

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead in the Town Hall, Howell Avenue, Riverhead, New York, on Tuesday, March 21, 1995, at 2:00 p.m.

Present:

James Stark,	Deputy Supervisor
Victor Prusinowski,	Councilman
Frank Creighton,	Councilman
Harriet Gilliam,	Councilwoman

Also Present:

Barbara Grattan,	Town Clerk
Robert Kozakiewicz, Esq.,	Town Attorney

Deputy Supervisor Stark called the meeting to order at 2:00 p.m. The Pledge of Allegiance was recited.

Deputy Supervisor Stark: "Is there a motion to approve the minutes of the Regular Town Board Meeting of March 7th and the Special Board Meeting of March 16th?"

Councilwoman Gilliam: "So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton?

Councilman Prusinowski: "He'll be back to vote yes, I'm sure."

The Vote (Cont'd.): Prusinowski, yes; Stark, yes. Minutes are approved."

REPORTS:

Receiver of Taxes	Report to the County Treasurer of March 16th, 1995, \$26,110,728.65
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Riverhead Sewer Dist.	Discharge monitoring report for 2/95
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Riverhead Police Dept. Police report for the month of January, 1995

Open Bid Report Acrylic water-based traffic paint which was opened on March 13, 1995, at 11:00. Four bids were received from Velvetop Products, Long Island Paint Co., Capitol Highway Materials, Sherwin Williams Co. Those files can be seen in the Town Clerk's Office

Open Bid Report Police Cars which were opened on March 13, 1995, at 11:05 a.m. No bids were received

Open Bid Report For the water main for Soundbreeze opened on March 20, 1995, at 11:00. We have five bids. Pat Noto, \$168,224; Merrick Utility Assoc. \$159,974; Alessio Pipe & Cont. Co., \$154,320; Bancker Const. Corp., \$132,909.41; and Roy Wanser, Inc., \$132,414.40

Open Bid Report Grass seed and chemicals, opened on March 20, 1995, at 11:05. Lesco Inc. and Long Island Cauliflower Assoc. Those files can be seen in the Town Clerk's Office

Barbara Grattan: "That concludes Reports."

Deputy Supervisor Stark: "Councilman Creighton, would you like to vote yes on the minutes?"

Councilman Creighton: "Yes."

Deputy Supervisor Stark: "Approving of the minutes?"

Councilman Creighton: "Yes."

Barbara Grattan: "Minutes are approved."

APPLICATIONS:

Special Permit

Application for the construction of a Boston Chicken Rotisserie restaurant at the northeast corner of Old Country Road and Woodcrest Avenue in Riverhead

CORRESPONDENCE:

Eileen Drower

Writing regarding the concerns of the Wading River Civic Association regarding Sound View Golf

Act Now!

Writing regarding its concerns regarding the request for a change of zone for Sound View Golf, Inc.

North Fork Audubon Society

Writing regarding the impact further deforestation of the Soundbreeze project would have on different species of birds

Eight letters

Petitioning the Town Board to vote "No" on the Long Island Pine Barrens Comprehensive Land Use Plan

Four letters

Petitioning the Town Board to support the Long Island Pine Barrens Comprehensive Plan

James P. Mulvey

Thanking the Riverhead Water District personnel for their cooperation with the Salvation Army building on East Main Street, Riverhead

Town of Riverhead Labor Management Committee

Congratulating Walter O'Kula for being selected Employee of the Year

Richard and Gail
Gambino

Petitioning the Town Board not to permit the further expansion of the Tanger Mall

East End Recycling
& Composting Co., L.P.

Submitting a response to Mr. Stark's letter of January 20, 1995, regarding the solid waste management services agreement

NYSDEC Bureau of
Fisheries

Seeking to adopt a regulation this spring to require annual fish health inspections for whirling disease in trout and salmon that will be stocked into New York waters by the private sector

Jamesport Fire
Dist.

Supports the creation of a full time Fire Marshal position, as suggested by the Riverhead Fire Chiefs' Council

Office of the Chiefs
Wading River Fire
Dept.

Opposed to the fact that the Town of Riverhead does not have a full time Fire Marshal

Molly M. Roach

Stating that school and street problems would be reduced if students were required to be in school

Petition

By homeowners who reside on and off Herricks Lane area requesting the Riverhead Water Department to supply safe, clean water to their area

Suffolk County
Legislature

Advising of a Regular Meeting of the Suffolk County Legislature which was held on March 21, 1995

Joseph L. Bruno,
President, New York
State Senate

Writing regarding Gov. Pataki's \$6.8 billion personal income tax cut plan

Southold Town Clerk

Advising of a Public Hearing which

was held on March 21st regarding a local law in relation to affordable housing

Town of Southampton

Notice of adoptions of Local Laws 11 through 17 and a notice of a Public Hearing amending Chapter 10 (Capital Program)

Deputy Supervisor Stark: "Thank you. Welcome to our quarterly afternoon meeting. We'll all be home for dinner tonight. At this time, I would like to ask the Board if they would come down front where we will present a proclamation to the American Red Cross.

Most of us have recognized the tragedies that happen throughout communities, throughout the United States and throughout the world. And one only has to read of the recent disasters that have hit our great state of California, the hurricanes up and down the east coast, and usually the first group that's on the scene after these disasters is the American Red Cross. And we certainly here in Riverhead endorse their efforts and endorse their existence because we soon, too, with hurricane season coming up this summer may need your help. So it is with a great deal of pride that we, the Town of Riverhead, make this proclamation for American Red Cross Month. Thank you."

Red Cross Volunteer: "Thank you. I'd like to thank all of the people on the east end, not only for their wonderful contributions which may make our work possible, but for all the volunteer hours that they give. We certainly appreciate it because you must always remember, help can't wait. Thank you very much."

Deputy Supervisor Stark: "Thank you.

Believe it or not, I've been on this Board a little over five years and this is the first day, or first monthly meeting, we don't have a Public Hearing. And I think that deserves a round of applause because sometimes they get a little difficult. But at this time, I'll recognize anybody in the audience who would like to speak to us on any given topic. Bill? Dean, if you'll start kind of wandering around, we'll get you next."

Bill Roberts: "Good afternoon, Bill Roberts, Baiting Hollow. I

have a couple of items to talk about. Number one, apparently we don't have a friend at Newsday. Two incidents-- two articles they had in their paper in the east end section, locales Riverhead. This appeared March 10th, it shows a summer scene of downtown Riverhead, Barth's Drug Store, the Presbyterian Church, and a very nice picture of the empty, for rent, Rimland building. That's a lousy picture of Riverhead.

Then on March 12th, Town Hall, east end, calling Town Hall, Riverhead. This is March 12th. Supervisor, Joseph F. Janoski. I wrote a letter to them on March 12th, the same day. How come Joe Janoski is still listed as Supervisor? He resigned shortly after he got approval from the state and I said everybody knows that Jim Stark has been Acting Supervisor for sometime now and will continue to be until our next election. And I also said doesn't the back page of Newsday know what the front says because they played that up quite a bit. All right, that's enough for Newsday.

The second item-- "

Councilman Prusinowski: "On behalf of all of its competition, we thank you."

Bill Roberts: "Okay. The second item I'd like to talk to is about King Kullen parking field. It's one of the worst maintained ones in the Town. There's a very bad pothole on the entrance to the field from 58 on the east side of the Firestone building. I talked to the manager of King Kullen this morning and he said, yes, they don't give a damn about the conditions of the fields or what happens to the cars. He also said that the field is-- or the shopping center, is in the process of being sold. I don't know if you were aware of that. There's a sign there, Brodie Real Estate and he said we can't contact anybody now, but the thing is up for sale. They are going to repair. They are going to repair that pothole at their own expense and then sell the outfit that owned it up until now. Or still owns it."

Councilman Prusinowski: "Just so you know, the Town Board, about a year ago, one of the local attorneys came to the Town Board and asked for an (inaudible) to be put on the property, and it was our opinion that-- now, they are way over the 15% lot coverage. So this is a change of zone, this is an amendment to the zoning code and because of the horrible, horrible track record there, I know I remember telling Peter Danowski, no way, and that's one of the reasons. And

even King Kullen when they put that sign up on the side, they painted the wall because the Board members asked them to paint the wall and they did at their own expense."

Bill Roberts: "Right, right. Third I'd like to talk about is what happens when homes are constructed. You have timber, you have cement, you have styrofoam cups from the builders, you have paper bags, plastic bags. You've got insulation, you've got (inaudible) insulations, normally just thrown into a pile outside where the construction is. Now an instance comes to mind. There's a house that's in the process of being constructed, it may be occupied now, on Edwards Avenue and Village Green North. It was started and there was a terrific wind storm over Thanksgiving and all of the stuff that could fly, flew all over the place. All the way down past the (inaudible) club and so forth for maybe 2,000 feet.

I think it might behoove the Town when houses are being constructed to have-- require-- that the builder or the general contractor provide a dumpster into which all this debris can be put so it doesn't get scattered all over the surrounding area.

One of my favorite subjects is disabled parking. I started to talk about this in 1987 and the Suffolk County now has a volunteer corps that is deputized by the County, they are provided training and with polaroid cameras and they are authorized to snap violators parked illegally in handicap parking areas. They then turn in those summonses, as far as I know it doesn't require the police involvement. A policeman does not have to show up on the date that the summons is answered. This is working very successfully in the western towns, such as Islip, Babylon, eastern Brookhaven, too.

I had talked to Chief Palmer and I've talked to Chief Grattan. The present chief has shown interest but we still haven't done anything about it. Now during the summer months, we had the bicycle patrol officers who used to come up from Main Street and ride through the shopping centers and ticket those who were parked there illegally. I think that that could be done by the (inaudible) if it were expanded to be included into a Town of Riverhead effort to control that illegal parking. That's all for now."

Deputy Supervisor Stark: "Thank you, Bill. It certainly is a good idea because I notice some up there, too. Dean. Bill, I'll get

you next."

Dean Terchunian: "Good afternoon. My name is Dean Terchunian and I live at Bear Estates. Typically I come up here and grill you with questions on Bear Estates. Today I'm up on another subject. We haven't had our Supervisor Janoski now in over a year and a half. And meanwhile Deputy Supervisor Stark is running the show here. I've read in the paper and I believe it's true that he's being paid around \$44,000 a year. I don't understand why this Board hasn't raised his salary to the correct salary of the Supervisor if we expect Mr. Stark to put in the time that's required of a full time Supervisor. And I'd like to see the Board address this situation as quickly as possible so that Mr. Stark is compensated for all the time that he's putting into Town Hall. Thank you."

Deputy Supervisor Stark: "I couldn't agree with you more. Thank you."

William Kasperovich: "William Kasperovich from Wading River. Last Friday I realized-- "

Deputy Supervisor Stark: "Bill, because Dean is a little shorter than you, would you kind of pull that up so everybody can hear in the back? Thank you."

William Kasperovich: "Well, in about two, three minutes I'll be loud enough to where you could hear me across the street."

Deputy Supervisor Stark: "Not too loud."

William Kasperovich: "As loud as I can, as loud as the good Lord permits me to be on this earth and be able to express what I feel is right and should be."

Deputy Supervisor Stark: "As long as you are as loud as being courteous to this Board and courteous to this-- "

William Kasperovich: "Courteous-- it's very difficult to be courteous to people that are not doing their job. A man comes up here to say to pay you more money, fine. How about the other Councilman sitting in a lot of time. Maybe we should pay them by the hour."

In the parking lots in the Township with regard to fire lanes and with regard to disabled people having privileges, thank God that we recognize this. I do not see in my travels that the police department is enforcing this. I stand there and I watch him and wondering what the hell to do with this guy. I've confronted several people and they all become very belligerent. People that will do that are not nice people and don't want to be told they're wrong. But the police drive right by and do nothing. They drive by and do nothing, especially in inclement weather when these spots are needed. No way. And I think if the Town Board would look into the statistics on how many citations are issued, they'll find that this is not looked after.

And who looks after what the police do? The Town Board. I'll never forget (inaudible) Lombardi who's up there with the good Lord now, when something bothered him he got in the car with the policemen and drove around with them to see that they did enforce the things for the good of the people.

I was going to start with a lesser important item when I saw that the Town is buying pool sticks for recreation. My parents had a hard time keeping me out of the poolroom. God forbid that I should own a pool stick. And here we come to the point where we're buying-- the Township is buying pool sticks. I don't know whether we're not going too far with what we are supplying for recreation."

Deputy Supervisor Stark: "For your edification and the edification of the audience and the viewing audience, the pool sticks that the Town bought are actually for the Nutrition Center Rec Room across the street. They have two pool tables there, Henry, or is there one? Two, I think. Two. And the pool sticks do wear out. Thank you."

William Kasperovich: "Pool sticks wear out. Okay. I'm not going to say anything. But that shuts the door on me. I have pool sticks at home that are 50 years old. The only thing that had to be fixed-- maintained on them are the tips. So they don't wear out but you say they wear out."

Several comments with regard to the Resolutions. Resolutions
12-- "

Deputy Supervisor Stark: "They break. Is that a better description?"

William Kasperovich: "Resolutions 182, 183, 184, there is no mention of how much money, particularly the attention I have here to 184 on heat fused pre-formed pavement markers. Why at this time we're introducing them? I brought this up to the Highway Department and to the Town Board for the last 20 years and all of a sudden here they are. Whether this is a trial issue or whether there is special area that needs special attention, I don't know. But not seeing how much money is being spent, there's no way to know.

And granted the citizen is entitled to sit in and listen to the bids being submitted, but at the same time it should not be kept a secret. You can spend umpteen dollars, the people should know. All right.

Resolution 185, you've paid some attention in making amendment to the bed and breakfast facilities zoning-- building code. Let's put it officially correctly, Riverhead town code.

I don't see-- I see an addition to considerations of this. But the requirements that have been reviewed several times, and I personally have brought the inadequacies of a number of these items-- I don't see any amendments there. Any corrections, additions, explanations, enlargement of scope. That I don't see. But the mechanical procedure of this is-- warrants an amendment.

What is in print and in the Town Clerk's Office is not adequate by my judgment, be that as it may, good, bad or indifferent, but for the people of the Township this-- the way it is written and the way it's enforced and applications are accepted, is absolutely not good enough. Absolutely.

I see that you have appointed an electrical inspector. Before we get to an electrical inspector, let me get to the fire marshal. Last Friday at the Tax Receiver's Office while I'm waiting to my surprise, I read: No smoking by order of Fire Marshal, Town of Riverhead. Across the hall on the other side, the same sign. We haven't had a Fire Marshal for a long, long time now. And when we did have a Fire Marshal, the Town Board would put restraints on him performing his duty and to the point where Mr. Kukla was removed as the Town Fire Marshal. And we have never had one since. I asked around to see whether we do have such a thing, a man of such a legal title, I could not find anybody to tell me that we did. We do not. I asked the Fire

Chief-- the Police Chief: Do we have a Fire Marshal? He doesn't know. That means something has fallen between the chairs. If we have a case of arson, we have to have a Fire Marshal immediately. We do not have such a man."

