

Minutes of a Regular Board Meeting of the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, February 28, 1989 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Louis Boschetti, Councilman
Robert Pike, Councilman
Denise Civiletti, Councilwoman

Also Present: Patricia Moore, Town Attorney
Irene J. Pendzick, Town Clerk

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Minutes of Regular Board Meeting held on February 28, 1989 are dispensed and approved without objection.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Reports."

REPORTS

Planning Board-Recommend approval of: Cross River Project; Amendment to Article XXIV of the Town Code; Amendment to Section 108-60 of the Town Code; Issues Negative Declaration for: Parviz Farazhad, the subdivisions off Thaddeus and Jadwiga Kycia, Edwards Field (George Kalamaras), Frank Giosi and Richard Campbell and Hubbard Estates. Filed

S.C. Department of Public Works-Supplemental Report of Evaluation of Riverhead Sewage Treatment Plant. Filed

Tax Receiver-Collections as of 2/21/89 (\$18,640,297.75) Filed

Jamesport Fire District-Annual Report for 1988. Filed

Town Historian-Annual Report for 1988. Filed

OPEN BID REPORT - BAY CONSTABLE BOAT/POLICE DEPT. Filed

REPORTS continued

Bid Date: February 21, 1989
2 Bids Submitted

#1 NAME: Raynor & Mitchell Marine
ADDRESS: 401 Montauk Highway, Westhampton Beach
TOTAL BID: \$40,868.00

#2 NAME: White Water Marine
ADDRESS: Sunrise Highway, Sayville
TOTAL BID: \$29,500.00

OPEN BID REPORT - CAST IRON MANHOLE & CATCH BASIN Filed

Bid Date: February 21, 1989
2 Bids Submitted

#1 NAME: Capitol Highway Materials
ADDRESS: P.O. Box 216, Baldwin Place, NY
TOTAL BID: \$106/item one & two
\$235/item three

#2 NAME: Wilson Casting Supplies
ADDRESS: Riverhead, NY
TOTAL BID: \$115/item one & two
\$265/item three

OPEN BID REPORT - PRECAST DRAINAGE RINGS & ITEMS Filed

Bid Date: February 21, 1989
1 Bid Submitted

#1 NAME: Suffolk Cement Precast
ADDRESS: Riverhead, NY
TOTAL BID: \$10,440.00

OPEN BID REPORT - CAB & CHASSIS - HIGHWAY DEPT. Filed

Bid Date: February 21, 1989
2 Bids Submitted

#1 NAME: Trux of Suffolk

REPORTS Continued

ADDRESS: Old Country Road, Riverhead

TOTAL BID: \$38,093.00

NAME: Bi-County Ford Truck Sales

ADDRESS: 116 Rt. 110, Farmingdale

TOTAL BID: \$34,313.55

OPEN BID REPORT - STREET LIGHTS

Filed

Bid Date: February 21, 1989

2 Bids Submitted

#1 NAME: Shorebrook Electrical Supply

ADDRESS: East Islip, NY

TOTAL BID: see file for list of items and total

#2 NAME: Revco Electric

ADDRESS: Riverhead, NY

TOTAL BID: see file for list of items and total

OPEN BID REPORT - HAZARDOUS WASTE FACILITY

Filed

Bid Date: February 21, 1989

No Bids Submitted

OPEN BID REPORT - SOUND LEVEL METER EQUIPMENT

Filed

Bid Date: February 21, 1989

1 Bid Submitted

#1 NAME: Bruel & Kjaer Instruments

ADDRESS: West Caldwell, N.J.

TOTAL BID: \$12,607.59

Irene Pendzick, "That concludes Reports."

Supervisor Janoski, "Thank you. Applications."

APPLICATIONS & PETITION

Water Lateral-Crystal Pine Estates/Ext. 34B Aquebogue) Filed

Petition-Additional 23 residents supporting application of

APPLICATIONS Continued

William Hubbard Filed

Change of Zone-Walter Baer, Route 25, Calverton from Ind. A to Res. A and Bus. C. Filed

Site Plan-Fox Hill Country Club to add to restaurant and parking and a storage building. Filed

Supervisor Janoski, "Thank you. Correspondence."

CORRESPONDENCE

Jane C. Stark, 2/9/89-Urges Board to consider regulations regarding the use of jet skis. Filed

C.E. Umpham, 2/16/89-Expresses opposition to the Special Permit of National Survival Games. Filed

Arthur Sanders, 2/10/89-Expresses opposition to Special Permit of Mill Pond Commons. Filed

Northville Energy Corp., 2/3/89-Informs Board that Northville plans to deposit money to cover the Consultant's cost in reviewing the DEIS of Long Lake Cogeneration Corp. after re-evaluation of alternative sites. Filed

Cornachio Ins., 2/7/89-Requesting a sign be erected in front of Insurance Agency stating that "No Stopping or Standing" is allowed at 200 Route 25, Calverton. Filed

Sherry Johnson, LI Pine Barrens, 2/16/89-Submitting letters to Town Board from Lee Koppelman and Gregory Blass regarding the application of Calverton Lifecare and that the S.C. Department of Planning will be monitoring this application very closely. Filed

Charles Cetas, 2/20/89-Revised copy of 2/6/89 letter re: Mill Pond Commons. Filed

S.C. Dept. of Planning-Application of Long Lake Co-Generation Corp is not within their jurisdiction. Filed

U.S. District Court-Summary Notice of Hearings re: County of Suffolk vs. LILCO (3/3/89, 10:00 a.m. Hauppauge.) Filed

S.C. Dept. of Planning, 2/17/89-Advising that application of Long Lake Co-Generation Corp. is not within their jurisdiction. Filed

Riverhead Fire Dept., 2/23/89-Inviting Town Board members to Annual Inspection Service on 5/7/89. Filed

CORRESPONDENCE, Continued

CO. Exec. Halpin, 2/15/89-Requesting that designee to serve on Farmland Comm. be sent to him as soon as possible. Filed

Daniel Fricke, 2/28/89-Supports proposed Litter Law and encourages enactment. Filed

Supervisor Janoski, "Thank you. The time for the first scheduled public hearing has not yet arrived. I would recognize anyone who wishes to be heard. I see a hand. Is that Chris? Did you have your hand up? Yes sir."

Bob Pekar, Calverton, "Lately in reading the local papers and Newsday, it seems like a continuing soap opera when it comes to the Town of Riverhead. Newsday today says there's not enough parking at the Town Hall. Mr. Janoski has to drive around sometimes himself. Well, I guess tonight was a good example. A lot of us had to drive around. It seems to me that this is kind of poor planning on the part of this Town Board or whoever is responsible. There isn't a business in this town that would be allowed to establish itself without providing sufficient parking. Yet this Town Government can build a Town Hall and then add the Police Department right next door without taking the proper planning. It doesn't..... Telling the paper that someone was sick and the money was spent while they were sick. That doesn't really wash. What's good for the businessmen and the industrial people of this town is good for the government of this town. Let's all play by the rules. It's hard enough for anybody that wants to do any development in this town to do anything because of the red tape that they have to go through. Yet lately with the low cost housing projects, Mr. Pike all of a sudden is all for cutting corners, taking short cuts and whatever is necessary to get his pet projects through. Personally I don't think we can afford Mr. Pike's pet projects. If it isn't recreation or an environmental issue, you don't hear too much. This town needs something more. We need an industrial base and we aren't getting it. We're certainly getting a residential base. I wouldn't want to have to go around and count the number of homes going up within a two mile radius of me. Time and time again as I've said before, every home with one child, we can not support that tax base unless we have alternative tax sources coming in and I don't see them happening. I don't see this Town Board doing anything to develop anything but residential. It seems that this is a day by day planning. There doesn't seem to be any long range planning. We hear about a new Master Plan but that's all we do is we hear talk. Every time it's come to this Board meeting, there is more applications for changing industrial land to residential land. It's about time maybe we put a moratorium on that until we decide just what is going to happen in this town. We want to develop high tech. We have one of the largest high tech companies located in this town with a fairly large facility but I don't see this town going out and trying to solicit from them or anyone else growth in the high tech area. I mean, if I'm wrong,

PERSONAL APPEARANCES, Continued

Bob Pekar, Continued

why don't I read about these plans, these visions? All I hear is bickering. All I hear is complaintants between Town Board members. I don't see anything concrete happening. We need a solid base in this town. We can't afford to be a bedroom community and that's exactly what we're going to become if what is going on continues to go on. This town, the future of this town rests upon the decisions that you people make. It's our future, our school's future. Everybody complains about the school taxes. The school taxes are what they are basically because of what you don't do. Our children's future depends on your decisions today as well as our grandchildren. I'd like to see some changes. Thank you."

Supervisor Janoski, "Thank you. Mr. Baker."

Paul Baker, Wading River, "President of Organization of Riverhead Civic Associations. Two weeks ago we asked you to be sensitive about the tax impact that increasing densities would create in this town. As organization has asked you for the past two years to weigh heavily the tax impact of all new developments. Riverhead does not need the densities proposed by Mill Pond Commons. The United States Constitution does not guarantee any citizen the right to a maximum profit. In the name of progress, we will not accept the tax burdens for density which maximize a developer's profits. We believe that as our elected government with the singular power of controlling zoning in our town, you will deny this increase in density. The message must be delivered that Riverhead can not afford this type of tax abuse. We hope you will deliver the message that compromising our future by increasing densities now, will not be business as usual in Riverhead anymore. Thank you very much."

Supervisor Janoski, "Thank you. Yes sir."

Charles Cetas, Howell Court, "I would also like to say that I am also very strongly opposed to the proposed 113 or I guess the resolution is now for 100 unit, 21 acre Mill Pond Commons Project on Elton Street. The neighborhoods surrounding this project are also united in their opposition to it. I feel that this project has little or no merit. I believe this high density project would negatively effect the quality of life enjoyed by the residents near it. These condo apartments would not be in keeping with the single family housing in the area. It would greatly increase the population of the area and would significantly increase the traffic on Elton Street. I believe that storm water runoff from this project would cause flooding from the adjacent Saw Mill Creek during heavy rains. Residents of the project would be forced to endure major disruption of their peace and quite for an extended time during the construction period. Aesthetically, I believe the projects of this nature usually leave a great deal to be desired because of the extensive destruction of natural scenery, project buildings crowded together and large areas to be paved. There are no guarantees that these condos/apartments would not be converted to rental units by

Charles Cetas, Continued

individual owners or that the project would be properly maintained once Valmont Homes has sold the last unit and has turned over the management of the project to its residents or to whomever. Nor is there a guarantee that once built, these condos or apartments would not stand unsold and vacant for a lengthy time. To my knowledge, no market study has been done for this project. Interest rates have risen and many are saying that real estate sales in Riverhead have slowed. For these reasons and many others, I believe this project could have a negative effect on the value of homes near it. This high density project would no doubt, put an extra burden on town and school district services which would cause an increase in taxes. These project needs sewer hook up. However, the Department of Environmental Conservation has imposed a new hook up moratorium on the Riverhead Sewer District since the sewer plant is operating at or near capacity at the present time. Expansion of the sewer plant would cost the residents of the Sewer District millions. The additional garbage produced by this project would make Riverhead's garbage problem worse since the Riverhead Landfill is scheduled to be closed in 1990 by the D.E.C. The additional students from this project and other proposed projects would increase the need to build new schools which would cost the residents of the Riverhead School District many millions in addition to the 22 million the present schools need just for repairs, renovations and asbestos removal. Also, I believe this project could effect the ability of the town to evacuate residents in the event of a major accident at the chemical plant on Elton Street. This plant is known to have stored small amounts of nerve gas. This high density project should not be placed along the Saw Mill Creek and Mill Pond which have been declared critical environmental areas by the Conservation Advisory Council and also by the Town Board. There should be a comprehensive study done on the entire Saw Mill Creek system before any further development adjacent to it is allowed. I believe a better use for this property and other undeveloped properties along Saw Mill Creek would be the establishment of wildlife refuge or a nature park which would permanently preserve a much needed greenbelt in the Riverhead Hamlet. The use of County or possibly State open space funds should be looked into to purchase the properties necessary to establish such a park. Future generations would, I believe, appreciate the preservation of at least some of the natural beauty of Riverhead that our generation has been fortunate enough to enjoy. I strongly urge the Town Board to deny the special permit for the Mill Pond Commons Project. In 1988, I along with nearly 300 other residents of Riverhead from Calverton to Jamesport, signed a petition against this project. I'm sure that many others would have signed it if they had had the opportunity. If the Town Board approves the special permit for this project, I believe that the Town Board will be going against the general sentiments of the town's residents and voters who do not wish Riverhead to become just another suburb of New York City. I hope that each of you will honestly vote according to your conscience and what is right for the future of Riverhead rather than just according to a pre-arranged deal or compromise made with the developer. Thank you."

Supervisor Janoski, "Let the record show that the hour of 7:51 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, February 28, 1989 at 7:45 p.m. to hear all interested persons who wish to be heard regarding: **Proposed Amendments to Sections of Article 26 of the Town Code - Site Plans.**

Supervisor Janoski, "Town Attorney."

Patricia Moore, Town Attorney, "The first provision which the Planning Department has recommended the Board consider is the expiration time of site plan approvals. You can't hear me? I'll try this again. The first proposal, these are proposals that were made by the Planning Department in the Town of Riverhead for the site plan review process. First is creating or placing a time frame on site plan review. Right now site plans which are approved, can continue on the books for a period of time without any action. What this change proposes is that a site plan will remain effective for 18 months. And if the applicant does not make any effort to apply for a building permit, then within that 18 month frame, the site plan will be lost. Giving the opportunity for the applicant to make an extension but beyond that, the site plan has to start over. The second provision is that where a site plan is required, it's more clarification of sections where you have a clearing, grading, any land use, change in land use. There a site plan is required. Since the creation of the Architectural Review Board, certain preliminary review processes require additional paperwork and additional information. With that, these changes request that certain drawings, topography features be submitted in the preliminary review stage. Another change is that if there any significant changes to the site plan during the time that a business is in operation, that they should come back and have the site plan amended. And finally, just adding another Board for the review of site plans, we ask for another copy to go to the Architectural Review Board. Those are all.

Supervisor Janoski, "Thank you Pat. Is there anyone present wishing to address the Town Board on the subject of these amendments to Article 26 of the Town Code? Mr. Danowski."

Peter Danowski, Riverhead, "As you know, I represent many clients before the Planning Board and the Planning Staff and the Town Board. I am concerned as to the need for the particular legislation especially with regard to expiration date. My concern is with most of the processes in the Town Hall, although it would be nice to say that we could gain permission to build or to get permission to do a site plan within a matter of months, many

PUBLIC HEARING, ContinuedPeter Danowski, Continued

times it takes a matter of years to get approvals. And to suggest to us now that, forget myself as an attorney, but individual applicants that come before this Town Board that the matter of 18 months, unless they can gain your permission to have a permit renewed, that they will lose the right to build, I think is a little hard on the applicants. Now I know maybe there's a suggestion as a reason for the legislation, is to review the circumstances or the surroundings or some new laws that are created. But I find a problem with the fact that many clients will spend a great deal of money on fees, not just for attorneys but for experts and have to deal with D.E.C., the Health Department, various regulatory agencies as they go through the process. And they finally get a permit and many times after that, there are other problems before construction can begin or as construction is happenings. And I'm very concerned that the Board is then going to have the power to say to these people, we're going to deny you an extension of your site plan or your permit. So I would like some sort of staff explanation to the public. I know that maybe the staff is not prepared or here today, but why do we need this legislation? That's a concern because many people come here armed with a permit after 18 months or after two years, three or maybe four years of applications. They have to get their bank financing. The market may be on a down turn. They eventually say, alright now I can build. This is suggesting, I think, on an 18 month period, you may tell them they can't build. So I just raise the concern as to why we have the proposed legislation and will it empower you to say permit not renewed. And I think that's being suggested to have that power."

Supervisor Janoski, "Councilwoman Civiletti wants to make a statement or clear up something. The Town Board, at all times, has the ability to rescind a site plan approval. So that circumstance exists right now. But Councilwoman Civiletti would like to...."

