer. Are site plans such as that that have just been approved grandfathered, you know, that they've been approved as far as the current DC1, a site plan?"

Supervisor Cardinale: "Is that your building?"

Martin Sendlewski: "Yes."

Supervisor Cardinale: "If the site plan is approved, I would- you're ready to pull a permit, aren't you?"

Martin Sendlewski: "Yes. But I mean we won't have it by the time this is done. So is there going to be a provision in the code that will grandfather current site plan approvals. We just got the approval a week ago."

Supervisor Cardinale: "That's a good example of what Peter was

talking about."

Martin Sendlewski: "Yes."

Supervisor Cardinale: "He was talking about grandfathering. We have to make a decision on grandfathering that's coherent and that would be one that certainly one would consider a good case for grandfathering. Yeah."

Martin Sendlewski: "And then the dimensional regulations, that's going to be discussed at the next meeting, the dimensional chart? Okay. Thank you."

Supervisor Cardinale: "Thank you. Yes, Mr. Cuddy, sorry to- I didn't notice you earlier."

Charles Cuddy: "Charles Cuddy. I'd like to speak about the RLC district, particularly in Jamesport so it's good to follow Mr. Sendlewski."

Obviously in the south side of the road it's a problem because you've got an RLC between an HC and a VC district. But on the north side of the road, you for some reason replace the Business CR which is there with again an RLC district having a small easterly end of the few businesses that are there in VC or Village Center. That- it's just inappropriate not to have an actual village center.

What you've done is you've piecemealed a little VC, a little HC, and then in the middle on the south side put RLC and then on the north side just made it RLC for an extended distance east and west.

I propose to you that when you have a CR district, that you should not eliminate completely the uses in the Business CR, the old Business CR and the only time you should raise it to an RLC would be from a Business G district which is somewhat equivalent.

If you take a Business CR and essentially sterilize it, I think that's wrong to do. And you essentially have made no downtown center in Jamesport and I hope you would look at that again.

One other point on the RLC, you've added I think a condition that's inappropriate. You have professional offices by special permit and then you've added within a quarter mile of the VC and HC districts. That would eliminate a lot of area that you could put professional offices in. And, in fact, it would eliminate some of the

offices that are being built right now. So I would ask you to also look at that. Thank you."

Supervisor Cardinale: "Thank you. Yes, Ray Janis."

Ray Janis: "My name is Ray Janis, South Jamesport. I'm the one that owns a piece of property in Jamesport. I'm- Marty said all the things for me but I have approached, except for you, Phil. I've showed plans, maps where back in '86 when we were allowed to use 25%, we brought the plans in, Marty could not get 25% on the property. When I did talk to the Board members, I couldn't understand what the 19,000 meant, then I finally figured it out.

Marty stuck the plan to what he could get on that plan. In other words, we didn't take advantage to ask for variances. So we took that. About two months after that, you had a moratorium and I have papers and- from (inaudible) and it got to the conclusion, here I bought a piece of property, I was allowed to use the property, went to 25. They told us it got down to 17. In other words, they cut my property right in half and it's in the minutes. I have minutes from- and I'm just happy I kept all the papers. They were sorry, you know, I lost my value of my property.

Now I own this piece of property again and I'm going to be cut right in half again. So I just wanted to bring it across, here I'm getting double whammy and I'm just trying- that's all I'm asking. Can I still get the CR privileges that I had on the 17%? That's all I'm looking for. I did put plans in, if it's possible. I'm not standing to fight, but that's my argument. I've been hit once, and it looks like I'm going to be hit again. Thank you."

Supervisor Cardinale: "Thank you. Larry. That young lady over there, if you'd follow Larry, please. Yes, Larry."

Larry Oxman: "Larry Oxman, commercial broker with an office at 1747 Old Country Road in Riverhead. I wanted to talk specifically about BC zoning but before I do that, are you- is it the intention, Supervisor, that you're going to leave all of the hearings open until you close them all at once?"

Supervisor Cardinale: "Yes. While I have the opportunity, I'd like to open the 2:15, Downtown Center and the 2:20 transfer of development rights, it being 2:25 now. So all of them are open right now except for the 2:30 on Business CR zoning use and I'll open that in five minutes.

We'll hear what we have to hear today and then we'll leave it open for comment for 10 days, through September 23<sup>rd</sup>, 5:00 p.m."

Larry Oxman: "And I had stepped out. Did you open the TDR?"

Supervisor Cardinale: "TDR was just opened just now."

Larry Oxman: "Okay. Let me direct my comments toward the BC and then I'll come back shortly thereafter and talk about the TDR."

Supervisor Cardinale: "Very Good."

Larry Oxman: "With relation to the BC zoning, I had- I guess given a letter of September 9<sup>th</sup> to the Town Board. I had a copy here but I misplaced it. Someone picked it up off the table. But (inaudible) to put that into the record.

But basically what I did there as a synopsis in relation to the bulk schedule. If I read it correctly, although it's easy to not read it correctly, the permitted density was going to be reduced to a 15% coverage if you were in the Sewer District.

In my letter, I had provided both the- or actually three different times where the initial consultants had recommended a 20% coverage if you were in the Sewer District. Those recommendations were passed on to the Planning Board. The Planning Board adopted and made recommendations to the Town Board at that same level of 20% and then ultimately the Town Board in November concurred and left it at 20%.

Just recently looking at the schedule, it seems that there has been a change of thought or potentially a change of thought. So I hope that I've provided information that from almost from the very beginning of this very long process, business center has been spoken about at 20% with sewers as the as of right amount, and with the possibility of increasing that with transfer of development rights.

So, the-

Supervisor Cardinale: "I have located the letter and I'm going to ask Barbara to make it part of the record."

Larry Oxman: "Good. Good. With regard to- "

Supervisor Cardinale: "That's a letter dated September 9<sup>th</sup> from

Eastern Long Island (inaudible) to the Board."

Larry Oxman: "Right. In my opinion, as either a developer or a broker or one that assists people to develop property in the area, that the bulk schedule is probably as important to this- is a critical component of the plan because in a year from now when someone looks to open up a business or expand a business within Riverhead, they're going to look at what is a permitted use and they're going to look at how, where they can do it on a particular piece of property.

I'm just concerned about given the amount of time that we go over and ultimately the bulk schedule, that since it is such a critical component. There were errors on this one, again, not on purpose but for instance there was a sentence that dealt with transfer of development rights and the remaining part of the sentence that specifically said development rights was just left off.

One of the- one of your Board members had suggested maybe we could have a meeting later on this week to- with- and I'm suggesting that not only myself but maybe some other professionals in the industry come in and talk about the actual schedule. I think that that would be greatly appreciated and certainly a wise move."

Supervisor Cardinale: "I would encourage that. I think that's good especially if you and others are willing to come in and give the benefit of your experience to the Board.

But the status of that bulk schedule, is that written but just didn't make it to advertising? Okay. I know that, but why wasn't it on today? It wasn't completed. But it is completed now?

All right, the draft is completed now. So why don't you start looking at it. We'll get you a copy today."

Larry Oxman: "But if we could have a meeting or two subsequent to the public hearing, I think- "

Supervisor Cardinale: "That's fine."

Larry Oxman: "-- that an awful lot could be accomplished in very little time."

Supervisor Cardinale: "So Barbara and George, I'm sure would be glad to meet before the 23<sup>rd</sup> to get some pre-hearing ideas on what might be right or wrong about it."

Larry Oxman: "Terrific. Thank you."

Supervisor Cardinale: "Thank you."

Larry Oxman: "Thank you very much."

Supervisor Cardinale: "Yes, this young lady. And then Joe."

Glynis Berry: "Hi. My name is Glynis Berry. I own a lot of West Main Street at 651 to 659 West Main. I bought it about a year and a half ago and hope to develop it as an arts and design center.

I'd like to speak to a range of lots on the south side of West Main Street from the library to Raynor. These have access to public sewer and water. They are across the street from an area that's going to be a receiving area for development rights. They are close to Polish Town and could be part of the extension of downtown area. In fact, in the original plan, because they have Business District D zoning, the intention was that this was part of the downtown area.

Under the proposed zoning, it would be Tourist Resort Campus which means right now it's a mixed zone with 80% being capable of being developed. It will now only allow single family residence, a park or it can be part of a 50 acre resort. And I have to say that the existing lots are quite small. Some are a quarter acre, a half acre.

Also the lots do not have the depth from the road to the water between the 100 foot setback from the water and the 100 foot now requested from the road, there's not going to be anything left. So there's a reduction of 87.5% in the building area and 94% reduction in coverage if that is even allowed after the setbacks.

So I think the loss here is severe. You can still have a waterfront area open to the public that incorporates buildings and uses. In fact, it might even be more attractive to people because there will be eyes on the park.

We have had to deal with quite a few issues on the lot in the past year and I, you know, there are things like crime and abandoned cars and drug dealing and, you know, sex on the waterfront. And it helps to have a balanced relationship between open space and uses.

The accessibility to public water and sewer, I think, is key and it's important to site the buildings close to the road. They also act

as a buffer to make the parkland quieter if you're going to develop a park eventually. So they're not incompatible with a park use.

Let's see. I have a couple of recommendations. One, change the zoning so that it does allow mixed use and it doesn't restrict it. You can require some innovation, something sort of receptive to environmentally sensitive design and it could be a showcase. If you're not willing to use a mixed use design, at least allow the special permit uses to be as of right.

Right now you allow things like restaurants and galleries but only if you're part of the 50 acre resort. So why can't existing property owners offer the same use that one owner could offer? It's going to be very hard to assemble 50 acres in this area. So at least allow us to participate in any change that happens.

Also, please consider that you've drastically reduced our coverage and you basically want it for open space. For the farmers, you respected their investment and allow the transfer of development rights. Could you please consider the same for us because as I said, across the street you're increasing the density. So you're basically taking the value from our land and letting the lots across the street benefit.

And I guess that's basically it. And I thank you. I think the plan is great and I hope you will consider our needs."

Supervisor Cardinale: "Thank you. And I want to also thank you for the very precise and specific letter of comments that you gave us which we have made a part of the record and we'll be studying. So thank you, Glynis.

Okay, we'd like to hear from Joe."

Joe Gergela: "Good afternoon. Joe Gergela, Executive Director of Long Island Farm Bureau. And I will be submitting some written comments in the next week or so. Just a few comments for today.

First of all, I wanted to thank the Board, each and every one of you, and Rick for getting us to this point where we are today. We're getting so lose that we can taste it, particularly as it goes to TDR's which we are counting on for not only preservation but sensible development as well as tax positives for the Town of Riverhead. So we're getting very close to it.

There are a lot of comments here today. I will try not to be redundant.

Some minor concerns, obvious things that we've picked up on and we will be submitting these in writing to the town.

In order to observe TDR's to get to our preservation goals, every opportunity for conversion from residential to commercial and/or industrial uses need to be available in most if not all zoning categories. In the downtown center district, hamlet center district, destination retail there is no mention of TDR's. Use of TDR's from our perspective was envisioned in the master plan to allow for increases of square footage of floor areas due to the purchase of TDR's.

There was also intent to allow for taller- tall buildings, height variances through the purchase of TDR's particularly in downtown zoning areas. There's already 100% coverage in most of downtown so we should allow for height variances and also there was mention earlier about the consideration for some residential uses in those zoning categories.

Number two. Something that Larry Oxman mentioned earlier and also in comments in submitted several weeks ago, and we think is an excellent idea and very important. And that's the idea of having zoning tables. One is what are your as of right uses with the zoning code and then what can you do with the use of TDR's? So we should have tables, one for zoning and one what you can do using TDR's.

Question on the retirement community zone. In the draft it says that you may have development yield of one dwelling per acre not to exceed four dwelling units per acre. Question is, is that one plus four for five total or is it total of four? Because going back several months ago, we had a discussion with the Board and we thought that the Board had decided that it would max out at five units per acre for retirement communities. So that's just a question if- "

(Some inaudible discussion among the Board members)

Supervisor Cardinale: "She was just- we were just- she was just discussing that with Rose. The high density residential was five but we don't have a high density residential. This zone is four."

Councilwoman Blass: "That's correct. But that was the context. This was for one plus three."

Joe Gergela: "Okay. Thank you. With the TDR, letter of interpretation requires a landowner to apply to the Planning Board procedurally to determine yield, etc. In that procedure the town is asking the landowners to indicate the intended use of TDR's whether it be residential, commercial or industrial.

We're concerned that when a farmer or any other landowner wants to sell some or all of this TDR's they may not know at that time what they're going to be used for. All we know is that a landowner may come forward and say, you know, is there a market for my TDR's and they're going to follow that procedure. We think that if you go on with that type of a specification, that it may undermine opportunity or an impediment to preservation. And we would like to see that whole section thought out a little bit more.

And the other part of that is the limitation in the letter of interpretation and we think that if somebody applies to the town and says look I want to sell some of my TDR's and the town replies, okay, here's your yield for your piece of property, there should be no time limit as to when they're going to go forward and sell their development rights.

It may be a year; it may be five years; it may be 25 years. We don't know what the intention of every landowner is going to be. Now I know that with- this is coming out of the fact that there is a limitation on the residential TDR component but we ask that this be given a little further thought, that we certainly don't want to limit a landowner's ability to participate in the program. So if we could take a closer look at that.

Also limitations on allocations. This is just a very minor little thing but I think it's important. There is a limitation regarding land with agricultural buildings. Land with development rights sold obviously, you know, they allow for the erection of farm buildings, greenhouses, so therefore they're already erected and, you know, should be able to transfer rights from- you can't transfer rights from those parcels.

We concur that residences, golf courses, and land with other improvement should not be considered for transfer. That makes good sense. But, you know, when it comes to a piece of land with either residential or ag buildings or other improvements including golf courses, they're prevented from having an allocation of rights.

We're concerned with the provision as it relates to the ag

buildings. We don't think that that's proper. So we'd like that visited.