Deputy Supervisor Stark: "Bill, I have two other speakers right behind you. You've been on over-- almost 15 minutes. Would you summarize and then I'll call you back a little later."

William Kasperovich: "I don't see that they are chomping at the bit to get me out of here. And I resent every time I get to something that really is serious and you have not paid attention to it-- "

Deputy Supervisor Stark: "You have all the right to resent it."

William Kasperovich: "-- you immediately cut the time and yet somebody else comes in here and you don't even look at the clock."

Deputy Supervisor Stark: "Yes, we do."

William Kasperovich: "Other people stand here and talk 15 minutes or a half hour, you don't even-- "

Deputy Supervisor Stark: "Bill, I'm going to ask you to summarize."

William Kasperovich: "No, I'm not going to summarize. I'm going to come back here after these two people who-- "

Deputy Supervisor Stark: "That's fine. Thank you."

William Kasperovich: "And I will talk."

Deputy Supervisor Stark: "Appreciate it."

William Kasperovich: "But you have-- "

Deputy Supervisor Stark: "Helga?"

William Kasperovich: "-- taken this position and the other councilpeople have sat there quietly and not said anything and I say you don't deserve a raise for this kind of conduct. We need another person sitting there."

Deputy Supervisor Stark: "Thank you. You're probably absolutely correct."

William Kasperovich: "You're right. You've been here a number of years-- "

Deputy Supervisor Stark: "He'll come in November. Helga, you're next, please."

Helga Guthy: "Hi, I'm Helga Guthy, of Wading River. I just came today to read a letter from the Century Farms Civic Association. It's addressed to the members of the Riverhead Town Board.

The members of the Century Farms Civic Association would like to go on record as opposing the development of a golf course at Great Rock in Wading River for the following reasons:

There has been no environmental review of the property with the golf course. It is especially important to require a SEQRA review in light of the current information regarding the environmental hazards and the threat to water quality and human health caused by improperly managed golf courses.

The questions regarding open space preservation have not been resolved. A golf course is not open space.

Overlay zones is just a fancy term for spot zoning. The hamlet study was done to prevent spot zoning. This is a violation of the Wading River Hamlet Study.

Traffic problems which will occur at the intersection of Sound Avenue, 25A and North Country Road have not yet been resolved.

We urge the Board to vote no on the proposal for Great Rock until all of the above issues have been resolved.

Sincerely, Joseph J. McMahon, President."

Deputy Supervisor Stark: "Thank you. Would you like to give that to the Clerk? Jimmy, would you grab that for us? Thank you, Helga. Yes, sir?"

Steve Brunner: "I wish I had had the time to write out what I want to say. It would be a lot easier for all of us. I came here today-- took a half a day from my job because I heard that you were going to vote on the Soundbreeze change of zone for the golf course. And I thought-- I talked in front of you in November. My name is Steve Brunner. I live on Dogwood Lane, along the 12th fairway. And I came here hoping that maybe if I said a few more things, you would rethink your position. And I was very disappointed to find out that you already approved it.

So I don't know what I have to say really makes a difference or not. To be honest with you, starting back in November when Mr. Smith was here talking to you and later on during the Town Planning Board sessions which I also attended, I often felt like what I said didn't matter anyway. But I believe in democracy, so I'll say my piece again.

Back in November, I really hadn't done any research but I was concerned about the use of pesticides on golf courses. Since November, I've called an awful lot of people. I've called people as far west as California and as close as Connecticut and obviously here on Long Island. In that time I found out about the tremendous damage that pesticides do to the environment. I think all of us can relate to DDT but if you're not aware of it, back in the 1930's arsenic was the preferred use pesticide for our crops. And farm workers used to go around spreading it by hand. Well, after a while when people started dying, we realized arsenic was no good. And we switched to DDT. And it turned out that DDT was no good, it was killing the entire environment as evidenced by the osprey.

Then we switched to chlordane. It turned out chlordane was no good. We continued changing pesticides, but if you look at what a pesticide is, it's created to kill something, to kill living things. Whether plants, insects, or whatever. Funguses.

I just recently read some of them have half lives of 15 years, which means they are around a lot longer than that. They've already been linked with studies-- through studies causing all kinds of cancers. An increase rate of prostate, brain, non-Hodgkins lymphoma, testicular and colon cancers in golf course superintendents. Billy Kasper had to stop playing in a golf tournament down in Florida because he came down with pesticide poisoning. Five hundred geese were killed on a golf course in Nassau County because of pesticide poisoning. Okay. Those

are immediate. A 28 year old Naval officer died down in Virginia after playing three or four days on a golf course that had been sprayed with pesticides. And it was determined he died from pesticide poisoning.

I'm sure that if you had a chance to vote on the chemicals that created the nerve gas that killed the eight people in Japan, you would automatically vote no. Because the effects of those chemicals are very obvious and they're instantaneous. These pesticides, the effects aren't for the most part instantaneous. They remain in the environment; they remain in the food chain; they collect in the fatty tissue of people.

I can't see any possible reason to allow a business whose prime concern is the look of their grass which requires a tremendous use of pesticides according to them, and who have done nothing at all, nothing, in order to reduce the use of pesticides. I've gone over their environmental-- supplemental environmental report. The only thing they're going to do to reduce their pesticide use is to use it post-emergent, which is something that's good. It's better than putting pre-emergent chemicals down. Because they have a residue life of 24 days, where a post-emergent has a residue life of 24 hours. When I first read that, I thought that I thought that was great. What does residue mean? It doesn't mean that it disappears in 24 hours. It makes you think that that's what it means. In fact, it stays in the environment. It does not disappear. It's just that you might not be able to see it lying on the golf course.

While I was calling around I found a great deal-- a great many people who believe that there is a way of having golf courses safe. There's a man named-- by the name of Skip Wade (phonetic) who runs a golf course in Garden City-- Cherry Valley Golf Club, Country Club. I was just on the phone with him again this morning. There was an article about him in the New York Times two months ago. This isn't something that's new. This is something that's been ongoing, and yet the Soundbreeze corporation doesn't seem to think that it matters.

There's a school in Speonk for golf course superintendents to teach them to reduce their amount of pesticides they use on their golf courses. It's obvious that the people who are running this golf course have not gone to that school. Skip Wade was able to reduce the use of pesticides on his golf course from 1,000 pounds per acre in 1988 down

-- I'm sorry, for the golf course, from 1,000 pounds a year down to 100 pounds a year. He was also able to reduce the use of insecticides from 500 pounds down to 66 pounds per year. Okay. By the use of all these technologies.

Soundbreeze did not look into using different kinds of turf grasses which require less pesticides, less watering. They're not looking at any kind of organic fertilizers. They're not looking at any kind of bacteriological agents which can reduce the number of-- the amount of pesticides. Cornblutton (phonetic) is the most recent thing that kills crabgrass. They're not talking about using any of these things. And the reason why they're not is because it is not as easy and it's a little bit more expensive in the short term.

But the problem that we've had, especially where it comes to pesticides, is that we always look in the short term and pesticides usually don't effect us in the short term. They effect us in the short term. And I really feel that it's your job as our representatives not only to do what maybe is economical, and I say maybe, because I never heard Soundbreeze other than threaten us that they're going to build an additional 80 houses. I've never heard any kind of facts, any kind of numbers to support the fact that it's going to be that much more money on our taxes if they built those additional 80 houses. That was their big threat. But even if it does cost us more money, if it's an extra \$50 year, \$100 a year in taxes, what about the long term effects, what about the health care, what about the cancer? What do you do in your family when one of your relatives gets sick and has to be taken to the hospital and has to be cared for? That's what I'm talking about when I talk about long term effects.

And I really would hope that the Town Board if it's possible would take a second look at this whole situation, do a little bit of investigation, and require (inaudible) if you're going to allow the golf course to be built, but require them to do everything in their-- in the realm of possibility to reduce the effects of pesticides."

Deputy Supervisor Stark: "Thank you. Yes, sir?"

John Cantrell: "John Cantrell, Wading River. At the last meeting I asked the Town Board to look into the reason why the Planning Board and the Planning Department was allowing the developer in Soundbreeze to use a study on golf courses which was done in Cape Cod to justify

the development of this golf course. At that time, Mr. Hanley from the Building Department got up and he said that the same glacier that created Long Island created Cape Cod. And this was reason enough to use that study. And the New York study was done in Albany he said.

Well, the New York study was done in Suffolk County and there's not too many places that are more like Suffolk County that's in Suffolk County. The reason why the developer chooses the Cape Cod study is because it meets his needs. The New York study is titled, Toxic Fairways. A tough thing to climb over when you want to put a golf course

Why would anyone in the Town of Riverhead allow a developer to justify the building of a golf course by using a study done in Cape Cod? How could that be possible? How could it even be considered when we have a study done in Suffolk County? Suffolk County and Nassau County. And that's why I feel that a good hard look wasn't taken at this project. The SEQRA says that you must take a hard look at the environmental impact.

How hard a look are you taking when you are looking at a study that was done in Cape Cod? The area in question is located in a deep flow groundwater recharge area. That means that the groundwater is going to all three aquifers and that not only was the study done in Suffolk County, but here's the area depicted on the map included in this study. And it says it's a very fragile area as far as groundwater is concerned.

How can you approve this using the study done in Cape Cod? And claim that you're looking out for the interests of the residents in the Town of Riverhead.

Another big problem is that it goes against our Hamlet Study. The Town worked with the people in Wading River and said, we'll have a Hamlet Study and we'll work hand in hand and we'll consider your wishes before we have a change of zone. Not only is the golf course going to be allowed, but you're going to change the zoning from one acre residential to half acre residential. Why? The builder wants to build a golf course and he wants to build houses. Why does he need a zone change? Why can't he build his houses on one acre plots as the zoning area requires? Only because he can make more money. Is that going to be in consideration? How much money can the builder make? Can the

and be used as presently zoned? And the answer to that is yes. Why? Why the zone change?

I couldn't believe it when I looked at the agenda and saw that you approved this. The last meeting you said you would reach out to Cornell Environmental-- or Cornell-- "

Deputy Supervisor Stark: "That doesn't necessarily-- that resolution has been approved. It's a Resolution that will be presented which I don't think has been completed for today's-- according to Councilman Prusinowski that it still has some flaws in it, still has to be voted by the Town Board. And it must carry a majority. That's just the title-- "

John Cantrell: "It sure looks like it was approved. Okay. I stand corrected."

Another problem that we have is that we asked if the performance bonds were in place, and I believe I spoke with you, Vic, and you went aside and you said yes, they were."

Councilman Prusinowski: "They are."

John Cantrell: "And since then we found-- are they now?"

Councilman Prusinowski: "They are."

John Cantrell: "All three?"

Councilman Prusinowski: "All performance bonds in place."

Robert Kozakiewicz: "There is a performance bond of two sixty eight or two seventy eight which was filed by the developer in September or August of last year. That's with respect to one of the roadways, right."

John Cantrell: "What about the other two? Or the other three?"

Councilman Prusinowski: "Let me tell you something. Number one, we take the soil samples. We were here with the DEC the other day-- "

(unidentified): "Performance bonds."

Councilman Prusinowski: "Oh, performance bonds? I'm sorry. I thought we finished that. Okay."

John Cantrell: "No. I asked you about them in the office and you said you went inside, you looked, you said, yes, all three are in place."

Councilman Prusinowski: "Are we missing a performance bond?"

(Discussion held)

Robert Kozakiewicz: "We have one bond-- "

Councilman Prusinowski: "By the way, I want to tell you something. I don't like residential development so the Planning Board has-- what generally follows this procedure for the developer-- I wish he wouldn't build any houses. Okay. I still believe the number one thing that's going to bankrupt the Town. But forget about the golf course. So I'm not a big fan of developers who put in subdivisions and if something was done wrong here, it's got to be corrected. Okay? I just want to let you know that. Because, believe me, there are other choices for the community and I'm not necessarily saying the golf course is in your opinion might be the right one, or maybe it is or it isn't, but the fact of the matter is that the Planning Board approves the subdivisions in the Town and there's a procedure that they have to file.

Now, we release the bonds and accept the roads at the end of the subdivision when the Highway Superintendent signs off on them, as we did in Century Farms and the other subdivisions. So he'll explain to you the situation."

John Cantrell: "Well, let me respond to that remark then."

Councilman Prusinowski: "Okay."

John Cantrell: "When I spoke to you, you said you were in favor of this project because it would create 79 less houses."

Councilman Prusinowski: "That's correct."

John Cantrell: "And, yet, you are going to down zone from one acre to half acre."

Councilman Prusinowski: "But we're not down zoning, but that's your opinion."

John Cantrell: "You are going to use an overlay, a new exciting tool called an overlay. It's still a down zoning. It's one acre residential. If you let them build on less than one acre, it's not an upzoning. It's a down zoning. You are going to have more houses. If you held firm on the one acre and let him build his golf course if it has to come and let him build it and let him build it after a good environmental hard look review, but build his houses on one acre. Why the change from one acre? So he can make more money? Why? Is that going to be the criteria? How much money a builder can make. Let's have sixteenth acre zoning then. It's one acre residential. How are you going to justify changing that?"

You said fewer houses are better. Well, fewer houses are created on one acre zoning. But you're saying fewer houses are better, but I want him to build on half acres and have his golf course."

Councilman Prusinowski: "I don't want him to build-- quite honestly, I don't care if he goes bankrupt. I've never made policy decisions up here what's good for the developers. Second of all, I'm in favor of upzoning, I have been since the mid 80's, and we've never really done much of upzoning in this Town. So I'm not worried about the-- I'm not worried about the equity of developers or their pocket-books. We have plenty of them that are on the ropes right now. What I'm saying is that when you have-- when you have the-- when you have town law and you have regulations and you have the way you-- the way subdivisions are approved in this Town, the entire parcel is taken to account for the yield. The only thing that's deducted is sensitive environmental lands and the roads. And that's how they get the yield on these properties."

Councilwoman Gilliam: "I respectfully disagree with Councilman Prusinowski. In looking at the section of Town law 278, which is the clustering provision, by the way, which allows for there to be a greater build out on a smaller piece of land and that's one of the issues that we're dealing with here. I think there is some debate or some question as to whether or not the undeveloped land or the land that's being called open space is actually counted or included into the acreage when you come out with your final yield. In looking at the statute, it talks about open space, recreation, or other municipal

uses that are associated with the development of that land. I think without just relying on a verbal opinion from the attorney for the Planning Board which to me doesn't give me much of a level of comfort as to whether or not this golf course is even considered open space under that statutory definition, I don't see how it can be automatically included into the acreage in terms of figuring out whether you are still building less homes on, you know, on the land than you would be under the one acre zoning. So I think there are issues right there that need to be clarified in terms of defining open space. When I look at the statutory language, I'm not convinced that the golf course meets the definition of open space in terms of it being in other municipal use.