Councilwoman Civiletti, "Unfortunately, nobody from the Planning Department could be here tonight. So since I and John Lombardi as the code revision committee, worked with the Planning Department staff about this and some of the other amendments that are proposed tonight. I'd like to try to explain it to you. Right now site plan approval lasts forever theoretically. It does not expire the way a building permit does that's issued by the town for example, after a period of time. We have a number of site plan approvals that are several years old. Some of which do not meet current standards, some standards that have been imposed by other levels of government; handicap parking and handicap ramp standards. And the desire to have an expiration of a site plan approval kick in after a period of 18 months was to keep some control over what site plans are out there that could be built at any time. The proposal has built into it at least one if not two, I'm not sure, six month extensions of the site plan approval. So that if circumstances do not allow an individual applicant to obtain a building permit which is what one has to do in order to invest on the property, within the 18 month

Councilwoman Civiletti, Continued

period, the applicant can come back to the Town Board and get at least one six-month extension to do so. So that there would be a 24-month period after a site plan is approved within which to get building permit which then has an additional life of 18 months."

Peter Danowski: "I guess the question, several to be answered there is if the time period you're giving a fair period? Is it an automatic renewal or do you have the discretion to reject the renewal? If we're talking about merely site plan, someone comes in and gets site plan approval and you use the example of handicap parking. Why couldn't we just say that the applicant automatically be renewed as long as he conformed to the new regulation and provide the handicap parking. So you wouldn't have the discretion to reject. That's just my recommendations. I just don't want to be left out there with an approved site plan, come in here because you changed a rule either in this town or some other agency outside the town and be told, because your site plan has somehow changed by the new regulation, that you're not going to get approved. Fine, I can understand a modification to a site plan. But if it the man is willing to modify it, I don't think you should empower yourselves to then reject it two years later."

Councilwoman Civiletti: "Is it your contention (I'd just like to have your position made clear) that the 18 month period is in general, insufficient?"

Peter Danowski, "I think it is in certain instances insufficient certainly. I think you can approve a site plan and I could be tied up in D.E.C. for years. But I think one is; the length of time and second is; an automatic renewal and third is; if the reason for the renewal is because the law has changed in some instance, if the person then can conform to the new laws, that he should have the automatic right to have that renewal. And I would just suggest that as we discuss this before anything is voted on, that we talk about a more reasonable time period and we have some give and take."

Councilwoman Civiletti, "Do you have a suggestion?"

Peter Danowski, "I'll sit down with John and you and the code revision committee and the Planning Staff and discuss it."

Councilwoman Civiletti, "But since we're having a hearing, would you like to (for the record) make some sort of suggestion? Do you advocate indefinite approval or do you think that any time limit is...?"

Peter Danowski, "I'm not so sure I agree with Joe's comment which I think you picked up on and commented that we have the right to rescind an approved site plan at any time. Your town code may not say there's an expiration date. But I dare say that if you approved a site plan and the man went to rely on that site plan and you for no reason without any factual basis just revoked

him, I think maybe a court will tell you you don't have the right to do it. Your question, I don't have an answer right now."

Councilman Pike, "Could I just ask you some experience questions then? Just on the first comment you made, if we do anything with no reason, we stand to be overturned. Pete, when you bring an application which has a certain amount of multi-jurisdiction of a lot of different agency problems, one that needs town, maybe a county curb cut, State D.E.C. wetlands permit, you tend to bring those applications in sequence or slightly concurrently."

Pete Danowski, "Well, I think if we're talking about building permit processes, the town Building Department will tell you to go to all the other agencies first and gain all those other permissions first. So by the time you get through that whole process, their permissions may expire or they may change their rules. But building permit wise, you're in that position. What I'm afraid of is that it takes a great deal of time to get to obtaining a permit. And we're suggesting; hey, come to Riverhead, look at a site plan, digest it, we're going to put an 18 month time period on it and we're going to tell the guy that he may come back later and ask for a renewal and we may not give it to him. That's sometimes..."

Councilman Pike, "I understand that point. What I'm trying to do is look at practical time lines. If in fact you can't as a practical matter, get from a zoning permit ala a special permit through the D.E.C. back to get your building permit here within a month in a half, it's impractical. And what I'm looking for are examples of times where it's taken you, without a lot of other factors involved, more than a year and a half or two years from a special permit from zoning permission through D.E.C. back to here for a building permit."

Pete Danowski, "I'll sit down and we'll go over examples with you. I don't want to take up other people's time here. As soon as I saw the notice and it said an expiration date on a site plan and perhaps the ability not to renew it, I'm all of a sudden concerned and I didn't know the background and had no staff information as to why it was being passed. So I just make the comment and look forward to talking to the staff or Board members."

Councilman Pike, "Specific examples would be who?"

Supervisor Janoski, "Thank you Peter. Is there anyone else present who wishes to address the Board on the subject of these amendments? That being the case and without objection, I declare the hearing to be closed."

7:45 PUBLIC HEARING CLOSED AT 8:06

Supervisor Janoski, "Let the record show that the hour of

PUBLIC HEARING

Supervisor Janoski, Continued

8:06 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING- 7:55 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, February 28, 1989 at 7:55 p.m. to hear all interested persons who wish to be heard regarding: **Amendment to Section 108-95 to add 108-95(C).**

Patricia Moore, Town Attorney, "This legislation was suggested by the Planning Board in modification or amendment of the subdivision regulations. The proposed amendment would exclude certain land which is based on topography on tidal wetlands, freshwater wetlands, slopes and other described features from being included in a yield calculation. By yield calculation, it means how many lots an applicant on a subdivision may be entitled to in a standard zoning district. With that, I think you can go to the public hearing."

Supervisor Janoski, "Joe Gergela."

Joe Gergela, "I'm the executive secretary of Long Island Farm Bureau. Long Island Farm Bureau is opposed to the proposed zoning changes as this is determined by our membership to be another example of short sighted leadership of Riverhead Town Board members. This proposal has not considered the secondary effects which are contrary to long term goals of this town. We are dismayed that a handful of environmental activists could prompt initiation of legislation to certain individual town leaders without consideration of the consequences of their actions. Riverhead town has proposed that farmland and or open space preservation be a priority of this town for future generations to live in an area with the rural qualities which our citizens have enjoyed here for generations. However, zoning changes will defeat the purpose for which the zoning change was initiated to address which is the preservation of sensitive land. The economic and environmental impacts of the proposed amendments have not been completely addressed as this has not gone through the proper channels. This proposal has been expedited from Town Board committee to the Planning Board to this hearing tonight without consulting the expertise of the Planning Department personnel. We feel that this is an irresponsible act by the Town Board as you have clearly not researched the massive economic impact this proposal would have on Riverhead Town. This proposal is yet another message to the Riverhead farm community that have rights to their land and would be jeopardized in reduction of yields for development purposes. This is additional incentive to leave farming as farmers are penalized for maintaining open space for the general public with their future rights threatened. No one will continue to farm in Riverhead town knowing that their retirement equity in the land is unsure due to constant meddling

Joe Gergela, Continued

with their property values. This provides incentive to move land into development rather than continue farming. Another area of concern which has not been addressed in the proposed zoning amendment is the adverse effect on the tax base of the town. This zoning change will be counterproductive to the goals of Riverhead Town by discouraging potential commercial projects from coming into the town as these projects will be less profitable. In competition for tax dollars in other towns and the willingness to accommodate a business climate, will leave Riverhead town in an undesirable location. With much of the available open space not suitable for development, Riverhead town should use common sense and not consider any zoning changes without a complete environmental and economic impact study as well as the long term secondary effects of such changes. Thank you for your attention."

Supervisor Janoski, "Thank you Joe. Mr. Goldman."

Rob Goldman, N.F.E.C., "The N.F.E.C. strongly supports the amendment proposed to Section 108-95 of the Riverhead Town zoning code for the following reasons. One, the amendment protects wetlands and their intendant wet soil areas by limiting development density of parcels containing those types of areas. This is an extremely important step forward in wetlands preservation. In that the amendment recognizes that wetlands don't end at an arbitrary 50 or 100 foot boundary but rather are an extension of the soil and drainage geology. By subtracting wetlands and wet soils area from the building yield formula of a given parcel, the amendment protects the whole wetland system from the jamming effect wherein too many structures are crowded into too little space. Two, similarly, the amendment protects the Sound bluffs, beaches and glacial kettle holes which occur throughout the town from the same jamming effect. The amendment is a positive and effective tool for reducing development density throughout the town. Thereby, reducing the need for more schools, roads, waste treatment services and taxes. Four, the amendment discourages speculation and I have to add that 55% of our farmland is in the hands of speculators. The amendment discourages speculation on parcels containing wetlands, wet soil, bluffs and beaches. And thereby, holding down land prices throughout the town. Five, the amendment encourages creative development of parcels containing wet or steep areas. Development which will lead to private public preservation of these natural systems. The towns of Southold and Southampton have subtracted wet and steep areas from the development yields for a number of years. It's high time that Riverhead did the same. Wetland or bluff flanked right up to its edge with houses, is no longer a living resource. It is imperative for Riverhead's future that these natural areas receive maximum protection. We commend the Board for bringing out this amendment and we urge its passage into law at your next meeting. Thank you."

Supervisor Janoski, "Mr. Talmage."

John Talmage, "I'm a farmer and I believe in environmentalists. I think the farms of this nation are probably among those disciplines that have taken care of the land and produced the foods that is allowed. Probably 95% of the population of America not to be farmers because of 5% us raise the food so that the rest of you lawyers and councilmen and planners and builders and all the other things that we need. And farmers, productive farmers including those here on Long Island and here in Riverhead have had a role to play in that industrial technology society that we're in today. Our family has been on the same land in Baiting Hollow for 107 years, six generations. My great grandfather who fought in the Civil War, after the war was over, married a girl from Westhampton and they moved to Riverhead in 1882 and we're still on that land. We think we have cared for it. There are three generations of us here in the room and there are four generations of us still on the land. The shorefront on the farm that we occupy, we've owned that for 107 years. We've paid taxes on it for 107 years and we haven't gotten the first dollar of return on that wooded coastline because it wasn't suitable to be cleared and farmed. It wasn't level enough. Our tax bill on our farm approached \$100,000 this year. A good share of that value apparently is now being, it's being assessed to the shorefront along the Long Island Sound. And now we have a very nice little proposal to change to the way, the kind of yield you would get from developing this kind of land, reducing the amount of yield that you could get. We feel just a little taken back by this because the value of that land is reduced because the yield is reduced. What part of it? The slope? D.E.C. has already made a setback there and that cannot be built on. Now, this proposal says any slope within a wooded area beyond a certain degree cannot be built on and could not be counted in the yield of this shorefront. There are lots of kinds of groups, nimbys, gang plank those who now have moved to Riverhead. And now that we're here, let's preserve it. And what lots of people are saying is let's not let any more come and spoil it for us now that we have made it to Riverhead. The farm community feels that a more reasonable way to deal with the question of density and that's what this Town Board and this Planning Board, I believe is trying to work on here, density. Is to figure out how many people, how many families, how much industry, how much tax base this town can support. And then I think the proper fashion is to find out how we all can equally share in the burden of providing that kind of density. But not pick away at, now that you're here, let's pick away at what can be done. We feel that we are getting kicked around just a little bit here. That morally this is not right to say that part of that land, much of which most anyone in this room would be happy to live on, to build a home on, would feel it's very desirable to live on. Many people have built homes in areas like that. And now you say; not only can you not build on certain parts of it, but you can't even use it in determining the yield from that land. I don't think it's fair and I think the farm community has said, if we're going to play, plan with agricultural. Do not do this sort of thing to us. Plan with us and we will be willing toward a sensible solution to the density.

John Talmage, Continued

The transfer of development rights is a device which would be fair and we can support. That you have sending and receiving areas in a scenario that could work. You know, in the hurricane of 1985, the state park at Wildwood, the Pavilion, was almost destroyed right down on the beach. And then it was built again right down on the beach. I don't whether this Town Board is aware of that or what kind of rules New York State is involved in or where the environmentalists were on something like that. I think farmers, I think others are environmentalists, Town Boards are, each Town Board member, you're afraid of anybody who comes in and says I'm a member of an environmental group. You should also challenge any environmental group that comes in here. Remind them that we have met the enemy and it is us, all of us, all of us. Even members of the environmental councils. They have oil burners in their houses. They pollute the air. Their automobiles pollute the air. They require roads which have to be built across scenic farmlands. All of the environmentalists want all of the same things we want. They want package foods, they use them. They produce garbage. They produce used tires and all of these things. But make sure that any environmentalist that comes in here is also a balanced person who wants to deal with schools, that will deal with housing, will deal with energy, will deal with all of the problems the town has. Not just the snail garder, not just a particular stream that they fell in love with because that's their single issue. You know, probably one of the worse environmentalists in the eyes of those who are trying to protect every type of living being or living thing would be St. Patrick who drove the snakes out of Ireland. You know there are cockroaches. Where were the environmentalists in saving the cockroaches and the mites and the tste flies? They're all part of the balance of nature. Environmentalists must get in touch with balance again and deal with all of the problems we have and be fair and be constructive in dealing with a town's growth. And our family who have tried to be good citizens in this town think that this is patently unfair to handle this in this cavalier fashion. Very little discussion. And I believe a planning function of the Planning Board, that was just plain knocked over by a group which calls itself environmental and you didn't stand up and look at the economic and fairness issues in this change."

Supervisor Janoski, "Sherry."

Sherry Johnson, Manorville, "Vice President of the Long Island Pine Barrens Society, on the Board of Directors for the N.F.E.C. I'm on the Pine Barrens Review Commission. I don't consider myself a nimby. I don't discriminate. I do the same thing in anybody's backyard. My statement is this after I reviewed the proposed amendment. Wetlands, bluffs and slopes are unique features that provide character to the landscape. They are part of our natural heritage. To be made suitable for building, they must be specifically altered to such a degree that they become unrecognizable and cease to perform their natural function. To allow their inclusion in the calculation of total lot yield is a bonus gift to the subdivider. These features then

become obscured under the yield grid of the subdivision map. To exclude them at the very beginning of the subdivision process, will define them and give them significance. Most of the major topographical land features have been included. However, I feel that kettle depression should be listed as a specific category in this legislation. They are unique and historic land formations that also deserve recognition. Also, I wish that you would do further research on the soil classifications to be used to determine various high water tables. In Pine Barren wetland areas such as the Peconic River watershed, I think that the soil type found there is predominantly plymouth carver and that is certainly is an area where there is a high water table. I would also ask that subparagraph 1-B be further clarified to read quote: Tidal Wetlands and Freshwater Wetlands period. And of the various high water table to the end, begin a new sentence. This clarifies the high water table areas, not wetlands will be determined by soil type. While I strongly support the first subparagraph of this proposed addition to the code, I just as strongly oppose the second subparagraph which states that the lot area of a proposed parcel may include the area listed in subsection C-1 of above. This section totally negates the legislation. You can not allow our freshwater and tidal wetlands to be divided up and included on individual building lots as will be allowed by this section. To do so is condemning them to certain obliteration. Dividing up a wetland among many owners, makes it impossible to manage as a contiguous resource and makes enforcement of environmental regulations extremely difficult. Additionally, I feel that you will be acting contrary to the previously adopted cluster ordinance which allows planned flexibility to preserve unique environmental features. Subparagraph two must be rewritten or you will be throwing away an opportunity to preserve most of the sites that you designated as critical environmental areas and scores of sites that you didn't but are equally deserving. Through the subdivision process you could acquire and preserve environmentally sensitive areas at no cost to the taxpayers. This legislation isn't good enough as it's written but you can make it great. Rewrite this section to state that the environmental features listed are an important part of our heritage and that they should be preserved. Then create a nature preserve land district in the town code. Criteria for sites to be included would be both fresh and tidal wetlands, bluffs and beaches, watershed, pine barrens and wildlife habitat. You should place all town owned parcels that meet that criteria into it. This would immediately preserve portions of the Wading River Marsh, East Creek and tidal wetlands at Iron Pier. Three of the sites included on the critical areas legislation. Unimproved parcels along the Peconic River should also be added. And if the town were to take responsibility for buffers. On East Creek, Reeves Creek and Cases's Creek as well as preserved areas at Union Avenue and on the DiMartino property that were created by recent development projects. They're a portion of the seven of the twelve critical areas that could be preserved. Buffers that are truly adequate to protect our wetlands must be required. Then scenic easements or better yet, actual transfer of fee title

could place one to two hundred foot wide contiguous areas adjacent to wetland systems into the nature preserve, securing their protection and ensuring that they will be able to continue to act as surface and groundwater recharge areas, wildlife habitat and to provide flood and erosion control. If you adopt this legislation as written, you are short changing the people of Riverhead. I urge you not to allow the piecemeal fragmentation of our valuable and fragile wetlands that will occur. Make this legislation something we can be proud of. Incorporate into it the changes I have suggested. Thank you."

