

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 7, 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 Meetings held on January 3 and January 17, 1989 and Special Board Meeting held on January 25, 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

- Tax Receiver-Collections as of 1/30/89: \$18,320,223.12. Filed
- Conservation Advisory Council-Minutes of 1/23/89. Filed
- Town Clerk-Annual Report for 1988. Filed
- Recreation Department-Annual Report for 1988. Filed
- Councilpersons Civiletti & Boschetti-Recommendations regarding Solid Waste Management Policies and Programs. Filed

OPEN BID REPORT - POLICE UNIFORMS Filed

Bid Date: January 30, 1989
2 Bids Submitted

- #1 **NAME:** CHARLES GREENBLATT, INC.
- ADDRESS:** 130 Vanderbilt Motor Parkway, Hauppauge
- TOTAL BID:** \$ 73.50/Jacket

#2 NAME: MANNO UNIFORM AND SECURITY CORP.
ADDRESS: 3876 Merrick Road, Seaford
TOTAL BID: \$76.79

Supervisor Janoski, "Thank you. Correspondence. I'm sorry. Applications."

APPLICATIONS & PETITIONS

- Little Flower Children's Services-Masonry building for residents. Filed
- Petition-249 persons against the Special Permit Application of National Survival Game. Filed
- Riverhead Fire District-Hydrant Lease for 1989. Filed
- Petition-426 residents supporting Special Permit application of William Hubbard. Filed

Supervisor Janoski, "Correspondence."

CORRESPONDENCE

- Richard Suprina, 1/30/89-Expresses concern regarding the Riverhead School District's space problems in relation to the Chesterfield Enterprises Affordable Housing Project. Filed
- Andrea Lohneiss, 1/23/89-Forwarded Letter of Credit for Klein & Eversoll, Inc. in lieu of Performance Bond for Silver-linings. Filed
- Pat Noto, Inc, 1/24/89-Notifying Donald Higgins, Attorney for Sandy Hollow Woods that water mains cannot be scheduled until Spring of 1989. Filed
- Joseph T. Gowell, H2M, 1/26/89-Private Water Services of LI will make necessary repair to water trench area. Filed
- B. Laing Associates, 1/24/89-Asking permission to visit the Riverhead Landfill to record data in determining how birds act/react at Landfill sites. Filed
- Wading River Civic Association, 1/26/89-Expresses grave concerns regarding the acceptance of the DEIS for the expansion of the Mobile Home Park in Wading River. Filed

CORRESPONDENCE, Continued

- Demchak Liquors, Inc., 1/25/89-Advising Town that the parking lot behind Michael's Liquors is no longer available for town employees for parking and that the Town can lease the parking area for \$300 per month. **Filed**
- Tony Bullock, Easthampton Sup. 1/24/89-Recommendng Two Bears Builders for funding of affordable housing project. **Filed**
- Allen Smith, Esq., 1/18/89-Comments on the negative declaration of the DEC on the Peconic River Corridor. **Filed**
- Pierre G. Lundberg, 1/20/89-Summarizes the agreements reached re: Joint Riverhead/Southampton Scavenger Waste Plant. **Filed**
- S.C. Dept. of Health, 1/18/89-Finds the DEIS of Chesterfield Inc. incomplete. **Filed**
- Sherry Johnson, 1/9/80-Expresses concern that Stone Manor Horse Farm in Manorville will be rezoned for development purposes. **Filed**
- Northville Energy Corp., 1/13/89-Supplies additional information re: Riverhead Combustion Turbine Peaking Unit. **Filed**
- Shirley Weiss/ Stony Brook- Expressing opposition to
R. Horn/Elmont, A. Pratts/Smithtown Permit Application of
R. Glass, M. Lerner,/Hampton Bays National Survival Games. **Filed**
- Ronnie Wacker, NFEC, 1/31/89-Recommends that the Town Board denies approval of Mill Pond Commons. **Filed**
- Donald M. Goldman, 1/30/89-Opposes the approval of the Mill Pond Commons project. **Filed**
- Charles & Henrietta Cetas, 2/6/89-Opposes the approval of the Mill Pond Commons project. **Filed**
- Wm. Welsch, Jamesport, 1/30/89-Supports the amendment to S. Jamesport Civic Asso. Chapter 48 banning 4-wheel vehicles from beaches at Peconic Bay. **Filed**
- Philip & Stella Bonomolo, 1/20/89-Supports the application of Two Bears Builders for affordable housing project. **Filed**
- G. Robert & Maria Chedd-States objection to the use of any vehicles on beach front property. **Filed**
- NYS Dept. of Environmental Conservation, 2/1/89-Comments regarding the Riverhead STP Sewer Connection Moratorium. **Filed**
- Clerk, County Legis.-Resolution #2779-88 authorizing payment of sewer rates in the amount of \$22,726.16. **Filed**

CORRESPONDENCE, Continued

Sherry Johnson, 2/6/89-Advising Board of 18 months of effort for stream corridor management for Saw Mill River System and that the cumulative impact is required by SEQRA. Filed

Vail-Leavitt Music Hall-Advising that a majority of Council members favor construction of an office building on Peconic Avenue, but that all believe current proposal is "out of scale" with surrounding buildings and inharmonious with riverfront development. Filed

Gertrude Blasius, 2/3/89-Protesting adoption of Amendment to Section 48 re: beach vehicles and stating reasons for her objection. Filed

Terry J. Crannell, NYS Dec., 2/6/89-Advising that pursuant to 6NYCRR 505.8(b) motor vehicles are allowed on beaches only seaward of upper debris lines. Filed

Angela & Glenn Moller, Mary Muench-Expresses opposition to Special Permit Application of National Survival Games. Filed

Irene Pendzick, "That concludes Correspondence."

Supervisor Janoski, "Thank you. We have a number of items under the Unfinished Business. It is listed on the agenda along with the application and it also describes at what part of the process it is in the procedure. Because it appears that it is going to be a very busy night tonight, there is a resolution on the agenda, number 117 which is the resolution creating the position of Deputy Superintendent of Highways. I would like to call that out of order right now and conclude that business."

RESOLUTION #117 was read out of order at this time.

Supervisor Janoski, "I would recognize Mr. Bloss, the Superintendent of Highways."

Charles Bloss, "Superintendent of Highways. I would like to thank the Board for creating the position. I have a person who is extremely qualified for it and he's been with the town for 27 years. The passed six years as a foreman in the Wading River Manorville area. And I'm going to appoint Timothy Benton to that position of Deputy Highway Superintendent."

Supervisor Janoski, "Thank you Charlie. Would you also Charlie, as just a matter of formality, write us a little piece of paper so that we have that on file. Timothy Benton would you come up to the microphone."

Supervisor Janoski swore Timothy Benton in office of Deputy Superintendent of Highways as appointed by Superintendent of Highways Charles Bloss.

PUBLIC HEARING

Supervisor Janoski, "Now that that's out of the way, we can get back to what I'm sure is going to be an interesting meeting tonight. I would... Let me see. It is 7:45. So, let the record show that it is 7:45 p.m. and 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 7, 1989 at 7:45 p.m. to hear all interested persons who wish to be heard regarding the Change of Zone Application of Life's Equity Development Corp. to rezone a parcel from Industrial "A" to Residential "A" located 2,000 feet north of Route 25 on the west side of the Wading River/Manorville Road.

Supervisor Janoski, "Is there anyone present representing the applicant?"

Charles Cuddy, Attorney, "For the applicant. The applicant seeks to have a 71 acre parcel that's on the west side of Wading River/Manorville Road 2,000 feet north of the intersection of Route 25, rezoned from Industrial "A" to Residential "A". The parcels that surround our parcel presently to the south are zoned Industrial "A" and to the east zoned Industrial "A". To the north and to the west; partly industrial and partly residential. The Wading River Hamlet Study has recommended that our parcel and the parcels to the south of it all be one-acre, single family residential. The surrounding parcels both to the north and to the east will be residential parcels. It seems appropriate at this time based on the Wading River Hamlet Study, based on the recommendation that this Board made to the SEQRA process which I'll read in just a moment, that the Town Board endorse that Wading River Study and make this a one-acre parcel. This Board on January 3rd, in reviewing this matter, noted the following: (This is in connection with your SEQRA determination) that the proposed change of zone is in conformance with the recommended zoning amendments that's proposed by the Wading River Hamlet Study. Further, that the proposed change of zone is considered to have a position impact on the environment with particular regard to groundwater quality. And it was consistent and is consistent with the character of the area. I would therefore, ask based upon this determination by this Town Board, based upon the Wading River Hamlet Study and what I believe will be the Planning Board's recommendation and I will not that the Planning Board has not made a recommendation simply because it's concerned with how much land should be in the residential area at this point. In other words, we have before it a 71-acre application. There are obviously lots to the south which also eventually should be one acre too. And I'm sure, they will in a short time, give their recommendation to you. But I point out to the Board that at this point, there are houses to the south of this parcel. There are houses to the north and there are houses to the west and that this is appropriate land use. And therefore I ask that it be approved."

PUBLIC HEARING, Continued

Supervisor Janoski, "Thank you. Is there anyone present wishing to address the Town Board on the matter of this application? Yes."