There is case law that suggests that this statutory language refers to recreational purposes for the Town, that this is-- the Town is giving up something by reducing the yield or reducing the size of the lots on which the homes can be built. As a trade off, we're giving-- the Town under this statutory provision receives something back in terms of a recreational benefit to the Town. And I don't know if this golf course is going to be a public or a private golf course. Is it something that would be considered a municipal use? I think these are questions that are open.

And, secondly, I think there's a problem here in terms of mixing the issue of density with the issue of use. The clustering provision refers to density, how many homes can be built on size of the land. It does not, in my reading of it, authorize or become the conduit for change of zone. And that's what we have here. A condition that would change the zone. You're mixing clustering and density with land use and the provision in 278 of the Town law, there is a paragraph G that speaks to that this statute cannot be used to change zoning uses that are permissible under the Town law. And I think that's exactly what's being done here. That the clustering provision is being used as a guise for changing and imposing a recreational zone on something under the-- and calling it clustering or affecting density. So I think there are many issues that have to be looked at before we can really get on this."

John Cantrell: "Thank you."

Deputy Supervisor Stark: "I believe our Director of Planning wants to probably interject some response."

John Cantrell: "Are we going to talk about Albany now?"

Deputy Supervisor Stark: "No. I'm talking about Rick behind you."

Richard Hanley: "Richard Hanley, Planning Director. I think one of the things that-- "

Deputy Supervisor Stark: "John, I didn't mean-- you can stay up here. He just looked as if wanted to make some response to you."

Rick Hanley: "The one response I would make is that I think there's a fundamental misunderstanding on this petition. The Planning Board has already approved a cluster map on this property. That was done in 1988 or '89. There was a yield map that was adopted by the Planning Board which identified 218 lots on the property. That Planning Board then clustered the site, or clustered the subdivision, to provide 65 acres of open space.

The change of zone petition came in long after the cluster decision was already made. There was an application from a developer who thought that it might make some sense to have a golf course use on this particular piece of property. He inspected the property and saw that it met the criteria for our overlay district. He made an application to the Town Board. The cluster decision had already been made by the Planning Board.

The question, I think, of the Town Board is does it make any sense to have a golf course in this particular area on this particular piece of ground. Most of the questions that have been advanced with-- in relationship to this golf course, have been legitimate questions on environment and ecology and the Planning Board has in their neg dec resolution, I think, identified each and every one of those concerns and has addressed them.

It is important to recognize that there will be a site plan that will be forthcoming after this change of use decision and that site plan will have to go into great detail as far as turf management practices, clearing, landscaping, grading, all of those details that are normally associated with the site plan.

I hope we don't get into a debate here on whether there should be a cluster map with this property. I hear the gentleman behind me

talk about acre zoning, why can't we have acre zoning? This property is in a one acre zoning use district. It's residence A. Each and every lot in Residence A must have 40,000 square feet and/or yield map must show each lot having one acre. The Planning Board accepted the yield map based on one acre, they chose to cluster the map and reduce the size of the individual lots to create open space.

What the application is now doing is asking for more open space with less lots. So it's conceptually the identical process, it's just that it will result in a golf course with greater open space than what was originally proposed."

Deputy Supervisor Stark: "Thank you, Rick. Yes, sir."

John Cantrell: "The problem with what Rick just said is that when the original cluster arrangement agreement was made with the Town, the developer agreed to take 65 acres and take it out of his control. It was to be given to the Town and if the Town didn't want it, it was to be-- he was to cause a homeowner's association to be created and the land was to be deeded to the homeowner's association. The 65 acres were never meant to be left in his control. And that was the cluster agreement. So now Mr. Hanley would have you believe, hey the cluster agreement was made. That's cut in stone.

Well, where's the 65 acres? How did he get the 65 acres back? And there's a resolution and it's still in all the papers, it's still in the office, and we have copies of it. I showed Ms. Gilliam the copies. And it says, whereas, whereas, whereas, be it resolved that the developer loses control of that 65 acres. Sure, this fellow comes along, he says, this will make a great golf course. I'll take the 65 acres that was not to belong to me any longer, I'll build 79 less houses, and I'll have a golf course, and I'll have a housing development.

Well, if you're not going to give up the 65 acres, let's go back to one acre zoning. If he's not giving up the 65 acres, that agreement is dead. This is a whole new project. If you're going to break that, then break it and let's have a whole new SEQRA, and a whole new project."

Deputy Supervisor Stark: "Thank you. Go ahead, Rick. Eileen?"

Rick Hanley: "When the original map was filed, it was a yield map that showed the development of one acre lots throughout the entire property. In fact, I'll backtrack. There was originally a 30,000 square foot zone and there were 30,000 square foot lots over the entire property. In the draft impact statement that was submitted, the Planning Board saw a-- "

Deputy Supervisor Stark: "You're driving your audience away."

Rick Hanley: "I see that. I must be very interesting. My wife does the same thing, so-- ."

Deputy Supervisor Stark: "I'm going to go around the room and when I'll repeat, so somebody else may be before you. All right?"

John Cantrell: "I just want to respond to something Mr. Hanley said."

Deputy Supervisor Stark: "All right. But if you will, I've got to give everybody in the room at least one shot around."

John Cantrell: "Okay."

Deputy Supervisor Stark: "Thank you."

Rick Hanley: "The original impact statement showed-- "

Deputy Supervisor Stark: "I'll be back."

Rick Hanley: "-- an area on the site that had slopes beyond 20 percent and some other constraints to residential development and chose to exercise their option under both the Town law as well as the zoning ordinance to cluster the map. Which they did. The 65 acres that was originally shown as open space was to either be dedicated to the Town of Riverhead if they would accept it and/or held by a homeowner's association.

I do not know what the disposition of this Town Board is on whether they would accept that land as dedicated parkland. That never happened because this map was never filed. However, the speaker before me should realize that if this property, this 65 acres were, in fact, to be held by a homeowner's association, there would be nothing that

would stop that homeowner's association from making a petition for a golf course under the zoning district. I think what's in front of the board at this time is, and I'm reiterating what I originally had said that the question is, should there be, or does it make any sense for a golf course to be constructed on this piece of property, utilizing 65 acres of area that had already been set aside through a cluster, and adding to that and reducing the total number of lots.

All the environmental questions are being dealt with in the site plan review. I'll make the statement that there is nothing with this particular petition that negates anything that the Planning Board has done in any earlier resolutions."

John Cantrell: "According to what Mr. Hanley said, the 65 acres still has to either go to the Town or to a homeowner's association. Yes. A homeowner's association can then come before the Town and say: we'd like to build a golf course. But this developer cannot do that. And if he can't do that, why are we spending so much time on this issue? He can't do it."

Deputy Supervisor Stark: "Okay. Thank you. Eileen, please."

Eileen Drower: "Eileen Drower, Wading River. I have two issues I'd like to address. The first, of course, is our golf course. In reading through the Resolution, on page 3, section 7, I came upon something that rather astounded me. Quote, based on the findings-- it says, quote, that the intersection of proposed roadway A and Sound Avenue be controlled with a signal. Now, just what? Two weeks ago? Councilwoman Gilliam met with some of our civic members and community members and two officials from the DOT and it was rather interesting. We're concerned about the intersection of 25A, Sound Avenue and North Country Road, Parker Road, whatever you want to call that. And their resolution to it was to close off the egress from Sound Avenue and Parker Road into 25A and to cut through one road further east, north to south, from 25A up to Sound Avenue and, by coincidence, that road comes in directly across from the entrance to Sound View. And we questioned that at that time and now here it is in writing. The DOT does have the option of going a little further west to a paper road and our feeling was that Sound View should-- instead of the DOT working with them, Sound View should work with the DOT to correct our traffic situation there. That's one coin of it."

Councilman Prusinowski: "That's in number seven?"

Eileen Drower: "Number seven, it was page three. That the intersection-- you see it there?"

Councilman Prusinowski: "Yes."

Eileen Drower: "Yes, that really jumped out at me because as I say, it's-- the DOT is complying with them. And we question the whole DOT issue on the configuration of this intersection. We don't agree with them at all, in the community."

Deputy Supervisor Stark: "With either one of them, Eileen, there is going to have to be land acquisition."

Eileen Drower: "True, but we would still like traffic lights at the intersection and that can be-- there are ways to do it. But, I don't know, we're fighting, you know, a government agency here."

With regard to the golf course as well, you know, there's such confusion about the open space and I must commend Councilwoman Gilliam for her views on it. It made me feel good.

In Town-- personally I'm not against a golf course. A lot of people in Town aren't, but we have other concerns. The space that the golf course is supposedly to occupy was at one point as nature intended. Now, I cannot see how the way it was being defined as open space and the way the developers defining open space was an area that's been cleared out. You have to have parking for your visitors. You have to have roadways to get in there. You have to have some sort of storage buildings for your vehicles, for your chemicals, that sort of thing as well as-- call it a clubhouse. Whatever you will, with a pro shop and all that. That's not the same open space as the way nature intended. And I would like the Board to consider that. The Wading River Civic Association from the letter that I had sent for them, you know, is very concerned about the change of zone, the overlay, and what that may lead to. And we are very insistent upon another environmental review of the area.

We would like the Board to, before you take a final vote on this, consider those concerns. All right.

Now, on the second issue, re the duck pond area. A year ago or so we had approached several of the Town Board members, I don't know if we did the Board as a whole, but, to help us beautify that area. And we had asked for among other things, a fence around the pond or new fencing around the pond-- new fencing around the parking lot, several new park benches, similar to the one that was donated several years back to that area, and several trash receptacles. Well, we got one trash receptacle that was enclosed in the wood and we got the fencing around the pond area. The park benches, and we're only asking for two, two other smaller trash receptacles we did not get and there is no fencing around the Town parking lot.

But yet, and I didn't bring the clipping with me, it's probably a month ago now, I read where the Jamesport, Aquebogue and Laurel area were awarded \$30,000 to do basically this same sort of thing. Right? I think it was street lighting, it was park benches, and it was trash receptacles. Now, the Board had told us yes, we had the money to put into Wading River for these additional park benches and fencing and a short time after that we were told no, we don't have the money. Now it's been said for years that Wading River is the stepchild of Riverhead and I'm beginning to firmly believe it. Because when you see \$30,000 going to the eastern part of Town for basically the same type of things and even more, it would not cost \$30,000 to do what we have asked in Wading River, and then you tell us you have no money to do that for us. It really hurts. And we'd like you to reconsider or to let us know what we can do to convince you that we need this sort of thing. So please take that into consideration. Thank you."

Deputy Supervisor Stark: "Thank you, Eileen. Catherine. Better get more controversial things going on up Wading River, see you more often."

Cathy Casey: "I'm like that bad penny. I just keep coming back. Cathy Casey, Wading River. I just want to make sure that I truly understand-- "

Deputy Supervisor Stark: "I'm not leaving because you got here."

Cathy Casey: "Okay. I was going to say, oh, God, I just got here. I've been good. Resolution 198. I want to be absolutely sure I understand. This is virtually is incorrect. Is that correct? Am I understanding that? Approve change of zone petition of 1994 Sound

New Golf, Inc. That is not correct, correct? Is that redundancy if
ever you heard it? I mean really.

It's Resolution 198, approves change of zone petition of 1994-- "

Councilman Creighton: "There is a resolution in the packet to be
voted on tonight."

Cathy Casey: "Tonight? I thought there was no Town Board
meeting tonight."

Councilman Creighton: "Today. Right now. At this Town Board
meeting."

Cathy Casey: "Okay, all right. Okay."

Councilman Creighton: "It has not yet been approved. It is in
the packet to be voted on tonight."

Cathy Casey: "But it says approves, okay, so I mean, you know."

Councilman Creighton: "If we pass the resolution it will approve."

Cathy Casey: "Okay. Well, when are we planning to not pass this
resolution? Maybe that's what I should say. I mean I want to hear
that this resolution is not going to be passed."

Councilman Creighton: "It gets voted on tonight, unless it's--
today."

Cathy Casey: "Today. Okay."

Councilman Creighton: "It will be tonight before we get done, I'm
afraid."

Cathy Casey: "Well, I sure as heck hope this is not going to-- I
mean, I'm not getting an answer here and I understand to an extent why
not-- "

Councilwoman Gilliam: "Also, Cathy, just as a point of clarifica-
tion, there's more than one resolution, more than one version of this
resolution floating around here right now. I'm not sure-- I think

we're up to three now, so I'm not sure which one is going to get acted on today-- tonight, whenever."

Cathy Casey: "Okay. Well, I'm certainly hoping that it doesn't get worked on in terms of approvals in any way, shape or form."

Councilman Prusinowski: "I mentioned to Deputy Supervisor a minute ago about the resolution as written was not satisfactory to me as one Board member, and I will probably introduce a resolution to table the resolution. There is a lot of concerns have been brought up I agree with the concept of this project, I always have, but you might not agree with my reasoning but I do agree with it. A lot of the things that have been brought up about the pesticides and the way the golf course operates can be addressed in site plan. I know we can mitigate most of those problems. I think what we have to clarify here is one of the things that I don't like about this resolution, it doesn't coincide in my mind properly with the Planning Board resolution which I thought was a lot more specific and I mentioned it to Ricky out in the hall."

So-- and I think there's some further discussion that we should have and maybe with the Board, and then we can act on it."

Cathy Casey: "Well, I think one of the first things we should do is do a new SEQRA."

Councilman Prusinowski: "Well, I know that that's your position and I'm not clear in my mind whether that's in order here based on the type of project this is. If the purpose of doing more SEQRA is to kill the project, that's a way of doing it. SEQRA has been used in the state a lot of times to kill projects and that's fine although that SEQRA can be used to improve the project."

If we identify the problems that we need to address to make the project happen, then we should mitigate those problems. In other words try to eliminate those problems, environmentally, and I don't know if the supplemental report is adequate to do that."

Cathy Casey: "Fine. Let me put my cards on the table. You know hell or high water I don't want this project."

Councilman Prusinowski: "I know you don't."