Supervisor Janoski, "Thank you. Mr. Baker."

Paul Baker, "I'm the president of the Organization of Riverhead Civic Associations. We delivered some comments earlier about density in the town. And in reference to this whole question of this particular section change, I agree with Mr. Talmage. Density is the problem that we are faced with in this community. Two years ago, they asked the civic associations to become involved in the Agricultural Task Force, to get involved in planning, to talk about saturation population figures and to talk about what kind of resources could Riverhead support population wise. And suggestions were made, discussed, hammered out on the Agricultural Task Force. A plan was put forward by the Agricultural Task Force with farmers included which included an upzoning. And that produced some serious problems to the farm community. So after two years of talking about it, we're faced with a scenario where taxes continue to increase. I don't have the resources of Mr. Talmage but my property taxes have increased significantly also since I moved to this town and so have many of my neighbor's taxes. How do we address the problem of increasing taxes while we are increasing densities on land and increasing our tax burdens? I agree that planning is the answer. I do not perceive the battle though to be civic organizations or environmentalists against farmers. Our purpose for joining the task force and giving up that much time voluntarily was to hopefully help the Riverhead community. To hear it said at this point that we are going to pit one group against another, I find to be totally divisive. And the only individual that benefits from that division is the speculator who has come to this town to maximize his or her profits. So density is a problem. We have tried to address planning. Last summer in a discussion with a speculator, this question came up. I'm not sure it's a legal one but their reference was; Paul, you guys are dreaming. According to the Riverhead code the way it stands now, if I had a lake of 40 acres in the middle of that sat a one acre parcel of land, my yield will be 40 units because I own 40 acres of land in Riverhead town. And their solution was to build a very high edifice that would accommodate the 40 units that they were entitled to. Now I understand why they said that. Obviously they thought they could maximize their profit on one acre of land when they were only entitled to one acre. They wanted to maximize it at 40 units or at 40 acres. This type of legislation then I believe, is extremely important. Upzoning is a dirty word. But

how do we manage to stay in this town? Will our school budget pass this year? And if it doesn't, what about the three thousand applications that our Planning Department has told us that are presently on the books for the future development in Riverhead, on the books at this moment. Potentially could lead to a cost impact of nine million dollars to our school budget next year. Whether anyone realizes it or not, that's a 25% to 30% increase in taxes just for standing still. I think something has to be done. I think this is one effort to reduce densities and we applaud your efforts. Thank you very much."

Supervisor Janoski, "Thank you. Mr. Cuddy."

Charles Cuddy, Attorney, "I represent the number of clients who have an interest in this matter. But I represent some clients who don't know they have an interest in this matter and I feel like the fellow who is asking who is on first. There is seven or eight soil types that are delineated in this ordinance. I have no idea where those soil types really are and I've made an inquiry. I've gone to the Soil Conservation District people. I've asked them. I understand that many of them are porous along the wetlands, the natural traditional wetland areas that we think of. But some of these soils are located in the middle of the town apparently. And I don't know how you calculate it. I don't know who calculates it. I don't know whether you need a soil scientist with every subdivision application. Whether you need an engineer. How much it's going to cost and how we're going to go about doing all of this. And I think it would be fair before we get to passing something like this, that we find out where the soils are. Where we're going to cut off the land. And then I think we should consider how we're going to compensate the people that we take their land from because that's not addressed in here. Also not addressed in here is the question of do you reduce real estate taxation when you take land? I'm not just talking about compensation. I'm talking about evaluation. Those things aren't addressed at all in this particular ordinance. There are some other problems with it. There's no distinction between the major subdivision or minor subdivision. Some people have one, two or three lots that they intend to give to children. If those lots are 40,000 square foot lots and one or two thousand square feet are the bad soils, they can't use those lots. I think it's wrong not to take minor subdivisions out of this particular amendment. I also bring to your attention the calculation again, if I have a 39,000 square foot lot in a 40,000 square foot district because 1,000 square feet is unacceptable, how do I get that 39,000 square feet to be valued? What do I do? Do I go to the Zoning Board of Appeals to ask for an amendment? Excuse me. A variance. If I have to go to the Zoning Board of Appeals, then my subdivision map is on hold. The whole process is not really addressed, again, in this amendment. I would point out to you that appears to me that this was created, the amendment was, to address a very narrow problem but this is like a meat ax approach when you should be using a scalpel. There's no threshold. Why isn't it that you can say 30% or 50% of the land

Charles Cuddy, Continued

in question is a threshold? In other words, to bring this into being, why don't you say; if necessary, if it's so important to have this, that you must have 30% wetlands, you must have 50% wetlands before this comes into play. I think there is a lot of things that need to be addressed in this that have not been addressed. And I ask that you take it back to the drawing boards and that you do that. Thank you."

Supervisor Janoski, "Thank you."

Perry Conklin, Aquebogue, "Good evening. I own a farm that has been in our family probably not as long as the Talmages but close. I've lived in Aquebogue for 53 years. My wife and I have worked hard over these years so that we could sell this for a retirement fund. If any person in this town invested in a retirement fund and in a few years found out that they would lose it due to a change in policy, they would sue. If anyone in this town is willing to give up their retirement funds to Riverhead town, so will I. I raise three daughters in Riverhead and I'm very proud of them. Many other parents have done the same. Two of my girls were valedictorian of Riverhead High School. The third in the top ten. They went on to higher education and are now located in Maine, California and Stony Brook. Why? Because every time you try to do something in Riverhead, somebody harasses you. To list a few: I have a house on a small plot but not you. I built a house on beachfront in an environmentally controlled land where the Indians lived but not you. I have seen houses built on very small lots with cat tails growing out of their foundations in the passed five years. As for business, forget it. Not in my backyard. Boat slips; I have mine. We don't need any more. Let's keep the farms but don't let them spray but please spray for the mosquitoes and the ticks. I can't afford one acre so let's have two. Maybe one can be for the garbage. I built my house on a slope but not you. I want street lights, police protection, education, senior citizen programs, leaves and garbage pickups but please don't raise my taxes. Keep open land, let the other guy pay for it. I'll enjoy it. It seems that Riverhead is not interested in a half mile ban on the river. These are some of the reasons why young people are leaving Riverhead. I suggest that if we want open land, no business, no houses, no spraying and every other no in this town, let the town buy a few thousand acres for few million dollars. Everybody can pay for it. This is America, the land of the free. If you want to control my land, buy it. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present wishing to address the Board on the matter of this change? Way in the back, Mr. Klein."

John Klein, Attorney, "Mr. Supervisor, members of the Board. My name is John Klein. I'm here representing the Long Island Farm Bureau Local Affairs Committee tonight and I will be brief but I hope to the point. As I hear this argument back and forth tonight, I can't avoid thinking of the principle that one

of my former colleagues has so eloquently posted when it comes to this kind of issue. And that is that every one of us lives in a house that somebody else didn't want to see built. I think indeed, that as Mr. Talmage has pointed out, that is at the very heart of what we're talking about. Let's make no mistake about the issue here tonight. If I may be so bold, it is not as the North Fork Environmental Council representatives suggested. It is not an issue of whether we destroy wetlands and bluffs and slopes and kettle holes. It is a question of whether we include those areas out of fairness, in permitting a computation of yield on real property that has been yield since 1872 or since 1941 by those who would have been better advised in those days to sell it and develop it into subdivisions which would now be present with residences of those subdivisions here to oppose those who didn't sell. This is about the fourth time that I have been here on behalf of the Long Island Farm Bureau on this issue and this issue is has already been identified here tonight, one of density. It's very simple. It's density. First there was the farm preservation which emerged about two and a half years ago which contained within its bounds, a proposal for upzoning to two acres and a proposal for ten acres. Then there was a rather forth right and (if you'll pardon the expression) I think rather brutal suggestion by the Planning Board for a flat out upzoning of the agricultural lands from one acre to two acre while it was indeed in our judgment brutal, it at least had the characteristic of candor in stated exactly what it proposed. Then there were various proposals which have emerged from the Agricultural Task Force which purportedly were to be consensus of the members about what should be done with respect to the agricultural lands and others in the town including a component for upzoning to two acres. All of this had been clearly identified as being designed to deal with Riverhead's future growth totally on the backs of the agricultural community. It's been said here tonight. It's been said on numerous prior occasions by the agricultural industry. We know there's a problem. We understand your concern with density. We may not necessarily agree with your perception of the severity of the question of density. But if it exists and we have to deal with it, why do we have to deal with it solely by making the agricultural community carry the burden of protecting in the perspective of the town, the future expenditures for public services off the backs of those who have not sold their property but have held on to it as Mr. Conklin said, for the purpose of ultimate retirement? Now, we have this proposals and I suggest respectfully but very directly that it is a density proposal, an upzoning proposal through the side door. The first three came through the front door. Now comes the side door in the form of a proposed subdivision regulation incorporated into some kind of legislation form. Under the guise of quote "standard subdivision yield requirement", this proposal will clearly do by indirection, that which the prior proposals which have at least thus far been rejected by this Board and the Planning Board, would do by direction. If in fact, this proposal is purportedly designed to deal with environmental concerns, it's misguided because we already have a very strong and very valid

John Klein, continued

statute upon which to make those decisions and a procedure to make those decisions. And that of course, is the State Environmental Quality Review Law. If it purports to be a legislative decision by this legislative body, it ought to be declared as such instead of coming in under the guise of a subdivision regulation. For nearly three years that I've been involved in this process and my involvement on behalf of the agricultural community, there has been unbroken string of add-hock proposals all designed to deal with a comprehensive issue on a piecemeal basis. If the issue here is environmental, let us take a look at it under the Environmental Quality Review Act. If it's a planning issue, let us look at it under the umbrella of a comprehensive plan that has been talked about as being so eminent in this town for the last number of years. And if it's a legislative issue in the form of an upzoning, let's say so and that's exactly what I heard the North Fork Environmental Council say that it is indeed an upzoning. Let's say so and let's do battle over it. The bottom line is, that what has been at issue in this series of proceedings from the inception of all these disparate approaches to the same basic subject, a proposition emerges to make some arbitrary decision on density, principally focused on farmland. Which as we said over and over and probably at nauseum, nonetheless equally each time sincere and compelling on the backs of the equity of the agricultural community which has thus far, been able to keep itself alive solely because of that equity and the ability it permits and gives to the agricultural industry to borrow money to continue agricultural activity, to continue to keep the land open. I respectfully but most firmly suggest to you here tonight, Mr. Supervisor and members of the Board, that the events of the passed three years up to and including tonight, present a rather troubling scenario which comes perilously close to a course of conduct which I think would result in a taking of the property of the agricultural community without just compensation. I think that's wrong. I think it's unfair. I think it's inconsistent with what this town government has done for and with the agricultural community in the past. And on behalf of that agricultural community, we urgently request that you reject this latest proposal. Thank you."

Supervisor Janoski, "Is there anyone else who wishes to address the Board? Mary Beth Andresen."

Mary Beth Andresen, Church Lane, "I would like to compliment the Town Board on this amendment. About 15 years ago I stood here at a Planning Board Committee meeting and there was not very many people in this room. At that time, Mr. Cuddy wasn't here. Mr. Klein wasn't here and I had asked the town at that time if they might look at certain parcels that didn't appear to be usable for building. They said; oh no no no. We could not do that because we just don't want to get into that type of situation. And I said well if it's on a cliff or it has some problems, what do you do in this case? Can you reduce the taxes on this for the person if the don't get the yield? This was 15 years ago. No, no no. We don't enter into that type of

Mary Beth Andresen, continued

situation. And for all of these reasons, I must disagree with John Klein's colloquialism as this being a side door amendment. But rather I'd call it an open door policy. If a person such as John Talmage weren't able to use the land and thus his yield and crops were greatly reduced, why didn't he go to the tax assessors at that time many many years ago and get a reduction because it was unusable land? It has taken so many years to realize that certain parcels of land in this town are not fit for building and should be considered as for secondary usage. And therefore, in cluster development would be considered lessened in the yield. I must agree with Mr. Baker that if you truly have a lake of 39 acres and a one acre land, in this town you could put 40 homes on it. Thank you."

Supervisor Janoski, "Allen."

Allen Smith, Attorney, "It does... I'm having difficulty with this legislation because I do not understand it. Is there a sponsor of this proposal on the Board?"

Councilwoman Civiletti, "Sort of."

Allen Smith, "Are you it?"

Councilwoman Civiletti, "As code committee chairperson, this proposal came to the Town Board from the Planning Board. I don't have the resolution before me but I believe the Planning Board adopted a resolution asking the Town Board to adopt this amendment to the town zoning code in September of last year."

Allen Smith, "And who has correctly stated the purpose of this amendment? I mean is it in fact an upzoning or is it a device to protect fragile environmental areas?"

Councilwoman Civiletti, "I can only tell you, Mr. Smith, what I believe the purpose of this legislation is and I can also tell you that I believe in it. What the intention of this ordinance amendment is that if you own land and a portion of that land is not buildable because it's wetlands which everyone acknowledges on both sides of the issue, you can not build on it because of state regulation (at the very least) and then you can not count that portion of your land toward the total lot yield in a major subdivision. It's legislation that's nearly identical to legislation existing on the books in all the towns in this area including (I believe) that pinnacle of environmentalism in the Town of Brookhaven. And is not, in my opinion at least, my humble opinion, a taking or confiscation of land. It's something that works in other municipalities. And in short order, that's why I felt comfortable with asking the Board to set this for a hearing following up on the Planning Board's request and that's why we're here tonight."

Allen Smith, "Well you do understand that the effect of what is written here eliminates from a yield calculation, the

Allen Smith, Continued

woods north of the woodline on the Talmage property. I mean you are preserving that, I assume, by this legislation. Isn't that what you're saying?"

Councilwoman Civiletti, "I don't think that it's smart for either of us to get engaged in a discussion in this way. If you have a statement to make and you have questions, I'd be happy to answer them but you're not going to cross examine me here tonight, Allen."

Allen Smith, "You've already demonstrated for me, that you don't understand what you have written."

Councilwoman Civiletti, "I knew you'd draw that conclusion no matter what."

Allen Smith, "Because you have said you would protect these areas, you're not protecting the area between the tree line and the bluff with this. You simply say they can't count it. They can build in it. They can cut down the trees and lay out their subdivision there but they can't count it. That's what you've written. I don't know what your intention is. I'm having a great deal of difficulty on your intention. Well, as the sponsor of this legislation, there is a rule as you may know, before the Riverhead Planning Board on yield calculations whereby either Mr. Young draws the map on yield or we can adopt a rule under the town law that says we will consent that only 80% of the area is buildable. That would revoke the 80% rule now with this legislation? Let's say that we have a parcel in this town. Maybe Mr. Karlin's parcel. No wetland, no magic soils. All of that, perfectly flat. Can I build lot line to lot line to give him the bonus because he has none of these magic features? Why not? You can't have it both ways. You are dealing with a very specific law and I think that you haven't thought the thing through. The purposes that you seek to achieve are not identified in this particular legislation."

Councilwoman Civiletti, "Amendment to the zoning code."