The last thing that I'll mention is, and this is a discussion that I've been having with the Supervisor and I talked to Barbara a little bit about it. Some of the zoning changes have actually affected ag uses and certain things. As an example, would be labor housing, those sort of things. And I know that that has to be visited and restore some of those uses which was not intended to be taken away under the zoning changes."

Supervisor Cardinale: "Yeah, that's going to be done."

Joe Gergela: "Right. So that's really all I have today. We will follow up with you in writing but more importantly we want to thank the Board and the Planning Department and Rick and his staff for getting us to this point and we can't wait for the day that comes that you pass this into town law and we thank you for your efforts."

Supervisor Cardinale: "Thank you, Joe. Let's see, this young lady in the front row and then go to the back. Richard, you wanted to speak as well. I'd like to open the final hearing, it being 2:40. I'm opening the 2:30 hearing on Business CR zoning use district. Yes."

Public Hearing opened: 2:40 p.m.

Regarding the consideration of a local law amending Chapter 108 entitled Business CR Zoning Use District.

Theodora Cohen: "I am Theodora (inaudible) Cohen. I'm across the street, 761 East Main Street and Marty has spoken about the lot behind me that I have purchased which at one time was a vacant house destroyed by vandalism and drug addicts. I cleaned up the property and now am asking also to extend the DC-3 zoning to that property being that it is sandwiched between the vacant property next door, the continued woods from Mr. Raffe's property and the apartments and the train- the railroad tracks.

I would like to all to conform if you would please, to one zoning on the property from Main Street to the railroad tracks, the reason being it is a target actually for the crime issue in the apartments. I would like to have that future use to kind of extend the commercial zoning and do something with it in the future.

And I also wanted to thank you, Mr. Cardinale, and John and other Board members for your quick response and attention to the crime issue and the security next door and I know, you know, that we'll stay on top of that, and other areas of the town. Just the residents should always continue to have input and be heard and, you know, find solutions for that. But I thank you again for your meeting and response and- "

Supervisor Cardinale: "Thank you."

Theodora Cohen: "Okay. Thank you."

Supervisor Cardinale: "Oh, who have we got? Lots of people want to talk. Richard, why don't we take one from over here. Richard Wines."

Richard Wines: "I'm Richard Wines from Jamesport and I think you all know how important I think the TDR program is for the preservation of our town and the heritage we have."

So I just wanted to again thank as Joe just did, the Town Board and the Planning Department and the Planning Board for just a great job in bringing this forward.

There are a few minor technical issues that need to be addressed and in particular I think it's important that the preservation certificates, if we're going to maximize the use of them, they need to- we need to be able to encourage a secondary market and those certificates, they can be traded from one person to another or somebody can buy them and hold them like any other piece of real estate.

And so I think the idea of specifying what those are for would make that secondary market very difficult. I think that- I understand what you're trying to do and that is to enforce the 500- the initial 500 limitation on residential use of TDR's but perhaps that limitation should be imposed on the use end rather than on the creation of the certificates. That would allow that market to function much more efficiently.

And then the other thing I want to add here is- and I'm not sure if it needs to be part of the zoning code or if it can be done separately by the Town Board, but it's going to be very important to measure the results of this TDR program as well as the other land preservation parts of the master plan and I would suggest that the

Town Board either in the zoning code or separately should commit itself to requiring or asking the Planning Department to prepare on a quarterly basis a report like our neighbors and friends in Southold are now doing, that would measure how much land in the various zones is being developed and how much is being preserved in the various programs.

I thank you very much, and great job."

Supervisor Cardinale: "Thank you very much. Bernadette, would you come up, please? Yeah, come up they're all open now. All of the districts are open for any comment from anyone. So, the last person? The last district was just opened and that was 2:30, Business CR. It's now 2:45. Good."

Bernadette Vooras: "Bernadette Vooras, Reeves Park, Riverhead. What I'm asking for is a consideration of what was originally asked for by the people of the 18 different organizations starting in 1997 to 2000. When they met they asked that the particular CR parcels at the junction of Sound Avenue and Park Road, that they be changed from Business or Commercial to non-business, non-commercial.

In the master plan, Section 6, Other Business Zones, most of Riverhead's other Business zoned areas, Wading River east, Roanoke, Laurel, Route 25 in Calverton, we are the Roanoke ones, are composed mostly of vacant sites, agricultural land, or open space.

The few standing commercial establishments that have been built are few and far between. These areas do not have enough business or demand potential to function or grow into whole districts. While existing businesses should be allowed to stay, these businesses would be preferably- would preferably be eliminated in order to prevent commercial sprawl.

In the area north of downtown, commercial zoning covers areas that are mostly residential in use and thus rezoning to residential would be more appropriate.

Later on in this document- and I'm not going to take the time to read it, it says just the opposite in the same document at the same time. It says keep them commercial, reason being that they're the only parcels left on Sound Avenue. I don't think that's a good enough reason.

Now, I came prepared to go section by section. I'll make it a

little more brief than I had planned.

In the documentation that was given out from the Town Clerk's office in regard to this subject, the packet for the entire- all the hearings was this thick, and this is the part that I'm dealing with, Country Rural.

For Business CR it says that the lot area shall be a minimum of 40,000 feet- square feet, and it talks about frontings of 200 feet and coverage, a footprint, of 15% and this interests me, a maximum percentage of the lot of impervious surfaces of 75%. So if I take the footprint of a building and I take the possibility of parking spaces, then I am covering 90% of the property.

I was led to believe in reading this entire document three times now, this master plan, that we would like to keep destination for shopping in 58, mainly, and it also implies Wading River, which is at least 10 to 12 miles depending on which direction you're coming from, from town directly, Route 58. Jamesport, approximately a little bit less on distance there, perhaps 10 miles to eight- eight to 10 miles. Where our area, Roanoke, is only three miles from town.

I can understand having a hamlet designation for Wading River. They are far from shopping so they have all their little stores. Jamesport, same thing. We neither have the people nor the need to have 17 possible stores, one bank and two restaurants on the two pieces of property they are being asked to be developed.

It would be nice to have that property residential. I'm a practical woman. That may not be totally possible. On this- "

Supervisor Cardinale: "Can you take the mike with you because we'll get it on the record better."

Bernadette Vooras: "I'm sorry. I should have had this in my classroom. Right now we have in existence a very fine auto repair shop which I have shown you pictures time and time again in your offices and here, which is a wonderful shop. All the cars are gone in the evening. It looks halfway decent and on the weekends it looks lovely. That's R&K Auto.

We have a warehouse which is a disgrace to the entire community which I have also visited you about. And at the Zoning Board of Appeals I gave testimony the other night and I also signed an affidavit against the gentleman who owns the property because I have

counted so many violations that it's almost unbelievable and they are going to take care of that. But I also noticed that there's a for sale sign on that. I wonder what will be next. That's a warehouse that's there now.

We have right now a restaurant. It is 180 approximately seats during the time that it can use its porch facilities, the outside facilities. I believe it's 56 that would be during the winter, the colder weather, and then it goes up as high as 180 because there are there is a porch and what I would call a verandah.

I have pointed out to you in the past, the terrible parking problems, the illegal parking across the way, counting anywhere from 20 to 50 cars, some of which are the employees and we've gone through that a couple of times. With that restaurant, there are eight tiny stores, and I'm talking tiny.

So, we are being proposed over here on the east side, EMB, who I believe is a contract vendee, would like a restaurant of approximately 4,000 square feet, a little less, and nine stores. Some are wet, some are dry. Wet stores mean you can sell food so we might have more than one restaurant. We might have mini ones.

On the west side, Boom Development, a restaurant, 100 seats minimum, a bank and eight stores. That to me adding this up, eight stores we have over at Lobster, eight here proposed, nine here, I think it comes to 25.

May I just say to you, Jamesport with its population does not have 25 stores and yet we, a little area like ours, even if it-- when it gets built with houses, I believe that's a little bit much. I know it goes in with the zoning, the zoning that I can't understand where you can have a four acre property as EMB is proposing here and you have to have a minimum of four stores. Well, that's to me three too many.

But anyway, here is the future across the street, this is Business zoned. Let's just say another restaurant in the future. Let's just say eight more stores. Well, that brings us up to 33 stores. I think we'd even go past Wading River but we'll never have the population because as you can see farms, farms, farms over this way, 4-H. I don't think they're ever going to put houses on that because if Nassau County wants to sell it and they own it, we ought to buy it. Never should homes go there.

Here are the residents and here are the residents and then we have Rolling Hills, that's the site. I know you have the picture; you've heard me often enough but since this is a formal day, I have to do this.

I am going to make a little change in my plans today. I had intended to go through page by page and word by word of the entire proposal because there are some things that I would question. For instance, the word country inns. Country inn, a 50 room country inn. Now I know it's been changed to 20, I know that, I read that in here. Even that is a bit much, but, okay, country inns. That is a special permitted use in CR. Then it says schools. I wonder what kind? Kiddie Academy? I don't know. It could be anything, any kind of school, driving school, whatever.

Museums. You know what I'd like to see down there? I'd like to see a museum to agriculture. Have we got one in this town? I don't think so, I can't find one. I would love to see a place where I can go show my friends when they come out here to visit me, the tractors and all the old tools and equipment, a little shed where the farmer would fix these things and all the wonderful things that they do and have done in the past. If we could have a museum on there, oh boy, that would be the most wonderful thing. Wonderful. It would be appropriate and this goes on and on.

I'm going to send you a letter, one of my famous letters, and I will give you the rest, okay. But let me say this. There is at stake here something extremely important on every single page of this document which is the master plan. Over and over again, it talks about spaces in the town for shopping or destination retail and all kinds of shopping and it talks about rural character. We, we are the rural character. People come to Riverhead not just to shop. Others have said that today.

If you take away even one inch of this property and start to change it into stores and these buildings in the amount that they have on their plans, then you will not have the open space, you will not have the rural character. And so people on the way to the farmstands will see this glut of commercialism which doesn't have a place here. It has a place in town. It has a place in the established hamlet centers. Yes, absolutely. I'm not against business, I was a business person myself at one time. But I am against it in this particular piece of property which happens to be CR designated because it's inappropriate.

On the way to the wineries, it's inappropriate. I ask you, please, to consider every aspect of this. I know you should have consideration for the people who want to build. I'm no better than they are. But I am asking you and I'm not going against numbers, you know, one builder against 200 residents. I don't think it should come down to that.

I think it comes down to this plan. Please, do what this plan says. That's all I'm asking. Do what it says. Take away from this the designation that it has as business. Make it residential. I would sooner see homes there.

Oh, and don't tell me, oh, we're going to have more children. Folks, we needed a high school and other parts for a long time. I've been here for 25 years and I know that. We all know that. And it's coming and that will be the biggest bond of all. But I would sooner see human beings in homes. This is a TDR receiving area by the way both pieces of property, and I think that's a very valuable thing.

I am glad I'm not in your shoes, because this is a big one. I guess it's all a big one but this is very big here because this is the rural character that people think of when they come to Riverhead.

I thank you for your patience, your continuing consideration of my presence in your offices and in the halls and everything else, and I want to thank every single department that has helped me, that has given me all the information that I have and it is considerable. There is no department in this building that I can say did not give me the papers that they were legally allowed to give me and I thank you.

And I thank you for your time. I know you're here day and night. I wouldn't work for \$30,000 the bucks you work. Thank you very much."

Supervisor Cardinale: "Thank you."

Councilwoman Blass: "Miss Vooras."

Bernadette Vooras: "Oh, I'm sorry."

Councilwoman Blass: "That's okay. I just wanted to clarify one thing that you said with respect to the bulk schedule. The maximum percent of impervious surface, that includes the building lot so you don't add those two numbers together to come up with 90. It includes the building footprint."

Bernadette Vooras: "So it would be 75?"

Councilwoman Blass: "That's correct. As opposed to 90."

Bernadette Vooras: "Okay. So that would be a little bit better."

Councilwoman Blass: "I just wanted to clarify."

Bernadette Vooras: "But not much."

Supervisor Cardinale: "Yeah, I know- "

Bernadette Vooras: "To me open space would be 25/75 open space."

Councilwoman Blass: "I hear you."

Supervisor Cardinale: "Thank you. Yeah, having served on the Town Board for four years and now as Supervisor for eight months, I am very aware of the dangers of making any comments at public hearings because we've got to move this along and get everybody- your comments, that's what we want to hear.

But in view of the- I want to say something about this location that I said in the work session last week but you may- I said it at work session, something- I don't know what- I want to say something at the risk of delaying us for a moment, that I said at the work session last week about this location.

The present- that- the sites that she had up on the- okay, I'll hold the thought. Thank you."

Councilwoman Blass: "Is this the seventh inning stretch?"

Supervisor Cardinale: "Yeah. There you go. As I was saying, at the risk of delaying which I do not want to do and I want to hear from the people, not from the Board today.

I wanted to point out something I pointed out at a work session. This property we have discussed, this four corners that are suggested as a commercial oasis on Sound Avenue, is presently a CR zone. We are hearing today a CR as amended statute and it is mapped for that at this moment.

But due to the initial recommendation being to bring this- these parcels to residential which was over-riden by the Planning Board last year and adopted by the Town Board in November and due to the Rural Corridor considerations and due to the various discussions over the last number of months, we are- I have asked my Board in work session last week to speak with me about their positions on this zoning. And I said that to the public when we were discussing this piece and- to determine whether or not we wish to publish and post a map change to residential for those corners. That decision we expect to make not later than the 9/21 meeting, one way or the other.

And the reason for that is I don't want to send the public mixed signals without that caveat I've just indicated at the work session. Yes, it is CR. Yes, it's being posted and published and heard as an amended CR area but we have not yet reached the fundamental issue and I expect to reach that not later than the 21<sup>st</sup> as to whether or not in view of all of the circumstances, in view of the master plan language that was read, and in view of the change from the initial recommendation to the subsequent recommendation adopted by the Town Board in the master plan but not in the generic impact statement, whether the will of this Board is to move to publish and post for residential. You'll know that on the September 21<sup>st</sup> date, at that meeting because I'm going to ask this Board to vote one way or the other on posting and publishing for residential map change to that area we're discussing.