Sherry Johnson, Manorville, "I currently serve as Vice President for the Long Island Pine Barrens Society and I'm from Manorville. I was very disappointed at the information that was in the project file for this application. The Central Pine Barrens Zone was designated as a critical environmental area in 1987. As you know, one of only two requirements that a CEA designation triggers is that a long environmental assessment form be completed for every action that takes place within or is contiguous to the site. Parts two and three of the EAF in the file had not been completed by the reviewing agency. The second document that bothered me was the negative declaration dated January 6, 1989. There are several erroneous statements made within it. The first is that the Planning Board is stated to be the Lead Agency. The second was that the action is listed as Unlisted under SEQRA status. And the third was the statement that the requested zone change is consistent with regional goals regarding the Central Pine Barrens. Three days prior to the date on this document, this Town Board adopted a resolution that declared it the Lead Agency and stated that the action was Type I. There are several studies that have been done by the New York State Legislative Commission on Water Resource Needs for Long Island, the Suffolk County Planning Department and the Long Island Regional Planning Board. They recommended that these be greater than one acre for the site. I think it's great that you're making sure that Long Lake dots every i and crosses every t. But I also think that you should demand the same for every application. In spite of all that, the Long Island Pine Barren Society supports the change in the industrial zone here to residential. However, we ask that you apply a two-acre zone here instead of the Residential "A" district that has been requested. Our reasons are as follows. The site is within the Central Pine Barrens zone. It is located in Hydrological Zone III, a deep flow groundwater recharge area. And designated special groundwater protection area. The 208 Study recommended large lot residential development for this zone. The site was originally included in the ARCO Zone on H2M's Land Use Map and was slated for two-acre farm neighborhood zoning. To now exempt this site now which also contains Class I and Class II soils from the two acre zoning is exclusionary. The Wading River Hamlet Study did show that there is potential here to preserve farmland. I would also like to mention that while we support residential use of this site, we would prefer to see the change adopted as part of a land use management plan either under the Wading River Hamlet Study or the Farmland Preservation Program. Additionally, the file did not contain any indication as to whether or not this application had been forwarded to the Suffolk County Pine Barrens Review Commission. And the Town is obligated to send this to them and most other Pine Barren applications for their recommendations. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present wishing to address the Town Board on the matter of this application? That being the case and without objection, I declare the hearing closed. Before we take up the resolutions, is there anyone present wishing to address the Town Board on any matter other than the public hearings, any resolution which is on the agenda or anything else? Alice."

7:45 PUBLIC HEARING CLOSED AT 7:47

Alice Graff, Riverhead, "First of all, I want to thank Denise Civiletti for going to the Blood Bank and she survived. She's here. Thank you Denise. In relation to the noise ordinance. Not the ordinance, the study that's going to be done. Could you tell me a projected figure as to how much this will cost the taxpayers?"

Supervisor Janoski, "No. We can't. I just had a conversation with the consultants this afternoon. I'm expecting to hear back from them, as he said, in a few days."

Alice Graff, "Thank you."

Supervisor Janoski, "Steve."

Steve Haizlip, Calverton, "Again, as I'm going through my newspapers at lunchtime, so I see that all the Supervisors have taken refuse in an office to try to offset the high tax rate that's been put upon the citizens. Well, the truth of the matter is I guess, it's contributed all the way down the line from the school to the town and to the county and pretty soon the state will be getting more. Now, listening to the radio, I came across some information that I was starting to hear that our Suffolk County Legislature which started out at about \$150,000 in 1970, is now up to 10 million dollars. So, I guess they're the biggest factor. Because Halpin keeps blaming them and they keep blaming Halpin. So today I finally figured out what the G in Halpin's name is for. Patrick "Grab" Halpin. Thank you."

Supervisor Janoski, "Arthur."

Arthur Sanders, Howell Avenue, "I have taken note that in the agenda tonight, my correspondence to each member of the Board was not listed. As a result, I'd like to bring the following to your attention. I want to remind the Board that 293 residents of a community and Riverhead town, signed a petition which is currently on file, in opposition to the Mill Pond Commons Project. The community is united and strongly opposed to this project. Instead of compounding the problems facing the community and the Town of Riverhead, namely, increased taxes, increased traffic, pollution, garbage and the like. These existing problems should be addressed now. Why add to them. Keep Riverhead a desirable place to live. In the interest of good sound government, there is only one answer. That the voters density permit for the 113

Arthur Sanders, Continued

condos for Elton Street, the Mill Pond Commons Project be denied. Thank you."

Supervisor Janoski, "Arthur, let me.... In the middle back there."

Charles Cetas, Howell Court, "I'm not going to make a long statement or anything. I just have a couple of questions. In Town Hall notes of News Review January 26th it said that you were possibly going to make a decision on this project tonight of Mill Pond Commons. And it just said here that should the Board choose to approve the special permit, certain potential environmental impacts still would have to be addressed before the units could go up. I would just like to know what are those certain environmental impacts that the Town Board is concerned with. And also, I'd like to know how the so called, investigation of the chemical plant on Elton Street is coming. Have you completed the investigation?"

Supervisor Janoski, "Let me just say that the News Review said that the Blood Drive was last Saturday. There was a possibility that the Town Board would be considering a resolution on the matter of the Mill Pond Commons application tonight. That is not the case. Members of the Board visited and inspected and were present this morning at the Chemical Compounding facility. Members of the Board who were there were satisfied that is a well run facility posing no threat to the community. Other members of the Board, will of course, have an opportunity to visit it at their convenience and come to some conclusions. The Town Board has not yet really discussed the matter of Chemical Compounding. Some members did visit there today. We will probably be discussing that and the application perhaps, at our next Work Session."

Charles Cetas, "You didn't answer my first question."

Supervisor Janoski, "What was the first question?"

Charles Cetas, "The potential environmental impacts of the project."

Supervisor Janoski, "I don't know what was reported in the paper. The Town Board...."

Charles Cetas, "It said that certain potential environmental impacts. They didn't specify which ones."

Supervisor Janoski, " You'd have to ask the author of that article as to what he was referring to. I don't really know."

Charles Cetas, "Well it just...."

Supervisor Janoski, "Look, if we're going to carry on this conversation, you're going to have to come back up here. I've answered the question to the best of my ability. I don't know

Supervisor Janoski, Continued

what was referred to in the article. It could have been a reference to Chemical Compounding."

Charles Cetas, "Maybe the author of the article would like to come up..."

Supervisor Janoski, "Let me just point out that it's 7:59. I'm going to open the public hearing. Once again, when that is completed, we'll open it up to general discussion. Let the record show that the hour of 7:59 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 7, 1989 at 7:55 p.m. to hear all interested persons who wish to be heard regarding the application of Antonio Militello for constructing an office building on Peconic Avenue.

Supervisor Janoski, "Is there anyone present representing the applicant?"

Charles Cuddy, Attorney, "For the applicant. This is an application pursuant to 108-65 of the Town Code for a special exception permit for lot coverage. This parcel is on Peconic Avenue across from the Riverhead Savings Bank. The applicant being in the "D" district, seeks an increase from this Board from 80% to 94% lot coverage. This is similar if not identical to the lot coverage of those lots that are adjoining this particular parcel. I'm talking about going up to Main Street, going east on Main Street. In fact, going west on Main Street. This application has been endorsed by the Planning Department. Has been approved by the Planning Board and I ask that the Planning Board's recommendation be made part of the record here. I would prefer to ask that the Board consider a copy of the tax map and include that. This is section 128 of the real property tax map. I would hand that up to the Town Clerk. Essentially, this type of application is merely to increase the size of the area that the building covers as the first floor portion of the building. As indicated by the Planning Department, the times that we've been before them, there's nothing negative about this type of application. This is something that has been done before. It's customary to do. I suggest to the Board that it's appropriate for this piece of land. To do otherwise, would probably leave spaces in the rear of the building that would do nothing but probably collect debris and be a gathering place for people which would be inappropriate. So I would ask the Board to approve this particular exception. If there any problems that the Board has with this matter, the applicant is here, I'm here. We'd be glad

PUBLIC HEARING , ContinuedCharles Cuddy, Continued

to discuss them. And if there's any additional problem that the Board has with this, then I would, at a point in time perhaps, ask that we adjourn it for further testimony. But first off, I'll hear from the Board."

Supervisor Janoski, "Mr. Cuddy, did you mention that this property is located within the Riverhead Parking District?"

Charles Cuddy, "This is within the Parking District in a "D" zone. That's right. That's why the application is made."

Supervisor Janoski, "Thank you."

Irene Pendzick, Town Clerk, "Mr. Supervisor, I have a letter from Vail-Levitt Music Hall that they've asked to be read into the record. To the Town Board. In response to the notification from attorney for Antonio Militello that a hearing will be held on February 7, 1989 concerning the proposal to construct an office building located on Peconic Avenue, Riverhead, New York; this letter makes known the position of the council for the Vail Levitt Music Hall, Inc. regarding said proposal. Since no address number is given to locate this proposed structure, council assumes that it is contemplated for the property bounded on the north by a town owned alley way and on the south by town owned property on which stands the town's tourist information office. Of this council's eleven members, nine approve the office building proposal as a factor in increasing mainstream pedestrian traffic on Peconic Avenue and thus helping the Music Hall restoration effort. Hope was expressed that the first floor would house some constructive night time activity. Two members believe however, that town purchase of this property for park conversion, would be the more desirable action. Thus the majority of councilmember favor construction of the building. However, councilmembers are unanimous in their opposition to any construction of over three stories in these part of Riverhead Town. All members believe that such construction to be out of scale with surrounding buildings and inharmonious with current riverfront development. This letter is to become part of the minutes of the next council meeting. The council requests that this letter be read into the record at the 7 February, 1989 town hearing."

Supervisor Janoski, "Thank you. "Is there anyone present wishing to address the Board on the matter of this application?"

Bill Roberts, Baiting Hollow, "As I understand, this is a request to construct a building five stories high. Is that correct."

Supervisor Janoski, "No, that is not correct. It concerns lot coverage. The individual, by a matter of right in the zoning which is Business "D" downtown Main Street, has the ability to build a 50 foot building."

Bill Roberts, "Which is roughly three stories."

Supervisor Janoski, "What ever you can fit into 50 feet. This hearing on the matter of the footprint or the lot coverage of the building. If you are within the Riverhead Parking District, there is provision in the code that you can apply for 94% lot coverage. That is what this hearing is on."

Bill Roberts, "Thank you."

Supervisor Janoski, "You're very welcome. Is there anyone else present who wishes to address the Board on the matter of this application?"

Councilwoman Civiletti, "Can I ask a question? I'd like to ask a question of Mr. Cuddy. Mr. Cuddy, I'd like to ask you a question. What are we talking about in terms of square footage? How much square footage would it add to the structure? The increase from 80% to 94%."