Allen Smith, "The purpose I suggest to you is in fact an upzoning. The sponsors of the legislation are in fact the North Fork Environmental Council and people of that particular purpose. They've stated it. It is essentially social engineering on the backs of these other folks. You know it and I know it. They know it. That's why they're here tonight. I would suggest to every farmer in the room that he pay very very close attention to Ms. Johnson and what she said. If the elephant is into the tent by the adoption of this, hear what the lady said. She is not content with the soil types that are called out. She wants to include the carver soils. I invite every farmer in the room to go back to his soils map and make sure what the carver soils are. And I would suggest that if we are social engineering and if in fact wetlands are preservable for that particular purpose or elm trees are preservable for a particular purpose, the next step

will be that the farmland is preservable and the next soil classification that will read in here will be havence and then we'll preserve plymouth and we'll preserve Riverhead sandy loam and all of it will be preserved. Mrs. Johnson says it very careful. She says she wants these areas at no cost to the taxpayer, no cost to here but at cost to the owner. We're involved here with a social engineering technique. And it really comes down to what has been said at this microphone before. Several members of the Board have posed a bond issue for the purposes of acquiring fragile sensitive areas in the Town of Riverhead. Mr. Pike is in the paper talking about the acquisition of the L.I.L.C.O. parcel. If that is what you wish to do, propose your bond issue. Put it on the ballot this November and let's have a vote on it. If it passes, buy the areas that you believe are fragile and sensitive and be done with it. But don't make these people pay for Mrs. Johnson's idea of a nice day in the woods. I mean, it just is not fair. I have two other things. Is there a transition rule? Does this become... Does every subdivision that's in the process, no matter whether it's first proposed or it's proposed a year and a half ago and as Peter pointed out, going through the process. Everybody goes back to ground zero?"

Councilwoman Civiletti, "Just yours Allen."

Allen Smith, "Just mine. That's easy because I don't have a lot of grid residential subdivisions. The difference, I would propose to you that why we are different than Huntington, Brookhaven or other areas in what is being reflected in the tax base and the problems with the school district and all the rest of that, is the fact that you have 4,000 acres within the Suffolk County Farmland Preservation Program. That you have Grumman owned by the Navy. That you have the cemetery. That you have the county park. That you have the other county parks that are within the Riverhead School District. It may in fact have been appropriate and necessary in other jurisdictions who do not have these large expanses of preserved areas to have this type of a provision. It is not appropriate. It does not make sense. It would not stand up to examination under and environmental impact statement to include it here. It just doesn't make sense. I thank you for listening."

Supervisor Janoski, "Thank you Allen. Mr. Talmage, Junior."

Henry Talmage, Sound Avenue, "Farmer, Sound Avenue, Riverhead. About a week and a half ago, my wife and I and a couple of other Long Island farmers, went up to a Syracuse for a young farmer and rancher conference of New York State. I certainly had the opportunity to talk to a lot of dairy farmers from upstate who have their own problems as far as what they can do and limits on their market and problems of their own. However, they were astonished by the amount of red tape that a Long Island farmer has to go through in order to conduct his business. Now, not all of that red tape is directly attributed to the towns. In fact, some different agencies that today's Long Island farmer has

Henry Talmage, Continued

to deal with and some problems they have to deal with; D.E.C., U.S.D.A., OSHA, Department of Transportation, Department of Labor, Suffolk County Health Department. Some of the problems; rising liability costs on their land, rising cost of production and insurance and stagnating prices for their finished goods. Now with all these pressures, these are pressures that are incentives for farmers to say; what am I doing and why should I be doing this? Another thing that the people upstate were astonished at is that the amount of time and effort that farmers in our local towns have to spend battling on land use issues with their town and property rights. This proposed legislation is a perfect example of landowners rights being stripped away. Farmers and other property owners of property that would included in this exclusion of environmentally sensitive areas as far as yield, have been asked to pay taxes on this land for years based on it's highest and best use. Tonight we're discussing stripping these rights away from these owners and we're not talking about a refund of taxes to these people who have paid it all these years. We're continuing to ask them to still pay those high taxes. And yet never be able to use that land in a yield calculation. In many cases like Mr. Conklin talked about, the land represents retirement funds and inheritance for our future generations of farming. In talking with Mr. Conklin of the American Agriculturist up at Syracuse, he's the editor of the American Agriculturist. We had a talk about farmland preservation. And his point and listening to all these things all around the country, is that you save the farmer and you save the farmland by itself. Legislation like this is one of the biggest incentives for farmers and other property owners to convert their property. The feeling would be; I should have got out while I could of or I must get out before it gets worse. Put some stability back into the minds of the landowners and you'll take care of your preservation problems. This was touched on before. The legislation that's proposed here is unnecessary. We're not talking about building on these slopes or in the middle of these ponds. But what we are talking about is using that property which we pay taxes on, all of us who own property this way, to use that in the yield in calculation on property that is suitable for building. We have the tools to check this if it gets out of control. The SEQRA process and environmental reviews, all of this. If it gets too much density that we can't handle it on the stable part of the land, then the tools are already in place to take care of that. I'd just like to say that I don't think this is a fair consideration and let's put some rights back into property rights."

Supervisor Janoski, "I can't see because of the glare. Howie."

Howie Young, Surveyor, "I always say about when I first read these amendments..... I'm a land surveyor in the Town of Riverhead. My father is a land surveyor here. My grandfather was a land surveyor here. My great grandfather was a farmer from the North Road. My great great great great great grandfather was Reverend Young who settled Long Island. Was a first

Howie Young, Continued

settler. I've been here a while. I've also been to the last umpteen thousand Planning Board meetings in a row. We've come around so that good planning is now a question of density. And the Planning Board of the town thinks they've won when they've decreased one lot or two lots or six lots and they say; gee, we've done a great job. I'm not going to really get whacky like Joe thinks I'm going to get tonight. I'm just going to... I took the time to make up a little visual aid here regarding slopes and I wanted you guys to know that you've been a little misled on what a slope is and I just thought I'd point this out. This is a scaled drawing. It would represent about the average width of an acre lot today. The black surface here shows a grade of 10% which is the maximum grade that we're allowed to design a road at in the Town of Riverhead and in most communities. The green represents a 20% slope. The uncolored line I think is yellow. The yellow represents a typical foundation with a foot and a half reveal in the backyard which would create on a 20% slope, a nine and a half foot reveal on the foundation in the frontyard or sideyard, whichever it may be. Many people, myself included, look for this type of lot to build their dream house, the house they desire. They don't want to build on a flat lot. I happen to know where the Supervisor lives and I would venture to guess that his frontyard is in excess of 30% and he loves it there and many people would like to live where he lives. Properly designed, you can build the same way. I believe, again as many more eloquent speakers have said, that this is a matter, as has been for the last three years, of density and of taxes and of schools. I wish we'd stop all this baloney about schools and say we need young people. Let's get together and educate them. Let's spend the money. I'll spend my share. Let's not put all the burdens on the new people that come because of these costs and most of these things that you do in terms of more restrictive are just passed on to the people that want to come here to live. How are we going to run a community with all old fogies like me here. We've got to have young people. They're the ones that are going to figure out the environmental answer to all the problems we have today. I consider myself an environmentalist. I know I do something that has probably effected the environment in many ways but we have to have children along with the tiger salamanders and we have to have a community that's viable and that people would be proud to live in. I have a little court case here that I was going to read but I know I can't handle that so I won't read it. Maybe I'll leave it with you. It's about this very issue of densities and the judge ruling that in the fairness that we have wetland restrictions that require us to set back wetlands and those things are restrictions. They're not a yield thing. And there's plenty of laws and device that people have written and taken the time to do environmental impact statements on that protect our wetlands and protect our beaches and protect our slopes or whatever. I think most of my clients, the first X number of days is spent trying to mitigate the environmental problems that we know we're going to encounter with a development today to try to build in a proper place for the community and the developer. All concerns are taken into ac-

Howie Young, Continued

count. The only other thing I'm going to say before I sit down is that this legislation or whatever you want to call it, amendment to the code, was put together so hastily without any thought. That when they copied it from the Town of Southampton, they didn't even remove the primary dune from it and don't realize we don't have any oceanfront property in Riverhead. Thank you."

Supervisor Janoski, "Is there anyone else present wishing to address the Town Board regarding these amendments? Yes sir."

Robert Pekar, Calverton, "Obviously I'm not an expert on the issue. Obviously I'm not a large landholder. But it seems just as obvious to me that so far tonight in about an hour and 15 minutes with two public hearings that were scheduled for about a total of 15 minutes. We have a classic example of what I mentioned earlier, lack of planning as far as this Board is concerned. Obviously you people don't do your homework. Obviously you forget that you represent all the citizens in this town from the large landholder to the average person like myself. But obviously unless you have an environmental issue or represent an environmental cause, you don't carry too much weight here. I said earlier, we can't afford some of Mr. Pike's ideas. I'm beginning to wonder if we can afford this Board. Thank you."

Supervisor Janoski, "Anyone else present wishing to address the Board? Mr. Talmage."

Bill Talmage, Riverhead, "I'm a farmer from Riverhead. I'm a member of the Agricultural Task Force and a member of the Long Island Farm Bureau's local affairs committee. I'll try to be brief because you've certainly heard enough from Talmages so far tonight. I'll be blunt. I only want to make one point. A vote for this zone change is a vote for higher property taxes in the Town of Riverhead. You've heard from other people, other towns have it. Other towns are rich compared to Riverhead. They have a tax base that we don't have. You say the people of Riverhead don't want to buy this luxurious zoning amendment with their tax dollars. Anyone who got their tax bills knows that we need a positive tax base in this town. I say that this zoning change will decrease the present the tax base. If you can't build on it and you can't use it for yield calculations, why wouldn't an owner move that property from the tax rolls and put it into Sherry's park that she's talking about. Now, how much land are we talking about? I think when this thing was drafted, you didn't really think about the massive economic effect that this would have throughout the town. You're talking about all the shorefront along the Sound and the wooded area. You're talking about the land and all the kettle holes and all the low spots out in the farm fields. You're talking about along the river, along the Bay. You're talking about the highest assessed vacant land in the Town of Riverhead. Vacant land doesn't put kids in schools. Vacant land doesn't call the police to break up domestic arguments. Vacant land just pays taxes like crazy. What

you're doing is you're doing something very nice. You haven't asked people in Riverhead, are you willing to pay for this? Who is going to make up the difference? Also, this has a massive effect on the TDR program. Transfer of development rights presents the best chance for Riverhead to preserve open space and to save taxes. It moves development. We're talking about density reduction. We can move development from areas where you can have single family subdivisions, houses and kids to areas where we get positive tax base where we get empty nest of people who don't have kids, who spend money who don't call for a lot of services. When we cut density, somebody has to pay for it. Be it stolen from the farmers and the landowners or be it something that all of the taxpayers of the town have to make up in a bond issue. Reducing density costs. Moving density from one place to another and I give Rob credit for this, is brilliant. It works. But unfortunately, the only usable place for TDR's on the horizon is north of Sound Avenue in a resort development zone. Because of problems at your sewer plant, because of problems downtown, realistically, if it's going to happen in the near future, that's where it's going to happen. We've got three projects going up there where it would be positive development type projects. From my information, none of those three are doing particularly well. That's under the old rules. If you take 15 or 20% of the yield away from a project and yet make these people pay for that land anyway and pay taxes on it, who is going to come in and build a project and buy some TDR's? Also, who is going to... That for every acre that you take out of the receiving area for TDR's, there's a multiplier effect of that many units of TDR's or preserved acres of farmland that will never be preserved. So I think we're close to developing a transfer of development rights program in this town. I think the arguments about the upzone of the farmers will have to be resolved. But, and it is a shame that's being going on for two and a half years and we haven't been able to resolve it yet, but I think we can. I think we could have resolved it a while ago and we can be on our way and we could actually preserved a lot of the land by now. But I'm always hearing Riverhead Town screaming that we're hurt so bad because we have 4,000 acres off the tax rolls of farmland and we have the Grumman land off the tax roll. This is going to give you even more property off the tax rolls and the most valuable vacant land off the tax rolls that we've got. Also, this can discourage economic development in this town. You mentioned the DiMartino piece. Everyone says we have to encourage clean environmentally safe economic development that will contribute to the tax base. Suddenly everybody is worried about the tax base. This ordinance can cause a company to rule out a Riverhead site in favor of another town because unusable land they had to buy and they couldn't use it to effect their coverage ratios on the property. Other towns are also realizing that they need positive tax base too. Good clean positive tax base development is going to be in demand. I hate to tell you but Riverhead is going to have to compete for those projects. Brookhaven is not dumb. Even though they have more tax base then we do, they're starting to realize that they have to get projects. If it's a good clean

Bill Talmage, Continued

project that's going to be good for a town, we're going to have to compete for it. What you're doing is you're taking an advantage that we have and giving it away. Today, environmental sensitive projects are subject to much examination in the SEQRA process. And some day I hope we have a detailed Master Plan in addition to SEQRA which will involve an incredible amount of examination and planning. This proposal supposes to supersede both the above and still has no.... It hasn't had a comparable amount of examination. The days where the Town Board could be led around by a handful of environmental extremists and obstructionists, is over because the people of Riverhead have gotten the bill. Thank you."

Supervisor Janoski, "Is there anyone who has not yet spoken who wishes to speak? Mr. Baker."

Paul Baker, "In listening to Bill speak, it reminded me of our discussions after, I guess it was year ago in October when we were here for the moratorium. Whether we were to continue a moratorium in Riverhead or not. We spoke afterwards out in the hall and we have worked together for the last two years on the agricultural task force. But Bill raises a very interesting question right now as far as I'm concerned and I think it's something that I would like to ask the Town Board their position on. It seems that many of the speakers from Mr. Klein to everyone else have mentioned that they see it as a density problem. They see it as an attempt, if that is what it is, on the part of the Town Board to upzone and to face the upzoning issue. And since we seem to be in agreement, perhaps upzoning should be placed before the public of Riverhead. Perhaps this Town Board should place a referendum on the ballot for November. I agree that the public of Riverhead decide to upzone Riverhead in order to save it from that potential tax impact. Is there any feelings on the Town Board concerning that kind of referendum?"

Supervisor Janoski, "Your question is out of order. This is a public hearing in which we are here to hear the public."

Paul Baker, "Do you have any feelings on a tax referendum of that type?"

Supervisor Janoski, "This is not the time to ask such a question. I believe I can tell you that such a referendum would not be allowed by New York State law but I would have to research that. But if you would tell us how you feel about this proposal, I would be very happy."

Paul Baker, "Well that's what we have spoken about. I've already mentioned that. I'm supporting some of the comments that Bill has made that perhaps instead of you guys taking the heat about your inactivity for the last two years, you might want to take some leadership and put a referendum before the town and do your job. Thank you."

Supervisor Janoski, "Thank you. Ok. Betty."

Betty Brown, North Fork Environmental Council, "I had not planned to speak this evening because I have a bad head cold but I wanted to state for the record and take this opportunity that I, representing the North Fork Environmental Council, on every and all occasions including this evening, excluding this evening because I haven't been well, that I have never spoken to any Planning Board member regarding this addition to the zoning ordinance. I ask each and every Board member here tonight; have I ever approached you on this subject on any occasion? And perhaps I might do that. Mr. Boschetti."

Supervisor Janoski, "Betty could you please allow me to be the chairperson of this meeting. I know you think you run the town but this is a public hearing to hear from you. If you want to testify that you have not approached any member of the Board, I think we'll all take your word for it."

Betty Brown, "Perhaps I could ask you as chairman, if there's any member of the Board that thinks I have lobbied for this amendment, this addition to the zoning code this evening, would you be kind enough to allow them to speak up? Is that possible?"

Supervisor Janoski, "Does anybody feel that they have been put under any undue lobbying, any lobbying pressure by Ms. Brown? I haven't heard any. Fine."

Betty Brown, "Not only undue lobbying pressure, I have never approached this subject on any occasion with any Board member. We are pleased that the Board is considering this addition to the code. We support you in this as we believe it is a sound concept to subtract yield on that land that is in fact not buildable. It certainly should not be transferable. In regard to the comments that have been directed to me and the North Fork Environmental Council this evening and I would like to say that I am speaking now just for myself personally. Betty Brown, Peconic Bay Boulevard in Aquebogue. I would like to remind the people who made the statement that the reference to nimbys does not apply as our concerns have extended to all towns within the Town of Riverhead. We attend every Town Board meeting and we do this on a volunteer basis. There was some talk here tonight, I think Mr. Talmage, that he is interested in the town and the planned growth within the town. I pose a question then. Where has Mr. Talmage and others been in recent months? Certainly not attending Town Board meetings and certainly not helping to develop any proper planning. In conclusion, I wish to state that I am not responsible for all that goes on in Riverhead regarding resolutions and controlling and planning Riverhead. I'm extremely flattered. And finally, I'm also flattered to shake you up Mr. Smith, Mr. Klein and Mr. Danowski. You must be shaking in your boots."