Cathy Casey: "I don't want a zone change. I don't want an overlay to change what the Hamlet Study's (inaudible) for. However, if as you have just stated the SEQRA can help address questions, and while I may not like this project but would lean towards a more favorable point of view such as you have, so be it. But that's what we want to see. We don't want a SEQRA to count for in the decision making process that goes back what's it-- five, six, seven years ago-- for a different project. Okay. A clustering project that was to leave land open, vacant, unused, in its natural state. And/or I would like to address that concept from Mr. Hanley's point of view. As he put it, if that property were given to the property owner's in that development, yes, they could come forward and request they want some sort of a recreational facility put in there. We all know that. I mean, you know, nothing is written in stone. Joe Lynch and I talked about this last night. I called him and, you know, we both agree. Nothing is written in stone. What the heck, our laws half the time you get a good lawyer, you know, the laws don't even exist. So we know that the Hamlet Study is going to be challenged. We know that people are going to come forward with requests and, yes, we understand the Town has to address these in fairness by law to do this. We understand that. Okay. However, the point here is that we are talking about a major change in the project and we are-- if and when the owners of the-- the homeowners in the development own the land were to come to you, we would have to deal with it at that time with them. But the point is they are not the ones that are coming here to you on this.

What you've got here is a businessman. Okay. A businessman who pure and simply is looking to make himself more money."

Councilman Prusinowski: "Every developer in the Town of Riverhead is that way."

Cathy Casey: "And I'm not knocking that. That's what makes our life-- absolutely-- that's what makes our life go around."

Councilman Prusinowski: "Mr. Tanger didn't build here because he loves Riverhead. He wants to make money."

Cathy Casey: "Absolutely."

Councilman Prusinowski: "Okay."

Cathy Casey: "And we understand that. Okay. But the point still remains. While nothing is written in stone and they have a right to come, as far as I'm concerned, and I think I speak for my neighbors, the stone is the residents of Wading River. Because we have the vested interest and I think in fairness for years we have shown an intense interest in our community and what's going to happen. That's fact. That's not fiction.

And as a result of what we've done, as you well know, and you know better than I do, it is carrying over to the other Towns of Riverhead. You know, we have other communities in the Town of Riverhead as you well know, that they thought, oh, we were out of hand because we wanted the Hamlet Study. We wanted a building moratorium.

Well, famous last words. What's happening? We're following through because our intent is a very good one, it is a very necessary one, and it is a very important one. One of which is, again, that we are coming here to talk to you as we always have and I personally and I think it's fair to say, most of the people in Wading River come here in a respectful fashion and we would like-- we just are asking to be treated in a respectful fashion in return. I know a couple people-- we've been through that. Do you want me to go through that dissertation again? I don't think that's necessary.

But all we're saying to you is we don't want, and quite frankly, I don't want test results from Cape Cod to guide us on Long Island and certainly not in Suffolk County. We-- why aren't we testing our own soil? Why aren't we concentrating here? Why are we relying on some other place? Let's take care of our own first. That's one of the things I think is lacking in this country to begin with. We're not taking care of our own first, we're worrying about everybody else. But, I also want to say in that thought thinking, Vic, you had mentioned at the last Town Board meeting that before you made the decision, you were going to contact, for example, oh bear with me, I can't read my notes-- "

Councilman Prusinowski: "Cooperative Extension, the Peconic Land Trust, which I got part of their report and the Nature Conservancy."

Cathy Casey: "Yes. Thank you very much."

Councilman Prusinowski: "And, you're right. I'm going to follow

through on that and that's-- those reports will help out on the site plan mitigation. In other words, when we tell the golf course how they have to operate the golf course, that will dictate how they have to do the new techniques, so on, fertilizing, mowing the lawns, and all that stuff.

As far as the construction of buildings and other accessory uses, that also can be determined by the site plan."

Cathy Casey: "Okay, then I-- let me just-- I'll just be out of here in a second, another minute or two."

Councilman Prusinowski: "Sure."

Cathy Casey: "I would like you to make a commitment to me now, on record, that you are not going to vote on this issue. You are going to request that it be tabled until we get all this pertinent information and we can go through the whole thing properly."

Councilman Prusinowski: "Well, I'm going to say what I said before. I want to table this resolution today because I'm not happy the way it was written. We found some errors in here and we have three different versions up here right now. So that has to be addressed minimally before we can take it up again in a couple of weeks."

Cathy Casey: "All right. So you are going to recommend a tabling of this motion?"

Councilman Prusinowski: "I am, right, based on what I see right now."

Cathy Casey: "So the resolution is good. I thank you very much and I think there's a few other people who want to express a few thoughts. Thank you."

Deputy Supervisor Stark: "Counselor, just a second. If you would. I saw some other hands up here-- Bill, in the back and then Allen. Just collect your thoughts, Allen, and then you can come right up after this one."

Bill Noejhl: "Bill Noejhl, Aquebogue. I would like to have some legal advice. On the crosswalks of Riverhead, the Town, Main Street,

is it legal-- let me back up. You had signs there, pedestrian crossing. Now if you get out into that white lines, now, who has the right of way?"

Deputy Supervisor Stark: "I believe the pedestrian, but it is not legal to put signs such as we had there on the road. That is the (inaudible) of the New York State DOT Vehicle and Traffic Law."

Bill Noejhl: "Why I asked that, I almost got killed there the other night."

Deputy Supervisor Stark: "No doubt about it."

Bill Noejhl: "They come through there-- "

Deputy Supervisor Stark: "That's why we continue to fight with the DOT, Bill, and we have convinced Senator LaValle who does have legislation in committee so that where a State road, in fact, goes through a business district such as ours, Mattituck, Southold and Greenport, Bridgehampton, you know, you can go-- "

Bill Noejhl: "Patchogue has it done the proper way."

Deputy Supervisor Stark: "Yes, his home town of Port Jefferson which does the same thing we do. Everytime we put the signs out, DOT comes along and steals them. We put them out-- they work. They signal the driver that there's something up in front and then they-- and you can notice people stopping and allowing people to cross the street. As soon as they are taken down, traffic is back up to 30 miles an hour and it's like an open war field. You're dodging bullets which are cars at this particular instance. And I think-- I have continued to put pressure on both Senator LaValle and Pat Acampora to speed this legislation up, give us some hometown rule. Bill and I have talked about it many times. They're not the most attractive signs in the world, Bill, but they do do the job."

Bill Noejhl: "If you ever go through Patchogue, they have them above and it's beautiful."

Deputy Supervisor Stark: "There is a certain segment-- or a great deal of segment of our community who do not want those signs up there to look like they're on the Long Island Expressway. They want

to keep the aesthetic value of downtown. Those little cones, the little sign on it do the job."

Bill Noejhl: "But it don't do the job when they're not there."

Deputy Supervisor Stark: "Well, maybe I'll consult the legal attorney here, but everytime I order them to be put out, I think I subject myself to violation of the law. But I think I made my point, they haven't been out since Christmas time and we are continuing to work in those directions."

As summer nears, we try to take our school crossing officers or whatever you want to call them, and we bring them down to Main Street to locate them and try to control it that way, too. Even with our part time officers with the-- "

Bill Noejhl: "Last fall-- "

Deputy Supervisor Stark: "The biggest problem is right by the Suffolk Theatre, by Sears and Roebuck and by Shanes. You can get traffic going in an exceptionally high speed there. It is two lanes going west and one lane coming east and as the chief point out many times, sometimes you could be in the middle lane and this car is blocking your view of that person coming across and you may not see them. But with a cone there, they know-- it gives them caution to slow down. So I-- and I think the Board backs the merchants downtown to continue our fight to get this local control."

Bill Noejhl: "At some of the crossings, if you're heading west by the Theatre especially the car park-- a car is allowed to park right up to that crossing. You cannot see up there as a person who wants to cross. That's a terrible site there."

Deputy Supervisor Stark: "Yes. Absolutely, Bill. And I totally agree with you. And, again, the only thing I can say is we're continuing to press forward and as a matter of fact, when Sen. LaValle was out here two, three weeks ago, when I was pointing things out in the hallway, I said how's our control of Main Street coming? And he said it should out of committee soon and it should be voted on."

Bill Noejhl: "Good. Another bad place on Main Street-- "

Deputy Supervisor Stark: "And this is all throughout New York State that this applies."

Bill Noejhl: "By Digger O'Dell and HyTing, as you make that turn, there's a no parking, no standing sign there, but I'll be damned, every time I go through there, there's a car there. If I want to make a turn onto Griffing, I don't know if the car is waiting to go onto Griffing or is parked. And that's a very, very bad spot."

Last fall I mentioned about Meetinghouse Creek culvert and Saw Mill Creek culvert. They are continuously being patched in the center, they are rusting out. I don't know whose project it falls under, Charlie's project or the Town Board to have an engineering job done and see what has to be done to-- like up at on Peconic Bay Blvd. They had to put a new one there underneath."

Deputy Supervisor Stark: "Case's Creek."

Bill Noejhl: "Right. But these two, they keep blacktopping that center and you'll see it eventually go down. And you know, there's got to be a hole in there. Where's the blacktop going?"

Deputy Supervisor Stark: "I think that I saw Kenny Testa here. We'll, if you'll remind me-- I'll send Kenny Testa down to take a look."

Councilman Prusinowski: "They-- they all have been scheduled as part of the CHIPS program to be replaced. I know that. We did the one that we replaced based on that-- "

Bill Noejhl: "Right. Case's."

Councilman Prusinowski: "Right. Case's. And the other two are supposed to be replaced. I'll check on that deadline. You see we only get-- it's a 10 year program. And we're about half way through, Bill, and we put this in years ago and everyone is supposed to be done, so I'll see what-- like the intersection of Roanoke and Roanoke Food Market, that was done with that money."

Bill Noejhl: "But the idea is, if something happens tomorrow-- "

Councilman Prusinowski: "Yes, I know. We'll check with Charlie to see which one is next."

Bill Noejhl: "Because big cement trucks go through there and it's a problem."

Councilman Prusinowski: "And they have to be replaced because we have the water pipes there, too."

Bill Noejhl: "That's right and now has a decision been made on the bulkhead, Meetinghouse Creek? Any determination?"

Councilman Prusinowski: "No. I asked the engineer to give us a report on their opinion on how we built the bulkhead and the options of leaving the part of the old bulkhead there and taking it out."

Bill Noejhl: "Well, I've had a discussion, a heated discussion, with Howie Young this past week and I presented my views and he told me I was grandstanding. He says, we all know that wood decays. We know that after the wood decays the soil will fall. We know that there be holes there. And I says, are you concerned someone being-- falling in that hole and get hurt? He says people fall in holes every day, but I don't think anybody is going to get hurt."

Now, this is not an engineering report to me. You could check with Howie, but it's on record."

Councilman Prusinowski: "Actually, the DEC-- this is the way, you know, I'm going to-- the guy who gave us our permit for the bulkhead, I mean, this is the way-- almost insist on doing it today."

Bill Noejhl: "Excuse me. Now, you mentioned that it was \$10,000 saved. According to Mr. Young it was \$5,000. Which means \$.25 for every person in this Town."

Councilman Prusinowski: "The \$5,000 was (inaudible) did not pay for the tipping fee on the truck, the tipping fee would be \$3,000 to \$4,000 on the material, to dispose of it, tipping fees."

Bill Noejhl: "Oh my God."

Councilman Prusinowski: "Well, it's-- everybody around is paying \$70, \$80 a ton."

Bill Noejhl: "Now, you know we all know that's a very popular

fishing spot. A very popular-- "

Councilman Prusinowski: "Well, that's not the way it's going to be, you know. There's a whole-- they're going to landscape and we're going to put parking there."

Bill Noejhl: "Landscape on top of what? A hole? A potential hole? You can't landscape on that. A person wants to throw a line out. He doesn't stand where the new bulkhead is. He stands back where the old bulkhead is. Now, I'm throwing a line out and my foot goes down, I'm going to go over. It's common sense. Please."

The paper stated that part of it was put on the old bulkhead. No. never stated that. The bulkhead is beautiful."

Councilman Prusinowski: "Oh, yes."

Bill Noejhl: "The material and the workmanship is beautiful."

Councilman Prusinowski: "You're right. The new bulkhead is built independently of the old one. Right."

Bill Noejhl: "Right. But they had to cut big holes in the old bulkhead to put their rods in to-- which further weakened the bulkhead. Now, we've got to do something about it and I'm going to leave it in your hands. Now, Vic, if you're the head of it, I-- "

Councilman Prusinowski: "(inaudible)-- I'm going to get-- we'll talk about it the next-- I'm getting different opinions and-- "

Deputy Supervisor Stark: "We have a (inaudible) that he's in charge of it."

Bill Noejhl: "I mean, but there's four people here now. You people could be out of office when that-- if something should happen here."

Councilman Prusinowski: "I live down there, I have to drive by it everyday and I live in that neighborhood, so I certainly don't want to see something that I'm going to be ashamed of as a Riverhead resident in the future. Okay? So, we'll take a look at it. I asked the engineer, you know, everybody gives a different opinion, Bill. And that's probably

Why-- I didn't mean to get upset with you before but, you know, it's rough enough. We've had a tough-- rough couple of 18 months and it's just another-- I mean just to get the permits from the DEC is a battle royal."

Bill Noejhl: "Well, that's why I mentioned about the culverts now to get those permits because-- "

Councilman Prusinowski: "They wonder why we're blackmailing-- we're not blackmailing-- "

Deputy Supervisor Stark: "The Town Engineer will be out in the next two days and Kenny, we'll remind him tomorrow morning to send him out to take a look at it."

Councilman Prusinowski: "Okay."

Deputy Supervisor Stark: "That I can guarantee you will be done."

Councilman Prusinowski: "Maybe if we cut it down three-quarters of the way to where it-- then we just pack it down or something-- we'll never-- "

Deputy Supervisor Stark: "Bill, I've got some more hands here, if you would, please."

Councilman Prusinowski: "Apparently it digs down 12 feet underneath the-- "

Deputy Supervisor Stark: "Desiree?"

Desiree Passantino: "Desiree Passantino, Wading River. And I bet you think I'm going to talk about the golf course? Right?"

Deputy Supervisor Stark: "No."

Desiree Passantino: "First things first. Is it to my understanding that there is \$75,000 allocated to the Hulse Landing Road runoff abatement project, and we on the east end of Wading River anxiously await to start as soon as possible and want to say thank you very much."

Deputy Supervisor Stark: "I think we're waiting on the-- aren't

me? That's a matching fund. We put up \$75,000, the State puts up \$75,000 and as soon as Andrea gets it in, you'll see (inaudible) in the ground."

Desiree Passintino: "Okay. Thank you."

Deputy Supervisor Stark: "It looks like a nice project. You know, it looks good on paper but whether it will work, I'm sure it will."

Desiree Passintino: "Okay. Well, we're ready, able, willing to work with you on that."

Councilman Prusinowski: "So we do pay attention to Wading River."

Deputy Supervisor Stark: "Do you have an (inaudible) on that, Andrea, at all? You just-- "

Andrea Lohneiss: "Few months."

Deputy Supervisor Stark: "Sometime around June, July?"

Andrea Lohneiss: "Yes. It's federal money, from FEMA. We have a preliminary (inaudible)."