Charles Cuddy, "The total square footage of the area of the parcel is 5,006. If you take 94% of that, you get to a point of 4,700 square feet. If you took 80% of 5,000, you'd get 4,000. So it's about 700 square feet."

Councilwoman Civiletti, "Thank you."

Supervisor Janoski, "Once again, is there anyone present wishing to address the Board on the matter of this application? That being the case and without objection, I declare the hearing to be closed. Thank you Mr. Cuddy. Thank you Mr. Militello. Let the record show that the hour of.... I just looked to see what the hearing was and I hesitated for a moment. Let the record show that the hour of 8:08 p.m. has arrived. 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 7, 1989 at 8:05 p.m. to hear all interested persons who wish to be heard regarding: **The Application of National Survival Games, Inc. to conduct a recreational activity at property located at Route 25 in Calverton.**

Correspondence:

Petition-249 people opposing the application and requesting denial of the special permit to conduct war games.

Supervisor Janoski, "Thank you. I understand the applicant has provided a five minute long video tape. Allen, I know you know how the lights work back there. Would you reach into that control panel and darken the room partially up front here?"

Louis J. Braun, Applicant, "By way of a 15 second introduction, this is a tape of Bill Beutel from Eyewitness News and he soldiered out and played the game."

Supervisor Janoski, "Mr. Bush, would you just put on the record who you are?"

Louis J. Braun, "I am with the National Survival Games of New York."

Supervisor Janoski, "I'm sorry. I'm a Republican. I have Bush on my mind."

Irene Pendzick, "Excuse me. Is Lieutenant Robinson in the audience. The Police Department has a number for you to call if you would contact them immediately please."

Supervisor Janoski, "The meeting will come back to order. We are going to proceed with the verbal testimony while we try to get the machine working. The attorney for the applicant."

Nancy Burner, Attorney, "I'll keep this short because I realize there are probably a lot of people who have something to say tonight. I just want to tell the Board that one of the questions that came up at the last meeting was that there may not be an increased assessment in taxes for this use. And my client has agreed to make a donation in lieu of taxes."

Councilwoman Civiletti, "Do you mean a payment in lieu of taxes on an annual basis?"

Nancy Burner, "Yes. And we're open for any questions. I see no reason to rehash the merits of the application."

Supervisor Janoski, "Thank you. Alright. Who wants to be first? Yes ma'am."

Maria Heaney, Southold, "My daughter-in-law, Laura Heaney is sitting in the audience tonight. I'm a resident of Southold Town. However, I feel that I have earned the right to be here tonight to express my opposition to the application of the National Survival Games. Why? Because my son, Bernard Timothy Heaney was murdered at 389 Flanders Road on December 5, 1988. Tim's life was taken from him by a 20-year old man who was playing a mind fantasy game in the woods behind my son's place of business with real bullets. In view of what has happened in Riverhead and (Southold Town) Southampton Towns between December 5th and January 2nd, because a sniper choose to play a real game of hunt and kill with real bullets, I would hope that this Town Board would not, I repeat, would not go on record as allowing its residents to play a fantasy game where people use paint bullets to play a game of hunt and kill. Thank you."

Supervisor Janoski, "Thank you."

Stanley Yakaboski, Calverton, "As an adjoining landowner of the property in question, I wish to bring the following to the attention of the Town Board members. When the State of New York constructed the L.I.E., Route 25 and 58 required a tremendous amount of reconstruction to provide for exit 72. As a result of such reconstruction, my family and I were forced to relocate our residence. The state provided an access road for our relocation and current and future owners of land which is the subject of this hearing. The intersection for entering onto the service road is very dangerous. There is a blind spot which is caused by an upgrade on the east side of the intersection. Vehicles travelling west making a left hand turn on to the service road, do not have a clear view of oncoming traffic from the west. The same condition is present when vehicles attempt to exit the service road. Cement, sand and gravel trucks use this intersection all day long and add to the hazardous conditions. Traffic congestion would result due to a number of vehicles expecting to use this intersection making it even a more hazardous condition. The access road is curved about six to eight inches in height, taking in only the south side and the cul-de-sac. The access road was provided in the event that houses or businesses would be established. Then their own driveways or parking areas would have to be created. At the present time there is no curb cut to enter and exit from the property in question. The present conditions of the vacant lot are not suitable for parking vehicles. During the summer months, our family holds weekly barbecues and outings. If a proper parking area would not be provided, this would cause vehicles to be parking along the road up to our home resulting in the invasion of our privacy. For the above reasons, I am opposed to the special permit application of National Survival Games and request denial of said application. Thank you."

Supervisor Janoski, "Thank you. Would you please close the doors leading to the corridor on both sides? That one's okay. There's no one hanging around out there making a lot of noise. Mr. Roberts."

Bill Roberts, Baiting Hollow, "The statement was made that residents of Riverhead might be using the facility. I doubt it very much that they would be residents of Riverhead. However, what might happen is.... Riverhead has gained a reputation now from the media, that you can go to Riverhead, grab a gun and shoot somebody. Maybe if the National Survival Games facility is allowed to operate, that may become more true than not. There's about 31 acres of property involved here from what I can see from the tax roll map. Thinly populated by trees, no heavy trees that would afford a good cover if you're conducting war games. Unless maybe you are Frank Sinatra or Twiggy. The edge of the fence that is alongside the Long Island Expressway is only about 50 feet from the lane of the Expressway. Now if you consider each lane of the Expressway to be another 12 feet, you're talking about 48 feet. That means that from the fence to the median strip of the Expressway, there's about 100 feet. Now, from what I have read of these guns, they are supposed to have a range

Bill Roberts, Continued

between one and two hundred feet. Somebody can stand at that fence and play splat with cars riding on the Expressway. On Channel 12 today, I heard that a spokesman said that this facility would attract business to Riverhead. How, when and where? The people who are participating in these games will be dirty, muddy. Their clothes will be torn by brambles. They'll be smelly. They'll jump in the car to race home to take a shower and get into clean clothes. They won't even stop at Burger King or McDonald's. Only the gas stations may benefit. Not the Town of Riverhead."

Charles Cetas, Howell Court, "I don't know what the official title of this activity is but I just.... The term war and game, they just don't go together. I mean, this is a century where we've had World War I, World War II, Korea, Vietnam and on and on, Cambodia. You name it. This country has been a century of wars more violent than any century in human history. How can you conduct a game and call it war game. That's just...."

Supervisor Janoski, "Are you ready to roll that tape? Is there anyone back there who can flip off the lights for us?"

**AUDIENCE VIEWED A VIDEO TAPE OF FOOTAGE OF BILL BEUTEL
PARTICIPATING IN NATIONAL SURVIVAL WAR GAMES IN PLATTIKEL.**

Supervisor Janoski, "Alright. I'm going to ask you please, comments from the audience. This is a legal proceeding and we are going to conduct ourselves as if we are ladies and gentlemen here to give testimony to the Town Board upon which we are to base our decision partially. So I would ask you not to call out from the audience. This is a quaside-judicial proceeding as is required by the law. Mary Beth Andresen."

Mary Beth Andresen, Aqueboque, "I'm here this evening to urge you to vote against the proposed survival games for Calverton, Long Island. Recently, we as a nation, have been exposed to the anguish of a community such as Stockton, California where a man who fancied himself a Commando, gunned down a schoolyard full of children. In addition, in our own backyard (and I'm sorry to bring this up again) the recent arrest of our sniper who fancied himself as a soldier and took lives, took professions at will. Today, the Stockton, California City Board took some severe and stringent steps in gun control. I believe they are a little too late. In addition, communities in Florida started gun education in Kindergarten. You might argue that survival games with fake ammunition can not be likened to real weapons. But I'm going to tell you something. I am a nurse and my heart is pounding after what we have been through as a community and watching that on television. If I might ask you to read or brief through a magazine that I picked up this evening, Soldier of Fortune, where survival games equipment is advertised throughout. These are gentlemen who sell themselves to go and fly planes for Russia, to go to Cambodia to do all sorts of strange things. This survival equipment is sold within these magazines as well. Are we such a

Mary Beth Andresen, Continued

sick society that in non-war time we must entertain ourselves by playing war games. I truly must question the psyche of persons involved in this type of pleasure seeking. I think members of the Town Board, it would be negligent of us to even remotely entertain this proposal. Thank you."

Supervisor Janoski, "George Schmelzer."

George Schmelzer, Calverton, "You got a short box. That thing looks like a 1947 t.v. screen except for the color. Who's is that, the town's."

Supervisor Janoski, "I am informed that it is the property of the town."

George Schmelzer, "You should get something better than that. Do you got a big one on the side?"

Supervisor Janoski, "Not this year George."

George Schmelzer, "That's right. You've got to take what the people did to Congress today. We don't need higher taxes. Now, this survival game I heard about it. It's been said about these snipers in town. Well, I say that if a few of the citizens have some guns, real guns, maybe that b----- wouldn't have lived so long. Now he'll be in jail forever now and we'll have to pay for it. Somebody should have shot him down. Some other states in this country, he wouldn't have lived that long. Anyway that's another matter. And people go hunting and get pleasure out of it. You see these all kinds of war games and killing on t.v. and nobody seems to object to it. I don't look at the d--- stuff. But if we compare to killing, maybe we should abolish cars because cars kill 50,000 cars a year. People even fall down in bathtubs and they don't abolish bathtubs. That's how it goes. I wonder sometimes when fish were caught, if they cried like a baby, how many fishermen would we have. Fish don't make any noise when they're caught. Think about it. The survival game, I don't know if that's good spot or not. It's a little penned in there. Maybe they should have an 8 foot stockade fence around it and 200 feet from the border. I don't know how far these paint pellets will go. I have no idea. But it seems to be a popular game someplaces. They even say our former president Gerry Ford, they say he hits people with golf balls on their heads. I think that would be worse than a paint ball. I'd rather be hit with a paint ball than a golf ball. If you go to a baseball game, if you get hit with a baseball, it's your risk. You get a cracked skull, so what. You can't hold the player or the owners of the ballpark. So, I don't think they made too good a presentation. I say if people want to go there, let them go. Or else they show another bigger patch of woods in town where nobody is around. I don't know where there is a big patch. Most of the big patches are in Southampton and Brookhaven. They shouldn't be so scared. They're not real guns. Like this town in Georgia, the sheriff required everybody to keep a gun and so they've got no crime now. Ok. That's it. Thank you."