Supervisor Janoski, "Mr. Danowski."

Pete Danowski, "I've got some major concerns about whether this was directed at particular clients and subdivisions and whether Denise knows, as the sponsor of this legislation, whether in fact it was originally made part of the Wading River Hamlet Study or the Master Plan revisions for the town. The reason I ask that is; we hear rumors that the Wading River Hamlet Study has been completed. We know that the Planning Board has been following a policy whether it's legal or not, that basically says to people who want to come in and build houses and present a subdivision to the Planning Board, that you've got to prove to us why you shouldn't follow our fact finding resolution that calls for an upzoning in the town. What bothers me is that once in a while we have some clients who are willing to develop and give up yield voluntarily, and this has been done very recently with regard to the Lewin Farm subdivision in a discussion with the Planning Board. And I believe Mr. Heinz' project was also discussed although I don't represent him and Mr. Rapp does and they may not be here tonight. But many times, clients come in and voluntarily say in discussions with the Planning Board, we're willing to give up yield. In fact with regard to, as an example, the Lewin Farms project, when it has been told to us that under consideration is an upzoning to one acre, the client after discussions, has said we'll got to one acre. We'll do it voluntarily. We won't wait for legislation. That cost the client quite a few bucks but they were willing to do it. I think I'm going to recommend that they withdraw that offer. The reason is this legislation directly effects them. And just coincidentally, just coincidentally, the timing just happens to be when we're at a stage of discussion of trying to agree on what the yield map is. We were going from 30,000 square feet to 40,000 and now you're going to suggest to a particular person who wishes to develop, not only give us the one acre, but you're creating an upzoning that's well beyond the one acre formula. And this is done without legislation from the Town Board about the one acre zoning. It's not in place today and you're going on top of it. And I think it is confiscatory, it is a taking and I don't think the Planning Board procedures are proper. Beyond that, I know Rob originally suggested the ten acre plan of the farmland with one acre transferable out. I've talked to him about it and I've obviously opposed it. I think the basic theory with that particular idea and others that were announced about the farmland is that you shouldn't build in the middle of the flat farmland. Much of the areas of farmland are flat. Don't build there. Transfer north of Sound Avenue. Now north of Sound Avenue we have slopes. So now we're being told don't build more there. I've always suggested, I might even have Rob's support on this now but it's a little late, how about transferring along West Main Street along the railroad tracks where we have a hodge podge of (in my mind) real bad planning and real poor buildings. Let's have some incentive to build on the non-river side. There's a chance to do it. We can't do it because the Peconic River regulations are in place and the recommendations from the D.E.C. and their staff

have now been made. I'm suggesting to you that those that have come before this Board and the Planning Board over the last couple of years, they're not in favor of anything. The idea is to try to say no growth. This is a taking. I mentioned that Denise you were the sponsor because I thought you said yes to that question from Allen. If you're not, you're not. It came out of committee of which you are the chairlady. I'm just very curious as to whether anybody on this Town Board has examined the soil maps and identified where the soils are and see who farms and who lands are effected. Has anyone on the Board done that? I don't want to be asking questions but it should be done."

Supervisor Janoski, "I'm not going to let you ask the question Peter."

Pete Danowski, "Maybe we can get Howie up here again because I have discussed this with Howie and I think you'd be surprised where some of these soils are. And we're not talking about wetlands. We're not talking about slopes here. We're talking about soils that effect a great deal of land in town."

Supervisor Janoski, "Peter, is that Howie's voice I hear? Does Howie have another audio visual aid to show us?"

Pete Danowski, "I think what happens is and maybe Denise can inform us on this, I think...."

Howie Young, "I have it in the car."

Supervisor Janoski, "Would you like to submit it as part of the record?"

Councilwoman Civiletti, "I wanted to ask you Peter which soil classifications you're referring to and what would be the nature that you're surprised."

Pete Danowski, "The ones that are announced in the current legislation. If you were to take and reference them and I think this was some of the comment made by the proponents of this legislation about understand where the locations are on the map and including perhaps another description. Let's pull out the soil sample books and look at them because I don't know if you in particular or any other member of the committee has done that. I did not and in fact, that was my first source of information was to go to Howie Young and say, Howie. What are they talking about in these soils? Where are they? Who's property do they effect? I think you should have a blown up map. I think you should put it on the walls in the Town Hall. I don't want to borrow a page from Mr. Kasperovich but maybe you ought to put a picture of it in the paper. You should notify those homeowners and those landowners that are effected. Let's do a mailing to all the owners of property who are personally effected by this legislation. Send them a personal notice in the mail. Wait for Howie to come back in?"

Pete Danowski, Continued

Supervisor Janoski, "Peter, thank you for that most eloquent presentation. Is there anyone else wishing to address the Board while we're waiting for Howie Young to come back? While we're waiting, let me address (perhaps) some things that have been said tonight. The Town Board, as a matter of course, must set times for public hearings. We can not call a public hearing prior to that time but we can start the hearing subsequent to that time. We do list them at a 15 minute interval as a practice. It is not a question of no planning. It's a question of knowing that some hearings are going to be extended. And I think that every member of this Board knew that this was going to be a long hearing but we also know that there are some hearings in which no one speaks at all. So we cut it down the middle and schedule them 10 to 15 minutes apart. And we will sit here all night until we hear everyone wishes to speak. The question of a referendum is an interesting one. The founders of this form of government created a republic. And what they did was place the responsibility of decision making on the elected official. The five people that you see here. It would be very comfortable for us indeed if every time we had a tough one, we could run to the people and have a referendum. I believe that this particular referendum that was suggested here this evening would be prohibited by New York State law but I am not conclusively definite on it. But I think it certainly is something we can take a look at because it is very comfortable to give up that responsibility that I have of making a decision based on what I believe to be right and the truth facts and turn it over in the form of a referendum. That's the way this government is set up, that the responsibility is here with us. No emotion that.... Are you back Howie? Thank you. I was filling up time. Thank you. Howie, I recognize you for that purpose."

Howie Young, "I quickly took a copy of one of the sheets of the Suffolk County soil map. It showed on it two parcels that I'm working on which are the Lewin Farm of approximately 115 acres and Sound Reeves of approximately 265 acres in Wading River. The area highlighted in yellow here are soils which are mentioned in the high ground water table. The elevation of this land is probably in excess of 100 feet above sea level but soils here do retain water and there are some wetlands in the neighborhood. Just at a layman's glance looking at the acreage involved here, we're talking about (on these two parcels here) probably in the vicinity of 20 some acres, 20 to 30 acres either in agriculture now or formerly in agriculture in an old field. I'll leave this with you. I'll also leave the court case I mentioned which I love to read these things because I get really confused by the time I get done. It probably can only be understood by attorneys and that's why they write them."

Supervisor Janoski, "Would you give that to the Clerk and that will become part of the record."

Howie Young, "It talks about fairness and the yield and the things I could understand and that judges say things like you

can't take these wetlands out of the yield and you can't take them. It's very interesting I thought."

Councilwoman Civiletti, "Could I ask you a question Howie? I don't know if you said on the record which soil classifications you colored in."

Howie Young, "They're shown on there. The symbol is there. I didn't copy it."

Councilwoman Civiletti, "That's from the soil map itself?"

Howie Young, "Yes. That is the soil map. The other thing too I might mention I was thinking about when Mr. Talmage was talking about his farm and I know it a little bit. It would probably cost in the neighborhood, it would cost just in surveying and planning cost; if it cost \$600 an acre to develop a piece of land now, it will cost \$1,200 an acre if I had to do that. Not that that should be a measuring stick if you approve this legislation or not. But if you really sat down and had the Planning Board go through this scenario of how these things would be depicted on the map, how these soils would be shown, how these slopes would be determined and how the SEQRA process would work, you're asking to put the cart before the horse. You come in here with a sketch plan. We try to develop a plan. We don't have.... The planning process is not set up to do an accurate survey and an accurate slope analysis at the sketch plan stage when you invoke the SEQRA process. Other communities invoke it later which is more appropriate I think. But you ought to ask the Planning staff to sit down and see how this whole process would work because it won't work the way it's written."

Councilman Pike, "Howie, I've just got a quick question for you. Do you or somebody on your staff have the capability of doing soil type identification yourself in house?"

Howie Young, "I don't think it's necessary. You have a map there."

Councilman Pike, "My point was the accuracy of the map. So I wondered...."

Howie Young, "No, but I'd love to go into that business I guess. It wouldn't be \$1,200. Don't hold that as a firm quote anyway."

Councilman Pike, "I'm serious. I'm trying to figure out whether those maps can be relied on. And if they can't be...."

Howie Young, "I understand that they're very good. And when I've dug test holes and I read in the soil book what the soils are, at least to a layman, if it says this is it and it's this type of sand and these are the qualities or these are the qualities of the earth and you would expect to find this to this

Howie Young, Continued

depth, that it's there. I don't know how they did it but it's very well done."

Councilman Pike, "To the extent that you are able to identify them, you find the maps to be relatively accurate?"

Howie Young, "Yes."

Councilman Pike, "That's what I wanted to know."

Supervisor Janoski, "Is there anyone else present wishing to address the Board on the subject of these amendments to the code? That being the case and without objection, I declare the hearing to be closed."

7:55 PUBLIC HEARING CLOSED AT 9:36

Supervisor Janoski, "As we have been sitting still here, all of us, for such a long period of time, we are going to have a recess until 10 minutes of 10."

TOWN BOARD MEETING RECESSED AT 9:36

TOWN BOARD MEETING RECONVENED AT 10:00

Supervisor Janoski, "Let the record show that it is 10 p.m. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:05 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, February 28, 1989 at 8:05 p.m. to hear all interested persons who wish to be heard regarding: Proposed Amendment to Section 103-11 (A) and (B)/Landfill.

Supervisor Janoski, "Thank you. This is a change the town code which addresses the disposal of tires at the landfill and sets fees. Residential vehicles, passenger vehicle type tires with a diameter of 16.9 inches or less, including but not limited to tires from cars, station wagons and vans; 50 cents. Tires from pick-up trucks with a diameter of 17 inches or more; \$1.00. I have to confess that I asked that the reference to pick-up trucks be removed. Unfortunately, it wasn't because how do you know if it's from a pick-up truck. The size is what we're interested in. Smaller tires; 50 cents, big truck tires; \$1.00. Tires from vehicles owned or operated by commercial establishments, tires from pick-up trucks, vans, carry-alls and tow trailers; \$20.00 per ton. Minimum charge of \$20.00 per billing period. Tires from single rear axle; \$20.00 per ton. Minimum charge of \$20.00 per billing period. Tires from dual rear axle; \$20.00

Supervisor Janoski, Continued

per ton with a minimum \$20.00 charge per billing period. Tractors from tractor trailer units; \$20.00 per ton with a minimum \$20.00 per billing period which is a month. Is there anyone present who wishes to address the Town Board on that change to the town code? That being the case and without objection, I declare the hearing to be closed."

8:05 PUBLIC HEARING CLOSED AT 10:02

Supervisor Janoski, "Let the record show that the hour of 10:02 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:15 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, February 28, 1989 at 8:15 p.m. to hear all interested persons who wish to be heard regarding: **Construction of a Lateral Water Main in the Proposed Subdivision known as Manor Lane Estates.**

(See Water District Minutes)

8:15 PUBLIC HEARING CLOSED AT 10:05

Supervisor Janoski, "Let the record show that the hour of 10:06 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:25 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, February 28, 1989 at 8:25 p.m. to hear all interested person who wish to be heard regarding: **Construction of a Lateral Water Main in the proposed subdivision known as Sun Up.**

(See Water District Minutes)

8:25 PUBLIC HEARING CLOSED AT 10:00

Supervisor Janoski, "Let the record show that the hour of 10:09 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:35 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, February 28, 1989 at 8:35 p.m. to hear all interested persons who wish to be heard regarding: **Proposed Amendment to Section 108-60/Off Street Parking.**

PUBLIC HEARING, Continued

Supervisor Janoski, "Thank you."

Patricia Moore, Town Attorney, "This amendment was really a combined effort of both the Town Board and the Planning Department that it found that at various times the off street parking that may be required by an applicant is not necessary at the time the application is being made. This amendment to the code would give the Town Board flexibility to reserve for future parking needs and reserve the paving for a later date."

Supervisor Janoski, "As it has been pointed out by a previous speaker, the Town Board does in fact, the town government does in fact have parking requirements in different categories of use of square footage formula as to the number of parking spaces to be provided. Very often it is observed that for a particular business, the amount of parking required goes beyond that which would really be necessary. What this does is allow the Town Board the flexibility to make sure that an area is set aside for conversion to parking but retain it in its more natural state unpaved if there is a good case to be made to do so. Is there anyone present wishing to address the Town Board on that matter? That being the case and without objection, I declare the hearing to be closed."

8:35 PUBLIC HEARING CLOSED AT 10:11

Supervisor Janoski, "Let the record show that the hour of 10:11 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:45 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, February 28, 1989 at 8:45 p.m. to hear all interested persons wishing to be heard regarding: **Local Law prohibiting Littering.**

Irene Pendzick, "Mr. Gergela could not stay and he has asked me to read his statement. My name is Joe Gergela, Executive Secretary of the Long Island Farm Bureau. A membership organization of nearly 2,600 farmers, fishermen and agri-businessmen. Long Island Farm Bureau supports the concept and intent of the proposed litter ordinance. However, there are certain flaws that need to be addressed as they pertain to agricultural. Farmers own large stretches of land along Riverhead Town roads on which litter accumulates. Therefore, we feel that this ordinance would be an unfair burden for farmers to constantly control and maintain their property on which other persons have deposited litter. Farmers pay taxes on land which require no town services other than highway maintenance. Therefore, this responsibility should be accepted by the town as a service to taxpayers in return for the high taxes paid to the town. Long Island Farm

Irene Pendzick, Contiued

Bureau would recommend stiffer penalties than the proposed law states as they are not sufficient to deter littering. This leads to another flaw as the ordinance is proposed. Unless the ordinance is enforceable, garbage and waste carriers on route to the town dump could inadvertently litter property of the residents along the way. These property owners would then unfairly be responsible for the clean up this debris. Again, we would support higher penalties to encourage compliance with the ordinance. That vehicles be covered properly when transporting refuse. Long Farm Bureau members are proud of their town and appreciate the intent this proposed law. We would ask that you consider these modifications as we too are concerned about the appearance of litter strewn roadways."

Supervisor Janoski, "Thank you. I want to thank all of you who did remain. I know that we have been here for quite some time to give testimony at this hearing. I appreciate it as I'm sure the rest of the Town Board does. Cy Walsh, you're standing. Did you wish to be recognized. Yes."

Cy Walsh, Riverhead, "As you probably can see, I'm a war veteran of the war on litter. However, I was most taken aback by the letter from the Farm Bureau in regards to keeping their town clean. I thought I sat through about two hours of innuendoes or what have you in coaching but I didn't think there would be any opposition to keeping the Town of Riverhead clean. Through the efforts of one Jesse Goodale who has asserted a lot of personal effort and the gathering of some 90 people to help him. We are doing this strictly on our own. And I'm quite sure that anybody has any pride in their property, will assist us. I would regret that this resolution would go down because there are some innuendoes or what have you that can't be enforced. I do however, think that once you get into this type of a resolution or whatever you want to call it, that you have 1,700 definitions of what litter is. For me, litter is litter. And if it has to be picked up, somebody better start helping us."

Supervisor Janoski, "Cy you do understand that the Farm Bureau is supporting it. They would just like it not on their property. Jake. Let me point out that Mr. Rottkamp was just named Farmer of the Year of the Long Island Farm Bureau."

Jake Rottkamp, Sound Avenue, "With regards to the statement that was just made with litter, I happen to own 3,000 feet along Twomey Avenue and right across the street I rent another 3,000 feet along Twomey Avenue. And if I wanted to, I could be out there every day picking up litter. Not necessarily losing it from trucks but people coming by with bottles and throwing them out the window and all this type of thing. So we're doing the best we can and we intend to continue. But any rate, I just wanted to give you that information. Thank you."