Deputy Supervisor Stark: "Okay, thank you."

Desiree Passintino: "Okay. Now down to business. Golf course business. Can you all hear me? I don't know if I'm-- which one am I speaking in to? No, this must be the one, okay. Okay, thank you. I have several issues here. And I want to make sure that I cover everything so that everything is absolutely clear."

I think that what I really want to say is that we have been asking for a SEQRA on this golf course proposal. It is a Type 1 and I will read you from the SEQRA book while we believe this is so, and we're asking for a specific SEQRA on the golf course. It is a separate proposal than the other. So I just wanted to clarify that.

Type 1 actions. The purpose of this list of Type 1, this is Section 617.12-- in this section, is to identify for agencies projects, sponsors and the public, those actions and projects that are more likely to require the preparation of an EIS than an unlisted actions. All

agencies are subject to this Type 1 list.

Going down to B. The following actions are Type 1 if they are to directly undertaken, funded or approved by an agency.

Going down to three. The granting of the zoning change, and this is where we want to have a SEQRA on, the zone change, if you all vote on it, it must go before a SEQRA, at the request of an applicant for an action that meets or exceeds one or more of the thresholds given elsewhere in this list.

Going down to Section 6. Activities other than the construction of residential facilities which meet or exceed any of the following thresholds or the expansion of existing non-residential facilities by more than 50% of any of the following thresholds.

Going down to letter I. A project or action which involves the physical alteration of 10 acres. This exceeds 10 acres.

That's the SEQRA lesson for today. I don't mean lesson, I just mean I want to pull that out so we're not just saying this is a gut instinct that we have. This is what we're asking a specific EIS to be done on a golf course, is changing the use of the land.

Now, I'd like to read my letter that I had sent and hopefully all of you have read it, but I'd like to read it for the record."

Councilman Prusinowski: "Desiree, I just have to make a call."

Desiree Passantino: "Sure."

Councilman Prusinowski: "But I read your letter, okay?"

Desiree Passantino: "Okay. I was just going to say-- anybody that has to leave the room might want to now."

Deputy Supervisor Stark: "I'm calling a recess here very shortly for a few minutes."

Desiree Passantino: "Okay."

Deputy Supervisor Stark: "Because it's going to be a long afternoon."

we have many, many more topics not only to take up and here, but we have to go into Executive Session which we're going to be into for a long time."

Desiree Passantino: "Okay. I will make this as fast as possible."

Deputy Supervisor Stark: "No problem."

Desiree Passantino: "I just want to read these into the record. Okay. This was dated March 7th. Unfortunately I couldn't be here for that last Town Board Meeting. I was up in Hauppauge until 12:30 at night with the ferry issue."

Deputy Supervisor Stark: "You see our meetings run much quicker than theirs."

Desiree Passantino: "I made a wrong decision that night. I should have been here unfortunately."

Deputy Supervisor Stark: "And let Lou go over there."

Desiree Passantino: "Yes."

Dear members of the Town Board:

The following is an excerpt from the original developer's draft environmental impact statement dated October 15, 1987. Page 154, Mitigation. Cluster development, Article 19, Open Space.

Quote. One family to protect open space, 22%-- 22.7% or 60.1 acres; 63.9 acres natural vegetation expected to be left undisturbed within lots and rights of way. This results in 46.8% or 123.96 acres of site being set aside as permanent natural vegetation. Unquote.

Quote. Open space to remain as is and protected. Unquote.

Areas on individual lots will remain natural. Natural areas within rights of way will, quote, enable wildlife populations to continue to exist in woodlands habitat and will mitigate potential reduction in open spaces through preservation of existing natural vegetation. Unquote.

Quote. Protection of wildlife habitat and protection of a large portion of ground water recharge areas. Unquote.

Quote. Protection of steep slopes incorporated into design, minimal disturbance. Unquote.

There are several questions regarding the above mitigation segment from the developer's draft environmental impact statement. Does this mitigation measure still stand today, eight years after being conducted? If not, what changed its status? It is clear that protection of 123.96 acres is stated to be, quote, set aside, unquote, as permanent natural vegetation with 63.9 acres natural vegetation expected to be left undisturbed within lots and rights of way.

The previous proposal of 218 cluster homes with 65 plus acres of undisturbed open space was not opposed by the surrounding community due to its appearance as being balanced development.

The game plan has been changed without the benefit of a new environmental impact study upon the new proposal. To simply deduct 78 homes and equate that to a golf course is inadequate at best. Undisturbed open space as developed golf course is a contradiction in terms. The removal of 150,000 cubic yards of materials from the site is equal to a strip three foot wide, three foot deep, stretching 85 miles. That's probably from Riverhead to New Jersey.

The Planning Board doesn't see any significant environmental impacts upon this property. The Town Board is considering a change of zone to accommodate this development proposal. Woodlands habitat undisturbed does not require pesticides, herbicides, fungicides, nor community services. If there is a concern about less children in the school district, which has been expressed, the answer is apparent. Build less homes. Build a less intrusive golf course which encourages less nitrogen loading and chemicals and leave the open space.

Sincerely, Desiree Passantino."

Deputy Supervisor Stark: "Thank you. I think it takes you to the 5th Street Bridge and Third Avenue, 85 miles. I think Columbus Circle is 90, something like that."

Desiree Passantino: "My next letter-- my next statement is regarding

this Great Rock, at Wading River change of zone request.

It is Act Now!'s belief that the Town Board should reconsider its intent to grant the Sound Breeze/Great Rock proposed change of zoning of 264 acres of land in Wading River from Residence A to Recreational District Residence A.

Act Now! believes that the Town Board should give this proposed change of zone a positive declaration and request that the Planning Board, as lead agency, rescind its negative declaration given to this proposal on March 2, 1995, and require an environmental impact statement.

Act Now! believes that there would be a number of significant long term environmental effects from this proposed change of zone and its accompanying brand new project (140 single family homes of 131.59 acres, contemplated golf course on 126.89 acres, plus 5.57 acres to be dedicated to the Town of Riverhead).

Act Now! believes that there would be a material conflict with the Wading River Hamlet Study's goals and objectives. This being the primary subject matter for a vote to change the zoning of this property from current Residence A to Recreational district, Residence A.

Act Now! believes that a clear definition of undisturbed open space is essential to sound, future planning and that determination of what is undisturbed open space needs to be determined for future intentions.

Act Now!'s concerns are as follows:

1. Impacts on Groundwater.

A. Project (houses plus golf course) would produce the equivalent nitrogen pollution from fertilizers and cesspools as nearly 100 dwelling units.

B. Contamination by pesticides, herbicides, fungicides and any other hazardous or toxic materials to be used by the golf course.

C. Recharge of polluted overflow water from the retention ponds during a heavy rain.

D. Recharge of polluted water from retention ponds by possible use of this water to irrigate the golf course.

E. Contamination by hazardous and toxic materials from this project would add to contamination from nearby agricultural lands.

2. Impacts on surface water.

A. Siltation of wetlands on site caused by clearing, grading and construction activities.

B. Pollution of retention ponds and wetlands by golf course chemicals (fertilizers, pesticides, herbicides, fungicides, etc.) and storm water run off from parking lots and roads.

C. The proposed use of over 115,000 gallons per day of groundwater to irrigate the golf course could affect the level of water in the wetlands on this site (264 acres).

3. Increase in traffic on surrounding roadways, especially Round Avenue.

4. Increase in noise levels, especially during clearing, grading and construction activities.

5. Increase in solid waste (disposal or ordinary garbage) plus hazardous and toxic waste (disposal of golf course chemicals and associated packaging materials).

6. Potential for erosion, flooding, leaching, and drainage problems especially during clearing, grading and construction activities.

7. The removal and destruction of nearly two-thirds of the natural vegetation on this site of 264 acres.

A. Nearly 200 acres is forest, a part of which may be mature forest over 100 years old.

B. The presence of rare plants has yet to be ascertained.

C. This site provides habitat for a variety of wildlife,

including endangered and threatened species.

D. Act Now! feels that the removal of this much forest would be tantamount to a logging operation.

8. Interference with the movement of resident wildlife species.

A. Habitat would become completely fragmented by the housing development and golf course as currently designed.

B. There would be a significant loss of habitat (nearly 130 acres of woodlands).

9. Threatened or endangered species would be impacted.

A. The woodlands on this site are a prime habitat for warblers which are threatened by deforestation. (See letter from North York Audubon Society, dated March 6, 1995.)"

Deputy Supervisor Stark: "What kind of bird was that?"

Desiree Passantino: "Pardon?"

Deputy Supervisor Stark: "What kind of bird was it?"

Desiree Passantino: "Warblers. And that's not our concerns. That was from the Audubon Society.

B. The presence of red-shouldered hawks, northern harriers, and ospreys have been ascertained. (See long environmental assessment form, Part 1, Section A, question 11.)

C. There would be a loss of habitat for any yet to be identified threatened or endangered less mobile and secretive wildlife species, quoting from the long environmental assessment form, Part 2, question 8.

D. Golf course retention ponds and wetlands could eutrify and become stagnant, especially during summer months, due to pollution from golf course fertilizers and other chemicals combined with typical summer weather; thus, these ponds and wetlands could become a hazard or

even toxic to any wildlife and fish using them.

E. Changes in surface water quality and quantity combined with a significant loss and fragmentation of habitat would have a very significant negative effect on wildlife using this site.

10. Impacts of Land.

A. Removal and stockpiling of 150,000 cubic yards of earth, mostly from the knoll area.

1. This is enough earth to stretch 85 miles in a ribbon 3 feet high and 3 feet wide.

2. This is enough earth to fill a one acre hole in the ground 100 feet deep or to create a one acre pile 100 feet high.

3. It would take 1,500 trips by a 100 cubic yard dump truck to remove this much earth from the site.

4. Act Now! feels that the removal of this much earth would be tantamount to a mining operation.

B. Clearing and grading activities would change the contour and drainage patterns of this site and could cause flooding.

C. There would be a significant physical alteration of the land by the application of golf course fertilizers, pesticides, herbicides, fungicides and other hazardous and toxic materials in areas where none have ever been applied before.

D. There would be a significant impact on the land by the construction of buildings, parking lot, roadways, and other infrastructure and utilities associated with the golf course and housing development.

11. There would be a material conflict with the Wading River Hamlet Study goals and objectives.

A. The recreation district was adopted by the town in 1981. The Wading River Hamlet Study was adopted in 1989 and did not recommend the use of the recreation district as a way of increasing recreation

and protection of open space acreage.

B. The Hamlet Study states that there should be the creation of additional parks to increase recreation facilities to serve local residents, not the creation of large private recreation facilities such as this proposed golf course. That would significantly impact ".... significant and unique natural areas, such as woodlands, wetlands, beach areas and active agricultural land". The Hamlet Study states that such natural and agricultural areas should be protected not destroyed.

C. The Hamlet Study goals and objectives for open space and recreation further state that new developments should be designed to ".... respect and enhance the rural character of Wading River", not to turn Wading River into a golfer's paradise.

D. The Hamlet Study identifies this site as a major woodland and as one of only 3 potential sites for a large park.

13. There would be a significant change of the existing community or neighborhood character.

A. The area is primarily residential and agricultural.

B. This would be the first golf course ever in Wading River.

C. The Planning Board did not rule out the possibility of other sites in Wading River qualifying for the, "recreational district", thus, this action would set a precedent for future such actions in Wading River.

D. If granted, this change of zone would be the first use of the Recreational District by the Town. This action would set a precedent for the entire Town and could undermine the goals and objectives of the other hamlet studies.

14. The potential for the creation of a hazard to human health.

A. Golf course chemicals would leach into groundwater and could contaminate private drinking wells in the area. (The Planning Board only encouraged the implementation of an integrated golf course

management plan rather than requiring it.)

B. There would be a potential for the accidental release of poisonous and noxious materials and fumes into surrounding neighborhoods and the potential for accidental fire or explosion if fertilizers, pesticides, herbicides, fungicides and other hazardous and toxic materials to be used by the golf course are not stored or used properly.

C. An appropriate storage area for these hazardous and toxic materials has not yet been determined.

15. There would be a substantial change of use of 65 acres of dedicated passive open space, lying primarily within a major woodland area, to the active use by a golf course.

16. The potential for the cumulative impacts of the 140 houses and the golf course together to have a significant effect on the environment.

17. The potential for the long term, short term, and cumulative effects of the change of zone and the project together to have a significant effect on the environment.

18. The potential for the likely consequences of the zone change and the project to have a significant effect on the environment.

Act Now! is totally opposed to the removal of 150,000 cubic yards of earth and two-thirds of the natural vegetation from this site. At the very least, this golf course and housing development should be redesigned to not require the disturbance of the knoll area. Along with the wetlands, Act Now! believes that a minimum of 50% of the woodlands on this site should be preserved in a contiguous state.

The supplemental environmental report submitted by the applicant for this project was based only on the Cape Cod study. Cape Cod is not on the Herring River. Act Now! believes that the New York Attorney General's report on Long Island golf course should be taken into account and that a thorough study of this site should be done. Act Now! believes that this supplemental environmental report cannot be substituted for an environmental impact statement.

Act Now! reiterates its belief that the significant environmental

effects that would result from this change of zone and accompanying brand new project, both Type 1 actions, should require a brand new environmental impact statement to review both the change of zone and the project (including site plan) together. This zone change and project should not gain their approvals by way of the "short circuited" SEQRA given to the Sound Breeze subdivision. Act Now! is prepared to act on its beliefs in this matter.

Thank you."

Deputy Supervisor Stark: "Thank you."

Councilman Prusinowski: "Desiree, there's one correction. The overlay-- the recreational overlay zone was used twice before in the Town, Fox Hill and the racket club."

Desiree Passantino: "We're talking Wading River."

Councilman Prusinowski: "Oh, you're talking Wading River. I stand corrected. Okay."

Deputy Supervisor Stark: "All right. We're going to take a short recess and we'll resume at 4:05. Thank you."

(Recess.)

Meeting called back to order at 4:19 p.m.

Deputy Supervisor Stark: "Is there anybody else who would like to take any comment to the Town Board? Steve."

Steve Haizlip: "Steve Haizlip of Calverton. First off, the President of the Calverton Civic Association and myself been trying to find out-- remember the note that I passed to you, Vic? We're trying to find out who the owner of that old (inaudible) house is across from the Calverton Deli."

Councilman Prusinowski: "We're following up on it. Richie's been following up on it. I don't know what he's done about it though. I gave it to him."

Steve Haizlip: "We can stop right there. That's all I wanted to

know."

Councilman Prusinowski: "Yes. I know-- when I see Richie later, I'll ask him, you know, where we're-- "

Steve Haizlip: "All right."