Supervisor Janoski, "Thank you George. Is there anyone else present? I see a hand way back there."

Emily Yakaboski, Calverton, "In my opinion the area in question is not large enough for these war games. This is a long narrow strip of land. The tax map indicates that the northerly half is much wider than the southerly half where the games would be played. The southerly half has an irregular boundary line of approximately 580 feet which results in the southerly half of being (I believe) only approximately 560 feet. The buffer zone should be the width the pellets can travel. None of these pellets should be allowed to drop on any adjoining lands. In my opinion the southerly half or wooded part is not wide enough to allow for the necessary zone. The mere fact that the town will not receive any increase in revenue from this land should be sufficient cause to deny this application. The town has everything to loose and nothing to gain. When the sniper was caught, one of the local papers stated, "In his mind he was playing a game of army". Is this not the same type of game that would be played here? Another human being should not be used as a target. Has the town made a study of these games upstate, keeping in mind the difference in acreage and the proximity to any populated area? In my opinion, Riverhead does not need to provide recreation for Nassau and New York County residents. Riverhead does not need this type of recreation which in my opinion, does nothing to improve the image of the town."

Supervisor Janoski, "Thank you. Is there anyone else present wishing to address the Board on the matter of this application?"

Nick DiPierro, Wading River, "Not defending the war games or anything, but maybe if this guy had an outlet, he might not have done what he did. He wanted to join the service but supposedly his mother would not let him."

Supervisor Janoski, "Excuse me. I'm going to caution you one more time. Please don't do that. They may do it in Southold but I don't allow it here. I'm sorry. You have the floor."

Nick DiPierro, "As far as the outlet, he had not outlet apparently. I believe a precedent has been set already concerning special permits. Not too long ago, we had an applicant for a special permit and that special permit was denied. One of our local attorneys and our Supervisor said.... This special permit was denied but this did not phase them because they are still continuing in their activities. The local attorney that is representing this club is also defying the town by saying; if you don't like it, sue us. We also have a Supervisor who compares club activities or hobbies to baseball games. These statements made by our Supervisor and the attorney, more or less indicate that a club does not need a special permit to engage in their club's activities. Thank you."

Supervisor Janoski, "Thank you. Betty."

Betty Brown, N.F.E.C., "It has been brought to my attention just recently that there are a quite a few specifics of special concern on the property and I know there was talk of some kind of a study done to make this information available. I was hoping that there are serious reasons here to go ahead and make sure that was done. Thank you."

Supervisor Janoski, "Thank you."

Betty O'Kula, Ostrander Avenue, "I don't know if you are aware or not, but there is one in Coram not too far away. If you want more information, you can go down there and check on it."

Supervisor Janoski, "I believe the one in Coram is closed."

Betty O'Kula, "No, it's still open."

Supervisor Janoski, "I had heard that they were being sued and they closed. Henry."

Henry Pfeiffer, Wading River, "The only valid comments I've heard on this subject was a chap who spoke regarding the traffic and the congestion and so forth. The rest is a lot of nonsense. If you're concerned about safety, are we going to chase all of these chaps who are prowling around the woods with rifles and shotguns during the past several months chasing those innocent little creatures or deer, rabbits and so forth and so on? They are out there with actual live ammunition that carries not 200 yards, 300 feet or whatever but in some cases, two or three miles. Thirty caliber ammunition. Shotguns, bow and arrows."

Supervisor Janoski, "Henry, talk to us."

Henry Pfeiffer, "Shotgun, bow and arrow, all have a longer distance, a greater projectory and a greater potential for harm. I've heard the comments made that this is a ludicrous type sport or activity. I have to agree with them. It certainly is not as serious as having eleven men on each side dressed in the same type uniforms, battering their heads against each other, tackling each other, throwing each other and that with assurance that before that game is over; that one or more of them are going to be seriously injured. Now, if you're looking for some type activity here regarding a potential for killing, psychiatric and so forth, take a look at those of us who went through World War II and led troops through infiltration courses with live ammunition, machine guns firing at us, tnt, shells going around us, village, street fighting and so forth and so on. The same bloody thing. And if you want to see examples of what is taking place here, go up and take a look at your R.O.T.C. in your schools. Each summer they play these games and they play it seriously. The National Guard up here on Route 58 played it. The Reserve Center in Wading River plays this game on weekends and plays it

Henry Pfeiffer, Continued

every summer. And for some 32 years, I played this in the Army and the Reserve. And so long as you're dealing with the average person with the average mentality, you're not going to produce psychos who are going to shoot and kill a great many people. But if you have psychos, the psychos are going to kill people or do other damage with whatever they can lay their hands on be it a car or be it a rifle or be it a bow and arrow or knife. And what I'm saying here is that nonsense about this being directed towards psychos or toward people who argue that this system or this game is going to develop into killers, is in my mind, not sound. But if you're talking about it being (let's say) a threat to the neighborhood by having too many cars parking, traffic and control and so forth, I can buy that. But I think that the rest of this business about developing psychos and killers, is nonsense. Thank you.

Supervisor Janoski, "Thank you. One of the things that we try to do on these public hearings, especially when they tend to be of an emotional nature such as this, is to try to preclude the argument from breaking out between the speaker and the members of the audience. That is something that I attempt to do and I hope that you will understand that it is good common practice to allow the speaker to speak. And that everyone in the audience, should they wish to, have their turn. But we don't want debates breaking out between the speaker and the members of the audience. Who wishes to address the Board next? Mr. Powers."

Ed Powers, Aquebogue, "You ought to take a look at this at an economic standpoint. Does the Town of Riverhead benefit in anyway from this? And the answer is no. Does the economic in the area benefit from this? As we have found from people speaking tonight, these people when they leave this site they go right home because of the condition they're in. But lunch is brought into them on the site by a caterer who, needless to say, probably will not be from Riverhead. So as far as any economic benefit for the Town of Riverhead and all this nonsense going on is really no benefit to us. Thank you."

Supervisor Janoski, "Do you wish to be recognized?"

Louis J. Braun, "With all due respect, there have been concerns raised with respect to safety, with respect to morality that although they may not be germane, I think maybe we should attempt to discuss. In terms of violence and the promotion of violence, it is very difficult to prove that the game is amphetamine or diminishes the capacity for violent acts rather than promotes it. However, in proving this negative, this game (six years ago) would not have had an answer. Now it does. We run the largest air pistol paint ball field operation in the world in Newburgh, New York. We have 20-25 thousand people who go through those fields. Now to my knowledge, not one incident in the six years that we have been running the games, not one or in any other area that I know of and there are 400 locations through the United States and Canada, has somebody upon leaving the field, go

Louis Braun, Continued

out into a community and committed a gratuitous act of violence. We do not call these games war games. That's a name given by media. There are hunt and chase games. But more akin and the kind of feelings that we thought was engendered in Bill Beutel, to a game of tag or hide-n-seek that a three-year old or a five-year old would feel. It's a game that mellows people out. Secondly, there really is no violent aspect to the game. I think that's been demonstrated by the history. Secondly in terms of the safety, it was pointed out that these paint pellets will travel at about 150 feet. As I pointed out last time, we will buffer the areas. We can set up at most, three fields, three small courses on that acreage and they will be buffered, and I agree, no paint pellet falls on the L.I.E. or the buffer there. No paint pellet falls on a neighbors property. One hundred and fifty feet again, to keep the perspective is far less than live ammunition, shotgun shells or anything else. And the land has been hunted. In terms of traffic and I think this was also pointed out last time. There are approximately four and a half to five acres of the land that is open, flat and hard. There will be no more than 30 to 40 cars coming in at a two hour interval and leaving at a two hour interval which is like one car every two or three minutes. They will be coming in and leaving on a Saturday, Sunday morning and evening. Not during the week-day work hours in terms of the industrial traffic that passes. We agree with the neighbors to the land that no cars should be or will be parked on the road next to their house or next to the property. In terms of what benefits the Town of Riverhead can derive, we can not in truth say. We can again only point to our history in Newburgh, New York. If there is a local caterer, we would want that local caterer. Not to retain or score points with respect to that but it's more dependable to get somebody close by to deliver the food then to get somebody far away to deliver it. In terms of the judges and the referees and we will have at least a dozen there, again, we will be looking first to the local community because they can offer the participants directions to restaurants, gas stations and the like. And with all due respect to the person who said that they're just going to get in their cars and go home, that is again belied by the history in Newburgh, New York where people do use the restaurants, the gas stations and the like. We have no relationship nor do we want a relationship with elements such as Soldier of Fortune Magazine and the like. We play a game in the woods. Some people like the game, enjoy it. Most people who play it come back and play it again. Some people don't and it is their freedom not to play it. We are proposing for the use of this land, probably the least intrusive way land can be used. We're not going to build structures. We're not going to create factories. It's an industrial zoned piece of land. We're not going to create waste facilities. We are going to string surveyor's tape along the trees. We are going to play with a biodegradable water soluble non-toxic paint pellet. And we will clean the field regularly and leave it in its natural state. In terms of... I really can't say, except for myself, what kind of people play the game in terms of their ethics. I was in, in the 1960's, active in the

Louis Braun, Continued

Civil Rights Movement and in the Peace Movement. Many people who play the game were service veterans. I was one of Martin Luther King's local coordinators to the assembly of Montgomery March. I do not hunt. I played the game a thousand times. My ethics still preclude me from hunting. There are people who play the game with far different politics than I because there is no stereotypical player. I think that the last thing I want to point out, in order to allay the concerns of this town, is the fact that we are not asking for a permanent permit. We're not saying give us a permit and then you are stuck with us forever. We are making application because we understand the concerns of the community and we do have a history. Our history is not poor. We don't stand or fall by what's happening in Coram. We stand or fall by what's happening in Newburgh. We are saying we want the permit for two years. And if we do as we say we're going to do, we hope and we think that the fair minded people of this community will judge us along those lines. If we somehow fail to meet those objectives and goals, you don't have us anymore. So we're asking for a test. We're not asking for permanence. Thank you very much."