Supervisor Janoski, "Thank you Jake."

Warren McKnight, Wading River, "I'd like to address both of the gentlemen that spoke in regard to this law. Will this law work? It can help to deter litter. It can be ineffective or it can increase litter. The basic thing is harassment and enforcement. In referring to section 95-5, duty to keep private property free from litter. Again, sometimes we have to find out why the property is littered and inquire. There could be obvious reasons like Mr. Rottkamp with a large area or an elderly person who person not healthy or out of town or location unknown etc., etc. If anybody has been at a Town Justice meeting, harassment can say this property is dirty, that property. Send a policeman down. So you have to be prudent. Also, I discussed this with Jesse Goodale and I said how about warnings. We should give a number of warnings to people. With the warnings, unfortunately, the policeman's job is to enforce the law with these warnings. Maybe give two or three warnings and find out during the warnings in a report what the problem is. If the person is physical unable to for some reason or another, work together. In other words, work together. Don't harass a person or alienate a person. By doing this, I think we can keep the town clean. If the town can't help, maybe people like us can help. Basically we're all working together on that. Again, harassment of businesses; if we happen to find out, give the business a warning. If somebody gets robbed yesterday just down the road here, the Bagel Shop, everything else. They're under pressure. Find out from the businesses what the problem is to see if people can help, where the problem is, how the problem is. I see town litter things all over. Again, the law can be effective. If we give warnings, you know, we're in a democracy. As you said, a republic. We can not really enforce laws like in a totalitarian society. Lastly, as you received a letter from Dan Fricke, President of the Board of Education who was meeting tonight encouraging passing on the law. I'm sure he agrees with me in using prudent things involved. Again, I've asked you and you've complied with the Board of Education on how to get these things to our young people. The school has a participation in government. Again, I'd recommend over the next year, I've seen you Joe down visiting young kids at school and Ms. Civiletti, Mr. Lombardi and even Irene Pendzick have been to the school. I recommend sending perhaps the management of the Highway Department, Assistant Manager and those people out there picketing when things are settled. If you could send one of them down, they're very impressionable young people. They see these people working on the street. A worker with management will have a profound effect to deter littering with participation of government or taking youngsters, people going to local schools. And just lastly if I could wrap it up quickly. I just lost my train of thought. The fact that this is how we have to reach them. I know you'll cooperate with this. The only thing I can say is we all agree. Litter is litter and we have to work together. Everybody who wears a yellow shirt has a different view on this thing but we all pick up litter. Again, please acknowledge what I said and do like you did with the past. We have to educate the youngsters and you did your part. Thank you very much."

Supervisor Janoski, "Thank you."

Councilwoman Civiletti, "Can I just say something Mr. Chairman? In response to Mr. McKnight's comments about harassment versus enforcement. The genesis of that particular part of this law is a result of the great difficulties this Board and town government has had in getting certain commercial property owners to keep their premises clean. I know that Mr. Lombardi for one, has spent many many an hour trying to get some of these people by agreement to do what they really should be doing and it's keeping their place clean. And he can speak to it better than I the frustration of having promises made and broken. And without this law, what the town can do in a situation like that is go into the cleaning business, clean up the person's property and assess the cost of that to their property tax bill and it's something that would drain our people resources here and it doesn't have any teeth. So the purpose of this is to give Mr. Lombardi and others on the Board some clout when they say you clean that up or else. The or else is we now have the ability to prosecute and levy a fine rather than to go into the garbage clean up business ourselves. Any law, I guess, can be abused. And there is potential to complain that a piece of paper hits the ground on their neighbor's property and they're going to call up and complain if they have an ax to grind with that person. But I can assure you that we don't have the resources and personnel of our own volition and over enforce this ordinance and there's no desire to do that."

Rob Goldman, "Could you just explain the fine structure and how that works? I couldn't understand that."

Councilwoman Civiletti, "There are fines for two different types of offenses. One is the act of littering. When you're caught in the act of littering, I think it's \$50 the first time. And there's a minimum and a maximum for actual littering and that's \$50 to \$350. And then there is a fine for violating the provision that says if you keep a shopping center in a dirty condition, you have a potential for a fine of \$250 for the first offense. And within a period of 18 months if convicted of a second offense, \$500. Within a succeeding an 18 month period, a third offense of at least \$1,000."

Rob Goldman, "Ok. Question. On the shopping centers, I know this has been a little frustration to John, especially up in Wading River. Has any thought been given to letting those fines accumulate day by day? For instance, if you're a shopping center and you are cited by a neighbor or the town code enforcement officer and they give you a citation for \$250 a day. Mr. Gadzinski goes back next week and still isn't cleaned up, that he can levy that again and again and again until they clean it up. Could that be?"

Councilwoman Civiletti, "I think that we discussed. There's a problem with establishing proof with that."

Councilman Lombardi, "That would be up to the Judge."

Councilwoman Civiletti, "I just want to take this opportunity to say that I want to... She's not here and I don't know if Mr. Goodale is here. But I worked on a very rough draft of a law like this that applied only to commercial properties and shopping centers. And then Jesse Goodale and Monique Gablenz, the Deputy Supervisor, spent a lot of time polishing that draft and adding things that were not in my draft. And I just think that their efforts should be acknowledged for the record here because they worked hard and did a good job."

Rob Goldman, "Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present wishing...? Allen are you coming up?"

Allen Smith, Attorney, "I'd like to speak in support of what is proposed. I would make one technical suggestion to you. Such an ordinance may in fact be subject to challenge in that it is a penal statute. Your section 98-3 which reads that your police officers and your ordinance inspectors may go on private property at any time is just patently unconstitutional. You can't do it. Why cloud good ordinance and good intent with something that will doom it the first time it is challenged in Justice Court? I think you've got to take it out and amend it to say they can go on private property with such due cause shown after some degree of due process. But as written, it lies right in the teeth of the Constitution. I'd like to say something in support of what I believe is Mr. Lombardi's position to be and something that Mr. Goodale and I have talked about in context of this particular ordinance and the necessity for it. I believe that the dump fee structure that you have implemented is in part, the cause of what is occurring. I believe that there is a misconception or a misapplication of the distinction of taxes and fees. User fees are appropriate and effective where the user of the particular municipal service is a limited class and that limited class derives the particular benefit from the thing being used. In this analogy thus probably would be; those of us who wish to go out to the Indian Island Camp Parkgrounds, we pay a user fee to have a camp site. That should not and can not be confused with those services that are provided by government which are in fact broad based and applied to every person, entity, piece of real property in the community. And I suggest to you that the use of the dump is the broad based thing that is required by everyone. There is no person, entity, thing, dog, cat, that does need and or use that dump. And that is why it should be a tax. I understand that you don't want to raise real property taxes and so you put it in the sense of a fee. But all you've done is disguised the tax and you've given the people a way of avoiding that tax. The way they avoid the tax is they drive down the road, they throw their garbage out the window and they let Mr. Goodale take it to the dump. That is unfair to him. It is unfair to these men and women who are trying to police the

place. If you set in place a structure that encourages littering and I agree with John that it is a tax. It should be a tax. Everybody uses the dump. Everybody needs the dump or what will follow thereafter. And I think raising the fees the way you've been doing it and the way you appear to be headed, doesn't work. And all it's going to do is make this happen more and more often the higher and higher those fees get. When in truth, it's not a fee. It's a tax. It should be levied as a tax and not a fee. Thank you."

Councilman Pike, "Allen, let me ask a question. Should the tax be based on the volume of usage or the amount of real property that one owns?"

Allen Smith, "I think that in this particular instance you would combine the two. It would be like how much of a tax bill in the Water District is a portion to the capital plank, the availability of water, the wells, the transmission facilities and things of that nature. And then there is in fact a separate user fee that comes with it. I think that it is a misconception that you drive up the dump tipping fees and that you don't get the result that you're getting. I think Mr. Goodale is saying if he were here, that in fact with some of these changes that have been made, there is now more litter on the side of the road. I think that's possibly the experience Mr. Lombardi is predicting."

Councilman Pike, "We certainly talked about that and anticipated that possibility when we did impose the fee structure. It seems to me that you're saying that the more you use it, the more you're going to have to pay. That a commercial user who is running a shopping center is putting an enormous amount in or let's say a newspaper that has a lot of waste but doesn't have a lot of real estate but a lot of paper, would be paying a lot. And the individual person like myself who really doesn't generate a whole lot, would be paying less."

Allen Smith, "I think the spread between the tax and the fee has to be measured in such a way that it is not, it will not be cost effective to throw your garbage out the window. That take it to the dump. It doesn't cost you that much more when you go to the dump with it. I think that when going through the door of the dump or the gate at the dump or whatever, those fees become a factor and the stuff begins to end up on the side of the road."

Councilman Pike, "In this structure which is obvious hypothetical at the moment, would you exclude people who choose not to use the service? So that if a person who is currently using a commercial carter who trucks out of the Town of Riverhead which there are some, would be forced to pay the tax for something he doesn't get?"

Allen Smith, "Absolutely. He is within it. He has the potential to use the facility and he should help pay. Under that

PUBLIC HEARING, Continued

Allen Smith, Continued

theory, those of us who do not have children in schools, need not pay the school tax. That's not a proper theory."

Councilman Pike, "And you would suggest a town wide district to do that."

Allen Smith, "That's a town wide district."

Councilman Pike, "I just want to be clear on the details."

Supervisor Janoski, "Thank you Allen. Alice do you agree with that? Well you know, I have to say being that it was brought up, I now join the group of people who say; I don't have any kids in school, so I shouldn't pay the taxes. I think it's a good argument now. Yes sir."

Phil Schmitt, Roanoke Avenue, "I'm definitely for trying to keep the town clean and picking up the litter and everything else. But I also have a lot of frontage along the road and we're constantly picking up garbage and throwing it in the pick-up. As a matter for the past two weeks, somebody stopped in their pick-up and threw half a dozen tires which with the rates, I certainly don't want to pick up. And I think there's some adjustments, something needs to be changed in the way that's written. I don't think I should be responsible. We have picked up the garbage that people do throw out. And also, if I'm not mistaken, I think there was something in the law about unregistered vehicles or something on the property. And on behalf of farmers, a lot of them do have a couple of trucks maybe in the yard without... I don't know if that would be included but I don't think the town would have the right to come in and tell me I've got to move this truck or that truck. I guess it comes to who considers it garbage. I don't know. I try to keep our property clean but I don't think I should be responsible when other people litter. That's not in there. Sorry. Somebody said something to me about it. I didn't read it."

Councilman Lombardi, "There is one coming up."

Supervisor Janoski, "That's a good point. When we're constructing that, to take a look at farm vehicles. They're not registered anyhow are they? Farm plates. Ok."

Mary Beth Andresen, Aqueboque, "I've been a member of Jesse Goodale's litter control group for about a year now and I patrol Church Lane. As I don't own Church Lane but I do take care of Church Lane, it's probably about a half mile in length and it does generate a lot of garbage as it is one of the most heavily travelled roads from North to South Forks. I have to agree with Allen in this that I do feel that we probably see more litter as cost to our dump goes up. However, I also see McDonald's bags and 7-11 cups and I don't think that people are arbitrarily throwing them out to save a few dollars by going to the dumps. I think pride in our community is something that Jesse Goodale has

Mary Beth Andresen, Continued

tried to inspire. I felt so great about it that I wrote a term paper about him. And I really think that if we all took a little bit more consideration and maybe just cleaned up our own yard, we'd have a better place to live. Thank you. I applaud this."

Supervisor Janoski, "Thank you Mary Beth. Is there anyone else? Howie."

Howie Young, "Just quickly. I know the people that I'm sitting next to is saying when is this ever going to get over. I take my trash to the dump most every Sunday. And as I leave it, I get a knot in my stomach about how you people keep our dump. It's one of the most unsightly pieces of property in Riverhead. It's got a rusty fence that's probably been put there in 1902 or something. And you ought to keep your own house clean. The other thing you've done and I see a lot of properties in this town and I visit very many properties in this town and what you've caused and other communities have caused, is people not throwing litter on the side of the road. But they're dumping in every wooded road and every vacant piece of property. They're dumping tires by the thousands on private property wherever they can go and get away with it at night and that's because of your fees. So you're not doing the community a favor with these things. Thank you."

Supervisor Janoski, "Thank you Howie. Betty Brown."

Betty Brown, N.F. E.C., "We support this amendment. We will do everything in our power to help you with this amendment. If there is anything we can do education wise with the school children or anything at all, please call on us. I think the Riverhead Town Dump looks great. Southold needs cleaning up."

Supervisor Janoski, "You know Howie, people who know this business say that our dump is really, as dumps go, a pretty nice dump."

Howie Young, "Go take a look at it and see if you'd like to live across the street. My god. That street is named Youngs Avenue too. You put a weigh station there. You didn't even have an engineer there probably. You can't see to drive up on it. It's ridiculous to go and spend money like that and you can't even cover the property with topsoil. Put some topsoil and put some seed down. It would cost about \$11."

Councilman Pike, "Have you got \$11 topsoil for that entire place?"

Howie Young, "The guys are driving around there all day with these big machines back and forth. They've got a space this wide that you can dump on, four cars wide. I go up there and I'm the fifth."

Supervisor Janoski, "What I'm saying Howie, we're not

Supervisor Janoski, Continued
recording."

Councilwoman Civiletti, "The place where we keep that looks a lot better. Howie."

Supervisor Janoski, "Well none of this is part of the public hearing I'm happy to say. Is there anyone else present wishing to address the Board on the question of the litter ordinance? Mr. Goodale."

Edgar Goodale, Riverhead, "I'm here speaking on my own behalf but for my father also. I have a question on one part of the ordinance. We are questioning where it actually came from and that is the part where it requires dumpsters to be surrounded by another structure and what purpose that would serve."

Supervisor Janoski, "Screening."

Edgar Goodale, "I think that if you think about it, you may create more of a problem by putting a fence or a blockade a dumpster, you have created something more unsightly than what would be there before. Having a dumpster outside of a building if it's properly kept, is not an unsightly thing. By having another structure there that is in the way, it may be not only unenforceable apart the ordinance but I just don't..."

Supervisor Janoski, "I appreciate your comments and I think there is some consideration that it need not necessarily be a fence. How is it written? Screening. That certainly the use of plantings could be employed. But it does specify fence. I'm not quite sure but we'll have to discuss that. Maybe there could some latitude as to how it's screened."

Edgar Goodale, "I agree with it."

Warren McKnight, "I just forgot one thing. An appeal to the media or an idea to the media with a suggestion meaning local t.v., local radios and local newspapers; that perhaps they can in their public awareness in awakening our conscience, perhaps take a picture of a person and say with a caption, is that person a litter volunteer or a litter bug. In other words, if other people see this, they'll photograph me and I might possibly be ostracized by society. But in a certain contents being discreet where liability is not there. But it's might be a good deterrent and something for the press to think about."

Supervisor Janoski, "Thank you. Is there any other comment on the proposed litter ordinance? Well, I thank you all for making the effort to be here and testify on it and the Town Board expresses its gratitude to the Riverhead Litter Volunteers for the fine job and they're doing and especially to Jesse Goodale who spearheaded and quite frankly, drives us crazy around here to get this town cleaned up. So I thank you all. Without objection, the hearing is closed."

8:45 PUBLIC HEARING CLOSED AT 10:40

Supervisor Janoski, "Let the record show that the hour of 10:41 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:55 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, February 28, 1989 at 8:55 p.m. to hear all interested persons who wish to be heard regarding: **Proposed Amendment to Section 101-11/Parking Certain Hours on N. Griffing Avenue and School Street.**

Patricia Moore, Town Attorney, "This would prohibit the parking of vehicles from 7:30 on the morning to 3:30 in the afternoon on school days from North Griffing Avenue and School Street on the east side between Pulaski Street and Harrison Avenue and on North Griffing Avenue and School Street between Pulaski Street and Harrison Avenue starting 450 feet north of Pulaski Street."

Supervisor Janoski, "Thank you Pat. Is there anyone present wishing to address the Town Board on the matter of that change to town code? That being the case and without objection, I declare the hearing to be closed."