Okay, with that said, I'd like to continue the hearing. Mr. (inaudible), you're sitting right there. Why don't you get up? Mr. Hartman, I'm sorry. Take the mike and tell us what you want to tell us."

Robert Hartman: "I'm Robert Hartman. I represent Long Island Cauliflower Association. Long Island Cauliflower Association is a agricultural business in this town that's been here for 103 years. We own a parcel of seven acres on the corner of Mill Road and 58, zoned Commercial Retail or whatever it is.

It has become excess property for us. We don't need its use anymore and we have been looking to sell it. And a master plan went through all kinds of committees and it's recommended in there that we have a 20% coverage with sewers, which we have.

And here we are very close to a deal and at the 11<sup>th</sup> hour, I understand you want to cut down the coverage on that parcel to 15%. Is that- am I correct?"

Supervisor Cardinale: "Are you correct on- is he correct on that statement, Barbara? She's going to check."

Councilwoman Blass: "Is that proposed for BC?"

Supervisor Cardinale: "What zone is it in- is it proposed for?"

Robert Hartman: "It's retail."

Supervisor Cardinale: "Yeah, which if the- "

Councilwoman Blass: "BC?"

(Inaudible remark from the audience)

Councilwoman Blass: "I'm looking it up."

Supervisor Cardinale: "It's Business Center Zoning Uses District."

Councilwoman Blass: "It starts at 15%. That's correct. But that's the point that Mr. Oxman had made earlier that the references in the master plan clearly indicated that if you were in the sewer district, it was supposed to start at an as of right at 20%."

Robert Hartman: "It's going to stay that way?"

Councilwoman Blass: "Well, if the Board concurs that the original intent had merit, yes."

Robert Hartman: "Well- "

Supervisor Cardinale: "The original intent is 20%."

Councilwoman Blass: "It's in the plan at 20% with sewers."

Supervisor Cardinale: "Right. But- why is it 15 then if it's in the plan at 20?"

Councilwoman Blass: "Well, 15 without."

Supervisor Cardinale: "Right. So- "

Councilwoman Blass: "Because not everything in the Business- "

Supervisor Cardinale: "Oh, I see what you're saying. There's no note that 20% with sewer. So that's what we have to discuss. Is it in that- "

Councilwoman Blass: "There are some corrections that need to be made to the schedule to reflect these comments."

Supervisor Cardinale: "That's what he's asking."

Councilwoman Blass: "Yes."

Supervisor Cardinale: "He's asking we- it is our present- it is not our intention to change the master plan in that regard as far as I know."

Councilwoman Blass: "We've got- we've had no compelling reason to deviate from that."

Supervisor Cardinale: "Right. So, therefore, it if doesn't- we would like to know those instances where you're suggesting that this zoning does not implement the master plan and if the master plan said 20, then it should stay 20 here unless we have a compelling purpose to change it and I haven't heard one yet."

Robert Hartman: "All right. Because I agree with the statement the woman before me made that the business should be up on 58. And it should be up on 58, there shouldn't be no reason to cut our coverage, especially if we have sewer in."

Supervisor Cardinale: "That's particularly true. Now do we give him a right to buy it back?"

Councilwoman Blass: "You can go beyond 20%."

Supervisor Cardinale: "You can even buy more than 20% if you buy development rights from our favorite friend the farmers here and keep the land open and farmed. So you can actually buy and increase- but your point is not that. Your point is you want to make sure it says 20 if you have sewers."

Robert Hartman: "That's right."

Supervisor Cardinale: "As far as I can tell, I don't know if- as far as I can tell, that sounds like it was an oversight in that we intended to implement what was in the plan. She's going to check

that. Then it would say 20 with sewer. Unless you're holding out on me and want to make them buy back."

Councilwoman Blass: "It says you can go up to 30% with purchase of either ag or pine barrens credits."

Supervisor Cardinale: "He wants to know where it's starting."

Councilwoman Blass: "But it says low FAR, 15%; higher FAR inside the sewer district, for example 20%."

Supervisor Cardinale: "All right. So we've got your point, Mr. Hartman."

Robert Hartman: "Okay, thank you."

Supervisor Cardinale: "Thank you. Lady in the second row. Mrs. Hattoff. Ann."

Ann Hattoff: "Ann Hattoff from Reeves Park. I just want to get up and say thank you to Bernadette for speaking so eloquently on our behalf. I agree with everything she said. This land should not be developed and possibly the Cauliflower property should- could end up being a big restaurant with lots of parking. And they've got sewers."

Supervisor Cardinale: "I might point out that the owner of the property is here. Perhaps you could all have a cup of coffee together."

Ann Hatoff: (Inaudible)

Supervisor Cardinale: "He's right in front of you. Say hello. Yes, can we have this gentleman back there? There's a blonde lady that was just asking to speak. Would you follow Mister-- Bob? Yes, Bob."

Bob Wiebold: "I have a couple of comments. I'm Bob Wiebold from the Long Island Builder's Institute. The TDR law, when it's all worked is a very interesting document. It basically is exemplary in its procedures for getting the issuance of TDR's out, letters of certification and everything else. We think it's one of the best of its kind in the United States and I've reviewed most of them."

The one area that is of concern is the one year allowance for the letter of interpretation. You've got a \$500 fee on that which

probably exceeds the town's real cost of issuing the letter. Well, maybe not the first time. But the only procedure in here for getting that at the end of the year saying I want to get it renewed, is to go back through, provide another title survey, go through the whole process and pay another 500 bucks, it doesn't seem to be any written easy step to, you know, send you a letter saying yes I want this available and file a letter for 50 bucks or something like that. You really need that otherwise you've got an annual tax on the farmers of this town for \$500 for having gone into the TDR program and requesting a letter. That's not really fair.

We think the hamlet receiving is still in the draft I'm looking at and it ought to stay there. We also think that the issue of the 500 unit limit on residential, I disagree with Joe Gergela because I come from representing those who may be buying these certificates and if somebody bought them for the intent of using them for residential and would go from 496 to 530 and not be able to use them, there would be a real problem.

So I think you're on the right track saying it ought to be established on the front end because the damage could really be somebody who buys it and then can use it after the fact. So if Joe's recommendation was do it at the end, I don't think so. I think you need to keep the procedure on the front end. But maybe some language to the effect that it's not a binding, it's just an indication of where the use would be because the control still stays with the Planning Board.

But anybody wanting to buy residential receiving rights as you approach that 500 limit, should be aware in an easily obtainable manner that we're already at 400 and this isn't going to work or whatever. I think you've got to protect the buyer as well as the seller in that regard.

Now in view of the 500 limit, I mean I know it was worked out in the compromise between various interests (inaudible) to that agreement. We think the residential development demand is higher than your commercial demand over a period of time. We also think the farmers will be back in a couple of years and wanting it to be residential.

But the problem I think with 500 is that if you're looking at what might have been at 2500 transfer of development rights residentially at \$50,000 a unit, you're looking at a pretty nice piece of change, \$125 million dollars in order to buy those rights. And if

I were testifying in five years here again, I would probably be saying something to the effect that the 500 residential is still there and you need more and maybe you by that time would have increased it already.

But if I came back in 10 years, I'm going to tell you right now and I'll make a prediction as an expert in this field, what you're going to see is the third option and it isn't PDR or TDR. But the action of getting up your farmland in two acre lots and clustering is the one that's going to produce the most dollars and the most yield for the farmers and so goes your farmland.

With that, I'd like to move onto the issue of some- a quick couple of comments on some of your districts. The downtown area work has been very good by the way and I've studied for the last year and a half most of the downtown revitalization schemes across the country and your zoning would permit an awful lot of creative uses.

A couple of tinkering you might want to do is allow them to use TDR's and the way to do that is to limit the amount that could be used in a particular project density in any given area but usually there's absorption for residential as well as TDR's and I say that for the downtown center. I'll also say that for the center residential district.

There's an interesting element in there. You've taken out- you've allowed single family and two family houses, you've taken out apartments but you could put down as a special permit use three, four family houses, apartments, and one thing I'd like you to consider doing is being a little liberal with two families if they're owner occupied. That's a very good land use which has been used again and again to bring people into downtown areas. And they can be done in attached or semi-attached houses.

I- it's not appropriate today to comment on your zoning table. But one thing you have in there is a note, I think it's N3 or N4 that says when you're doing townhouses and they (inaudible) together you can vary the side lot and go to zero lot line. You should be able to do that also for a semi-attached one or two family house which may not be a town house under your code but where you may want to put them together. In other words, you have one larger structure, two ownership lines, just take a look at that technically.

The townhouses and multiple dwellings, I have a question. Two family, three residential developments is stricken out of permitted

uses, but multiple family dwellings are put back in. I'm assuming that those are incorporated in the idea of multi-family and you don't start at four or five or more. I would like you to check that because I think by permitted use- what I'm trying to get at is the ways of rebuilding the residential core in downtown Riverhead are going to require a lot of creativity and there's a lot of options out there and if we just go in with one family house, two family house, townhouse, we may be missing out on some very creative housing opportunities and I think they could be used.

Very quickly on the village residential- the village center district, we think you should add to that the idea of small scale townhouses. You know, some of the most attractive projects on Long Island- I happen to live in one down in Westhampton- you know, it's 20 units, well screened from the road, very small. We've got a couple others that are 12 units and 15. They're not out of character with rural development. They also allow some meeting of housing affordable need.

I also think there should be TDR receiving districts for residential, again with a percentage limitation so you're not, you know, overly development it with too intense residential. The townhouse use should also be considered with a number attached to it, no more than so many units in the area of the rural corridor district and that also should be a TDR receiving area.

Because I think, you know, not maximizing the use of TDR's is a limit. TDR is a way for you folks to get your open space. I've said to the Supervisor and others on occasion that if all your farmland was eaten up at only one-sixth, you know, all the housing that could have gone there would go on one-sixth or 16% of the farmland, you could save 80 some odd percent just the way it looks today.

Instead we've got some options out there. You're either going to buy it, TDR's are going to transfer or in most cases I suspect it's going to go into housing that you really don't want.

The other issue is senior housing and you do have a senior district and it's a nice district, etc., but can you liberalize the requirements for seniors in places where they can walk. It's clearly evident to everybody in the housing field right now that seniors lose their ability to drive long before they lose their ability to walk.

So any places where you're talking about walkability, you should maybe consider putting senior housing in and I would like to suggest

that for seniors, being above a store isn't the best move necessarily and maybe seniors should be able to start on the ground floor with proper landscaping and setback and that you do provide a sufficient amount of senior housing.

I don't think the amount you're providing specifically in your zoning ordinance meets the requirements of federal law for equal housing opportunity and all of that sort of thing under zoning codes.

The last comment I'm going to make is that a lot of my men will be investing in these things, buying TDR rights, acting under these zoning conditions. I would like you to really look at the SEQRA compliance with these zoning amendments. It's got to be iron clad to avoid the kind of lawsuits you've had which can be frivolous and sometimes serious.

The SEQRA you did on the comprehensive plan is not the same SEQRA as these. These are different. These may have impacts that have to be addressed and, please, do that and do it professionally and do it well. Thank you."

Supervisor Cardinale: "Thank you. Yes, Mrs. O'Hare."

Dorothy O'Hare: "My name is Dorothy O'Hare. I am from Reeves Park and I am representing Sound Park Heights which is a property owner's association in Reeves Park.

And we have presented a petition of over 400 names of local residents in regard to the specific CR zoning on Sound Avenue and Park Road. I am not a professional, however, this Business CR ordinance should not be included in the new set of ordinances because it's directly opposed to the intent and the purposes of the master plan. I read it, all 12 chapters. And it is a fantastic document and whoever put it together and the hours of work- the hours it took me just to read it, really.

But all through it, all through the whole 12 chapters, it- just as Bernadette said, keep it rural, preserve the historic corridor. The town spent \$400,000, part of which was my tax money, on advice and under the goals it said that this area should be residential.

Again, of all the five pieces of property, only we- only we have said to keep it. And when the Planning Board changed it, I'm sorry, but they didn't even do it right. They didn't take the time. They left all the reasons there why it should be taken out and then they

said it should remain. I mean, that's putting salt on an open wound. And it's also arbitrary and capricious.

It's been undeveloped all these years because there hasn't been the people there to support it. Now because of all the backed up traffic from 58, people are using Sound Avenue, they're using Middle Road, and now all of a sudden these two sites plans appear. Okay?

The town is fixing now 58, widening it, whatever. I have heard you say before that you're thinking of weight limits on Sound Avenue and Middle Road so you're going to fix all the traffic problems. I have faith in you, I really do. You're going to fix them and then what's going to happen to these stores if you put them in? Come on. Nobody needs that many restaurants. It's a glorified food court. That's exactly what it is.

What else? Another thing. In the ordinance it says that these stores are allowed to be open until midnight. One of the planners, I think it was Mr. Hall, said what's wrong with smelling pork chops? But from 5:00 in the morning until midnight, I'd get pretty sick of smelling pork chops. I really, really would.

And that means also that these stores could be all lit up until midnight. And if you look at the two site plans, how are they going to get trucks in there? The site plans that they brought in don't match the ordinance and the ordinance doesn't match the master plan for that area.

And I know that you have to make a decision and I'm trying to convince you the best way I know how. Okay?

Another problem with these center courts, with seating, who's going to site there? Who's going to see to it that they leave at midnight? With the problems that we've had recently, it's not such a good idea. And where are they going to- who's going to work in all these restaurants and where are they going to live? It's just a bag of worms and it doesn't belong in a little place like Reeves Park.

And the one thing I want to talk about is with all these restaurants and EMB along, 49 cesspools. I couldn't get the information to count the ones on the other side and who knows what's going to happen across the way.