Supervisor Janoski, "Thank you. Is there anyone else present wishing to address the Board on the matter of this application? Yes."

Gerry Hegener, S. Jamesport, "I feel that we do not need these war games here in Riverhead. We have enough crime on t.v., enough crime all around us. And I feel this is just not the area for it. I think we can have more things in Riverhead than have war games. Thank you."

Supervisor Janoski, "Yes. Wait a minute. You already spoke. Is there anyone who has not spoken who wishes to address the Board? Ok. You've got it."

Emily Yakaboski, "It was stated that the parking area was suitable for parking. I would like to know that cars have gone there, gotten stuck, come to my house and my husband has pulled them out with tractors."

Supervisor Janoski, "Thank you. Mary Beth."

Mary Beth Andresen, "I just have a couple of things I'm not sure that this gentleman had answered and when he said that the people who use his facility in Newburgh are not the type of people we've seen in these sniper attacks such as the California incident and what we had here. Do they keep an itinerary of every single person that uses this facility or these types of facilities throughout the United States? How do we know that Mr. Perty who blew himself away wasn't at a situation like this recently before. Do they keep a running itinerary on who attends these facilities? It would be nice to know. Thank you."

Louis J. Braun, "We do not keep an intinerary but we do know what goes on in the town after the course of the game. And we say and lay claim to the fact that there is more of a chance of getting into a physical altercation or experience watching a Yankee Baseball Game at Yankee Stadium or a Ranger Hockey Game at Madison Square Garden then participating in our games in Newburgh, New York or being in the community after the games have ended."

Supervisor Janoski, "Is there anyone else wishing to address the members of the Board? That being the case and without objection, I declare the hearing to be closed. Thank you all very much. Ok. Thank you ladies and gentlemen. Let the record show that the hour of 8:59 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

8:05 PUBLIC HEARING CLOSED AT 8:59

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 7, 1989 at 8:15 p.m. to hear all interested persons who wish to be heard re: Amendment to Section 48, Beach Vehicles.

Supervisor Janoski, "Thank you. Madam Town Attorney, did you want to explain the provisions of this amendment?"

Patricia Moore, Town Attorney, "We have some recommendations from the Recreation Department on the change to Section 48 of the code. The first thing that was done was separating the definition of Sound Beach from Peconic Bay Beach. Secondly, the restriction of hours of operation of motor vehicles on the beaches on the Sound Beaches will be from April 15th through September 30th. They will be prohibited except from the hours of 7 p.m. and 9 a.m. We are proposing to prohibit the operation of motor vehicles on the Peconic Bay beaches, continuing the operation on the Sound beaches. The permitting application for a motor vehicle beach permit have been clarified and we are adding or clarifying the types of motor vehicles that are prohibited from all beaches to ATV vehicles as they are defined in the vehicle and traffic law. We have also added littering prohibition to the dunes and clarified the code. And finally on fires on the beaches, there was some disagreement as to what type of fires were permitted. We are going to prohibit all fires except those in a a container such as barbecue and other type of containers."

Supervisor Janoski, "Thank you Pat. Is there anyone present wishing to address the Town Board on the matter of these amendments to the Riverhead Town Code? Yes sir."

Robert DeLuca, S. Jamesport, "Good evening Supervisor Janoski and members of the Town Board. I'm the Conservation Chairman of the Moriches Bay Audubon Society. I thank you for the opportunity to present our views on the proposed restriction of vehicle use along Peconic Bay and Long Island Sound beaches. On behalf of the Audubon Society, I'd like to register our general support for the proposed ban on motorized vehicles on Peconic Bay beaches. We also urge the adoption of the Town's proposal to extend the season during which vehicles are banned from Long Island Sound beaches. We believe that these two proposals are forward-thinking and essential to the long term protection and recovery of the New York State endangered least terns and piping plovers in Riverhead. These colonial waterbirds are a valuable but threatened part of our natural heritage which must be protected for today's and future generations. It has been well documented by the New York State D.E.C. and the Seatuck Research Program, a research program with a Cornell Lab located in Brookhaven, that off road vehicles have damaged colonial waterbird nesting colonies and can have a significant effect on the reproductive success of these ever dwindling species. We would like to point out that in its 1987 Long Island Colonial Waterbird and Piping Plover Survey" produced by the Seatuck Research Program stated that (and I'm quoting) despite the protection efforts of conservation organizations such as New York State Department of Environmental Conservation and Nature Conservancy, the conflict between land use and waterbird preservation, is far from resolved. Unless ecologically informed land use policies are instituted together with existing protection programs, we will continue to see the irrevocable loss of nesting and feeding habitat and ultimately the loss of species from New York State shores. End quote. As a result, we believe the town's proposal to assist in the protection of critical habitat for these protected species is a valuable and necessary contribution to the species long term protection. In spite of the valuable intentions of these proposed vehicles restrictions, we must encourage the town to be especially conscious of the need for sufficient regulation and enforcement of this ban. Absent these vital elements, even the most well intentioned efforts will accomplish little in the way of long term shore and species protection. We appreciate the opportunity to share our views on this matter and look forward to further town wide initiatives to protect our wildlife resources. Thank you for your time and attention to these comments."

Supervisor Janoski, "Thank you. Is there anyone else present who wishes to address the members of the Board? Yes sir."

Charles Cetas, Riverhead, "I would just like to say that I'm most definitely in favor of any increased restrictions on motorized vehicles on beaches whether it be the Bay beach or the Sound beach. I'm in favor of totally banning motorized vehicles from all Riverhead beaches including the Sound beaches. My experience on Peconic Bay/Jamesport Municipal Beach there is it is becoming

Charles Cetas, Continued

so rutted from the tire tracks from 4-wheel vehicles and ATV's and what not that it's starting to look like a dirt road rather than a beach. And to me, public beaches are for all the people, not just for one particular group that likes to drive up and down the beaches. And the motorized vehicles, I believe the motorized vehicles belong on the roadways and specifically, designated areas rather than on public beaches. I have a right to use and enjoy the public beach any time I feel like it."

Supervisor Janoski, "Sir, one more time and I will have you evicted from this room. The man has the floor. I will recognize you next. Please continue to speak."

Charles Cetas, "My experience last year the weekend before Labor Day as a matter of fact, at the Jamesport Beach was I had wanted to go for a little fishing, snapper fishing. It was snapper season. And to my disappointment, there was a huge beach party going on right at the mouth of the East Creek Marina, the East Creek inlet to the marina. And the only way they could have gotten their equipment down there, they had a huge sound system. You could hear this thing all the way from the parking lot there. The thump, thump, thump of the music system you could hear probably hear a mile away. And I didn't bother the people. They weren't particularly rowdy or drunk or anything like that. They were just having a good time. I'm not against people having a good time but I just think it was an inappropriate area for that kind of activity. They had tents. The only way they could have got that stuff there was a 4-wheel drive pick-up. In fact they had a flat bed trailer to drag all that stuff down there I just don't think that's an appropriate area for that kind of activity."

Supervisor Janoski, "Thank you."

James Kreutz, "On behalf of the fishermen in Riverhead, fishermen do not bother the beach. They do not bother the birds. All we do is ride on the beach to where we want to go fishing. You're biggest problem are the kids or the people that live out here that run down on the beaches with their barbecues and rip up the beach. The fishermen do not bother them. And what you're trying to say is like at 7 or 8 o'clock in the night, the beaches officially close at 5 o'clock. The lifeguard is gone. Anybody has a right to go on that beach, anybody, whether they're going to fish, whether they're going to swim or whatever they're going to do. And your September 30th, September is the best month to catch bluefish on the beach and you want to stop that. Like I said before, we do not fish near where people swim. We do not bother people on the beach. All we want is access to go through their beach to go where we fish. And if that's asking too much, something is wrong. We do not disturb the beach. We do not litter the beach. We do not start fires on the beach. We go there to fish. What else can I say?"

Supervisor Janoski, "I think you've said it quite well."

James Kreutz, "I've said enough. Well this guy should stay home where he belongs and barbecue in the backyard."

Supervisor Janoski, "Ok. Yes ma'am."

Betty O'Kula, Riverhead, "Also I'd like to say that we go down to Roanoke Landing and take the vehicles down there and we go and pick up the bottles. Now, no one takes care of Roanoke Landing Beach but we do and we enjoy it and I don't think you should take it away from anybody."

Supervisor Janoski, "Who else wishes to address the members of the Board? Yes sir."

John Doscinski, Sweezy Avenue, "I'd just like to express my opinion on 4-wheel drive vehicles on the beaches and the fishing. I'm one of the members of the crew who goes fishing down there and has a good time on the beach, cleans up after we're done and there is a lot of rubbish left behind by people just coming down to the beach that's left behind that we pick up and we take it and throw it into the dumpsters. If you go up and look at the dumpsters, not dumpsters but the cans on the top of the beach, they're always full. We throw all our garbage in there that we find on the beach. We have called the police at times when there's people down there with unregistered vehicles, dune buggies racing all over the beach and tearing up the dunes. I can understand people getting very aggravated by this. But us being down there, all of us watching, keeping our eyes open, is another way, if anything happens to a boat out on the water that can't get help, we're there. And cleaning the beach up. And at the same time, we have a good time fishing and we don't want to bother anyone on the beach. I just assume wave to someone when we go by then have any problems with anyone. That's all."