8:55 PUBLIC HEARING CLOSED AT 10:42

Supervisor Janoski, "Let the record show that the hour of 10:43 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 9:05 p.m

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, February 28, 1989 at 9:05 p.m. to hear all interested persons who wish to be heard regarding: **Rental of Property owned by Riverhead Sewer District to WRIV for purpose of erecting a transmission tower, storage building and a chain link fence.**

Supervisor Janoski, "Mr. Tria."

Bruce Tria, "I guess for everybody else's benefit because obviously has an idea of what it is we propose. We approached the town about the idea of erecting our radio transmission tower on town property at the sewer plant specifically. It happens that without a tower there is no radio station because there is no way to get the signal out. And we are compelled by the terms of our lease that we have now at the current site, to be out of there in June of this year. The radio tower in and of itself really does nothing except stand there and radiate a signal which is (in our case) on the AM band. There would be no plumbing

Bruce Tria, Continued

facilities of any kind and the only machinery that would be there would be a radio transmitter and our basic broadcast equipment. Studios would not be there. They would be where they are now at 40 West Main Street. So with that in mind, we approached the town on that and it's an idea we got because it's been done. The City of New Haven does that with an AM radio station there and it also has been done in the Croatan National Preserve in North Carolina."

Supervisor Janoski, "I think it would be a good idea if you mentioned that you are willing to pay the town a fee."

Bruce Tria, "Yes. Obviously we are willing to pay the town a reasonable and going property rent and payments in lieu of taxes since it's a municipally held property."

Supervisor Janoski, "Bruce, I think it would be a good idea if we tell everybody that there was an appraisal of sorts done to establish a market value for that monthly rental payment. Could you tell us what that is?"

Supervisor Janoski, "As it happens, the appraisal was done by Breslin Appraisal Company who does work for the town. And John Breslin indicated that the fair rent for that site would be \$5,000 a year plus the payment in lieu of taxes that would come from the town assessors office."

Supervisor Janoski, "Is there anything else you would like to add?"

Bruce Tria, "Not at the moment."

Supervisor Janoski, "Ok Bruce. Is there anyone present wishing to address the Town Board on the matter of the idea of leasing to radio station, WRIV, a site at the Riverhead Sewer District Facility for the purpose of that radio transmission tower?"

Councilman Pike, "Come on. This is your chance to be on gripe line everybody."

Supervisor Janoski, "I see a hand."

Jan Moody-Arnold, Southampton, "Their transmitter over there doesn't cause them any trouble and they are such a good radio station and they do such a fine job."

Supervisor Janoski, "Thank you."

Jan Moody-Arnold, "Their Doug Delmar is really super and Bruce is fine and I think Riverhead is lucky to have them all here. I can't think of anybody who wouldn't say great. They are really progressive and really super. Are you going to let them have it?"

Supervisor Janoski, "That's the purpose of this hearing. Is there anyone else present wishing to address the Town Board on the matter of the idea of the erection of the tower? That being the case and without objection, I declare the hearing to be closed."

9:05 PUBLIC HEARING CLOSED AT 10:47

Supervisor Janoski, "Let us take up, after we find out if there is anybody who has any comment. Betty Brown."

Betty Brown, "Actually I'd like to wait until Lou comes back if possible."

Supervisor Janoski, "Allen, did you want to take up that spot?"

Allen Smith, "With reference to resolution number 187, during the break, I reminded Supervisor Janoski of my previous correspondence with reference to that particular application. As I understand his comments, everyone in voting on this particular resolution although it does reference cross easements onto the adjoining properties, there are in fact no easements of that nature at this particular point in time. The joining owner is not consenting to it."

Supervisor Janoski, "The Town Board understands that it has been thus far impossible to make an arrangement with the owner of the adjoining property. We are simply making provision for the time that that might take place both to the east and to the west."

Allen Smith, "Understood. Thank you sir."

Betty Brown, N.F.E.C., "In regard to the resolution that you have on the agenda for this evening of Mill Pond Commons project, the condominium along Elton Avenue; I just wanted to take this opportunity to bring a few of the concerns that I had, to the attention of the Board. The most significant being that the public has not had the opportunity for public comment on this completed project and I ask the Board to review the change of events that brings us to the Board this evening in a determination. Over one year ago, the Board held a public hearing on an application that was incomplete and not within the limits of the law. The Board recognized that this was a flawed process and reviewed the environmental assessment form. And from that point, designated a positive declaration and an impact statement to be prepared. As we all know, that impact statement was prepared and accepted by your Board as was the final environmental impact statement. According to the zoning code and I'd like to quote if I might, "after receipt of the recommendations of the Planning Board, the Town Board shall hold a public hearing upon public notice as required by section 265 of the town law. I submit to the Board that this was not done. I point out again that the

Betty Brown, Continued

public has not had the opportunity required by law to address concerns and bring to the Board during a public meeting, information that would aid the Board in its evaluation and determination to ensure a project that was consistent with community values. Again, no opportunity was made available. I urge the Board to seek a Planning Board recommendation. I urge the Board to look into the correspondence of the attorney for the applicant dated January 19, 1988. It is in the opinion of the attorney that inasmuch as the Town Board has failed to act within the mandated 60 day period, that the recommendation be deemed one of approval. I suggest to the Board that this is not legal. The prior application was illegal and incomplete and therefore, now that the SEQRA process has now been satisfied, the application is complete. I urge you to seek a recommendation from your Planning Board. And within 60 days from that recommendation, offer the public a meeting to bring forth their public input. I feel it would be better to seek proper council at this point rather to drag the attorney and the developer through a long legal process later. I would ask that you would at least discuss that."

Supervisor Janoski, "Am I hearing you correctly that you're saying that we did not get a recommendation from the Planning Board on this project."

Betty Brown, "You have no recommendation nor do you have a public hearing. Nothing. You deemed the application not incomplete but it was just illegal. You started from scratch. You declared that he needed a positive declaration and an environmental impact statement. That was done. That process was completed. There were no hearings during the environmental process. Now it comes time for the Planning Board to review the information brought forth. They have not done that. Sixty days from that recommendation, the public deserves the opportunity, after having studied the environmental impact, to come forth and discuss the project with you. The neighbors, the people I know have not had that opportunity. I know that Mr. Boschetti has mentioned that you have been available for any comment but that's not the legal process. The process is to hold a public hearing."

Supervisor Janoski, "I personally checked in the Planning Department today to in fact, determine if there was a recommendation from the Planning Board and they tell me that in fact, there was."

Betty Brown, "That recommendation was prior to your determination of..... That's not valid and that was deemed approved because they did not get it in on time. So not only is it approved, not only did it... We just have not had a proper evaluation of the project."

Supervisor Janoski, "I understand. We have, the Board has, also looked at that particular point of view. I understand what you're saying. Yes."

Patricia Moore, "Pete you might want to help out. If my memory serves me correctly, in January of '88, there was a public hearing on the special permit. And then again through the SEQRA process, there was another public hearing on the draft or the final impact statement."

Pete Danowski, Attorney, "There was a public hearing on the special permit. We did go through a complete SEQRA process. I'm asking for a vote. I'll stand on the record that exists at the Town Clerk's Office at this level of town government. I don't care again, for the discussion of Mrs. Brown. She has her opinion. I have mine and I ask you to vote."

Supervisor Janoski, "There are a couple of things and I'm glad the young man wants to speak here. It has to be pointed out that the Town Board or the Lead Agency does have an option of either having a public hearing with regard to the environmental impact statement or to set aside a comment period. In this particular application at that point in time which was some time ago, we choose to have the comment period in which an individual wanting to express their opinion, could do so by submitting it in writing. Sometimes that is a preferred and use to be the standard way that we did it here in the Town of Riverhead. Because it is a calm collected approach to making comment on this type of a document. Obviously, public hearings can become somewhat tainted by emotion but we now do have the public hearing process. But I think it's only fair to say that you can do it either way. Madam Town Attorney, would you please clear up..."

Councilman Boschetti, "Statements were made on the record regarding the procedure followed. You and I had a discussion about that this afternoon. I think your comments should be relevant to the statements that were made by Mrs. Brown about the appropriateness of us entertaining a vote tonight."

Patricia Moore, "Well, certainly we have reviewed all the history of this application and I did advise the Board it was proper for the Board, at this time, to make a decision. And I still believe it."

Councilman Boschetti, "And you still believe it."

Supervisor Janoski, "Let me just say this that I know there is a tendency to want to debate this. This is not the forum for that debate but if there is anyone who wants to make some observation... Mr. Goldman did I see your hand up?"

Rob Goldman, "Alice can go first."

Supervisor Janoski, "Alice."

Alice Graff, Riverhead, "As has often been the case, I am unable to comprehend numerous judgments of the Board. This evening a final decision will be put forth relevant to Mill Pond"

Alice Graff, Continued

Commons. Elton Street and town residents and N.F.E.C. and other segments have been in opposition to this project. There are told to be consoled. After all the density has been reduced from 113 to 100. Moreover, what do we want? Egg in our beer? They tell us it could be worse. The survival games project will go down the tube. It has been stated that this would place an unhealthy and stressful situation upon the town's people. If survival games can cause this amount of distress, can you honestly say that the gross denial of the concerns of these town residents relevant to development especially when it occurs in vital environmental areas, is not unhealthy and stressful to our town's people. And another area that fails to become comprehensible to me is zoning changes. When a developer wishes to make big bucks, changes go by way of the big bucks unless there is a major court battle by the private sector which is not always financially possible. Change of zoning so that development of vital segments of the town are able to be kept rural, is unthinkable. Life in the slow lane is not where the money is for the big bucks. Big bucks take the shape. So quality of life be damned. Money and smooth talkers is where it is all at. More development means more taxes. There are no ifs, ands but about that. Thank you."

Supervisor Janoski, "Alice, there's one little thing. Alice, if you would. There's one little thing. I think everything you said was perfect except for the one part of changes of zone going with the big bucks. Can you give me an example of that?"

Alice Graff, "Well, it seems like all the big developers that want to change from the small section to a larger section, I want to have a bigger project, from industrial to residential and all kinds of little changes, little (quote, unquote)."

Supervisor Janoski, "It seems to me that the applications for change from industrial to residential was denied by the Town Board."

Alice Graff, "I'm not speaking of any specific one."

Supervisor Janoski, "Well, that's what I want to get out of you. Thank you very much Alice. Mr. Goldman. We'll get you guys next."

Rob Goldman, N.F.E.C., "I think Joe, you need to think about the fact that the comment period on SEQRA which is allowable, you don't have to have a public hearing, does not suffice for a public hearing on the application according to the town process. So in fact, there has not been a public hearing in the town process."

Supervisor Janoski, "There is no question about that."

Rob Goldman, "That's the point we're trying to make. And if the Board is going to make a determination based on that, I

Rob Goldman, Continued

think the Board is opening itself up for a legal challenge and I don't think we want to get into that."

Councilwoman Civiletti, "Rob, if I may, can I ask you or if Betty were to respond. Are you... Do I understand your position to be that since the Planning Board determination and the E.I.S. that was prepared, came subsequent to... Let me try this again. Since the Planning Board determination and the special permit hearing that was previously held, came prior to the E.I.S. being done. The Planning Board recommendation and the special permit hearing from early last year essentially don't count and we have to do that again based on the E.I.S. Is that your..."

Rob Goldman, "Exactly. How can you make a determination on whether a project is going to have impacts or not if you don't have that and if you've got the whole process backwards."

Councilwoman Civiletti, "So what you're urging the Board is if we act on this tonight, we are acting without benefit of a special permit hearing because I don't know if that was clear."

Rob Goldman, "Exactly. I would make two recommendations. Firstly, either vote the project no as it stands or table it and let's get this thing straightened out because it's not being done correctly. "

Supervisor Janoski, "Let me recognize this young man here with his hand up who is attending this meeting as part of the requirement of a course he is taking which is titled, what again."

John Stanislaus, Smithtown, "Participation in government."

Supervisor Janoski, "This has been one participatory night."

John Stanislaus, "Besides coming here for my school class, I've also come to discuss the special permit of the survival games to operate in Riverhead. Now, I play as do my two friends here and a large number of us. And I don't see why people are opposed to this. I think we all agree that people are afraid of things they don't understand and I don't know if anyone on the Town Board has gone out to the survival games place in Coram and seen people play there. I think when people think of survival games or war games like you call them, they think of rednecks or neonazis running around in camouflage with real guns trying to kill people. I mean it's not like that. You'll find doctors, lawyers, regular people who just like to do it for fun."

Supervisor Janoski, "I can't resist this. Lawyers are not regular people. I'm sorry."

John Stanislaus, "The games that we play are safe. When you go to one of these operated fields, they have insurance to

John Stanislaus, Continued

cover you. They chronograph which means they measure the speed of the paint ball which you shoot out of your gun to a safe limit. And if it's not going at a safe limit, you're not allowed to play. And you have to of course, wear safety goggles and other safety gear. And no one as far as I know, has ever been hurt seriously playing this. You twist your ankle running or something but the paint ball can't kill you because it's not hard. Have you ever seen a vitamin E capsule? Well basically that's what it is. It's a gelatin capsule filled with, it's called paint but it really isn't. It's a dye based on vegetable oil. So it's biodegradable and it washes out of your clothes. There is no reason why people should be afraid of it. There's nothing wrong with it. It's a sport just like football. national tournaments are held. Some with prizes for the first place winning team that amounts to \$10,000. There are a number of players, close to 50,000, that play in the United States. There's a magazine devoted entirely to it called "Actual Seek Game Magazine" and there's a paint ball players association called the IPPA which helped to keep the sport from being knocked around by anti-gun bills. Because the weapons we use to shoot the paint balls really aren't guns. So I don't see why people think that the game is going to breed people that want to go out and go crazy and take a real gun and shoot people when it just... I don't know. It just doesn't seem right to me that people should ban a sport which is like football or baseball because they think it's people running around actually trying to hurt each other. That's not the idea. I mean it's just...."

Supervisor Janoski, "I understand. I wish that you would have come and been present at the actual hearing on that application. Because to my memory, you are the first and only person ever to speak in favor of that application. Pfeiffer just mentioned that the only thing you should talk about is the parking. Alice, are you in favor of it?"

Alice Graff, "Sure."

Supervisor Janoski, "I didn't know that. I'm sorry. Well it's good to have you."

John Stanislaus, "I had heard that you were going to discuss this and I made a number of calls to the Riverhead Town Hall and talked with a number of people and asked when there would be public hearings and what not about it. And no one gave me a straight answer. They said we don't know about it or we haven't heard about it. Until I read it in the Newsday yesterday and said you were going to discuss it tonight."

Supervisor Janoski, "Someone in this building was not aware of this. I thank you for your comments and really happy that you're taking part in this tonight."

John Stanislaus, "Thank you."

Supervisor Janoski, "Yes."

Salvatore Minella, Mt. Sinai, "I've been a paint ball player for about two years and the sport has been around for eight years. And in those eight years, nobody has ever died or been crippled from a paint gun. They're very safe. As John stated before, if your gun is shooting too high, you're not allowed to play. You have to wear goggles, safety equipment. Paint ball has gotten a lot of bad publicity over the years, very negative. It's a very fun sport if you've ever played it. It's played worldwide, South Africa, Australia. It's played in Europe. It's great. It's a really good sport. If the people are worried about the noise, the guns are not very loud. You can't hear them more than 200 feet away. It's a very safe sport and it's nothing to be afraid of. There's no way that it can damage anyone. That's all I have to say."

Supervisor Janoski, "Thank you. Yes. And then we'll get you next."