Now Reeves Park has already had a water contamination problem. There's the three aquifers, the upper glacial was contaminated by the

sod farms and we went now to Riverhead, the (inaudible). Right across Sound Avenue is a deep charge area where it's very easy for water to percolate down into the aquifer. I'm sorry, you can't- right at the edge of Sound Avenue they're putting all these cesspools. The whole thing is a disaster. And if it does get into the ground, before we had to drink it, now we'll have to swim in it.

And it's not fair. We have- you have a town beach down there and you have private beaches. And the aquifer at that point is very shallow so it's going to be very easy for this, whatever is coming through their cesspools to just go right down and right into the Sound and we don't need that.

I think that's about- I think I've said enough. I tried to write it all down and I got nowhere but all I can say is it's the wrong thing for that area and I hope you'll agree. Thank you."

Supervisor Cardinale: "Thank you. Yes."

Linda Margolin: "Mr. Supervisor, Members of the Town Board. My name is Linda Margolin. I'm the attorney for DeLalio Sod Farms. As you know, DeLalio had sued the town over the comprehensive plan because they were concerned that the method that the town had followed before it set aside the districts for the TDR's didn't comply with state law and, therefore, DeLalio would not have transferable TDR's, a concern that's shared with most of the farmers that you've upzoned their land and they didn't have valid TDR's.

On July 2<sup>nd</sup> of this year, your director of Planning, Mr. Hanley, and the attorney representing the town, Maureen Liccioni (phonetic), both put in papers to the court saying that the town's plan all along has been to designate receiving and sending districts and then map them and in conjunction with that, to do a supplement to the generic environmental impact statement that was done for the comprehensive plan.

The supplement these papers told the court, was going to address the fact of whether or not the receiving districts that you were thinking of designating would be able to support the increased development, whether they would have enough transportation, whether their environmental quality would be degraded or not, whether the water supply would be contaminated. All these other issues that state law requires you to study and I- when I saw this matter was on for a public hearing, I inquired so I could look at the supplemental environmental impact statement, so I could see what conclusions the

town had reached on this matter so that my client could be assured that the TDR's would be validly enacted.

Sad to say, I've been told that no supplemental environmental impact statements have been done. In fact, I believe that none have even been authorized for the town and so I am asking you, how can you conduct a public hearing today when the information that you are supposed to have and the information that other people should be able to review and speak with intelligence to your proposals, how can you have these hearings on when you are not ready?

We are concerned that you do it right. Just as Mr. (inaudible) said, you should follow SEQRA. I'm concerned that you've followed town law. Speaking for DeLalio and I think speaking for probably every farmer in your town, TDR's that can't be relied on that are worth nothing because the law was done wrong, is the worst possible solution.

We urge you to do it right and I don't think, obviously you don't have to take my opinion, but I don't think that you can have a valid public hearing on a law when you have not completed the SEQRA for the law and the SEQRA is mandated by the state law and you haven't done it yet and I urge you to continue these public hearings over to such a time that you do the supplemental environmental impact statement so that all of us will know what the potential environmental impact is of designating your sending and receiving districts. And then we can speak to the laws that you propose to adopt."

Supervisor Cardinale: "Thank you. Charles, did you have a comment? And then we had someone back in the middle there, that gentleman just had his hand up to follow Charles."

Charles Cuddy: "I also- Charles Cuddy. I'd also like to speak to the TDR's. I may have missed something in my reading of them but it appears to me that without question the demand is going to be much greater than the supply when you have 500. If that's true, I just have some questions to ask following Linda Margolin's presentation because I think you should reserve action on the TDR proposal.

What would happen if one person buys all the TDR's? What happens if one person sells all the TDR's? Has that been considered? In other words, there's no percentage that I read in the code that says you can have 10%, 20%. Two people could have a deal, I mean literally you could buy them all and you could sell them all. That's, I'm sure, not what the town has in mind but it's not really addressed.

I would also point out to you that in the RC District which you've made deliberately to have four units, that the person with the RC District can buy three units to add to each one. If you take the 40 acres that are there, he has to buy one-fourth of all the residential TDR units and that's unfair. And that shouldn't be done. But really I think you need to step back and look at the TDR proposal. Thank you."

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

Paul Bagen: "My name is Paul Bagen (phonetic). I live on Park Road. I'm talking in regard to the development there on Sound Avenue and Park Road.

From what I understand, Sound Avenue is what they call a historic corridor. Am I correct?"

Supervisor Cardinale: "It's been designated that. Yes."

Paul Bagen: "Who actually designates it?"

Supervisor Cardinale: "The State of New York."

Paul Bagen: "The State."

Supervisor Cardinale: "It apparently has no significance other than the anticipated- it was some time ago- we checked that some years back, and it still leaves all of the zoning to the local entity, the town. It simply is an historic corridor because of its history surrounding that road."

Paul Bagen: "Okay. So in other words, it really has nothing to do with the actual zoning?"

Supervisor Cardinale: "No. That's left to the local municipality."

Paul Bagen: "Okay. And in the- the last Town Board meeting I was at, there was- you said there was going to be an environmental impact statement- "

Supervisor Cardinale: "Yes."

Paul Bagen: "-- in regard to this property. Where does that stand right now?"

Supervisor Cardinale: "The applicant received a letter requesting payment for the plan as I understand from the Planning and Town Attorney- Planning Director and Town Attorney and/or Town Attorney. I would imagine that we'll be receiving, you know, the funds so that we can proceed with the study."

Paul Bagen: "So when you receive the funds, is it the town that does the- puts together the statement, or is it the person that's building the property?"

Supervisor Cardinale: "It's interesting that you should ask that question actually and I'll quickly answer it. The law permits on advice by our counsel, that the town collect the money and do the draft environmental impact and final environmental impact statement itself having scoped the issues that it wishes to study, hire the professional and study them.

That is not the practice that has been followed in the past but it will be from hence forward and that was determined at a work session recently by the Board, that since we had the opportunity to do it that way, to take the money from the applicant/developer and do the study- hire the professional to do the study for us, the SEQRA study, that that is the better way to go because it makes it clear that the professional is employed by the town for the purposes of the public."

Paul Bagen: "And will the public, the people that live in the area around this development, is our input going to be involved with that statement?"

Supervisor Cardinale: "Yeah. You will be- you could have public input at the scoping hearing. You would have public input at the draft environmental impact statement stage when it is determined whether the draft answered the questions raised by this, you know, and requested to be answered in the scope of issues. And then before we accept the final environmental impact statement, the public would have- would have a public hearing access to comment.

I- as I said earlier though, I think that the most significant decision regarding the Park Avenue- Sound and Park will be taking place at the meeting of the 21<sup>st</sup> in regard to the zoning question that you've raised.

Paul Bagen: "The 21<sup>st</sup>. Okay. And in regard to just the way the process happened from the original master plan and when the change happened that it was decided that that should be commercial, did that

happen in the previous administration?"

Supervisor Cardinale: "It happened in the previous administration but I want to make clear that I have not observed anything untoward or improper about that decision. They decided that it was their belief that an oasis of commercial activity was desirable to the people, particularly in view of the fact that at that time they thought there was going to be more development to the north of transfer of rights.

And the Town Board agreed. That was during the previous administration."

Paul Bagen: "Well, who is they?"

Supervisor Cardinale: "They is the Planning Board, five people appointed an independent body. The Town Board, they got a recommendation from the Planning Board. The Town Board, under the Kozakiewicz administration, elected to adopt that. They're damned if they do and damned if they don't.

If they- if the Planning Board and the Town Board didn't review the (inaudible) report and filtered through their own minds as elected officials, they'd be rubber stampers. If they do do that, they're criticized for having changed it. So I find that the important question is not that they changed it, but whether the cogency of the reasoning which led to them to change it was there and whether it still exists and I think that's the way that I will look at this issue as we determine whether to adopt the original recommendation or the subsequent recommendation.

They also- correctly they did not do correctly. They changed one portion of the master plan but they didn't change the environmental- they didn't change the SEQRA, the environmental impact study that underlies the master plan, the generic environmental impact statement so we- we're trying to sort this through the Board and we will make a determination by the 21<sup>st</sup>."

Paul Bagen: "Okay. And just to wrap up as a Reeves Park resident, I just hope that the Board does try to keep the historic corridor looking like an historic corridor. Thank you."

Supervisor Cardinale: "Thank you. Yes, sir, in the back."

Mike Foley: "Good afternoon. My name is Mike Foley and I am a

Reeves Park resident as well and when this issue first came to our attention in the first weekend in July, Reeves Park had a beach party and there were hundreds of us there and a few people that were in the know, let us know about these plans. And obviously in subsequent meetings, I think you've seen the passion and I hope you've seen unanimity of the residents that do not want this to be commercial.

So, Phil, in light of the things that you've just said, and by the way I have read all of the things that you have said in the newspapers and it seems very obvious to me that you are looking to change this, that your opinion is that this should be residential. And for that, I thank you.

But you have four other Board members, three of which sat on the Board in November when this language was changed. And after you have heard this, after you understand that the people north of Sound Avenue don't want this, I would just like to know what would possibly lead you to vote for commercial when the people that this is intended for don't want it. Ed, if you just have any comment on that. What would make you vote for commercial when everybody says that it should be residential."

Councilman Densieski: "My comment is that this is a public hearing. I'm still waiting for a document from the Town Attorney which the Supervisor is going to give the Board members. And this is a public hearing. We're here to hear your comments."

Mike Foley: "Right. So okay. And, Rose, I would ask you the same thing. I understand it's a public hearing but from the way that Phil just termed this, that the people on the north side of Sound Avenue was who this was intended to benefit and clearly especially on a Monday after the summer's over where a lot of the people that populated this room today drove from their winter homes, I came 90 miles to come to this hearing with my wife and my son and a lot of people did the same thing. I would just wonder what would possibly convince you to keep this commercial when the unanimous consent of the people that this was intended for doesn't want it."

Councilwoman Sanders: "With all due respect, Mr. Foley, I don't usually shy away from making a comment but in this particular venue this is for a public hearing and if you want to attend the work sessions to find out people's opinions and comments I would respect that and request that you wait until then to find out positions of the Board members."

Mike Foley: "And that is on the 21<sup>st</sup>."

Supervisor Cardinale: "Right. And incidentally just to make- I'm sure you- I know you appreciate having followed this-- sometimes difficult it can be for the public, we also received a petition of several hundred signatures who allege they want this."

Mike Foley: "Really?"

Supervisor Cardinale: "Yeah, really, honest. We received that and that may or may not be- they may or may not be residents but it is a petition and we did receive it with hundreds of signatures."

Mike Foley: "Was that submitted by a contractor?"

Supervisor Cardinale: "I don't- it was submitted- "

Mike Foley: "It was submitted by the contractor I bet. Is that a matter of public record? Do we have the ability to take a look at those signatures? Well, I just was told by a friend behind me that she has it and I'd certainly be interested in taking a look at who those signatures are and seeing who has (inaudible) in this petition."

Because there's nobody I know on the north side of Sound Avenue that has signed a petition like that. So I would just wonder where this contractor got the signatures from because there's no doubt in my mind it was the developer that put this together and I wonder how many of his relatives are on it.

And, Barbara, finally I would ask you the exact same thing. You've heard what we've had to say. I've heard what Ed and I've heard what Rose has had to say and I know that you will be consistent in your answer on this. But I would just ask this entire Board to take a look at the people that showed up here, every hearing since this came to our attention, and take a look, see- look at one person that is going to follow me to this podium and say that they want this thing and then maybe there will be some credibility on this petition that was submitted by this developer.

As far as I'm concerned, every person in this room is exactly for square for what I'm saying right now. Let's make it residences. I'm not telling the developer to lose his money, I want him to make money. But let's get some neighbors, not commerce. Thank you very much."

Supervisor Cardinale: "Yeah, there was someone- did someone

indicate wanted to follow- I guess not. Why don't you make that brief, I hope, comment in regard to the petition?"

Bernadette Vooras: "I came into the knowledge of this petition and I have a copy of it and I am challenging it. I don't object to a petition but I object to this particular one because I consider it to be illegal and I checked with Mr. Kent and I believe that it does not follow the rules for a petition.

First, most of the signatures are illegible. Second, some of those signatures I know to live in Shoreham because I taught there for 17 years. Shoreham is not a part of Riverhead. And another thing is that there are no addresses. We have no way of knowing where these people reside. So that's the first thing

And the second thing is the petition merely says, and this is what the people were signing for, they want the tax revenue base to be extended in our town and they- the petition implied that taking away the ability to have these stores and restaurants would take away the ability to have tax money and this is all I have to say about it.

When you put a business in as far as I know you have between five and 10 years in this town to pay taxes. In other words, you don't pay them for the first five, maybe 10 years. If houses were to go in there, they're going to be paying from day one, they're going to be paying taxes. And, secondly, that two percent that we get from every house to get and buy more land, I think that's very valuable. Thank you."

Supervisor Cardinale: "Thank you. Yes, sir, would you come on up? Just to clarify, thank God, commercial- there are a lot of problems with commercial development, one of which is the equalization rate favors commercial development at this moment for very complicated reasons. But not all commercial development gets tax abatement, only those that are funded through the IDA of the Town of Riverhead or Suffolk County and those- or those that are in the environmental or the EDZ zone, the Economic Development Zone. Go ahead."

Eric Biegler: "Eric Biegler, Riverhead, Reeves Park, 110 Park Road. I'd like to just enter into the record a letter sent by the Last Chance Riverhead Coalition to the Town Board dated September 10<sup>th</sup> of this year, signed by the Last Chance Riverhead Coalition, the North Fork Environmental Council, the Long Island Pine Barrens Society, (inaudible), the Greater Jamesport Civic Association, Wading River Civic Association, Sound Park Heights Reeves Park Association, Greater

Calverton Civic Association, Vision Long Island and Northville Beach Civic Association stating their strong urging and recommendation for the correct- for correcting this anomaly that we have cited in Reeves Park and on Park Road and Sound Avenue between the recommendation cited by the council and the recommendation by the Planning Board. And I just wanted to- I believe it was sent to you all."