Supervisor Janoski, "Thank you. Yes, Mr. Roberts."

Bill Roberts, Baiting Hollow, "I'm totally opposed to allowing any motor vehicles to operate on the Long Island Sound Beach. I am a property owner. I have a survey."

Supervisor Janoski, "Gentlemen, this is the last warning. The next time you start interrupting a speaker, I will have the police remove you from the auditorium. I would like to conduct a very nice hearing here tonight. Allow the gentleman to say his peace. You, please speak to us and not to the audience."

Bill Roberts, "I repeat, I own property. I have a survey. That property description and that survey says, together with all the right, title and interest of the first part in and to the Long Island Sound Beach on the north to the high water mark on said beach. That means I own up to the mean high water mark. So does everybody else on the Long Island Sound Beach. Their property extends up to the mean high water mark. The town has a description of beaches to which it says, the town beach is that

Bill Roberts, Continued

width of the road, that public road that terminates at the Sound and everything lying between the low water mark and the high water mark as well as designated Sound beaches such as Jamesport, Iron Pier, Reeves Beach, Wading River. The town says or has said in the past, vehicles with permits can ride on those portions of the town beach below the high water mark, from the high water mark up to the, below the low water mark, from the high water mark up to the, below the high water mark of the low water mark. However, nobody in his right mind would operate a 4-wheel drive vehicle below the mean high water mark where the town beach is because one: most 4-wheel drive vehicles have very high centers of gravity. It's dangerous to ride across the steep angle of decline of the high water mark to the low water mark. Two: they don't ride below the high water mark because there are rocks embedded in the sand between the high water mark and the low water mark. They don't ride below the mean high water mark because there's no traction at all on the loose stones and pebbles that are mounded up on the crown of a mean high water mark. They don't ride below the mean high water mark because there is no firm traction on the moist sand between the high water mark and the low water mark that is submerged under water for hours on end twice a day. If you try to drive there, the vehicle will tend to sink in and pull towards the water because it's oozy sand underneath there. They don't ride the mean high water mark and they can't because at high tide, there is no town beach because the water now is at the high water mark. That means they can't ride on that property. They should not ride on that property according to the law. So if they can't ride right there, where do they drive to get from one location to another? They drive above the mean high water mark on the level sand beach lying between that mark and the bluffs. All of which happens to be privately owned. The property owner's deeds say that. They trespass on private property always when they ride, "the beach". And how do they drive on that narrow strip of fragile privately owned level beach that serves as a defense to the vulnerable toes of the bluffs that are so fragile and prone to erosion? They ride trolley tracks. They rip out and churn up deep tracks in the loose sand. So when the winds come along, the sand blows away and when the waves come up, the sand is sucked down to the Sound. They drive many times, very close to the base of the bluffs over the very painstakingly planted vegetation which is meant to prevent the erosion at the toe of those bluffs. And although the Town Code specifically says all terrain vehicles are not authorized on the beach, they play loop to loop. At the base of the bluffs, they ride up and just when they start to stall, they turn down and they bring down tons of loose sand with them. It happens in the Boy Scout Camp which is owned by the state. It happens in area. It happens everywhere along. You get in the boat and you look toward the beach and you'll see the big hairpin loops and you'll know what they're from. We have a document in this country, God bless it, called the Constitution of the United States. It has a Bill of Rights. There's an article V of the Bill of Rights that says among other things, nor shall any person, nor shall private property be taken for public use without

Bill Roberts, Continued

width of the road, that public road that terminates at the Sound and everything lying between the low water mark and the high water mark as well as designated Sound beaches such as Jamesport, Iron Pier, Reeves Beach, Wading River. The town says or has said in the past, vehicles with permits can ride on those portions of the town beach below the high water mark, from the high water mark up to the, below the low water mark, from the high water mark up to the, below the high water mark of the low water mark. However, nobody in his right mind would operate a 4-wheel drive vehicle below the mean high water mark where the town beach is because one: most 4-wheel drive vehicles have very high centers of gravity. It's dangerous to ride across the steep angle of decline of the high water mark to the low water mark. Two: they don't ride below the high water mark because there are rocks embedded in the sand between the high water mark and the low water mark. They don't ride below the mean high water mark because there's no traction at all on the loose stones and pebbles that are mounded up on the crown of a mean high water mark. They don't ride below the mean high water mark because there is no firm traction on the moist sand between the high water mark and the low water mark that is submerged under water for hours on end twice a day. If you try to drive there, the vehicle will tend to sink in and pull towards the water because it's oozy sand underneath there. They don't ride the mean high water mark and they can't because at high tide, there is no town beach because the water now is at the high water mark. That means they can't ride on that property. They should not ride on that property according to the law. So if they can't ride right there, where do they drive to get from one location to another? They drive above the mean high water mark on the level sand beach lying between that mark and the bluffs. All of which happens to be privately owned. The property owner's deeds say that. They trespass on private property always when they ride, "the beach". And how do they drive on that narrow strip of fragile privately owned level beach that serves as a fence to the vulnerable toes of the bluffs that are so fragile and prone to erosion? They ride trolley tracks. They rip out and churn up deep tracks in the loose sand. So when the winds come along, the sand blows away and when the waves come up, the sand is sucked down to the Sound. They drive many times, very close to the base of the bluffs over the very painstakingly planted vegetation which is meant to prevent the erosion at the toe of those bluffs. And although the Town Code specifically says all terrain vehicles are not authorized on the beach, they play loop to loop. At the base of the bluffs, they ride up and just when they start to stall, they turn down and they bring down tons of loose sand with them. It happens in the Boy Scout Camp which is owned by the state. It happens in area. It happens everywhere along. You get in the boat and you look toward the beach and you'll see the big hairpin loops and you'll know what they're from. We have a document in this country, God bless it, called the Constitution of the United States. It has a Bill of Rights. There's an article V of the Bill of Rights that says among other things, nor shall any person, nor shall private property be taken for public use without

compensation. There happens to be a taking here because it seems that Riverhead can not enforce its regulations. It does not have the manpower. It does not have the equipment. It says: A, that a 4-wheel drive vehicle, you can ride the beach. We really don't give a d--- if it's town beach below the high water mark or privately owned beach above the high water mark."

Supervisor Janoski, "Mr. Roberts, you're running out on time and I think we understand the point. So could you come to a conclusion?"

Bill Roberts, "Not that quickly. I have a lot more to say."

Unidentified Man, "A 4-wheel drive don't go up on a mountain. A 3-wheel drive will."

Supervisor Janoski, "Please, don't force me to do it. Alright."

Unidentified Man, "He's said enough."

Bill Roberts, "No I haven't said enough. I will try to summarize."

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

Bill Roberts, "When they come down to Edwards Avenue, they can turn east or west. If they turn east or west, they travel 130 feet on private property before they get to a jetty they have to cross. They have to trespass on private property. If they go to the west, they travel 230 feet and they trespass on private property. The D.E.C. is anxious to implement its coastal erosion hazardous program to minimize damage to the bluffs. But how can they save anything on the top when vehicles are permitted to cut off the legs from the base of the cliff at the toe. There are very valuable bird nesting areas in the Baiting Hollow wetlands which has been declared a conservation area. Also, near the wrecks near Reeves Beach. The Town of Brookhaven....."

Supervisor Janoski, "Mr. Roberts, I'm going to have to ask you to give up the microphone. You have gone on for some ten minutes now."

Bill Roberts, "But I can speak later."

Supervisor Janoski, "Yes you can, I guess. No, I will recognize you. Yes, I will recognize you."

Debbie Doscinski, Riverhead, "I don't mean to be disrespectful to this guy. But if you ever go on the beaches, when you look at the dunes and you see the upward and the loop to loops as he calls them, there's no way a truck can do that. ATV's do that. Trucks on the beach, mean high tide line is the bottom of

Debbie Doscinski, Continued

the cliff. There is no way you can ride above the mean high tide line because you'll be up the cliff somewhere. Impossible. To ride on the beach, you have to ride between the top of the mean high tide line to the low tide line. It's the only places to drive. He's talking about ruts that are destroying the beaches. Every time the tide comes up to the mean high tide line, the ruts are washed away. So I don't understand what he's talking about beach destroying and he's talking about sand, tons of sand is being destroyed. There's no way because every time that a high tide comes along, it washes all the sand right back over all the tracks that are made by a 4-wheel drive. I suggest that you try driving one time and you'll understand."

Supervisor Janoski, "Thank you."

Tom Burgess, Calverton, "I drive the beaches almost throughout the year and I don't think you punish us because of a few people. You've got ATV's doing a lot of damage. You've got a lot of young people running trucks very fast. But if you look at what we call the track, most people drive 7-10 miles an hour in it and we're doing no damage whatsoever. I don't think we should be punished because the law can't be.... You have three, I think, 4-wheel drive police vehicles. I think there's three. I think more patrolling, fine. I think stiffer fines, fine. If somebody is doing something they're not supposed to be doing on the beach, punish them. Don't punish me. I don't think you should take my beach away because somebody else is abusing it."

Supervisor Janoski, "Thank you."

Keith Dettner, Riverhead, "I'd just like to tell the people here that for one thing, as far as erosion, the Sound erodes one inch every ten year no matter whether vehicles are on the beach or not. It's not going to make a bit of difference. As the gentleman said, it is the small 3-wheelers that are doing most of the damage and people that only come out for the summer are the ones that are throwing the trash on the beach because we pick up the trash down there so we are able to keep our rights to go onto the beach. We, most of the fishermen here will agree that we will even be glad to pay for a permit, a special permit for fishing or to be on the beach. Whether it be \$50 or \$100 and somehow be able to use that money for a patrolmen to patrol that beach better."

Supervisor Janoski, "Thank you. In the public hearing, if you've already spoken, we go through everybody who wishes to speak. I understand that you want to say something. But I'm trying to explain to you that in a public hearing, we recognize everyone who wishes to speak and then we can go back to those who have already spoken. So Alice Graff, you would like to speak. Thank you. I want to make sure that everybody gets an opportunity."