Gene Albert, Riverhead, "I have no notes. So I'm going to cover a little ground there. I'm the bearer of perhaps of some lost causes. I've been sitting through several Town Board meetings and listening to the pros and cons of many subjects and I would like to give you my view because I've become slightly disturbed over how certain things are being presented to you. Now, I do know that a couple of items that I'm going to mention to you may bring some anguish to some of the people in the audience but I think we have to deal with it. First of all, at \$210,000 a unit up on the Bluffs, it has created no children in the school district because you have to be a "dinc" to get \$210,000 and a "dinc" is dual income, no children. And that's what they have up on the Bluffs. Now, if you're going to put up a group of houses on Elton Avenue and you're going to charge \$150,000 or \$175,000 a unit, you are not going to get children in that area. You're going to get "dincs". Two incomes, no children. What will happen and this is the positive side of it, is maybe some of the elder residents of the Town of Riverhead will move out of these big old houses with the four and the five bedrooms that they haven't been able to maintain and move into a condo type of unit which they can afford and that they will also be able to live there comfortably without having to worry about painting and grass cutting and everything else. So this whole, I think it's called the Millbrook Gables, the Millbrook Gables.... Mill Pond Commons is a thing that is long in coming. When it was called Valmont it should have been here and what was that? Seven, ten years ago. A co-generating plant does not produce children. The war games do not produce children and increase the school tax rate. We keep talking about the tax rate. We keep talking about the children that it produces. Now these are very hard issues that you're going to have to deal with and I don't envy you. You're going to have to talk about the homes on Elton Avenue and you're going to have to talk about the co-generating plant and you're going to have to talk about the war games and

Gene albert, Continued

you're going to have to talk about the extension of the Bluffs and you're going to have to talk about some of the other condo units that are coming into town. Meanwhile, we're extended sewers for 34 houses. I'm not too clear about the numbers. And there was another one with 18 houses. So we're doing is being picked away with 18 houses and 24 houses and all of these are children producing houses. That's what they're put up for and I don't hear anyone saying; no, no, no. It's too dense. It's this. It's that. Put in the water works. Put in the conduit lines. Put in everything that you need. Now, somewhere along the line I have to have the thought that all these little pieces, the whole and we've known that for a long time. And no one has been looking at the whole thing. Everything that has been brought up at the meeting tonight and that was the three town amendments to the town code. Another bit of that. You're eroding from the farmers certain things. The resolutions that are going to be passed or not passed tonight have to do with this. The war games have to do with it. When we deal with the co-generating plant and we're going to have to deal with that also and we keep talking about tax base, tax base, tax base. But we don't want to increase the tax base to where we'll be able to afford all of these things. Not just as sure, and I don't know who said it, we've got death in taxes. We know that our taxes are going to go up next year and the taxes are going to go up the following year because we demand more services. And with the landfill being closed and whatever else we're going to have to pay for a lot of other things, and as a resident of Riverhead who has lived here for a long period of time, I know that, my taxes are going to go up and I'm going to have to pay for it. I'm not concerned too much about that at the present time. What I'd like to think about is that the taxes will be paid by a greater base of people and perhaps we'll be able to get a greater amount of services that we want out of the town and that the tax increase will not be as great as some of the people anticipate. In order to do that, we're going to have to broaden our tax base. And if it means condos and expensive condos, let's have them. And if it means a co-generating plant, let's have it. And if it means, payment in lieu of taxes with the war games, let's have it. And if it means extending the Bluffs, let's have it. And let's have what ever is necessary so that we get the money in and it makes the town better. Thank you for your time."

Supervisor Janoski, "Thank you."

Leonard Mastrogacomo, "I'm also in favor of survival games and I am a member of the New York National Guard and I don't know why they call it war games. I am Granadier in the Infantry Unit in Bayshore and this survival game is all it is is a modern day type of tag. When we go on our weekends to Camp Smith, we actual do do war games. We prepare in case of riots or Russian invasions and things like that and this is not like that all. This is pretty much just a modern day game of tag where two teams go and try to grab flags. Really, I don't see how it hurts the environment because you need the woods. You've got to keep it

the way it is so you can have concealment and ways to run around. You're not going to mow it down and put up a big building. You might have like little wooden shacks where the guy can go with his truck and set up and sell paint balls and dish out guns. It does no way effect you physiologically. I have played out in Coram many times and as far as I know, there haven't been too many accidents. I've played high school sports both baseball and football and I've gotten hurt a lot worse on them than I have playing the survival game and I think it's safe and there's nothing wrong with it and it should be allowed. Thank you."

Supervisor Janoski, "Thank you."

Mary Beth Andresen, "I applaud the Riverhead Town Board to deny the application for the special permit for the survival games on the basis that it would not prove to be anything too positive for this town. I spoke up in opposition to the survival games the night of the public hearing and I'm said that these boys weren't here the night of the public hearing. I took it upon myself to notify Bill Beutel of the groups usage of his footage. He called me back the next day on the telephone and I received a letter in the mail today from their legal department and I'd like to read it to you. In response to your February 8th letter to Bill Beutel, Channel 7 Eyewitness News. Bill Beutel and the news director of ABC appreciate you taking the time to write this station. They want you to know that neither Mr. Beutel or anyone at Channel 7 has any interest in National Survival Game of New York, Inc. Mr. Beutel did not know until recently, that National Survival Game of New York was using Channel 7 footage to advance it's own interest. Some six years ago Mr. Beutel did a series of news reports on National Survival Game but he certainly never authorized the company to promote itself using his coverage. Sincerely. If you have any further questions, you or any member of the Riverhead Town. And I do question the credibility of the people that might use somebody else's footage and then represent themselves in this town. Thank you very much."

Supervisor Janoski, "Ok. Is there any other comment before we take up the resolutions? Ok. Let's take them up."

RESOLUTIONS 152-188 found on pages _____ of the 1989
Resolution Book.

#178 DENIES SPECIAL PERMIT OF NATIONAL SURVIVAL GAMES OF NEW YORK

Councilman Boschetti, "This is the one that denies the special permit application of the National Survival Games of New York, Inc. And before I vote, I would like to make a comment on that. In deference to the three young gentlemen who spoke and very eloquently at that, there are other considerations to this denial then simply the games themselves and they have more to do with the site that was selected and maybe on the case and parts of other Board members, then on the game itself, activity. I

just wanted you to know that since you sat through all of this for so long, I thought you were entitled to that. I vote yes."

Councilman Pike, "Another comment. I find myself in the odd position of wanting to try to give this applicant the chance to prove that he would be the good neighbor that he says he would be. This for recreational use in a zone that calls for recreational uses on its face, clearly. We have battered this one around for quite some time. It is clear that I don't have a second to give him that opportunity to give it a try. I will vote no with the reservation that it seems to me that this is the sort of thing that we have to do at the zoning level and not at the special permit level. The code specifically calls out recreational uses in that zone. But I vote no."

Supervisor Janoski, "Well, the newspaper is going to be mad at me because I told them it was going to be unanimous."

Councilman Pike, "Let me change my vote. I am voting no on the idea of approving this. I will have to do it accurately and vote yes on the resolution. I'm sorry. What I'm doing is deferring to the will of the majority because it would do me absolutely no good."

Supervisor Janoski, "I understand. This has probably been one of the most celebrated issues before the town in some time. And a number of things came to play and certainly one of the things was emotion. While I can find very little reason to support it that makes any sense like creating jobs or paying taxes, this was a difficult one. And I think I can truthfully say that had we not had that second hearing that this vote would have gone a different way. But I am going to yes to support the resolution."

#179 AUTHORIZES SUPERVISOR TO EXECUTE AGREEMENT WITH MALCOLM PIRNIE.

Councilman Pike, "We have, after a series of negotiations, reached an agreement with Malcolm Pirnie, the new consultants to the sewer and scavenger waste plant for the completion of the planning studies for both the online improvements of the existing facility and the future planning studies associated with the expansion of the sewer plant. This basically authorizes the Supervisor to finish the legalities involved with those two projects. I move 179."

#186 APPROVES SPECIAL PERMIT OF MILL POND COMMONS.

Councilman Boschetti, "This resolution approves a special permit of Mill Pond Commons for 100 condo units. Before I vote on this, I do want to make a comment also. I think it deserves comment because we've had such controversy over it and I think every Board member has probably been called or had a letter or

Councilman Boschetti, Continued

some contact with folks who live in the area about this particular project. Not you."

Supervisor Janoski, "No. The North Fork Environmental Council only speaks to councilmen. I think they've written me off."

Councilman Boschetti, "All of the concerns that were expressed to us or me, were considered in this particular application. And of the ones that were mentioned, taxes seemed to be one of the ones that were foremost, school children, traffic, density, impact to the Saw Mill Creek, the natural scenery, the buffer areas, the aesthetics, the population. I've gone over this thing many different ways with many different folks and I've tried to get as much input as I can on this particular project. And from our Planning Department, even from the School Board; they all agree. The condo project will reduce or mitigate each one of these particular concerns that were brought before the Board. In the case of school taxes, I have here before me a projection that was prepared by our own Planning Department and it shows a projection granted based on 113 units and we have reduced that now to 100. But based on 113 the projection was, the school tax net gain of \$108 per resident who would live in that particular condo project. And based on a 50 lot subdivision; that's 50, not more but 50, it would show a net loss of \$1,067 per resident in a subdivision. That's a very significant difference. We had a lot of people here tonight displaying the sign, no more taxes. I think that's one of the key factors here. Also, according to our own Planning Department, the impact on Saw Mill Creek will be lessened. It says here in addition, the open space to be generated by the condominium alternative is considered to be the more environmentally valuable land of the site and is contiguous in nature then the possible subdivision that could be built on the same site. Taking all of these things into consideration including traffic, which by the way is also indicated here and shows no significant problem with any of the intersections that would be near or adjacent to the project. I think that when we take all the considerations, the problems, the concerns that were expressed to us and run them through all the analysis that were done, the condo project accomplishes that. And at 100 units, it accomplishes it even better. So I vote yes."

Supervisor Janoski, "I'm sorry Betty, we're in the middle of a vote."

Councilman Pike, "It is abundantly true that this project and this site have been around seeking an approval of some sort forever. And I think they deserve the benefit of a reason and fair decision. I have been an advocate of good planning for a long time to know that benefit and cost analysis depends on what you're comparing. If you're comparing apples to apples, it makes a lot more sense. Comparisons that we're being asked to rely on here is between apples and oranges. There is no question that an

RESOLUTIONS, ContinuedCouncilman Pike, Continued

attached housing form of construction is more environmentally compatible than a single family residential subdivision. And these applicants are to be commended for proposing such a thing. They're to be commended for proposing the dedication of the open space across the street. The comparison between what we're being asked to approve tonight and a single family subdivision isn't the only comparison to make because we have a thoroughly superior third alternative. And the clearly third superior alternative is to take the attached housing type of idea and reduce it to a scale that is called for as of right in this district which would be somewhere between 50 and 60 units if it were a single family residential dwelling. But to use the attached housing form of construction, that has a lot of benefits all around. It is lower cost per unit to the developer. It is lower impact on the environment. It is lower cost to the school district. I do not buy the argument that this form of residential housing will pay for itself. I don't buy it all. I don't buy the argument that any form of residential housing will pay for itself. We constantly and increasingly subsidize residential housing with all of the other forms of tax positive construction in this town. So I think the argument that this is tax positive if it's ever made, is wrong and misleading. To the extent that it has some validity, there is less impact because there tends to be fewer school children in this type of housing. But we have a constitution that has a right to travel and people can live where they bloody well want. It use to be true that places like Huk-a-Buk Park in town were tax positive. They are no longer resort areas. They are now places out which an enormous amount of school children come. It's also true that the Bluffs now have school kids. The person from whom I bought my house moved there with her school child. One at a time they come in. In balance, the clearly superior alternative is one that combines all of the advantages mentioned with less impact on the school and less impact on the environment and that would be to approve this at a lower density approximating what they would get as of right in a single family subdivision yield. So I think the resolution stands to be greatly improved. I think the impact could be greatly improved by voting no. And so I vote no."

Councilwoman Civiletti, "I must say I admire both you gentlemen being able to speak so coherently and articulately at this time of night. I'm not as blessed. I shut down some time around 10 o'clock. It's a shame that the ones that are the hardest decisions to make invariable come up at the end of marathon meetings like this. I will just say that I have spoken with many of the people I see sitting out there looking at me. You look like you feel the way I feel right now. I've spoken with the applicants and their attorneys and I think they know why I vote the way I vote and I vote no."

Councilman Lombardi, "Well, I just have to make a little speech at least. We all talk about taxes and we all talk about the family homes and we're talking about 75 homes that could be put on that piece of property which would hold three and four

bedrooms and that would bring more kids into the town. And people are saying we don't want the taxes of the school. So we've been looking at this project for nearly four years. These people do have a right to build something and I thought and I felt as one councilman, as one person, that we have to allow them to build something. And I felt that the condos and I still feel the condos are the best way to go because we brought it down to 100 units. We are putting in less children. We have a letter here from the Superintendent of schools claiming that he would rather see condos than homes. And I feel that this has been dragged on for nearly three and a half years. I feel that it is best for the community and I vote yes."

Supervisor Janoski, "It is not my usual practice to make long comments in voting but I think this one deserves some comment and I think you have to start off with the Board's consideration of this application prior to the submission of the application. And it is a fact that the Rosano Brothers who own the property did come to the then sitting Town Board and asked a very simple question. What would you prefer that we do with that property? Because they were willing to do whatever it was that the Town Board thought was right for that area. After looking at the various options and the idea of a preservation of part of the property from development of a cluster of housing. The Town Board at that time recommended to the owners of the property that they in fact wanted condominium development at that site with a cluster and the preservation of one parcel from development. This is almost a keeping of our word because they did take that tack. Now truly they were under the zoning, allowed to apply for condominiums which does provide in the zoning code for a density of up to five units per acre. This of course, is a resolution granting 100 units which is considerably less than that. Earlier this evening I talked about this being a republic. And the reason that this form of government was chosen was because we do have a look at the facts and use our best judgment in what we think is absolutely the right thing to do and we can differ about that as we are obviously doing tonight. But I can remember very clearly remember a condominium proposal in South Jamesport in which an individual wanted to build 12 condominium units. And the people in that neighborhood were opposed to it. And I for one, tried to advise the people that there were certain uses of the property that were not as preferable, that did not require the approval of the Town Board. A motel being one of them. And right now on that site, there is an approval for a motel unit. So that's our job. Our job is to look at the possibility and make very difficult decisions. Everyone has talked about the fact that there will be less school children from the condominium approval. They are one and two bedroom condominium units as opposed to three and four bedroom single family homes on a half acre. Certainly I think a grid subdivision clearly, you use up all of the property. With this idea, it's more environmentally sound. You cluster them and preserve a great open space which I believe was 68%. And there are a number of reasons why I come to the conclusion that have been outlined already by other members

RESOLUTIONS, Continued

Councilman Lombardi, Continued

of the Board. So that I am going to, on this application, support the special permit and vote yes."

Supervisor Janoski, "Betty."

Betty Brown, "I just had a question before we break up. Lou, you mentioned and also John, that you have something in your possession from the School Board. Is that from Suprina or Fricke?"

Councilman Lombardi, "No. Suprina. Mr. Suprina."

Betty Brown, "You said that it was from the School Board and I was not sure. When was that dated?"

Councilman Boschetti, "February 27th.."

Betty Brown, "Yesterday. Since when is the School Board supporting individual condominium projects? Did you think to wonder if this was a position of the School Board?"

Councilman Boschetti, "Inasmuch as so much comment has been made about the type of impact that would be made upon the School District, it seemed appropriate to have some input from a representative of the district. This represents that. And just let me just quote to you one sentence that he has. The proposal of the Mill Pond Commons Condominium Project should cause fewer new students to be enrolled in the Riverhead Central School District. I think that's a significant position for a school district to take, particularly when we have so many people at a public hearing saying that this condo project is going to add many more school children than the subdivision would have and let's not forget that the subdivision remains the underlying use that could be used. It is the alternative and it's a very real alternative and that application is in before the Planning Board now. So it's not as if it's a make believe. Looking at all of the possibilities, I feel comfortable that this is really the best decision for the town. And you can have a copy of this if you like."

Supervisor Janoski, "Alice."

Alice Graff, "One question. Does that still mean a five-story building on Peconic Avenue?"

Supervisor Janoski, "Yes it does Alice."

Alice Graff, "He extended it this way, why should he have it that way?"

Supervisor Janoski, "Alice, because the law of the Town of Riverhead allows a 50 foot building. Without objection, this meeting is adjourned."

There being no further business on motion or vote, the meeting adjourned at 11:51 p.m.

IJP:nm


Irene J. Pendzick
Town Clerk