Supervisor Cardinale: "It was. I read that letter over the weekend, in fact."

Eric Biegler: "Okay. Great."

Supervisor Cardinale: "Thank you. And you have it at the Clerk's Office and we'll put it in the file. Yes, Mrs. VerDerBer."

Marie VerDerBer: "Hello again. Sorry to come back here, I forgot to wait until they opened up the TDR. I just wanted to speak briefly on that. That- I had spoken at the last meeting about the TDR's and I think it's great that the Town Board adopt- is adopting- wants to adopt the TDR on the one to one ratio. I think that's wonderful, that's what everybody bargained for."

And when I stood up here and talked about that, I was so happy you listened but unfortunately between that time and this time, somehow my land that was in the transferring area became a non-transferring area. And that would be land that I own between Peconic Bay Blvd. and Route 25 on the south side of Route 25. There had been a transfer area there and now there's not.

And I was hoping that you guys, you know, I know that they feel that they don't have enough transfer areas and I think the plan is great because I love plans that favor farmers, and- but I think that at this late date, I mean if we had proposed this like 20 years ago and we had all this time and we had all this land and we could say, okay, we're going to try and concentrate on saving development just this one area because I now know they restricted it to that one block, that's correct, right?"

Supervisor Cardinale: "The- are you talking about the transfer of development right program?"

Marie VerDerBer: "Yes. The transferring area now is just that one area. There's nothing north of 48. There's- "

Supervisor Cardinale: "Are you talking about the area- yeah, it

is largely between Sound Avenue and Main Road. Yes, that's correct."

Marie VerDerBer: "Right. And you know I think at this late date, you guys should just be trying to save what you can and not being that worried about exactly where it is. And I could understand if you wanted to, you know, have that area only be a transfer area, you know, but I think there's room in some other areas where they could be transfer and receiving, you know. So like I mean it would certainly be desirable to save the farms that are up on Sound Avenue and to not allot them, you know, transfer rights seems, I don't know, counter-productive.

And the same thing for the areas that are south of 25, you know, it would be nice to maintain as much as that farmland as possible and unfortunately you don't have control of all of these people's farms as much as you'd like to legislate it. You don't.

And so the bottom line is you've got to try to work with the farmers and make it as workable and usable as possible to, you know, by making, you know, because I was in the transfer area and I'd like to utilize that, you know. And I'm sure there are plenty, you know, at the last, we heard all kinds of people who feel the same way. They'd like to utilize the program but they're left out of the program.

So, you know, to use like a political term, let's make it a big 10. I'm for the big 10 and let's get all the farmers under there and try, you know, to have some receiving and transferring areas.

Anyway, I hope that this makes sense and- "

Supervisor Cardinale: "I understand what you're saying, I understand the concept and I thank you for bringing it up. One of the issues, there is- if you make a huge sending area, you create a lot of gripes and we are sensitive to the fact that you want to make the rights valuable and you have to have (inaudible) for them and particularly if you are only going to have 500 residential, we're working very hard to make sure we have sufficient commercial and industrial receiving areas for these farmer's rights to make them a real value and that's one of the reasons we elected to define very precisely the sending areas. But we'll see how it plays and it's always, what is it- a living document in zoning. It can amended to make it work better."

Marie VerDerBer: "Yeah. I realize that you are also working

with the Farm Bureau and I would just like to say that, you know, I think that Joe, you know, speaks for his members and he does a good job. We like Joe and we are going to keep him."

Supervisor Cardinale: "Okay, thank you."

Marie VerDerBer: "Thank you."

Supervisor Cardinale: "Yeah, the other thing is the PDR program. We're hoping we have great success. Come on up, Marty, and tell us what you want to tell us."

Marty Sendlewski: "With regard to the TDR program, when you first came in office I remember one thing you said specifically because it really- I thought it was a great statement. You wanted the rezoning of Riverhead to be fair and I believe you said that because you meant it.

Unfortunately and I know I'm going to be probably booed, I think the farmers got pretty darn greedy here, okay. Because it should have- the property values and the lots should have gone up to two acre zoning. Okay? They wanted their cake and eat it too.

Now I happen to own commercial properties so you're going to tell me that you're going to tax me and tell me that in order for me to develop my property I've got to pay farmers, I'm not going to be too happy. I think the farmers have gone a little bit overboard on this and if it's going to be fair, I'm very happy to see that this document actually limits the amount of commercial zones that can receive TDR's. As a matter of fact, industrial is not even listed here if you look at the TDR section.

I think that the commercial development is the strength of your tax base in any town and I think that you should not cut back the zoning substantially with the exception of some of the commercial zones that are more geared to big box stores, etc., where you know profit is the bottom line. But a lot of the hamlet centers, a lot of the- especially downtown, should not be forced to buy development rights to build out areas that really need help like the downtown area and these little hamlet centers.

Because a lot of these are family owned and privately owned commercial properties and I understand the farmers' feeling but man all of a sudden it went from two acres trading out to one acre and you know what? I think ultimately a lot of those things are going to be

transferred out. Commercially, they're going to be useless because there's going to be no place for them to go.

And I hope there's no place for them to go downtown where certain- where, you know where we need a lot of help to develop downtown and to improve downtown. Thank you."

Supervisor Cardinale: "Thank you. Let's see, yes, sir."

Robert Andrews: "My name is Robert Andrews. I'm in Wading River. I have a 30 acre farm over there on the corner of Sound Avenue and Hulse Landing. We've been in contact before, we've had much correspondence on this. I'm asking to become a receiving zone.

I was zoned as residential 1 and then I was changed to RB-80 which more than cut my zoning or the value of my property in half. And I'm not asking- I'm not fighting two acre zoning, but I'm asking for a- to be a receiving zone because we're on the north side of Sound Avenue. Everybody on the north side of Sound Avenue is a receiving, but in Wading River.

I happen to be in Wading River, but I'm in the Riverhead School District. So that's our predicament. I plan to forward you another letter because I'm not going to let myself get lost in the situation. I'm going to let you know I'm around. And I don't know- we're getting up to the end of the line and I don't know exactly when any kind of decision is going to be made on this and that's where we stand."

Supervisor Cardinale: "We are going to make a decision on that probably at the meeting on September 21<sup>st</sup>. We've discussed it at the work session and all these unique cases that people brought to our attention, we will consider them and we will make a decision.

Did you say that you were in the Wading River School District?"

Robert Andrews: "No. I'm in the Riverhead School District."

Supervisor Cardinale: "That's comforting. Okay. I've indicated to the Board that I'd like to know the decision of the Board on that and I've spoken to you about my position. So- okay?"

Robert Andrews: "I know. I'm just here to- I'm still here."

Supervisor Cardinale: "You are definitely not going to get lost. In fact I feel I'm almost your brother by now."

Robert Andrews: "Okay. Thanks a lot."

Supervisor Cardinale: "I see you so frequently and your wife. Yes, sir."

Paul Agello: "How are you doing? Paul Agello from Reeves Park representing Sound Park Heights."

Supervisor Cardinale: "Yes?"

Paul Agello: "You already heard from fellow residents of our community so you see the passion. You also see the preparedness of some of our members. First, I would like to say thank you very much for listening to us for all of these open forums and these Town Hall meetings and, you know, we would like to say thank you on behalf of all the residents for listening to us."

What- all I would just want to end up with is that this can forever change the scenery of Riverhead. Once this is built, it's done. It's- you can never go back. You can never go back to changing the character of this city, of this town.

And I just want to say that be known as the Board, Supervisor Mr. Cardinale, that you saved Riverhead, you kept the character that it's been this way forever. Thank you again."

Supervisor Cardinale: "Thank you. Larry, if you have further comment. There was a- I noticed that I've got these two pages which I couldn't call until we had opened all the hearings, but the only people that have not spoken, I'd like them to speak next if you are still here and wish to speak is Genevieve (inaudible) and Gloria Reganelli (phonetic) and Marie (inaudible). If any of those would like to speak, just go right behind Larry because all of the others, 15 or 20 names, have spoken. But I couldn't call it because I couldn't open all the hearings at once. Go ahead."

Larry Oxman: "Larry Oxman. I want to talk about TDR, the transfer of development rights, the overall program. And before I say that, I do want to thank all of the Board members and previous administrations, too. I mean this has been a very open procedure. I've never had any problem sitting in on any meeting and getting information and I thank everyone. A lot of hard work by Rick. I'm very glad that you've brought another member to help him, Eric, so it's been a good process and I, too, am looking forward for this to be just inked and signed."

With regard to the TDR's, my interpretation I guess of the reason why the TDR program was first contemplated was for a combination of open space preservation and farmland preservation. Keeping that in mind that the real goal is farmland preservation and the shifting of development to other areas of the town so that farmland can be preserved in a contiguous belt, I'm concerned about the overall program and could offer some suggestions.

The mechanism- let's talk about the mechanism for getting a TDR. If I understand the code correctly, it seems that and this was spoken by Mr. Cuddy and someone before, is that the farmer, property owner who wishes to have his rights turned into credits, would have to designate at the time how those credits are going to be used and- "

Supervisor Cardinale: "At the time of certification?"

Larry Oxman: "Yes."

Supervisor Cardinale: "A letter issuance?"

Larry Oxman: "Yes, I believe so. If I'm reading it correctly because that's what I came away with. And, one, I just didn't know how that could be or how would that property soon to be certificate owner know how they were going to be used and would that impact the feasibility to sell them? And also, quite frankly, when I read the- I'll talk about the cap but Mr. Cuddy also said, when I read that, I was thinking, well, what's to stop one individual from just buying all of the credits and then now you have to go deal with that person, whether it's me or anyone else. And I don't think that was the intent at all. The intent was more along the free market."

Supervisor Cardinale: "I didn't understand his point nor do I understand yours. I do understand what you're saying about the point at which the designation of residential or commercial should be made and it strikes me that it should be made at the time of utilization not at the point of certification and that is what I thought was going to happen. But we can adjust that."

But how if it's a free market as to the purchase of the development rights and the sale, how can we control who owns them and why would we want to?"

Larry Oxman: "If, in fact, they are designated as to the specific use at the time of issuance, so then you will have 500 certificates, one through 500- "

Supervisor Cardinale: "Right."

Larry Oxman: "-- that have been issued now, they haven't been utilized. What's to prevent one individual- "

Supervisor Cardinale: "Yeah, but they must under the plan, don't they have to be utilized within a year? And the reason that that letter doesn't- in an effort to try and address that concern, they have- they're only good for a year which is because I think they incorrectly set it at certification within this program it should probably be better at utilization because they're saying somebody's going to pick up- say how many acres I've got? I've got 50 acres."

Larry Oxman: "Right."

Supervisor Cardinale: "You've got 50 units, or 50. But at a certain- so if we issue 700- "

Larry Oxman: "Right."

Supervisor Cardinale: "-- we're going to have to know at some point what the breakdown is between industrial and residential use. It strikes me that the right time of that is when they ante up the real money and don't just get a letter, but actually covenant the property and buy the actual development rights."

Larry Oxman: "Right."

Supervisor Cardinale: "And that would avoid both your problems. You wouldn't have to wait- you would not have to have the one year provision and you'd know when the 500 residential were used up because there would be 500 residential used up at the point that the 500<sup>th</sup> residential unit was paid for."

Larry Oxman: "So what they would be paying for then at the time of using them or at the time of issuance? Again, I'm unclear."

Supervisor Cardinale: "They would be designated- it could be designated at the time of utilization."

Larry Oxman: "Right."

Supervisor Cardinale: "Which would avoid a lot of the problems we've brought up. But what I- yes, thank you. While he's changing that, what- but this idea that one person could own all of the rights,

that's true in any free market for anything. If he wants to pay enough, he can buy it all."

Larry Oxman: "But they're very limited. In other words, 500- I think, well, let me wait until we go back- "

(Inaudible remark from the audience)

Supervisor Cardinale: "The meeting on the 21<sup>st</sup> is at 2:00 p.m. in this room."

(Inaudible comments among the Board members)

Supervisor Cardinale: "Yes, go right ahead. Larry go ahead."

Larry Oxman: "Okay. I guess my concern is that oh, the cap of 500 units, I would venture to bet that they're all spoken for now in concept. What do I mean in concept? It means that I'm working with people that are in contract or own property that are going to take it through the subdivision process and they're really counting on adding development rights to that property.

I think that if you were to poll Joe Ingegno and Howard Young or talk to Pete or some of the other prominent attorneys that do those types of applications, that you'd find that they're probably spoken for."

Supervisor Cardinale: "Well, they may be spoken for but unless they have them, they don't have them."

Larry Oxman: "I understand that. But again this goes- this is really addressing the issue of this cap."

Supervisor Cardinale: "Yeah."

Larry Oxman: "Because then what happens is that once those are used up and I think that they'll be over tomorrow or within a very short period of time of actually inking this into law, that what have you done in the long run to the overall program. Because now I as a broker and I think developers will start to look at the APZ zone as to how we subdivide it. And I think that's going to- if there isn't enough, there just isn't enough commercial development today to require large amounts of transfer of development rights to be utilized for that. So the residential development is a tremendous, it's coming this way. So people are just going to look at how you divide the two

acre land into residential homes unless you can provide a way for shifting those development rights to be used elsewhere residentially.

There was a talk a while ago and this addresses the cap- "

Supervisor Cardinale: "It certainly does."

Larry Oxman: "And I mean at one point we were talking about the industrial areas as possibly being a receiving area. I'm just concerned that the farmland will disappear very quickly and obviously we can readdress this but, you know, it's kind of a word of warning. But- "

Supervisor Cardinale: "Right. Of course, you do have as Mr. Weibold pointed out the clustering concept within the farm- 70% of farm fields even if developed at a two acre yield and forfeiting the right to use the development rights, would have 70% protected.