Councilman Prusinowski: "I think we sent out a notice of violation, Steve. I'm not sure, but we're going to follow up on it. In fact, I took your note."

Steve Haizlip: "Yeah, all right. Resolution 199 where we are going to get an Electrical Inspector for the Town. Why do we need an Electrical Inspector to the Building Department? It's a duplication of -- now you got, if this here Electrical Inspector, if he's going to be Town electrical inspection of municipal buildings, that's a different story. But if he's going to go out into housing projects-- "

Deputy Supervisor Stark: "Steve, he is in effect will be the underwriter as the houses are renovated or constructed, we have to get an electrical underwriter's certificate. We will issue it right through the Town. Rather-- right now, presently what we do is we sub it. We sub that right out to somebody. We're going to keep that right in Town instead of paying some sub-contractor, we're going to do it ourselves. Plus this electrical inspector will also be able to do building inspections and everything else. So it's a multi-purpose job."

Councilman Prusinowski: "Funded by the fees that we collect."

Deputy Supervisor Stark: "Funded by the fees that will be collected."

Steve Haizlip: "Okay. So-- what you're saying is if I have a licensed electrician or contractor, it's up to him to get me an underwriter's inspection?"

Deputy Supervisor Stark: "That's right. That will happen right through the Building Department."

Steve Haizlip: "And now, it will be done-- "

Deputy Supervisor Stark: "And he will also be certified in fire

inspections and that will give us five certified fire inspectors who actually act as our fire marshals now."

Steve Hailzip: "All right. On this petition, you know when you take a play on words and as Harriet probably knows since she is an attorney, man, then words can really mess you all up and get you into hot water. For example, the safe driving act, go back 30 months. What they did is they just went back into 1973 and they passed it in '76 and they just put fines on all everybody that had traffic tickets. That's a play on words.

Now, the one that I'm speaking of here is (homeowners) who reside on or off Herricks Lane are requesting the Riverhead Water Department to supply safe, clean water to our area. Is this a request for water or is this water that's already being furnished and is contaminated?

Deputy Supervisor Stark: "No, this is not much different than when you brought petitions in for-- requesting water being brought down River Road."

Steve Haizlip: "Yes."

Deputy Supervisor Stark: "And what the people on Herricks Lane are saying are basically the same thing. We will probably study it, see how much it would cost to deliver water to those concerned. They actually in effect would pay for the installation of that through their water tax or the (inaudible) of debt service."

Steve Haizlip: "Jim, that was a good explanation. That's what I wanted. The way these words are put down here, I didn't know if our water was contaminated already. And that's just why I was inquiring. Okay. All right.

Now, you speak about our petition that we put in. The Water Superintendent and I, I did it, I composed a letter to send to Governor Pataki to try to get two railroad crossings and the Long Island Expressway underpass-- overpass where we'll have to go under it. \$150,000 waived. The Superintendent liked the letter, he loved it, and I sent it. But I (inaudible) not only this letter, other letters that I have written to our government agencies and to Governor Pataki that they are not-- the (inaudible) is not getting any response from our government agencies that we elect, but yet they go to television and come to your

neighborhoods and beg you and plead you, we are going to do this and you've got troubles. Well, don't need to go on and on. Everybody knows the political system. They get in, they forget about you. But, however, Jim, (inaudible) noticed, I don't think he forgot about you. Now, when this-- not being facetious, I'm only just analyzing this the way I see it."

Deputy Supervisor Stark: "Me, personally?"

Steve Haizlip: "No, no, no. Not personally. In requesting an election. Now, in requesting an election, he turned it down because I guess he's got a good Republican sitting here in the State regime of Republican politicians and he didn't wanted to take a chance, maybe some other party might come in, but, yet, I see he approved Fred (inaudible) with no trouble because he is a Republican. I mean it's just my way of thinking. Well-- "

Councilman Creighton: "Steve, Steve? He gave his reasons in his letter to us."

Steve Haizlip: "Well, hey good, I'm glad you are going to bring that out, Frank, because the people in the Town really don't know this."

Councilman Creighton: "Well, I just got the letter myself."

Steve Haizlip: "Oh, is that right?"

Councilman Creighton: "Yes."

Councilwoman Gilliam: "And I'm still waiting, Steve."

Steve Haizlip: "You're still waiting?"

Councilwoman Gilliam: "Yes."

Deputy Supervisor Stark: "I haven't gotten it either."

Steve Haizlip: "Well."

Councilman Creighton: "The letter from the Governor's office says that he didn't declare a special election in the Town of Riverhead because public law allows for the Town Board to appoint a Supervisor. And

because it would be under those conditions inappropriate to spend the money for a special election. Those are the reasons given in his letter.

Steve Haizlip: "All right. Okay, Frank. Now, Mr. Joseph Bruno, is he a paid president of the New York State Senate?"

Deputy Supervisor Stark: "He is the State Senator who is now the Majority Leader of the Senate of the State of New York."

Steve Haizlip: "All right."

Deputy Supervisor Stark: "He took Senator Marino's place."

Steve Haizlip: "Oh, okay."

Deputy Supervisor Stark: "Got a political squeeze out and a political push in."

Steve Haizlip: "Oh, the reason I'm asking, I just didn't know if he was one these here committee political guys, like Powell or somebody."

Deputy Supervisor Stark: "He's been an Assemblyman and a Senator for I think the last four, five years."

Steve Haizlip: "You see I've been putting some mail up in Albany, I haven't been getting no response. So let me try this guy, see maybe how it works with him on there."

I wanted to ask about this here Eastlawn capital project budget adjustment. I never heard of this Eastlawn in this Town. Could you give me a definition?"

Deputy Supervisor Stark: "Eastlawn is the building down-- just down the street here. You have to go across the railroad tracks, on the right hand side, which the Town owns, where the Chamber of Commerce resides, (inaudible) resides, the building is starting to deteriorate paint wise and we're painting it just like we would our own Town Hall."

Steve Haizlip: "Very good, Jim, now I know. Okay and my-- "

Deputy Supervisor Stark: "You should have stopped by earlier. I could have cleaned this all up."

Councilman Prusinowski: "It's more fun this way."

Steve Haizlip: "More fun. Right. I like it this way, too. In a parting shot, all these people that have been up here on Sound View, that golf course, I just want to say something in regards to everybody about the Planning Board or whoever's doing it or the builders or the developers, trying to take Cape Cod as the study and to apply it here. Frank, you and I go back in the military days and when we couldn't find something in one (inaudible) regulation and defeated this, if we didn't go try to find another one somewhere that was meant to say what we wanted or interpreted what we wanted it to say. So I think that's what he's done here."

Deputy Supervisor Stark: "Is there anybody else in the audience that would like to make any comments at this particular time? I presume you want to make a comment?"

Lou Passantino: "Yes, I would. Lou Passantino, Wading River. The reason I'm here today is to voice my opposition to the proposed change of zone overlay for recreational district being introduced at the Sound Breeze project in Wading River. This project has been riding on the coattails of an incomplete SEQRA. It's validity has been in question from the beginning and now since the project has taken on this golf course, SEQRA should be completely redone for that golf course."

Adding addendums and finding statements with small f and small s's doesn't address any problem. It just mentions them. That was a small m and a small t for mentions them. Okay? These lower case letters on the findings statement, it just seems to appear to me that there was an attempt to make this look complete. The SEQRA process is actually a short circuited process. SEQRA should be followed to the letter of the law and no lower case letters should be allowed. Now on that note, I'll just stray and say this is the findings statement that I keep hearing being mentioned as a findings statement, small f, small s, to capitalize I understand this to be a reason-- the reason escapes me why this keeps being brought up as a small f, small s.

To me it's a finding statement or call it something else. If you are going to call it some sort of other report, call it another report. But if it's a findings statement, it has to be done on a final environmental impact statement and none was ever done. So, therefore, this short circuit.

And the mention of how many cubic yards of material. You've heard us all mention this-- how much this is. Desiree mentioned it. I'd like to just expand upon that a little bit because mentioning this to me is one of the things that should trigger SEQRA to happen today. They talk about 150,000 cubic yards of material. What does that mean in real terms? Desiree said it would go from here to New Jersey. If you took it-- and that was a cubic yard at a time, and laid them end to end. If you took a cubic foot of them and laid them end to end, that would go 767 miles. That would almost get you to Chicago. And if it-- so we're talking about a lot of material here.

And if you put it, and cut that down by one-fourth, it would make it all the way to California in a six by six column all the way out to California. That's 156,000 cubic yards of materials."

Councilman Prusinowski: "3,000 miles?"

Lou Passantino: "It would go 3,000 miles. Hard to believe, but if you didn't understand what we've been talking about, this number of cubic yardage, how many trucks it would take to take away, that's what it calculates out in simple math. So that's how come we have an objection to this and that is why we feel SEQRA should be enacted.

It seems-- this project seems different than 218 home project and SEQRA should be redone so that the study can study all the effects that this project would have.

And, lastly, our Hamlet Study has been challenged before and I feel that the Town Board has understood what it meant to the Wading River hamlet. We know what this document represents and we know that the spot zoning of this overlay-- what the spot zoning of overlay represents. The will of the people that live in the community is in the Hamlet Study. All the diverse members of the community molded this document to make it as a tool to manage this area of Riverhead. We don't want nor need this so called exciting tool to undermine our self rule. As you all know what self rule means to you, as we've all read about in the paper lately. There is no benefit to Wading River residents. Only the developer gets the benefit. He gets to develop the whole property to its limit. That's 100%. And that's on the LEIF statement.

Take down-- this project would take down the original open space

that took hundreds of years to grow to allow someone to come in and to develop it for open space. It just doesn't make sense. So when you make your decision to deny this project you can say that you followed the will of the Hamlet Study and the people that it represents. This will be broadcasted to the other hamlets so they know why and to what degree the Town Board respects these hamlet studies that we've all undertaken and some of us are-- (inaudible due to applause)."

Deputy Supervisor Stark: "Are you going to submit that, Lou?"

Lou Passantino: "Yes, I am."

Deputy Supervisor Stark: "Okay."

Joe Kaufman: "Joe Kaufman, attorney retained by-- fortunately I think I've been upstaged by my clients. Everytime I had a law listed here that they cited, I crossed it off. Everytime there was another fact, I crossed it off. So-- "

Deputy Supervisor Stark: "Well, thank you very much. You don't have to send them a very big bill."

Joe Kaufman: "But-- "

Deputy Supervisor Stark: "I'm only kidding."

Joe Kaufman: "Okay. There's a little more to speak and maybe a little bit of-- sort of a legal background, whatever. I think this whole question here is based on premise that a golf course is a benign form of open space. And we're claiming it's a resource intensive polluting and exclusive land use that is not the equivalent of the passive space that existed before.

Today we kept on hearing about open space parkland being dedicated to the Town. I just wanted to point out that in New York State, once a piece of property is deeded as parkland, it takes an act of legislature to undue that. So even if technically this piece of property wasn't deeded to the Town, I think it was given in spirit to try to get the cluster zoning. So in some ways it might technically not be in violation of SEQRA or the cluster zoning, but it sure the hell violates the spirit of it. And I'm going to tell you how-- try to show you how it violates the spirit.

As a matter of environmental law, rezoning is an action subject to SEQRA. This is consistent with SEQRA's goal to incorporate environmental consideration into decision making process at the earliest opportunity. Thus SEQRA review of rezoning action may take place long before any actual project is proposed. So I'm telling you, it's a little scary that you are being told to okay this golf course and you don't know the particulars. We're going to deal with it later on with the site plan. It's very, very scary and these people are very, very leery of that. Once you let a developer get a foot in the door, it's a lot harder to close it or to adjust it to a mutual position. Thus, SEQRA review of rezoning action may take place long before any actual project is proposed.

In that event, environmental review may be conducted on a conceptual basis and this is-- I'm describing this particular case in New York City, but it's applicable here. Further as a matter of environmental law, action requiring SEQRA review do not include ministerial acts defined as actions performed upon a given state of facts in a prescribed matter imposed by law without the exercise of any judgment or discretion as (inaudible) of the act. Once the site is rezoned, in this case is New York City zoning regulation and it's applicable here, you only can undertake any of the numerous uses permitted as a right by the zoning resolution with no further environmental review.

The owner will not be bound or limited to the hypothetical study in the EIS. All I'm saying is that, you pass this today without a full SEQRA and you say you're going to go later on you are going to look at the site plan, there's going to be a lot of legal arguments raised by the developer saying you can't control this, you can't control this, you can't control this. You are controlling too much.

So just be really leery of trojan horses. As I said before we asked to create the golf course with passive open space, more than 60 acres. The area in the golf course is admitted to be hilly. If the slope remains, the problem of runoff exists. We are left to rely on the developer's statement that the topography, in quotes, will be incorporated into an interesting setting and challenging course with significant potential for retention for natural land, open space and specific minimization of topographic disturbance.

We have not been presented with any plans. There's mention of two man made ponds. Most of my environmental cases had to do with wetlands

and time after time it is shown that man made wetlands do not work, do not replace natural vegetation. So here's another trojan horse that we're getting two ponds that basically could just be open pits. Also, I'd like to point out that the present proposed construction at the site may be in violation of federal law. Federal law requires that certain construction activities, including excavation more than five acres of the site, obtain a storm water pollution permit before they occur. Developments at this site is much more than five acres and as we know the figures from here to New Jersey and here to California know that's a lot more than five acres.

The general permit issued to New York requires the applicant to prepare a storm water pollution plan in order to be allowed to discharge storm water construction activities. We have not seen any presentation of this plan. There's no control over erosion in construction. For this infraction, we call upon the Town to seek immediate cessation of any construction until the required plan is presented and analyzed.

Councilman Prusinowski: "What section of the law are you quoting from there, sir?"

Joe Kaufman: "I'll give it to you in a second."

Councilman Prusinowski: "Statute?"

Joe Kaufman: "33 US Code 1365, Clean Water Act 33 USC, Section 1251, and I'll submit a legal brief on this. Last night I was faxed a document from New York City attorney's office, Office of Corporate Counsel. They're fighting a golf course up in (inaudible) up in Westchester that's near the reservoir. They went-- they thought it was so important to fight it, that they went to trial. This is just a few pages of the transcript, okay. What these people are asking you here is not spending Riverhead Town money by going to trial afterwards when they even had a plan that they found unacceptable, they're just asking for you to place a little bit on the onus back on the developer. And this is the opportunity that you have now to make them answer a lot of the questions that were raised today. I think they are trying to save you some taxpayer money.