Alice Graff, Riverhead, "I agree that there should be controls as far as some of the vehicles but I would like to see the fishermen continue. And as far as the high tide mark, I believe that if it were up to a state court, it would be very difficult to prove the exact marking of the high tide line."

Supervisor Janoski, "You're absolutely right Alice. Sherry, please."

Sherry Johnson, Manorville, "I would just like to remind the Board that last year they acted to designate East Creek in South Jamesport as a critical environmental area. And banning motorized vehicles on that beach would help preserve it for the lease terns and the pipe plovers and I'm certainly in favor of it. Thank you."

Supervisor Janoski, "Betty."

Betty Brown, N.F.E.C., "It is a goal of ours to protect and preserve the natural environment and of course the shores. We support this amendment. We would like to offer assistance in any way we can as far as vegetation or anything we can do. Thank you."

Supervisor Janoski, "Thank you. The young lady, yes."

Susan Leaky, Riverhead, "With the mention of East Creek inlet, they said that the 4-wheelers do all the damage with partying. I disagree because boats from the marina down in South Jamesport also anchor up there and they have parties too and they have disturbed the 4-wheelers also as much as the 4-wheelers have disturbed them. But also, I understand that with the birds that they're important and your environmentalist are all for this, the birds and rabbits or whatever. But I also think that you should be for the public too, not only the birds. The birds don't pay our taxes. The public does. Thank you."

Supervisor Janoski, "I've been saying that for years. Is there anyone who has not spoken who wishes to address the Board on the matter of this amendment to the code? Sir, would you like to be heard again? I've been listening to you all night. One more time isn't going to hurt."

James Kreutz, "There's so many things to say."

Supervisor Janoski, "And you can say them."

James Kreutz, "I could, I could. I understand everybody has a right to the beach. Why can't we all use it in harmony? Keep it clean. Like I said, fishermen don't fish from the high water mark. You couldn't throw the pole that far. And like the girl said, we don't make the ruts. Fishermen go 5 to 10 miles an hour along as close to the water as possible so we can see the fish break here, the fish break there. Then we stop and we get out

James Kreutz, Continued

and we fish. We do not make a mess. We don't litter the beach like the people who come down with their shopping carts and their whole family and they leave everything there. Why you laughing?"

Supervisor Janoski, "I'm laughing because the poor girl that has to type up the minutes of this meeting is going to have one h--- of a time there. Go right ahead."

James Kreutz, "It's funny. It's funny that we had to come to this. Like the man said, I'll pay you. Give me a permit to go on the beach when I want to go, not when you tell me I can go there. If the beach is open to everybody, it's open to everybody. Five o'clock at night, who is going to go swimming? There's no lifeguard there. The beaches are officially closed. The end of the year come Labor Day, the beaches are officially closed. Why stop up from going fishing. The beaches are officially closed. It's the best month to catch fish on the beach. You don't know. You live in Riverhead."

Supervisor Janoski, "Yes."

James Kreutz, "Do you ever indulge and go fishing? You're too busy."

Supervisor Janoski, "But if you'd like to take me sometime."

James Kreutz, "I will take you fishing any given day, any given time, I will take you."

Supervisor Janoski, "You have to understand that these items that we're talking about came as recommendations from the Recreation Department. The purpose of this public hearing is to find out what the people of the town think about it."

James Kreutz, "And I'm trying to tell you."

Supervisor Janoski, "Ok, and we're listening."

James Kreutz, "Reeves Beach, we go down the hill. We park our boats on the right hand side. People don't normally park there to go fishing, to go swimming. Now that we got the problem. We go down there, we can't put our boats in and nor can we take them out. Has the Town of Riverhead done anything about the Pier Avenue ramp? Can we go over there and put our boats in and get them out? We're not fighting you, we're not. We're willing to oblige. But why are you coming down on us so hard like the times? I would like to see 5 o'clock at night when the lifeguard goes home, everybody goes home."

Supervisor Janoski, "The purpose of this hearing for you to tell us what you think about...."

James Kreutz, "Well, that's what I'm doing."

Supervisor Janoski, "Fine."

James Kreutz, "So 5 o'clock we should be able to go on the beach. To say that you want to take your wife and go swimming, fine. We don't bother the swimmers. We go way past them when we go fishing, way past them. We go across Riverhead beach. We go across Reeves Beach. We fish from Reeves Beach to the wrecks, past the wrecks. We don't bother the birds up in the grass. They got no worry. We're there to fish. Like the guy said, we'd be willing to pay. Give me a permit. You want to charge me a \$100 a year, I'll give it to you. No problem. Let me go on the beach when I want to go and the fish are there. If it's 10 o'clock or 9 o'clock in the morning, fine. The best fishing is early in the morning and early in the evening. What else can I say?"

Supervisor Janoski, "I don't know but if it comes to mind, I'm sure it will."

James Kreutz, "I mean it. I'll take you all fishing."

Glen McGee, Reeves Park, "The problem with the beach is enforcing the present laws. I talked to Lou earlier and they say they don't have the manpower. Charge a fee. I'd be happy to spend money each year to get a fee paid to hire somebody to go there and patrol the beach. That's all."

Supervisor Janoski, "Thank you."

James Kreutz, "We'll patrol the beach."

Supervisor Janoski, "Is there anybody who has not yet spoken? Yes. Do you smoke? Why don't you go out and have a cigarette?"

Unidentified Man, "I just wanted to tell you that I'm against this amendment or whatever you're trying to do here. You want to fish, fish."

Supervisor Janoski, "Now that's the kind of speech I like."

Councilwoman Civiletti, "...any beach within the town. That's one of the things that...."

Betty O'Kula, "The kids, you know, they went to school. They had to take an 8-hour course for these ATV's."

Councilwoman Civiletti, "Well, you can give your opinion on it. I'm just pointing out that that's one of the...."

Betty O'Kula, "That's what I'm saying. They had to take the course. They had to get the license to drive these vehicles on the beaches, on the road or wherever. Now you're taking this away from the kids. I can't see it because you're taking everything away from these kids."

Supervisor Janoski, "Betty, I'm sympathetic but you just lost me on that one."

Betty O'Kula, "I'm sorry. I can't understand the ATV's that can't drive on the beach."

Supervisor Janoski, "Where they ride is not public parking. We're going to have to deal with that but please express your opinion and that's why you're here."

Betty O'Kula, "Well, that's the way I feel because this way you're taking everything away from the kids. They have a group of their own. They go riding. They stay together. And they have certain areas where they can ride. The people let them ride. So I feel as though you shouldn't take it away. I'm sick and tired of taking things away from the kids."

Supervisor Janoski, "Mr. Cetas."

Charles Cetas, "I like to fish too. But as far as I know, I've never caught a fish with a 4-wheel drive vehicle and you can walk to these areas to catch fish. And in fact, years ago we use to go frost fishing. And really the only way you can catch frost fish is by walking the beach. And to me, they say a permit. I can see that maybe you can reach some kind of a compromise of a permit type thing. But enforcing the beach is to me, how many miles of beach are there? I mean there's miles and miles and miles. How many officers do you think you'd have to hire to enforce some of these rules and regulations. To me the best way to enforce is to prohibit."

Supervisor Janoski, "Robbie, would you ask the gentleman to have a cigarette please?"

Charles Cetas, "The best way to enforce it is to prohibit it. Misuses of the beaches, especially the ATV's, I agree. A lot of these ATV's don't even have license plates. They say to get the license plate number. A lot of them don't even have license plates. They're just illegal vehicles being taken out on the beaches. So that's what I have to say. Banning the ATV's is definitely a good idea."

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

Bill Roberts, "Both the Town of Southold and the Town of Brookhaven have banned all motor vehicles from the North Shore beaches. They did not do it lightly but they recognized the North Shore as a very fragile area subject to terrific erosion. True fishermen don't fish off the beach. True fishermen will walk from a parking area to a jetty or a wreck. Stone jetties installed by the State of New York or wrecks that were planted east of Reeves Beach. I fish from a small boat, a 12-footer. I fish from Shoreham to Northville. I can travel that distance, and if I see five vehicles with fishermen on the beach in one

Bill Roberts, Continued

day, that's a lot. I will see a lot of fishermen that got there by foot to a wreck or near a jetty. Last year the subject came up again and I said I can obtain a petition of 23 property owners, waterfront property owners asking that all motor vehicles be prohibited from the beach. And I was told, well, I can get a petition of 400 fishermen that say we should ride the beach. And because the Town of Riverhead can not or will not enforce the riding of vehicles below the high water mark, I say give us the police protection for those 23 vehicles and we will ride to every one of the front lawns of those 400 people who sign that petition. And with police protection, we demand the right to rip up their front lawn, ride on their plantings, over their azaleas and rhododendrons. That is not town beach. That is private property we're talking about that is being churned. Jack Davidson said, hey, there have been three storms I remember, where it took six foot off the bluff. The gentleman got up before and said, hey, one inch doesn't go off in ten years. What I'm saying is we've got to face this thing once and for all. Others towns did. And the people who are in charge of those governments were re-elected. They took a stand and did the right thing. I think it's arbitrary and capricious, unethical, possibly illegal and contrary to law, to constitute a taking without compensation. That's about all I have to say on that."

Supervisor Janoski, "Thank you Mr. Roberts. Yes sir."

Keith Dettner, "There's a few more things that I thought of as I was listening to this guy. First of all, if we can't drive past the people that swim on the beach, then the people fishing, will be fishing with the people on the beach because no one is going to walk four miles down the beach to go fishing and carry 15-20 pounds of fish back up the beach. I'd like to see this gentleman here try it."

Councilwoman Civiletti, "I have a question. Which beach are you talking about?"

Keith Dettner, "Reeves Beach."

Councilwoman Civiletti, "Which is on the Sound right?"