Furthermore, I think your calculation is incorrect in this sense. That although I'm sure Peter and the buyers, Peter Danowski and other attorneys and the buyers are all ready to buy the residential rights, I'm not entirely sure the sellers are just going to turn over 500 right away until the market is established as to their value. So although the buyers are ready to go, the sellers may, you know, want to test the market gradually.

So I don't think they'll go in 30 seconds; they'll take a while. And I think the concept that you would, you know, use the 500 and move onto the next, you know thousand someplace else, is inconsistent with the whole concept which resolved the difficulty of being fair.

We- the whole concept of the return was we'll give you this inducement as long as only 10% or so of it is used for residential. The rest will help our town to enjoy, you know, a heartier tax base. And the farmers aren't going anywhere anyway. They've told us they want to stay. And I'll bet you in a few years that this town is going to be very hot commercially and industrially and those uses- those development rights will be very valuable, if not immediately, eventually. And that was why the farmers accepted that because they're here for the long pull. And I believe them when they say that.

So the sellers are going to be the savior of this program, not necessarily the buyers."

Larry Oxman: "Okay. We'll see. Again- "

Supervisor Cardinale: "Yes, we will."

Larry Oxman: "-- thank you for all the hard work and I'm looking forward for this to be done."

Supervisor Cardinale: "Thanks, Larry. Okay. We'd like to hear from that gentleman there and then, I think Rowena- wanted to speak again. Or, no, not you, your husband spoke. But we want to hear from Rowena."

Frank Sessna: "My name is Frank Sessna, I'm from Wading River."

Supervisor Cardinale: "Yes."

Frank Sessna: "I own commercial property in Wading River which has previously been Country Rural and I want to know why this master plan changes my Country Rural that's been like that and it was Business C before that, for over 60 years, and now it changes it to residential. And you just make a comment that you believe that commercial property will be very, very popular in the future in this town. Why am I being penalized and people like me being penalized when we have commercial property to make it residential?"

Supervisor Cardinale: "Barbara, you want to address that because I think you know this particular scheme better than I."

Councilwoman Blass: "I actually have no particular comment with respect to this individual person."

Frank Sessna: "Well, my property is on the corner of North Wading River Road and Hulse Landing Road and it was all Country Rural and now it's being changed to Residential B. Excuse me, to Residential. Now all the property up on 25A where the King Kullen shopping center is and all of that, came after my property. All was zoned afterwards. All that building was done afterwards. Why am I being penalized?"

Why should I have to be residential from commercial when I bought that property specifically because it was commercial property. And especially I bought three pieces in the last few years. Now I'm being- I feel I'm being picked on by this town for spot zoning, changing my zoning in my area when it's just a small corridor.

And all I want to do is stay grandfathered in in my little corner of the world and leave everybody alone. I'm not asking for anything else and I don't- "

Supervisor Cardinale: "Where is your property located again?"

Frank Sessna: "North Wading River Road- "

Supervisor Cardinale: "Right."

Frank Sessna: "-- and Hulse Landing Road. I own five different properties on that corner."

Supervisor Cardinale: "Hulse Landing Road."

Frank Sessna: "Right. All the way up to Locust."

Supervisor Cardinale: "Were there other people in the area that were also- "

Frank Sessna: "There's other people, there was the little corridor that goes from Ravine Road and North Wading River all the way over to I believe North Shady Lane and it's all commercial property. There's also a triangle that goes into Wildwood State Park.

Now, there's other properties in the town that were Country Rural when they did the master plan I think back in '78 and we all accepted that master plan. They changed this from Business Zone C to Country Rural. Why can't we stay Country Rural and especially for the fact that I'm going to lose property value, as commercial property in a residential area going to residential property.

I have two and three family homes there. And one of those buildings used to be a bar and it was a bar going all the way back to 1937 and I changed it in 1978 and made it into garden apartments. And I don't understand the town's reasoning on this. Why they're looking at certain little areas and changing the zoning when we were zoned commercial."

Councilwoman Blass: "Can I just- I can address that point. We're not looking at certain little areas. The entire town was looked at comprehensively and through a series of consultations not only with the individuals that we employed to assist the town with us in this effort as well as community residents, we made some decision based upon everyone's input. So we're not- we did not single you out."

Frank Sessna: "But you singled certain areas out and I want to know why my area- "

Councilwoman Blass: "Actually the entire town was reevaluated and in many cases there was an overwhelming concept that we had too much commercial development, we would never anticipate the residential use to support such commercial development. So we had not only from county planning commission but also our- "

Frank Sessna: "That's not answering my question. My question is my property is Country Rural. Why change it to Residential when I bought it as commercial property. That's what I'm asking. Can you answer that specifically?"

Councilwoman Blass: "I- I was addressing the fact that you felt singled out and I was merely telling you that we did not zero in on your property the entire town was reevaluated. That's the point that I was trying to make."

Frank Sessna: "Well, does the town- does this Board- has any inclination of this Board to maybe change that and leave it grandfathered in an Country Rural? I mean I'm not looking to change what my buildings are doing. My buildings are rentable properties. I rent out 10 different apartments and I'm looking to stay that way. I'm not looking to change.

But I'd like to keep my designation as Country Rural in case in the future that anything should change and I want to sell my properties as commercial property, they are worth at least \$100,000 per parcel more. And you're- that's costing me more over a half a million dollars from the way I look at it at this point."

Supervisor Cardinale: "Well, I think that's probably- I would accept that because whenever you move from commercial to residential it generally means you are being upzoned which generally is a good thing. However, Rick, you know this area? This is a situation where we speak- when the individual speaks to us we evaluate that particular piece.

What-- the interesting point that Barbara makes is this. Everybody wants this town to go and it has gone from a build out of 60,000 to 40,000 because of the zoning we've already passed, the residential- not everybody, most people do want that. They want to make this a small town.

One of the things that we've done is we've made this town have a build out of 40 instead of 60. In the next 10 years or so, we're going to go from 30 to 40 and then it's supposed to- residential growth should level off. Obviously we need less commercial areas to- if we only have 40,000 people. So the question is where would they be pulled back from and apparently unfortunately one of the targeted areas under the master plan is- "

Frank Sessna: "Well, why don't you target the Calverton property that you haven't done anything with?"

Supervisor Cardinale: "Well, I don't- "

Frank Sessna: "I mean, I'm a real estate agent and I can tell you very honestly that you have 2900 acres that you have mismanaged, not you personally- "

Supervisor Cardinale: "Right."

Frank Sessna: "-- but have been mismanaged by the previous administration and the administrations prior to them. There's 1500 core acres of property in the Calverton property. Why aren't you changing that zoning? Why are you changing my zoning?"

Supervisor Cardinale: "Well, actually, the Calverton- we are actually changing the zoning there but the Calverton property was zoned as the first part of the master plan. What I would suggest you do because you have a specific concern, your property as opposed to, you know- "

Frank Sessna: "I don't only represent myself, there are seven or eight of my neighbors who couldn't make it here today, the (inaudible) Lodge and some of the other properties that are multi-dwelling properties, that all want to know the same answers. You know."

Supervisor Cardinale: "What I would like to do, that's one of the reasons we are having a public hearing, is so that we can identify those people who feel that it is- their zoning is inappropriate and discuss it with them. So Rick is right here; he's our Planning Director. Would you identify the exact location of his property and those that he's discussing for us so we can discuss it at the work session this week and I'll just put it on and you can brief us. You get briefed by him and let us know."

Frank Sessna: "I thank you very much for your time."

Supervisor Cardinale: "Thank you very much."

Councilman Densieski: "Mr. Supervisor, can we take a five minute break?"

Supervisor Cardinale: "Sure."

Councilman Densieski: "Thank you."

Supervisor Cardinale: "Can we break until 4:25 and then we'll come back and complete this. Yes."

Recess: 4:25 p.m.

Meeting reconvened: 4:35 p.m.

Supervisor Cardinale: "We're going to resume the hearing and take further comments on any one of the districts. Can I have this gentleman that's standing there come up please?"

Rob Foley: "My name is Rob Foley, I'm also a resident of Reeves Park. I'm also a third generation Foley that's lived here. My grandfather built the house, our summer home 60 years ago. You've already heard from my father earlier, and I'm here to also speak.

One of the great things about Riverhead and about Reeves Park is that it is a rural community. I spend from Labor Day to Memorial Day, I spend my life living in Yonkers, the fourth largest city in New York State. I work down in Manhattan and it is such a wonderful relief to be able to come here during the summer, during the weekends and kind of get to see of, you know, of life is. Seeing you know without hustle, without the bustle. You know, it's amazing to me at night listening to all of the crickets, looking up and seeing all the stars.

You start putting, you know, commercial buildings in this area, you're going to take away a lot of the appeal that is here and a lot of the appeal that I plan on having for my children and my grandchildren the same way that my father was able to supply for me.

And if you go ahead and start putting all these restaurants and really destroying the fabric of this community of Reeves Park. Like Miss (inaudible) said earlier, that's lost forever. The four of you have the power to keep it as it should be, as a small community

residential area and changing that now, changes that forever. And I just want you all to understand the full weight of this decision that you have in front of you and how many lives you not only affect now, but how many lives you affect forever, from here on out.

Fifty-eight is five minutes away. I've never once had a problem driving to get a meal. I don't need- and I'm sure I speak for a lot of people, we don't need restaurants that close. We can go five minutes away for that. We don't need something that close and we don't need the problems that are going to come with this.

So, please, all I ask of you is just keep things as it is, as a tight knit community. You spread that out, you lose a lot of the appeal of coming here. Thank you for your time."

Supervisor Cardinale: "Thank you. Yes, you had a comment? Oh, Rowena, I forgot you. I apologize. Why don't you speak and then, Rowena, I'll make sure I get you after this."

Eileen Hatoff: "My name is Eileen Hatoff. I've taught in this district for 33 years and I've lived here for 25. I don't live in Reeves Park but if you let the development happen on- down on Reeves Park what's intended there, you are going to lose a lot. You're going to lose the beauty of this town.

Sound Avenue was never meant for that kind of traffic. We don't need it there. I wouldn't go up there and I live in Aquebogue. I wouldn't use it and I don't think the people up there are going to use it. I don't live in Reeves Park but I would hate to see Sound Avenue turn into another 58 and that's what you're headed for if you do it. Thank you."

Supervisor Cardinale: "Thank you. Rowena, you want to come up and comment?"

Rowena Janis: "Hi there. I'm Rowena Janis from Jamesport. I moved to- Riverhead residents all our lives and moved to Jamesport in '68. I opened up a hair salon on Main Street in 1971. I then- we then proceeded to buy this property between the liquor store and the bank with my intention of moving my hair salon.

We went to the town and got the proper authority so that we could build on this property and they said we could build 30%. So we purchased the property and a month later there was a moratorium on the property and it lasted a year.

Then it was reduced in the meantime to 25% you could build on it and then it went to 17% which took our investment being our equity away. But due to different reasons, health reasons and the recession at that time in '87, we didn't proceed to build. But we did submit plans in June- in 1987 of plans that we had for my hair salon and stores at that time. And we did not go through with it because of our reasoning.

And since then I had purchased another piece of property to go with the first piece. I just want to say that now it's like pulling the rug from under us. To go down to 10%, to change the zoning which I do not wish it to go because 10% and all the requirements that go with it, it's like taking our equity away, our retirement.

And we're at a stage in life that this was bought with the intention of my sons and their children for a future. So I just want to be on record, I spoke to you all before that I wish you'd consider me grandfathered in since I did present site plans and it's a long story and I won't talk now. The town didn't go forth with giving me an approval. I have all the minutes from 1987 and of the town meeting and I never- I had a lawyer then on the case, but nothing ever really came out of it.

And, like I said, with the recession they couldn't do anything. The whole plans changed and I'm still at a standstill and would like it to be grandfathered in since I had all intention of doing this and, you know, building. So that's all I want to say."

Supervisor Cardinale: "Thank you, Rowena. Is there any other comment in regard to any one of the districts that we're considering? Peter."

Peter Danowski: "Pete Danowski. I would like to correct the record on a few comments that were made on Mr. Barra's application. He is not a contract vendee. He owns the property. I did not nor did Mr. Barra ever receive anything from Mr. Hanley or anyone else from the town talking about, one, any amount of monies to be paid for an outside or inside consultant or the amount or the provision of the town code spelling out the amount.

And as I understand this, certainly you have the latitude under the SEQRA documents to make a request. I'd just like to look at the Riverhead town code provisions and then compare it with the request that you make to see if it's reimbursing you for an outside expense. I'm not sure you're hiring Dvirka & Bartilucci or some other

consultant."

Supervisor Cardinale: "I think we're not going to hire anybody, Pete, until you get that letter. I' surprised you didn't because I saw the letter on Thursday but it may not have reached you yet.

Let me ask Rick Hanley. Eric, would you have Rick come in here?"

Peter Danowski: "I think the last comment I had heard was that it was being reviewed by the town attorney, but, you know, I just want to say that I haven't received it."

Supervisor Cardinale: "Okay. I was hopeful that they would have gotten it out because we authorized it subject to her review on Thursday."

Peter Danowski: "Okay."

Supervisor Cardinale: "Okay."

Peter Danowski: "So I'm just correcting that record. I would like to say on other issues and I will respond in writing to comments regarding your, I believe, requirement to adopt legislation consistent with the adopted master plan. I'll put that in writing to you.

Some other minor matters. Churches, places of worship. I don't think you've distinguished in your code what I believe to be the state of law in New York with court cases that it clearly spelled out that you're very restricted in the way you handle zoning when it applies to churches. I certainly think you can go through site plans and require site plans, but I think it's treated sort of like fire districts and we've had those issues in the past and I looked through your code provisions and we see places of worship listed in certain areas and not others.

I think you'd be best advised to just allow them and say all churches must go through a site plan process. Just a point of advice."

Supervisor Cardinale: "Allow them where?"

Peter Danowski: "Allow them in every zoning district subject to a site plan review. You have to talk about parking, size of building, whatever issues you have for site plan and certainly apply whatever state law you think applies but to just restrict them to zoning

districts, I think might be improper.