And it's interesting in this golf case that the representative of the developer was Dr. Petrovic (phonetic) from Cornell. The same doctor that cited in the EIS and the supplemental EIS. They asked him many

questions and they caught him in a few I won't call it lies, but he got mixed up several times, and he even admitted that although he's an expert on leaching, where the water leaches through the soil and there's all those nitrogen studies and submitted by the developer saying everything is okay, he didn't really deal with the question of runoff. This whole case also dealt with the question of phosphorus. There's nowhere that phosphorus runoff is very, very bad. There's nothing in the EIS that assesses the phosphorus. Increased amounts of phosphorus in storm water runoff might occur during construction of five acres or more the EPA has found. Phosphorus dissolved in storm water can migrate.

Now, on the open space that exists, the 65 acres or whatever is there now, no fertilizers are applied. The amount of phosphorus discharge at the golf course would greatly increase. The concentration would be much greater. Studies of golf courses and turf grass at golf courses have found concentration of phosphorus runoff ranging from 1.67 milligrams per liter to 4.76. These concentrations are between 13 and 38 times the concentration found by EPA for undeveloped land. Up to 38 times more concentration.

Volumns of storm water on the site will increase in areas undergoing construction. Phosphorus concentration from agricultural runoff are much less only .184 milligrams to 1.5. Studies by Dr. Petrovich of Cornell on the fate of fertilizer nitrogen applied to golf courses was cited by the developer. He admitted he never read a study which compared phosphorus pollution from golf courses and from large single lot residential use. We told over and over again that this golf course is a lot better than these large houses or small house lots whatever. I don't think that's been proved here today or it's been proved in the EISs.

Also, he never admitted that he did research in storm water runoff and he never did research on similar things. The developer claims that only spot use of pesticides will be used. Similar golf courses owned by developer are compared. But many-- most golf courses on Long Island pesticides are used on a preventative basis. Also, we're not told how the applications were used at that other course. The amount of pesticides have to be determined. The Attorney General's study of golf courses reveal that an average of seven pounds of pesticides are used annually. With concentrated use in playing areas, average golf courses can increase to 18 pounds of pesticide for treated acres per year. Home-owners on the average may apply 3.2 to 9.8 pounds per acre. There goes

that argument again that the houses are much worse than the golf course.

Pesticides used golf courses are already known to be capable of contaminating ground water after normal use, after normal applications following the label directions. Trimec (phonetic) which is listed in the EIS as one of the chemicals to be used, and (inaudible). The (inaudible) application of pesticides are likely to occur several days before a storm is likely. As a result, toxologically significant quantities of pesticides are likely to run off at these times. This is during a storm. One study found Trimec concentrations as high as 10 times the federal maximum contaminant level for drinking water and 15 times New York's maximum contaminant level.

Another study found concentrations in runoff three days later to be three, four times State and Federal levels. We do not know if the application of these pesticides will be readjusted or not according to weather forecasts. The developer has not told us this.

We do not know if the developer has not (inaudible) that storm water structures will remove any of these pesticides from the runoff.

Then I just want to quote you, if I can indulge your patience, case called West Branch Conservation Association versus The Planning Board of (inaudible) Town. It came down a long time ago, September, 19, 1994, dealing with a 52 acre tract located on the slopes-- "

Deputy Supervisor Stark: "I don't think that's so long ago."

Joe Kaufman: "Being a little facetious there. Just want to see if you're awake."

Deputy Supervisor Stark: "But you're putting me to sleep, but that's all right."

Joe Kaufman: "-- with an access road. Sir, the law gets a little boring sometimes. Among other things, the proposal entailed removal of some 21 acres of vegetation from the site and construction of 20 houses. The Planning Board gave, surprising or not, a negative declaration in that case. The Supreme Court, Appellate Division 2nd, found the Planning Board's determination as irrational and violates both the letter and the spirit of SEQRA and that it must, therefore, be annulled. The primary purpose of SEQRA is, in quote, to inject environmental

considerations directly into governmental decision making. (Inaudible) that because the operative words triggering the requirement of an EIS may, the word is may, may cause these problems, may cause the runoff, may cause eight times the amount of concentration. There is a relatively low threshold for impact statements. In making determinations of significance, the reviewing agencies must compare impacts which may reasonably expect it to result in the proposed action against an (inaudible) list of criteria contained in New York regs.

I think the Attorney General's report alone raises some questions."

Deputy Supervisor Stark: "Right. Counselor, I am going to ask you to sum up because we have more people who want to speak for the first time and there are some who would like to speak for the second time."

Joe Kaufman: "Okay. Basically, I want to say that I think beyond a reasonable doubt that enough questions have been raised that the neg dec is totally inappropriate and that other agencies and other governments have gone to fight, you know, fight, (inaudible) and I think it's incumbent upon the Board to just demand a full SEQRA and just answer some of these questions that these people have asked. Thank you."

Deputy Supervisor Stark: "Counselor?"

Allen Smith: "The appearance is-- Allen Smith. I happen to be the attorney for the developer, as he has been styled today repeatedly, Mr. (inaudible). And I have a few comments.

To hear it told, the Maid Stone Golf Course (phonetic) in beautiful downtown East Hampton is a scourge. Nobody would like to live next to the Maid Stone Golf Course. Nobody would want to build those types of houses. Obviously the Maid Stone Golf Course is polluting the ocean, etc. It's just a dreadful place to be. What's being said here flies in the face of logic. Think about the Ram Island Golf Course. A beautiful well laid out professional golf course with homes surrounding it measured in the hundreds of thousands of dollars immediately adjacent to Gardner's Bay.

Let's bring it a little closer to home. Indian Island. If you believe everything that's been said here today, that's a scourge. It's destroying the environment. You can almost in your minds believe what's

been said here, the birds are dropping out of the air. How about Swan Lake? How about the last golf course that you approved up on the parcel next to Hartman? None of this stuff is true. What I suggest to you, is that rather than dealing with hysteria, that you deal with the (inaudible) facts that exist. No site plans have been presented. You know well, that site plans have been presented. They have been presented before this Board in terms of the hearing, they've been taken to the Planning Board and they have been examined by the Planning Board.

People would have you believe that the drawing down of the well for the purposes of irrigation on this particular property will drain the wetlands. I heard that today. Now if anybody had bothered to take the time to read the study by Vorheiss (phonetic) which, when all of this stuff was raised before the Planning Board, was retained and did the study, you'd find out that the deep well does not have any affect upon the perched wetlands on this particular property. And they don't relate to each other.

There's no grading plan. Obviously the gentleman that spoke before me didn't take the time to read the grading plan that's in the report. Now, the long and short of all of this is that these questions have been asked and raised and answered. The traffic has been done, and updated; submitted to the Planning Board are 230 some signatures of adjoining owners who recognize the value of having this type of use adjacent to their property from the surrounding area.

Down in Cutchogue, North Fork course, that's a scourge. Think about it. How dreadful the North Fork course is in that area. Did I mention Swan Lake? To hear these folks, we're destroying the cranberry bog and the Peconic River and all the rest of that-- "

Deputy Supervisor Stark: "I would remind the audience that Mr. Smith did sit silent as everybody made their presentation, and I would ask the same courtesy back. Thank you."

Allen Smith: "Now some of these folks are professed to become experts in planning. So I assume that they understand how many acres of this Town is zoned agriculture. It's a permitted use. This particular use, the cultivation of grass and all the rest of that, is a permitted use in every agriculturally zoned acre in this particular community. Now the fact that these folks may or may not have understood that or have understood how the overlay recreational use district works and the

rest of that, that is indeed unfortunate, but before the Hamlet Study started this was a use, while the Hamlet Study went on, it was a use, and it remains a potential use on this property today.

So what I would suggest is that rather than reacting to what is said at the microphone today, especially because most of what was said today has been answered and answered in an (inaudible) fashion. That as you come to deal with this Resolution, that you read the material that has been submitted by the applicant and form your own answers to these particular questions.

Now, the last-- that apparently is lost in all of this, is that this does not come before you as an abstraction. There is a 218 lot grid, residential subdivision that has been through many years of the process. Before I ever became associated with this project, wound its way into the form that it's in today and is in a stage where it is being built as we speak. Okay? I looked at this particular project, I say that there's some nice things that can be done here other than a grid residential subdivision. If it is the consensus of this Board, although I don't believe it's good planning or good sense, then so be it. But that is the context in which it is occurred, the subdivision is being built as we speak. If this Resolution does not fly in the normal course of events over a period of days or years, the 218 lot grid residential subdivision will be built. I thank you."

Deputy Supervisor Stark: "Thank you. Is there anybody else that would like to-- let me just make one quick scan. We're winding down. Getting close to the Resolutions."

Steve Brunner: "Now, I'm glad you made me wait."

Deputy Supervisor Stark: "No problem."

Steve Brunner: "Because Mr. Smith brought up a subject-- "

Deputy Supervisor Stark: "Well, I try to go through one time."

Steve Brunner: "Okay. Mr. Smith stated that let's not deal with hysteria here, let's deal with the facts, and about all the golf courses here on Long Island are not polluting anything and they're all benign. I wonder where he's getting his information from. Is it because golfers don't drop dead on the course everyday? Would he also argue that

cigarette smoking is benign because somebody who is smoking a cigarette doesn't drop dead immediately? Is he going to question all these studies? Because if he does, he would make an excellent lobbyist. As a matter of fact, if he watched 60 Minutes on Sunday night, he would have met a lobbyist who did exactly that for the tobacco industry until he developed throat cancer and which now he's going to die in a short amount of time, so now he's turned against the cigarette companies. That's what Mr. Smith sounds like here. He is speaking in his own interest. He's representing these people. He is not representing the people of the Town.

He went on to say that agriculture, this area has been zoned for agriculture. And I agree. Agriculture does use pesticides. It uses about one-fourth or one-fifth the amount of pesticides that golf courses use and if you look at the limited number of acres that they're spreading the pesticides on, it increases to six or seven times the amount of pesticides that are put down on our food crops.

I'm not sure I agree with that either about putting it on the crops. But there is one difference between that. We need to eat those crops. I don't know of anybody who goes out and eats the grass on a golf course. I think there's a distinct difference between putting pesticides on crops that we are in dire need of an putting on to a golf course so somebody can play on a pretty green lawn. If you look back in the history of golf courses, it started off in England and they did not have fairways. The roughs were truly roughs, they played through the woods. So if you want to have that kind of a golf course that's fine.

Both of them, Mr. Hanley and Mr. Smith, both said that the Planning Board answered all of our questions. And this was the point I wanted to bring up before when Mr. Hanley said this. I was sitting in the audience at one of the Planning Board meetings and where Mr. Creighton is sitting now there was a gentleman on the Planning Board. And somebody was up here talking about you know we might not be so concerned here in Wading River if the golf course management would consider using organics. And the man who was sitting in that seat looked at the owner of the property and he's sitting there going yes, nodding his head, at the owner of the property. And the owner of the property sat there and went like this, no way Jose. And that states where these people are coming from. They don't want to give an inch. They want everything that they have on the table or nothing and then they come

back with this threat well, we're going to build these 78 houses. I would like this Board to come back to Mr. Smith and his corporation that he's representing and say, go right ahead. Build those 78 houses."

Deputy Supervisor Stark: "Thank you."

John Cantrell: "John Cantrell, Wading River. Mr. Allen Smith said that as we speak, they're building this development. Where are the bonds if they're building the development? There was a Resolution made by the Planning Department that said, before the first map can be filed, either the 65 acres be deemed to the Town of Riverhead and if they choose not to accept it, that the developer cause a homeowner's association to be formed and that land be transferred to the homeowner's association and out of the control of the developer."

When I asked that question next door, they said, they're are no maps filed. So he doesn't have to comply with that just yet. If there are no maps filed and there are no bonds in place, what is going on down there? They're moving earth. They're taking down trees. There's no maps filed and the bonds aren't in place."

Deputy Supervisor Stark: "It appears that Counsel wants to respond to that, so maybe-- "

John Cantrell: "Well, I'm not really finished."

Deputy Supervisor Stark: "Oh."

John Cantrell: "And I sat and I listened-- "

Deputy Supervisor Stark: "I thought you-- he was going to answer it if you want-- "

John Cantrell: "Well, I really don't. I think I heard enough about what Mr. Smith has to say."

Deputy Supervisor Stark: "Well, he's going to respond-- he already said he was going to respond."

John Cantrell: "Well, he can respond. Now, when he says how wonderful a golf course is, there's a Lieutenant George Pryor (phonetic) who, in 1982, spent three days playing golf. And those are the last

three days he spent on the golf course because he died from pesticide poisoning. The wonderful golf courses on Long Island, several years ago 700 geese died on a golf course in Nassau County. A wonderful, healthy place this golf course is. For him to say that they are so wonderful and they are not polluting, why then did he go all the way to Cape Cod to find a study that fit into his SEQRA when there was one right here in New York State? And that's something that you just can't explain away. And why would anyone in Riverhead accept a study from Cape Cod? Could we be that naive? Isn't someone going to say, Hey, why go to Cape Cod when we have one that was done in Suffolk County?"

Deputy Supervisor Stark: "Did I hear you at one time, Rick, refer to the study in Cape Cod as being very similar and the texture of soil and everything else?"

Rick Hanley: "Yes. I think the same question was asked at the last Board meeting."

Deputy Supervisor Stark: "I just-- I thought I heard that-- "

Rick Hanley: "You did hear that, Jimmy, and the reason the Cape Cod study is considered to be (inaudible) document relative to how pesticides and fertilizers move through soil on golf courses. The Cape Cod study is particularly important to us in that the same glacier that created Long Island, created Martha's Vineyard and Cape Cod. The soils are identical. All of the findings that part of that study are applicable to Long Island. Further, when the Planning Board was dealing with this particular course in terms of the site plan, they are requiring monitoring of groundwater through the lifetime of the golf course. So, the thought is use the Cape Cod study as the basis for their decision making and then show through monitoring how the requirements of the turf management plan are working. If they're not working, there's a provision to modify some of the applications of pesticides and fertilizers.

So, most golf courses or most environmental impact statements or neg decs on golf courses that I've seen have referenced the Cape Cod study because it is considered the (inaudible) document in the field."

Deputy Supervisor Stark: "Okay. Thank you."

John Cantrell: "At the last Town Board meeting, Mr. Hanley got up

said pretty much the same thing and then he said that the New York study really represented Albany and upstate New York as far as soil textures. This was done in Nassau and Suffolk County. It doesn't represent Albany at all. And why now use this one? Why isn't this referred to at all? In conjunction with the Cape Cod study."

Deputy Supervisor Stark: "Who did that study?"

John Cantrell: "New York State. Done in Suffolk County and Nassau."

Deputy Supervisor Stark: "New York State Department of Ag?"