Keith Dettner, "Right. Let me just say one last thing. Peconic side, I know there isn't too many areas up there for 4-wheels to go on and I can understand that. There is a lot of grass there and the birds do habitat there. There are no birds that habitat on Reeves Beach first of all."

Supervisor Janoski, "Are you aware that this provision that we're talking about doesn't effect the North Shore?"

Keith Dettner, "Excuse me? Not yet. But they're trying to prevent us from going on the beach."

Councilwoman Civiletti, "The amendments.... I've had an itch to try to clarify this the whole night. The amendments that we're talking about here tonight, one is to prohibit the operation of a motor vehicle or any motor vehicle on the Peconic Bay beach at any time. The other is an amendment to the time frame within which you need to have a permit to operate your vehicle on the Sound beach. Right now you can do it without a permit between June 15th and September 15th. This amendment would change those dates between April 15th and September 30th. So that between April 15th and September 30th, to operate a vehicle on the Sound beach between 7 p.m., except between 7 p.m. and 9 a.m., you have to have the permit that is required. That's what this is about. Not banning fishing."

Keith Dettner, "I understand that. But there is nobody swimming in April on the beach. The hours.... We have no disagreement with the hours that are in law right now. They're fine. We abide by them. There is nobody after Labor Day down on the beach. They have all gone back to the city and back to work and whatever. We work too. We work hard. We come home and we like to go down and relax a little and take our kids down and do a little fishing. If we have to... If you change those hours, then how are we going to take our kids down there when it's dark. It's going to be dark. The kids have got to go to school the next day. I'm not just saying for the fishermen. I'm also saying for everybody here except for the selfish ones. I'd like to see the time schedule just stay as it is and work out some way to better our beaches for everybody. I'd like to just for the record, I'd like to say that the fishermen are very grateful for Mr. Talmadge to allow us to fish down on his beach. That's all I've got to say."

Supervisor Janoski, "Thank you. Did you wish to speak here?"

Tom Burgess, Calverton, "I live on Long Island and I was brought up in this town all my life. I was born here. I live here because of the beaches. I want to enjoy the beaches. I don't think we need to limit the times we can go down there or what beaches we can go to. Again, I think it's enforcement of what we've got regardless of how it's done. If somebody is messing around on the beach and not obeying the laws, they should be ban from the beach. But like I said, I live on Long Island and this is my home. I don't think you have the right to take the beach away."

Supervisor Janoski, "Thank you. Is there anyone else present who wishes to address the Board on the matter of this amendment? That being the case and without objection, I declare the hearing to be closed. Tell Walter I'll be down at O'Malley's later and he owes me a drink. Do the members of the Board want to take a recess or do you want to go in shifts? We are going to recess until 10 p.m."

8:15 PUBLIC HEARING CLOSED AT 9:45

TOWN BOARD MEETING RECESSED AT 9:45
TOWN BOARD MEETING RECONVENED AT 10:05

Supervisor Janoski, "Is there anyone who wishes to address the Board on any matter that is on the agenda as far as the resolutions? Yes."

Betty Brown, "Not on the resolutions but just on a matter."

Supervisor Janoski, "On any matter."

Betty Brown, N.F.E.C., "I just wanted to take this opportunity to share with the Board some of the environmental problems associated with the Mill Pond Commons condominiums and the review process. First is with regard to the advisability of the proposed density on this particular site. Considering the state of our water quality, is it sensible to burden Saw Mill Creek yet another time by stockpiling density next to such an important and fragile waterway? Another great concern is the environmental impact statement prepared for the town by the developer. It is a serious oversight to note that the cumulative impacts of this project together with other major projects proposed along Saw Mill Creek were never discussed on a cumulative basis in order to allow the Board to make an informed decision. Without such information available, the Board is again evaluating each project on an individual basis. This should not continue. Residential development must be limited. And certainly limited along our most precious natural resource; the Peconic Bay and its tributaries. Board members have in the past, expressed interest in removing from the Town Code the bonus density by special permit in residential "C" zone. That measure or revision does not seem to be able to find its way to the table for a vote. Initiatives such as these can be accomplished only if Riverhead officials have the desire and the courage to enact laws to protect the public interest and our natural resources. The entire community has reservations regarding Mill Pond Commons and its density. The Department of Health Services has urged the town to prepare a generic environmental impact statement on the Saw Mill Creek system. They stress the need for the project to be reviewed collectively to afford realistic assessment of the cumulative impacts. The County Planning Department has also offered assistance in this endeavor. We ask you to deny this application and begin planning for future progress. Progress that will not destroy the Saw Mill Corridor but plans to enhance it and preserve it for future generations. Thank you."

Paul Baker, Wading River, "I'm the President of the Organization of Riverhead Civic Associations. These comments are in reference to the Mill Pond Commons application. New houses mean more supportive services like police, schools and sewers. New residents can not bear that tax burden alone and so the whole town must pay higher taxes. Special permitted uses that increase

Paul Baker, Continued

densities of populations should be outlawed in this town until their tax impact is accurately studied. We can no longer pay lip service to the rising town taxes. The reality of more homes equalling higher taxes for all, has hit our homes. When you allow 4 to 5 units per acre, you have reduced Riverhead to less than one quarter acre zoning. Our neighbors allow nothing smaller than one unit per five acres. We allow five units per acre. No wonder our school suggests a 17 million dollar increase for more space to accommodate these new people. Your actions effect all life in this town. Please stop it now. This overdevelopment is destroying our tax base, overburdening our schools and highways and driving the best people from living in this town. Let the message go forward tonight that a new age of tax responsibility has dawned. Developments proposed for this town will have to pass the test of tax impact before we allow business as usual. Thank you very much."

Supervisor Janoski, "Is there anyone else present wishing to address any member of the Board on any matter or any resolution that may be considered? Alice."

Alice Graff, "Thank God for people like these two that just spoke because we have to stop all these people from coming in. Thank you."

Supervisor Janoski, "Yes. Are we going to talk about Long Lake too."

Brad Berthold, Northville, "Concerning the resolution of the Board that may be discussed tonight to ask the applicant for the special permit for the peaker plant at Northville to put funds in escrow for the consultant. I would like to ask that instead of that, that the Board make a determination to reject the draft, revised draft environmental impact statement on the grounds that it's incomplete and that the applicant is refusing to answer the questions that the Board posed in rejecting the draft in the first place. We see from public statements and published reports that the applicant made earlier in the summer when they were filing the application were far different from the statements they make in the revised draft. In that earlier in the summer they told the residents of Riverhead that it would only make sense to backfit (to use their term) co-generation equipment on the peaker plants themselves, on the generators themselves. They also said it would require only a very very small building, again to quote their term, housing a boiler and a steam turbine to be attached, physically attached to the peaker plant building to add the co-generation equipment. Now, in their revised draft, they have changed that story and said there is no room on the 10 acre site for this very very small building. They also denied that co-generation would have anything to do with the proposed peaker generators and would not build upon the peaker in any way. Where earlier this summer it would only make sense to backfit the co-generation equipment on these very generators. So now they're changing their story completely from what they said earlier in

Brad Berthold, continued

the summer. As we mentioned once before, the SEQRA forbids segmentation. That is the division of the environmental review of such activities as are addressed under law and we feel it's very clear that what they're trying to do is segment their application to separate the co-generation facility and related equipment from the peaker plant. And also, the SEQRA law in section 1611-B says the Lead Agency which in this case is the Town Board, must consider reasonably related long term, short term and other effects including other actions which are included in any long range plan which we feel would be the co-generation plant or likely to be undertaken as a result thereof. We feel that it's likely that they will come back at some later time with an application to backfit these co-generation boilers on the peaker generator plant or defendant thereon. We feel certainly, a co-generation plant despite what they protest in their revised draft, is obviously as they said earlier in the summer, defendant on the peaker plant because the co-generation steam boiler and waste heat recovery system would be fitted directly on these three peaker plants. So I feel that it seems obvious, and I'll be glad to provide the Board members with any other information about statements made by Matthew Cordero and Nancy Klein and Don Milton earlier in the summer to Riverhead residents to that effect. So I think it's very clear that they are segmenting this application and I don't think the Board should allow them to do that. I feel that if the questions posed by the Board were revised in the draft in the first place, are not answered by the applicant, then the burden is on the applicant to answer the questions or give up the application. Thank you."

Supervisor Janoski, "Thank you Is there anyone else present wishing to address the Board? Mr. Goldman."

Rob Goldman, N.F.E.C., "I say it yesterday at the Work Session. I'll make it public for the record. I'd like to commend the Board and especially Denise Civiletti and Lou Boschetti on the job they did on the solid waste management plan and policy plan. N.F.E.C. is going to back this plan 150%. It's an excellent piece of work. We're very very happy with the document and we're really eager to get to work on it."

Supervisor Janoski & Councilman Boschetti, "Thank you."

Supervisor Janoski, "Anyone else? Ok. Let us take up the resolutions."

RESOLUTIONS #96-#151 found on pages 126-204 of the 1989 Resolution Book.

#98 REQUESTS PAYMENT OF SEQRA FEES FROM LONG LAKE COGENERATION CORPORATION.

Councilwoman Civiletti, "While most members of this Board if not all members of this Board, share some of your concerns Mr. Berthold about the adequacy of that document and what it does and does not contain, I for one, would like to see the consultants that we've hired do the job that we've hired them to do. And that is to make a determination as to adequacy and this is step number one."

#126 OPPOSITION TO PROPOSED LONG ISLAND WATER RESOURCES MANAGEMENT BOARD.

Councilman Pike, "There was a proposal some time ago by the Long Island Association to create a new Long Island Water Resources Management Board. Basically it would be a planning and regulation over ride of local land use, planning and zoning control as it particularly as it pertained to the allocation of water. So the Town Board has decided to pass a resolution in opposition to the loss of local control and distribute to all of the effected parties."

Supervisor Janoski, "Without objection, this meeting is adjourned."

There being no further business on motion or vote, the meeting adjourned at 10:32 p.m.

IJP:nm



Irene J. Pendzick
Town Clerk