With regard to Larry Oxman's comments which I think are well taken. I've advised clients who are in the proposed transfer of development rights receiving area on residential applications where the residential zoning has already been passed, to submit or prepare submitting plans to the Planning Board laying out an alternate design, one of which would include the purchase of development rights. And I will be actively, you know, seeking to put together buyers and sellers.

We had the same problem and I've talked to Joe Ingegno and Howie Young about it and you started to touch upon when do you give out letters of interpretation, when do you get certificates and when do you basically say we've used up the 500 residential? The problem I see beyond that is when you start talking about an agricultural easement being placed on the property and I know- I remember some discussions before the wording got finalized.

I think it's a problem because you want the latitude to have the Planning Board judge a farmer's piece of property in the future; you want to give the farmer, I think, a simple procedure to go through and it would seem to me that if I had a hundred acres with land and I was a farmer and forget the math for the moment. You said I had a hundred credits and a letter of interpretation and I later went and said look I want to sell 50 of these and I now have to put an agricultural easement on the property, where do the 50 go?

I think it should only mean, I file a covenant with the County Clerk, attach that piece of property saying I've lost 50 building rights on that property. The word agricultural easement gets me a little concerned because I don't want it to mean a metes and bounds description. And the reason I say that is because I think the Planning Board at a later date when they say okay you lost 50 of your rights, you still have 50 we, the Planning Board, over the next one, two or three years in considering your subdivision application, will want to tell you where we think it's best to place it. And it will be a long process to get that subdivision worked out in the future dates.

So all I'm saying is we don't have sort of definitions for your language. There should be a recorded document with the County Clerk that loses the rights but doesn't specifically say here's a metes and bounds description for a portion of the property. It's easy if the whole property goes but if a portion goes, it's going to be very difficult.

And I think when we're all looking at each other as surveyor's lawyers, there's going to be liability out there because the race is going to be on for the first 500 and you didn't get your plan in fast enough, somebody held it up, they'll be screaming at Rick Hanley, the Planning Board will be considering these things, who got in first, who said residential.

So I'm anticipating doing it already for clients as soon as this law passes or even before, I'll be dropping maps in.

There was also question about the word survey and I would think and I think we have an agreement to this, you're not going to make every farmer go back and get a new guaranteed survey. You just want an identifiable survey that's been produced by a surveyor that puts down the amount of acreage. You're going to couple that with a tax bill and that will show how many acres are being taxed. But you never want to force the farmer into an expensive whole new survey which as you may know, the larger the farm, the higher the cost from the surveyor."

Supervisor Cardinale: "Right."

Peter Danowski: "And even the surveyors aren't asking for that business."

Supervisor Cardinale: "You know in regard to the mechanics of the TDR system, I am absolutely confident that we will be able to do this well because everyone has the same objective here. We want to make it the best possible, mechanically, for the best interests of making it clear for the farmers and for the developers.

So if you on the developer's side perhaps and Joe Gergela or others on the farmer's side have suggestions, we would be, you know, very happy to receive them for language or anything else. We all want this program to work easily and well and without confusion. So to the extent you are addressing those issues, we are on the same side of the fence on everything."

Peter Danowski: "I think it's going to be a question of all of a sudden you'll have either adopted or put off adopting and we'll be ready. I mean, people are ready. Larry is absolutely correct in saying there's a market there. That market is in excess of what the county or historically today the town will pay for the property, and those 500 units will be gone."

Supervisor Cardinale: "Right."

Peter Danowski: "That will be a fact. And you may be right that some farmers may say that they'll hold out, but who knows. But I think- "

Supervisor Cardinale: "Well then we can focus on the industrial and commercial program. I don't doubt that that might happen, however,-- I don't doubt that there are buyers out there looking for those rights right now. I have some question whether the sellers are prepared to move forward because I've discussed this with the Farm Bureau people and that's their guess. You know, farmers don't move- with consideration they move and they would want to see- I would want to see the market.

How do you know if the number is a good number unless you've got a market developed gradually?"

Peter Danowski: "I think internally between attorneys and surveyors the market's going to be decided very quickly.

That said, we've heard the comments that you've made with regard to Mr. Barra's application. My point is in my mind you have to adopt- consistent with the master plan. That said, the only other comment I have as Vinny Sasso's here the owner of Cherry Creek Golf Course along with his partner, he was surprised I think to hear Mr. Gergela say that development rights cannot be transferred off existing golf courses because that means you'd rather encourage residential development on that golf course. That may happen. But it would seem to me that you would allow a transfer off golf course but I know you've suggested no and I know that's part of your legislation. Thank you."

Supervisor Cardinale: "Thank you. Oh, yeah, Rick, the letter that we cleared for take off subject to the- to Mr. Barra, subject to the town attorney's review, I understand they have not received it. Do you know if it's gone? Okay, fine. Thank you."

Peter Danowski: "I forgot one thing and John Nealey's (phonetic) been here and I told him I would stand up and- the Kent Animal Shelter. For the last couple of years, we've been looking for a new site for that organization and that use and I'm not sure it's ever specifically defined in our existing code. And as he is now searching out, I'll say this publicly. We're looking for property for the Kent Animal Shelter. Where would it fit in your new zoning? I

would like to have the term defined.

It would seem to me you'd take the industrial zones that you've left, call it recreational or industrial. The industrial zones and the agricultural zones where animals are allowed, and say that would be a permitted use there. I don't want to go through special permitted uses because that becomes a problem."

Supervisor Cardinale: "Yeah, Barbara."

Councilwoman Blass: "Those are exactly the zones that are anticipated and I thought covered in the IC District. We intended to have #11 Dog and Horse Training and Boarding Facilities encompass the Kent Animal Shelter."

Peter Danowski: "Whatever you describe it. And the AOZ zone seems to be the other one that's out there."

Councilwoman Blass: "And that's also included in the APZ."

Peter Danowski: "Okay, great. And all right. My last parting shot was my comment I made the last meeting at a work session I believe, that now abandoned agricultural buildings that sit on small lots and obviously can't be used for agricultural purposes because there's no farm there anymore. They're great structures, they're historical structures in many instances and they should be allowed to be used in all zones for some purpose. To allow them not to be knocked down, burned down or abandoned.

And rather than make them illegally occupied for whatever purpose the people use them for today, I think you should have some sort of special permit provision even to say existing agricultural structures on lots less than, take a number, five acres in size, can go through the process to allow it to be used for some form of commercial purpose. The thing that usually stands out to me is warehouse but anything else so there's some viability to using these structures."

Supervisor Cardinale: "Well, they could be used for anything- they could be used or converted for anything that would be legal in the zone."

Peter Danowski: "Yeah, but usually on your, just take your AOZ zone, go up and down wherever, you know, the farmer may have sold his farm, sold whatever, and now he owns a two acre lot. Maybe there's not a house on it, it just sits there with a barn on it."

Supervisor Cardinale: "So they can convert that to a house."

Peter Danowski: "Well, you look at the state fire and building code and go through the building permits and I think that becomes impractical."

Supervisor Cardinale: "What would you have them convert it to?"

Peter Danowski: "I would say warehouse perfect example. But I'd say, you know, talk to Mr. Hanley and your advisors but come up with some viable use. You may have to go through some kind of a site plan process, may have to go through a special permit process, but something that will allow all these structures to exist in the town that many people may think are used illegally. Let's make them legal and make them go through a process."

Supervisor Cardinale: "That's an interesting approach because what you're doing is having the existing structures generate the zoning. Usually we say that they can have a pre-existing right to continue in their current use."

Peter Danowski: "But as you know- "

Supervisor Cardinale: "But we don't address- we don't change the zoning to meet the structure. You do just the reverse."

Peter Danowski: "What do you do with the farms then? You've got to provide a solution to those structures if you think it's important enough to provide them otherwise you knock them down."

Supervisor Cardinale: "Do you have any figures on the numbers that we're talking about?"

Peter Danowski: "I don't. But every time I ride down the road and I look at another barn that's out there, I know that it doesn't get attached to a farm anymore. It just sits there on a small parcel and I say there should be a process other than trying to belabor the point in the Zoning Board."

Supervisor Cardinale: "Looking at Southold where you now reside- "

Peter Danowski: "Yes."

Supervisor Cardinale: "-- a number of those barns have become

residences."

Peter Danowski: "I'm in favor of converting barns to residences but I'm saying there's a difficult task for the old potato barn that's up there- "

Supervisor Cardinale: "Yeah, it's pretty big."

Peter Danowski: "-- you know. We have beautiful, big structures that are solid but they can't be used. What do you with them?"

Supervisor Cardinale: "We will consider that. It's an interesting issue. Yes, Rob, you had a comment."

Rob Pike: "Rob Pike, Ostrander Avenue. When Peter got up, I immediately had to jump up because it's so rare that I agree with him on something."

Peter Danowski: "Appreciate it."

Rob Pike: "I thought I would- and then he doubled it up with the barns."

First of all, I remained concerned as I was the last time about the mechanism of TDR transfer and recording. Clearly I think we want to engage, encourage and make simple the process of people investing in transferrable development rights. I believe the state enabling legislation makes them an interest in real property. The specific language of your TDR document makes them an interest in real property.

As such, it should be transferred in a way that is both transferrable to another property but bankable, investable, and taxable. The way I see this happening in the legislation I'm looking at, it pretty much has to end up somewhere quickly.

I don't see the TDR banking mechanism as being practical here. It ought to be.

Again, I would point to the system used by Montgomery County, Maryland which does, in fact, use deeds, registered deeds to transfer the properties out. People can hold them for a period of time before they are applying to the property.

So, I think the train has left the station but as somebody

yelling at the caboose, I just want you to understand I think you have made it harder, less simple, to make these things actually flow.

Secondly, that being said, it is clear to me that very quickly you are going to be in a situation where you have no TDR's to move because it can't go anywhere and all of those people who are holding onto TDR's which you have previously described to me as being as of right transfers, have no place to which they have a right to transfer them. That's not a right.

So the solution to the supply problem now becomes a problem on a takings front. You're now creating interest in real estate that have no place to go, have no practical, economic use while they can't be moved into another property. You can stall that for a while, but you've got to solve it or you have created a takings, and that's the first time you've ever heard that out of me."

Supervisor Cardinale: "I don't understand it."

Rob Pike: "If somebody invests in a TDR, and all 500 residential allocations have been used, he has now bought a piece of--"

Supervisor Cardinale: "No, he hasn't. That's ridiculous. Because he's got the industrial and the commercial places to put them, so why would it be a taking?"

Rob Pike: "As applied."

Supervisor Cardinale: "How do you mean as applied?"

Rob Pike: "It's never been done. You can't prove it."

Supervisor Cardinale: "Are you suggesting that the commercial application of a TDR is itself a taking?"

Rob Pike: "Absolutely not. I'm suggesting to you that you've got a case you don't want to argue here because I don't know of anyplace in the state of New York that's successfully done this."

Supervisor Cardinale: "So what's the whole purpose of our program to be innovative and creative?"

Rob Pike: "I agree with all of that. I suggest to you what I suggested again the last time, that these ought to be taxable interests in real estate that are filed at the County level, not

registered solely here. That that way they show up on title searches. That people can pay taxes on them. That you must solve the supply demand problem not with an artificial 500 limit, but a system that guarantees that these things can be transferred in."

Supervisor Cardinale: "I'm not- I don't think the town- certainly the town is not about to guarantee the value of TDR's to anybody."

Rob Pike: "Not value. Reasonable economic use which is the standard in takings."

Supervisor Cardinale: "But I don't- I'm not taking. What we're doing is we're certifying that they have the right to transfer to the sink areas in the commercial, industrial, residential as per statute. I can't imagine how you could argue that this is a taking. Honest. I mean, explain it to me. I'd really love to hear it."

Rob Pike: "It really has to do with the risk and the lack of clarify of going into the industrial- is there an industrial receiving in these documents?"

Supervisor Cardinale: "There is- the whole of EPCAL is going to be a receiving."

Rob Pike: "And the standards- I've just missed them if they're here."

Supervisor Cardinale: "Yeah. Well there is. There should be enough receiving areas to take the 5,000 rights."

Rob Pike: "But the ratios we talked about before are in place? There's far more demand than there is sending?"

Supervisor Cardinale: "There's more- there will be more receiving than sending. Yes. Yeah, more receiving than sending."

Rob Pike: "Okay. I- again, I encourage you to make sure that in the practical world that is true. You know as one of the original people who brought this idea to the table here, that I'm greatly in favor of it and what you don't need is a series of political decisions down the road that the 500 limit has to be lifted now which means you've got to change the TDR program. All that takes is three votes of any future Town Board. Any Town Board that changes it- clearly you're saying you're going to change it at some point. The 500 will

get used- the other things will get used- "

Supervisor Cardinale: "No. No. Are you suggesting I am never- I have no intention of changing the 500. The understanding I have is the 500 rights and the 5,000 rights going to commercial and industrial application was part and parcel of the resolution with the farm community that they would have the opportunity to use 5,000 rights in the commercial and industrial application because that would be a positive for the town of Riverhead and growing its tax base.

I would not have urged this Board to go to a one on the transfers if they had not limited that- if we had not limited that to 500. So I should make that very clear. The 500 residential will probably be more popular, okay, I think we can all agree on that. But then there's 5,000 commercial that have to chase the seven, or eight or 9,000 whatever it's going to be receiving areas and they're going- we're going to everything we can to make that program work except raise the residential number from 500."

Rob Pike: "And I would suggest to you, 10 years from now when there's only one or two of you left- "

Supervisor Cardinale: "That's true of everything."

Rob Pike: "-- that the pressures will change and that your resolution here without some sort of stop gap the way say county preservation easements have constitutional level protections, that it is a short term promise in something that is ostensibly a long term planning."

Supervisor Cardinale: "Is there anything that we could- in your judgment, I'd love to hear more about this privately. We are aware that we could be all out of here shortly and you are right that there's a political issue as opposed to legal takings and the rest that that conviction could change with the next election.