John Cantrell: "We sent each on of the Board members-- "

Councilman Prusinowski: "Attorney General. Yes, I read it. I just want to point out that many years ago when we had the (inaudible) problem in Town the Cape Cod soils and the Long Island soils were compared as was the soils in Florida because they're the same texture, and that data which the Town of Riverhead and Suffolk County used that successfully when we went to Court to force Union Carbide to come back with the filters that went out throughout the whole Town. So be careful because for every scientific report, there's two sides to the story. And that was a big case because we were fortunate in the Town of Riverhead we were able to run public water throughout the Town to mitigate but there is a lot of people still on the north fork that have those (inaudible) filters. Because the soil-- the sand-- the soil quality is Florida, and what the scientists, the DEC guys were here on Thursday about our sewer plant and it's the same thing as the penetration of the water into the groundwater as it pollutes the Peconic River and so forth, but it's how the materials evaporate and how they penetrate the groundwater and that's what the scientists use for their data.

Now whether or not those soils are located here or Cape Cod or Florida, that they try to use these case studies to make that case, and in the Union Carbide case I know we were-- we meaning all of us, including Suffolk County and that's why Union Carbide was forced to come through with all-- hundreds, probably thousands of those filters which some are still in existence today."

John Cantrell: "Yes, I was lucky enough to get one of those filters."

Councilman Prusinowski: "Yes. I had one, too. I had a filter, too."

John Cantrell: "Aren't we lucky?"

Councilman Prusinowski: "No, we weren't lucky."

John Cantrell: "We were able to get a filter."

Councilman Prusinowski: "No. What I'm saying is that that was a very serious problem and the fact of the matter is they don't use (inudible) anymore up here and that was as a result of agricultural production."

John Cantrell: "Well, the Cape Cod study, Suffolk County is quite different. We have more farms, there's much more farming being done in Suffolk County than is being done in Cape Cod. So there's a lot more nitrogen load in here and a lot more pesticides. And this golf course will just add to that where in Cape Cod they don't really have that problem. So that's something that should be considered. This isn't even mentioned in the SEQRA."

Councilman Prusinowski: "I think what should be considered is how do you mitigate that and what are the new techniques to use to maintain this type of facility without using the old style pesticides and fertilizing techniques."

John Cantrell: "Well, we're asking for that. We're saying this is a whole new deal. This is no longer a housing development with 65 acres of open space. It's not that at all anymore. It's a whole new deal. Let's get a new State environmental quality review-- "

Deputy Supervisor Stark: "I think that point has been made by several of the speakers today and the Board-- "

John Cantrell: "And what about the 65 acres? If they are going ahead and are building that project and they still have title to that 65 acres, they're in violation of that Resolution that was passed by the Town Planning Department and the Town Board. Why are they being allowed to do this?"

Deputy Supervisor Stark: "Thank you, sir."

Rick Hanley: "If the Board will take a look at one of the requirements that the Planning Board has suggested as a condition, it was that the future site plan that would be submitted as a result of this change of zone decision would require a minimum of 35% of the site to be natural vegetation. That means that 35% of the site not to be disturbed. I think if you take that 35% of the total size of the lot, you will find that there will, in fact, be more undisturbed vegetation as part of this approval or this change of zone than would be under the original subdivision. I think it's well in excess of the 65 acres."

Deputy Supervisor Stark: "Thank you, Rick."

Allen Smith: "The process that is followed in this subdivision and/or any other subdivision over the past two decades in this particular community is as follows. That the-- when the map is approved and the final road profiles are established as they have been for this particular job, that you go onto the property and you build out your roads, your curbs, your gutters and all the rest of that as best you can prior to posting the bond and filing the map. And that is exactly what is being done. And they are going to put in the curbs most especially in section three, they are going to put in the base coat, they are going to put in the underground utilities and all the rest of that."

And at a particular point, whether it's sooner or later, for either the amounts that are shown in the Resolution or for any reduced amounts reflecting the work that's been performed, letters of credits and/or bonds will be posted, fees will be paid and the maps will be filed."

Deputy Supervisor Stark: "You're talking in reference to the golf course."

Allen Smith: "No. The gentleman asked what was being done up there at the moment. And, in fact, what is being done at the moment is that sections one, two and three which have been approved by the Planning Board are being built out. And section three, for instance, will probably be finished, oh, 30 days, 45 days maybe. The map will get filed and lots will get sold. That's what is going on."

Deputy Supervisor Stark: "Have the bonds been posted for that?"

Allen Smith: "No, sir."

Deputy Supervisor Stark: "Pardon?"

Allen Smith: "No sir. They are not. They will be posted at such time as the map is filed. For instance, I'll give you the for instance. With reference to the Fairway Drive which is the one where the letter of credit is established, it shows a cost of construction most essentially for the large sum that is again being created for the benefit of the mobile home park. It's always been flooded out by the water off of these adjoining subdivisions. That shows a total cost of construction at about \$380,000. The rough cuts have been done, the grading has been done, things of that nature have been done. The Town Engineer will evaluate the value of the work that's been done on that one, Fairway Drive. Let us say that he says \$80,000 worth of the grading work has been done. Stumps have been removed, grades have been established. The bond will be for \$300,000 rather than for \$385,000. If, in fact, all of section three were to be done, it's probably in the custom of the trade, they won't put the top coat on the roads because you want to let the roads settle. But if that were a \$300,000 bond, the bond may get reduced to approximately \$100,000 let's say at such time as the map is put on record. And that's how it's been done, continues to be done. It's absolutely consistent with the Town law and the planning regs of this particular Town and has been done in that way for the past 20 years. There's nothing new about it, nothing different about it." Thank you."

Deputy Supervisor Stark: "Thank you. Let us take up the Resolutions."

Resolution #178

Councilman Prusinowski: "Authorizes the Town Clerk to publish and post notice of 1994 annual water supply statement. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes. The Resolution is adopted.

Resolution #179

Deputy Supervisor Stark: "Order establishing a lateral sewer main in Madison Street pursuant to Section 199 of the Town law. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes. The Resolution is adopted.

Resolution #180

Councilman Creighton: "Authorizes the Town Clerk to advertise for bids to furnish and place asphalt concrete and bituminous materials. So moved."

Councilwoman Gilliam: "And seconded"

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes.

Deputy Supervisor Stark: "Also let the record show that we're voiding Resolution #181."

Resolution #182

Councilman Prusinowski: "I'd like to move Resolutions 182 and 183. We're awarding bids for materials for the Highway Department. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolutions are adopted.

Resolution #184

Councilman Creighton: "This awards a bid for furnishing heat fused preformed pavement markings. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #185

Councilwoman Gilliam: "Authorizes Town Clerk to republish and post public notice to consider the amendment of Section 108-64.5 entitled Bed and Breakfast Facilities of the Riverhead Town Code. So moved."

Councilman Creighton: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #186

Councilman Prusinowski: "Amends Resolution 156. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #187

Deputy Supervisor Stark: "This is a budget adjustment, capital project. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #188

Councilman Creighton: "This approves--"

Deputy Supervisor Stark: "Could I-- one second, Frank. Could you explain this one--?"

(Discussion)

Deputy Supervisor Stark: "I'm sorry, Frank."

Councilman Creighton: "This approves a merit raise for a Town employee, retroactive to January 1, 1995, which was a result of a union grievance which the Grievance Board of the Town agreed to. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, sustained. The Resolution is adopted.

Resolution #189

Councilwoman Gilliam: "Authorization to publish bids for police cars. So moved."

Councilman Creighton: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #190

Councilman Prusinowski: "Authorizes the solicitation of bids for

water service materials for use by the Riverhead Water District. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #191

Deputy Supervisor Stark: "Authorizes the submission of an application to the U.S. Department of Justice for Cops More Funding. That is the famous Crime Bill law. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #192

Councilman Creighton: "This authorizes the Clerk to advertise for sealed bids for corrosion control chemicals. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #193

Councilwoman Gilliam: "Authorization to publish bids for food for use in the Nutrition Center. So moved."

Councilman Creighton: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #194

Councilman Prusinowski: "Gives consent to assignment of CBA District. In our contract with our carters, if they wish to sell their district to somebody else they must get permission from the Town. The Town has done a background check of the proposed buyer and our attorneys have advised us that we can go forward with this. I move Resolution 194."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #195

Deputy Supervisor Stark: "This awards bid for chemicals. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #196

Councilman Creighton: "This Resolution solicits proposal for the Town's insurance program and notices, request for proposals may be acquired from the financial advisor here at Town Hall. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #197

Councilwoman Gilliam: "Authorization to publish bids. So moved."

Councilman Creighton: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #198

Councilman Prusinowski: "I make a motion to table Resolution 198."

Councilwoman Gilliam: "I'll second that."

Deputy Supervisor Stark: "Moved and seconded to table."

The Vote: Gilliam, yes; Creighton?

Councilman Creighton: "See, we almost waited until nighttime to do this. Yes."

The Vote (Cont'd.): Prusinowski, yes; Stark, yes. Resolution to table is adopted.

Resolution #199

Deputy Supervisor Stark: "Appoints Electrical Inspector to the Building Department in the name of Scott Sinnickson. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #200

Councilman Creighton: "Authorizes the Clerk to publish and post a help wanted ad for Maintenance Mechanic II in Buildings and Grounds. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #201

Councilwoman Gilliam: "Appoints 90 day temporary stenographer to J.A.B. So moved."

Councilman Creighton: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowki, yes; Stark, yes. The Resolution is adopted.

Resolution #202

Councilman Prusinowski: "Awards bid for purchase of grass seed and chemicals for the maintenance of Town facilities. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #203

Deputy Supervisor Stark: "It's a budget adjustment in the Ambulance Corps. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Deputy Supervisor Stark: "Ladies and gentlemen, we've only got a couple more Resolutions. If you would, please. Thank you."

Resolution #204

Councilman Creighton: "This awards a bid for sports equipment and supplies. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #205

Councilman Prusinowski: "Appoints additional members to the Riverhead Hamlet Study, Carol Lunden and Carol Kemperman (phonetic) alternate and Joe Marshall (phonetic). So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Barbara Grattan: "Resolution 206 to pay bills."

Deputy Supervisor Stark: "Wait a minute."

Councilman Prusinowski: "Well, we'll do that one first. Because that's always next. I'll make a motion to pay the bills, 206. There's some housekeeping things I found. I've got a Resolution about--"

that's 202, awards bid for grass seed, we did it. And we did those two. Okay. I made a motion to pay the bills, 206."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution to pay bills.

Deputy Supervisor Stark: "The Chair recognizes Councilman Prusinowski."

Councilman Prusinowski: "Resolution 206-- "

Deputy Supervisor Stark: "If you don't mind, I would do that myself. What will this be? 206?"

Barbara Grattan: "207."

Deputy Supervisor Stark: "Resolution 207, we are referring a portion of the Calverton Hamlet Study to the Planning Board for actions. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. Resolution is adopted.

Councilman Prusinowski: "We have some we have to take off the table."

Barbara Grattan: "You got it. Which ones do you want? We have three."

(Discussion)

Deputy Supervisor Stark: "All right. Somebody want to call Resolution 144-- 145 off the table?"

Councilman Creighton: "I move Resolution 145 be taken off the table which, this authorizes the execution agreement with Riverhead Business Improvement Management Association to manage their own business to a greater degree. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded for the removal off the table."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is off the table.

Deputy Supervisor Stark: "Somebody move the table-- Resolution now 145."

Councilman Creighton: "I move approval of the Resolution. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded. All those in favor, aye."

Collective response: Aye.

Deputy Supervisor Stark: "All those opposed? Motion carried."

Councilman Prusinowski: "All right. I make a motion to take Resolution 106-- "

Deputy Supervisor Stark: "105 is first."

Councilman Prusinowski: "105 accepts the resignation of Bruce Stukey and appoints member to the Board of Assessment Review, Richard Park of Aquebogue. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded for bringing off the table."

The Vote: Gilliam?

Councilwoman Gilliam: "No, and I raise the same objection that I raised back at the initial Board meeting. There's been no discussion with the Board as a body as to interested applicants who would want to apply for positions on the Board of Assessment Review. The Board has had ample time since then to bring up these issues at numerous work sessions. It hasn't been done and they're seeking to do what they tried to do before, appoint people without presenting information as to their background, whether they are suitable for these positions, whether there is any possible conflict of interest, whether there are other individuals who may be interested and be considered and for all these reasons, I vote no and that the Resolution should remain tabled until the Board discusses this at a work session."

The Vote (Cont'd.): Creighton?

Councilman Creighton: "I vote yes to take it off the table."

The Vote (Cont'd.): Prusinowski?

Councilman Prusinowski: "I vote yes. I circulated a memo two and a half weeks ago with a resume I know of Judy O'Connell, and I think we submitted a resume of Richard Park-- I'm not sure about that, and I voice my reasons why we want to get it off the table. We have a class coming up. They have to go and get training. They both have backgrounds in real estate and I think they are-- I'm going to vote yes to take it off the table."

The Vote (Cont'd.): Stark, yes. The Resolution is off the table.

Deputy Supervisor Stark: "Move the Resolution now that's off the table."

Councilman Prusinowski: "I'll move Resolution 106."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

Councilman Prusinowski: "105, 105."

The Vote: Gilliam, no.

Councilman Creighton: "This is the vote on the Resolution?"

Deputy Supervisor Stark: "Yes."

The Vote (Cont'd.): Creighton, yes; Prusinowski, yes; Stark, yes.
The Resolution is adopted.

Deputy Supervisor Stark: "I'll move that Resolution 106 be brought off the table."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam?

Councilwoman Gilliam: "No, for the reasons previously stated."

The Vote (Cont'd.): Creighton?

Councilman Creighton: "I vote yes and note that administrative, I think, needs to be an administrative correction in the name. It's O'Connell."

The Vote (Cont'd.): Prusinowksi, yes; Stark, yes.

Deputy Supervisor Stark: "I move the Resolution now it's off the table."

Councilman Prusinowski: "I second it."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, no; Creighton, yes.

Councilman Creighton: "Yes, this accepts the resignation of Bernadette Troyan and appoints a member to the Board of Assessment Review, Judy O'Connell. I vote yes."

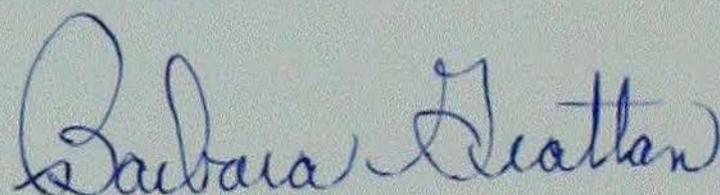
The Vote (Cont'd.): Prusinowski?

Councilman Prusinowski: "Yes. I've known Judy O'Connell. She has a background in real estate and business and she would be a fine addition to this Board as Mr. Park and certainly I vote yes."

The Vote (Cont'd.): Stark, yes. The Resolution is adopted.

Deputy Supervisor Stark: "No other Resolution, no other business, without objection, I declare this Meeting adjourned."

Meeting adjourned: 5:25 P.M.



Barbara Grattan
Town Clerk