But I don't think there's any way to protect that that I have been able to ascertain because the people have a right to elect their representatives and if they believe it should- that this deal should stay as it was proposed, I assume they'll go forward with those who proposed it and asked it. And if they don't, it will change like a lot of things in the world, and so will we as representatives.

But I don't think there's any way to protect that- "

Rob Pike: "Well, to some extent you have by honoring the principal that what's in the master plan has to be what's in the code."

Supervisor Cardinale: "Yeah."

Rob Pike: "Having fallen back on that, you're now setting the precedent that you've got to change the master plan in order to change the code. I hope this has worked its way back- the 500 limit has worked its way back into the master plan in order to make that more difficult."

Supervisor Cardinale: "I see. That's a good point, I appreciate that. That's one way we could do it."

Rob Pike: "Yeah. I have some other ideas but I do want to change subjects here. Let me- I am completely enthusiastic about TDR's. I'm not enthusiastic that the members of the Suffolk County Bar Association who invariably will be asked to handle this, are going to be knowledgeable enough to make this as you wish it to be easy on the farmers."

Speaking of cornering the market, just, Pete and a few other highly experienced lawyers should not have the corner on being able to do this and I remain of the opinion that using standard legal documents, easements, contracts, options are the mechanisms that would make this easier on the farmer and I encourage you to move to that kind of system. Should you find that this one not work, I would heavily encourage you to do that.

I do want to switch subjects here because I find myself in the completely odd situation for I think the first time since 1984 having to argue for something on my own behalf. As I read the zoning map on Ostrander Avenue, the little commercial residential area that I live in and that my father was born in and my grandfather built, the buildings on the east side of Ostrander Avenue are being in one case rezoned.

The lower portion of Ostrander Avenue is in a business district now. The property immediately to the north of mine, including my house, is in business district. The property immediately to the north of mine, the old Hocheiser (phonetic) house, Chief Hocheiser which I now own, is in a residential zone. Somehow that line has jumped over my house so that my- only my house is being rezoned from residential into- I'm sorry, from commercial into residential.

I'm sure there's a planning principle here that I love and adore that is doing that to me but let me just give you the practical application on me which is that my long term plan is to buy out my brother and sister who are the co-owners of my father's house and to move my family as it now seems to be growing into there so that the Pikes will once again take over the Pike homestead.

That my building in which I now practice law and have a couple of other enterprises as home occupations, would now be illegal because they couldn't be home professions. I'd like to be able to commute next door and continue to do what I'm doing with the building and not have the gendarme show up and tell me I can't do it anymore. So I would be very happy to be in the residential transition district.

If there's any doubt in your mind that I am in a commercial residential transition district, I suggest you come down and watch the invasion of the stroller moms on any Saturday or Sunday as they come down from the parking lot that you guys picked up at the old Riverhead Building Supply area and if I ever really wanted to make a lot of money, we would set up a lemonade stand and add to the commerce of downtown Riverhead.

Again, I apologize, I rarely do this but I'd like to be able to move into my own home."

Supervisor Cardinale: "On that- just let me make sure I understand it. The home that you're talking about is the one that I know of on Ostrander. Right?"

Rob Pike: "138, my house is currently one of the business districts."

Supervisor Cardinale: "And moving into residential?"

Rob Pike: "You're moving it into strict residential."

Supervisor Cardinale: "And you want to leave it just the way it is, commercial?"

Rob Pike: "Well you're putting the downtown center office residential office transition district on the other properties, my father's house, the dentist's office. I'd like that level of use to be available to my current house as it is now."

Supervisor Cardinale: "Okay. Yes. And what's the zone

district- the zone that you would like us to put it in?"

Rob Pike: "The DC-4, downtown center office residential transition district."

Supervisor Cardinale: "DC-4. Okay. We'll look at that Rob."

Rob Pike: "Okay. Sorry for speaking on my own behalf."

Supervisor Cardinale: "That's all right. Join the crowd. We've had a lot of people speak on their own behalf."

Any other comments about any of the districts that we've considered? Yes, Ken, I'll take you right after this young lady."

Barbara Kaczewsko: "My name is Barbara Kaczewsko and I live on Sound Shore Road in Jamesport. I am the previous owner of the property in question located on Sound Avenue and Park Road. The property was sold to Mr. Barra as we felt he would build something that would be- that would fit into the surrounding area."

I wonder why people who stated they live in Yonkers and other out of town areas and only come to Riverhead, Reeves Park in particular, two months out of the year have the loudest voices about what happens here in Riverhead.

I am a full time resident. I live in Jamesport on Sound Shore Road and I know many people who are in favor of the proposed stores. Thank you."

Supervisor Cardinale: "Thank you. Young lady in the back and then Ann. Oh, yeah, I thought- Kenny, did you want to- I can put you up there right away if you'd like to. Okay. Why don't you follow Ann."

Elizabeth Schmanski: "My name is Elizabeth Schmanski. I'm a full time year round resident of Reeves Park. It breaks my heart to think, you know, Park Avenue, Sound Avenue- it just breaks my heart as to what would change in terms of the rural atmosphere."

I understand and appreciate that change does come. Many of us in Reeves Park live here all year round. It's probably half and half at this point, I'm not quite sure, but for those that come just during the summer months, they've invested in the community for 50 years or more so certainly you can understand why they're here and why they

make the commitment and the effort to come 90 miles.

I hope we can reach a fair and equitable decision for all of us. But please keep our rural area rural. Don't let it become commercial. Thank you very much."

Supervisor Cardinale: "Thank you. Oh, Kenny, would you like to speak and then I'll take the last couple comments."

Ken Barra: "Yes. Ken Barra, Wading River. I don't know, Phil, where do I start? I am a resident of Wading River, driving down Sound Avenue, noticing a piece of property for sale. I'm going to go through the whole store so you can understand this.

In the beginning there's a lot of accusations flying, meetings in the middle of the night. This was all done- what I did was notice this piece of property for sale. I made a trip out to Riverhead. I inquired with Mr. Hanley in regards to the master plan that was being proposed at the time and I was assured that this was not going to be affected by this."

Supervisor Cardinale: "When was that, Kenny- what- "

Ken Barra: "The property in question on Park Road and Sound Avenue."

Supervisor Cardinale: "What time was this, what chronology?"

Ken Barra: "This is around prior to you adopting- the old administration adopting the master plan."

Supervisor Cardinale: "Which was probably like last- after the Planning Board- "

Ken Barra: "Right. This was basically just an inquiry. So I wanted to find out what the, you know, just to look into the property. There was a four acre piece. Actually it seems where this Board is heading and I'm a little surprised in this because of two reasons.

Number one is that the members of the current Board here are the same people that voted this master plan to be adopted as it was back in November so I'm a little confused about that, but being that we change, flip flop a lot around here, doesn't seem to surprise me I guess too much because we go for zoning, we got for 50 rooms, we go back to 20 rooms. So these, you know, I'm getting used to change

around here. A little surprised about that.

But the main thing is that I noticed a piece of property for sale. This proposal that I had put forth is proposed to put a restaurant with some stores and some shops. This was done meeting with your Architectural Review Board on numerous occasions, making this a beautiful application, laying this out to their specifications, going through the whole process.

Again, before I go ahead and purchase this to make sure that this piece of property is commercial, then at that point on, I also had Mr. Danowski- had him go down, so I had two visits down here myself personally and Mr. Danowski was also made an inquiry for me before I went ahead and purchased this property. That I was assured that this piece of property would remain commercial.

So here I am. I go before the Town Board. You come out with an environmental assessment form, I go and proceed with that, complete that. It just seems like every time I come before the Town Board here, it's a crazy situation. I don't understand the process here.

You have a book of rules, you have a book of guidelines and, again, here I am all over again, the same thing that happened a couple of years ago, going through the whole process again and now there's talk of you actually considering taking this piece of property and switching it from residential- from commercial to residential.

Well, this would really be the icing on the cake.

You have to look- the woman who sat here before- two of them before, the one who you kept downsizing the use of her property, she left here in tears. You have to understand the business people of this town are very important. The small business people is what makes up this community here. We support a lot of things that go on in town. We support all the different societies that come here. All the different medical uses, fundraisers, we are very big supporters. We employ a lot of local people and they depend on the income.

There only seems to be one person on this Board that supports pro-business. This is craziness. I think that you really have to take a look and see what you're doing here. The flip flopping back and forth has to stop. The people take time, have money invested into property and come before this Board and it can just be taken and thrown in from a valuable piece of property which people have been paying taxes for many years at a commercial rate, and all of a sudden,

deemed over to a residential piece, is crazy.

I mean the people that have been before you, we are the people that support you. The business people do support you very much like we have in the past. I've worked with this town myself. I believe to have, if not the nicest place in town, one of the nicest places in town. That- I've always been supportive of the town.

I've been called upon when you had no place to go with your seniors, with your- one of your parks closed down or one of your places, they needed a place to reside, I was called upon, I was happy to do that for you. Numerous times the town has called upon me to work with them.

I think when you review these applications that come before you, there should be some consideration, not favoritism, but some considerations that people that have been here since 1990, and actually I've been in this town since 1976 but in Wading River since 1990, that has worked with you. Not worked against you, worked with you. And then when you call me up and you say, Kenny, we have the people, we've voting a bond, we want them to come down and take a look at your place and see how beautiful it is. Oh, now it's beautiful. One month- last month it was a monster, now when you are going for bond review, it's a beautiful facility.

Please, make up your mind what you want me to do. I'd be happy to comply with whatever you want but you cannot keep changing what you're doing to me. That's all I'm asking for. Thank you."

Supervisor Cardinale: "Thank you. The- one question, Ken."

Ken Barra: "Yes."

Supervisor Cardinale: "When you inquired and Pete did, when did- did you ever learn the initial recommendation of the APP&S that it go to residential?"

Ken Barra: "Yes, I did. Once I heard that it was a suggestion by them but the town planning commission- "

Supervisor Cardinale: "Objected it?"

Ken Barra: "Yes, had rejected it."

Supervisor Cardinale: "Thank you. Yes, in the back. Yes, sir."

Ma'am."

Virginia Sadedá: "My name is Virginia Sadedá. I'm a full time resident of Reeves Park. I was also a summer resident for many years. We pay our full taxes like people that live here all year round and so I don't think we should be penalized and eventually most of these people would love to live here. It's just that they have to earn a living, you know, they already, you know, are working someplace.

I also have friends that live on Sound Shore Road. They came to our meetings to support us and they are aghast at this whole proposal just as they would be so upset if it ever came to Pier Avenue and Sound Avenue. So, that's just to say a lot of people don't want it and there's no reason why they would want it.

That's all I have to say. Thank you very much."

Supervisor Cardinale: "Thank you. Ann."

Ann Hatoff: "Ann Hatoff, Reeves Park. I'm a resident for 44 years. I have no problem with this gentleman building his restaurant or his shopping center in appropriate places. Sound Avenue and the corners of Park Road are not the appropriate areas. There's a lot of land and a lot of big empty stores that are for sale or for rent and that's where they should go. Not up by us. Thank you."

Supervisor Cardinale: "Thank you. And last- at least I hope last but certainly not the least, come up for your final comment if you would. Okay."

Bernadette Vooras: "Bernadette Vooras, Reeves Park. Mr. Danowski said that and the (inaudible) said that they have sold the property. I would- I've been going by the documents in town hall that have no record of that so far. I was wondering when that occurred. Because I try to be very exact and not, you know, give the wrong information to people and if I've given the wrong information then it's- in other words, I have the documents at home at the moment, not in my case from the Assessor's Office.

It says that Mr. and Mrs. Catuso (phonetic) are the present owners of the property and that's why I said it today. So I was just wondering, you know, maybe the Assessor's records need to be looked at or something's happened."

Supervisor Cardinale: "Yeah. There is a time delay of some

several weeks. So- "

Bernadette Vooras: "Oh, okay."

Supervisor Cardinale: "But I think- "

Bernadette Vooras: "It's that recent?"

Supervisor Cardinale: "It may well be, I don't know but if anybody wants to clarify- okay, about three months. It may be a longer delay than six weeks, too."

Bernadette Vooras: "Oh, okay."

Supervisor Cardinale: "It may have occurred about three or more months ago."

Bernadette Vooras: "Okay."

Supervisor Cardinale: "And I'm sure that Kenny wouldn't say something- "

Bernadette Vooras: "I apologize for that misinformation because I wasn't aware of it."

Supervisor Cardinale: "Okay, yeah, it's not on the record yet."

Bernadette Vooras: "Okay, thank you."

Supervisor Cardinale: "Any further comment? If not, I'm going to do the following. I note that we've heard from other 40 people, we've received a good deal of commentary in writing. We have- we would like to keep this open through the close of business for- on the 23<sup>rd</sup> for 10 days of comment in writing. I'm going to close the oral portion of the testimony today."

(Inaudible remark)

Supervisor Cardinale: "We need a bigger camera. We have a whole budget coming in to really do an upgrade on this because we have to take over the filming and the distribution of it through the machines. So- we're going to be better very soon. I am utilizing my own camera here to keep the public informed. Yeah. And- no, Susan is working hard to get it into big tapes. Okay."

Okay, we've heard from more than 40 people. I'm going to close the verbal testimony. I'm going to hold it open for written comment through close of business on the 23<sup>rd</sup>. We're going to go back to- with these comments and the written comments we've received and will receive, to the drawing board and look at every one of the situations, make sure in the committees, Barbara and George, and a representative from my office since I can't sit with them and - I can't have three of us together, we'll- an the town attorney will look at everything, make a reasonable decision, come up with the best possible statute we can.

We encourage on the TDR program those who are most involved, the development and the farming community, help us to come up with a mechanism that works well and we look forward to seeing you on the 23<sup>rd</sup> for the balance of the hearings. And thank you for coming today."

Meeting adjourned: 5:20 p.m.

*Barbara Stanton*  
*Town Clerk*