# WAIVER OF NOTICE AND CONSENT OF SPECIAL MEETING

We, the Undersigned, being all members of the Riverhead Town Board of the Town of Riverhead, County of Suffolk and State of New York, do hereby waive notice of the time, place date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York, at 9:00 A.M. on the 21st day of October 1996 and do consent to the holding of such meeting for the purpose of:

**RES #816** RATIFIES RESOLUTION $704
RES #817 RATIFIES TOWN CLERK'S PUBLISHING AND POSTING OF SPECIAL TOWN BOARD MEETING
RES #818 HULSE LANDING ROAD DRAINAGE AND BEACH STABILIZATION PROJECT
RES #819 APPOINTS MARRIAGE OFFICER
RES #820 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO CONSIDER THE ADOPTION FO THE 1997 ANNUAL BUDGET FOR THE TOWN OF RIVERHEAD

**(PLEASE SEE BACK SHEET)**

**DATED:** October 21, 1996

**TOWN BOARD MEMBERS,**
**TOWN OF RIVERHEAD, N.Y.**

**SUPERVISOR**

**COUNCILMAN**

**COUNCILMAN**

**COUNCILMAN**

**COUNCILMAN**

RES #821 AUTHORIZES ENGINEERING FIRM TO PREPARE APPLICATION ENCOMPASSING THE COMMERCIAL SEWER DISTRICT EXTENSION AND THE RIVERHEAD SEWERAGE TREATMENT PLANT UPGRADE

RES #822 HULSE LANDING ROAD DRAINAGE & BEACH IMPROVEMENTS CAPITAL PROJECT BUDGET ADJUSTMENT

RES #823 HUBBARD AVENUE ROAD IMPROVEMENTS CAPITAL PROJECT BUDGET ADJUSTMENT

RES #824 AMENDS RESOLUTION NUMBER 815 OF 1996

SPECIAL BOARD MEETING OF OCTOBER 21, 1996

The Special Board Meeting was called to order by Supervisor Stark at 10:00 AM on Monday, October 21, 1996.

Present: Supervisor James R. Stark
Councilman Victor Prusinowski
Councilman James Lull
Councilman Mark Kwasna
Councilman Otto Wittmeier

Also Present: Town Clerk, Barbara Grattan

Absent: Town Attorney, Robert Kozakiewicz

**SUPERVISOR STARK:** "Let the record show that the time of 10:00 am has arrived , the Special Board Meeting for the purpose of entertaining these resolutions has arrived, and we are in session.

RESOLUTION NO. 816 **RATIFIES RESOLUTION #704**

**COUNCILMAN PRUSINOWSKI** offered the resolution, which was seconded by **COUNCILMAN LULL.**

**THE VOTE:** Wittmeier, Aye, Kwasna, Aye, Lull, Aye, Prusinowski, Aye, and Stark, Aye.

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 817 **RATIFIES TOWN CLERK'S PUBLISHING AND POSTING OF SPECIAL TOWN BOARD MEETING**

**COUNCILMAN LULL** offered the resolution, which was seconded by **COUNCILMAN PRUSINOWSKI.**

**THE VOTE:** Wittmeier, Aye, Kwasna, Aye, Lull, Aye, Prusinowski, Aye, and Stark, Aye.

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 818 **HULSE LANDING ROAD DRAINAGE & BEACH IMPROVEMENTS** (CAPITAL PROJECT)

**COUNCILMAN WITTMEIER** offered the resolution, which was seconded by **COUNCILMAN KWASNA.**

**THE VOTE:** Wittmeier, Aye, Kwasna, Aye, Lull, Aye, Prusinowski, Aye, and Stark, Aye.

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 819 **APPOINTS MARRIAGE OFFICER**

**COUNCILMAN LULL** offered the resolution which was seconded by **COUNCILMAN PRUSINOWSKI.**

**THE VOTE:** Wittmeier, Aye, Kwasna, Aye, Lull, Aye, Prusinowski, Aye, and Stark, Abstain.

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 820 **AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO CONSIDER THE ADOPTION OF THE 1997 ANNUAL BUDGET FOR THE TOWN OF RIVERHEAD**

**COUNCILMAN PRUSINOWSKI** offered the resolution, which was seconded by **COUNCILMAN LULL.**

**SUPERVISOR STARK:** "It will be published and posted; the attached notice in the October 24 and 30th issues of the News Review and Traveler-Watchman and in the October 30th issue of the Suffolk County Life; because we'll make that one as the official town paper and that meeting will be November 6th at 7:20 p.m.; and in this particular resolution, we will publicly post the elected official's salary which are coming up from accounting here very shortly, which I can give to you."

**SUPERVISOR STARK:** "Is there a motion to **TABLE** that resolution for a few minutes?"

**COUNCILMAN PRUSINOWSKI** offered to **table** the resolution, which was seconded by **COUNCILMAN LULL.**

**THE VOTE TO TABLE:** Wittmeier, Aye, Kwasna, Aye, Lull, Aye, Prusinowski, Aye, and Stark, Aye.

The resolution to **TABLE** was declared duly adopted.

RESOLUTION NO.821 **AUTHORIZES ENGINEERING FIRM TO PREPARE APPLICATION ENCOMPASSING THE COMMERCIAL SEWER DISTRICT EXTENSION AND THE RIVERHEAD SEWERAGE TREATMENT PLANT UPGRADE.**

**COUNCILMAN LULL** offered the following resolution, which was seconded by **COUNCILMAN PRUSINOWSKI.**

**THE VOTE:** Wittmeier, Aye, Kwasna, Aye, Lull, Aye, Prusinowski, Aye, and Stark, Aye.
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 822 **HULSE LANDING ROAD DRAINAGE AND BEACH STABILIZATION PROJECT**

**COUNCILMAN WITTMEIER** offered the resolution which was seconded by **COUNCILMAN KWASNA.**

**THE VOTE:** Wittmeier, Aye, Kwasna, Aye, Lull, Aye, Prusinowski, Aye, and Stark, Aye.
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 823 **HUBBARD AVENUE ROAD IMPROVEMENTS** (CAPITAL PROJECT)

**COUNCILMAN WITTMEIER** offered the resolution which was seconded by **COUNCILMAN KWASNA.**

**THE VOTE:** Wittmeier, Aye, Kwasna, Aye, Lull, Aye, Prusinowski, Aye, and Stark, Aye.
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 820

**COUNCILMAN KWASNA** offered the resolution to be brought off the table, which was seconded by **COUNCILMAN WITTMEIER.**

**THE VOTE:** Wittmeier, Aye, Kwasna, Aye, Lull, Aye, Prusinowski, Aye, and stark, Aye.

The resolution was thereupon declared duly adopted.

**SUPERVISOR STARK:** This authorizes us to call for the public hearing on November 6, 1996 at 7:20 pm at Howell Avenue at the Regular Town Board Meeting. It puts the Elected Officials salaries at:

| | |
|---|---|
| Supervisor | $69,630.00 |
| Town Board Councilperson | $23,570.00 |
| Tax Receiver | $48,900.00 |
| Town Assessors | $48,710.00 |
| Town Clerk | $53,430.00 |
| Town Justices | $47,133.00 |
| Highway Superintendent | $48,000.00, no |

$58,000.00, I'm sorry.

**THE VOTE:** Wittmeier, Aye, Kwasna, Aye, Lull, Aye, Prusinowski, Aye.

**SUPERVISOR STARK:** The motion is carried. This moves the budget from tentative to preliminary.

**COUNCILMAN PRUSINOWSKI:** "Jim, I have one more."

**SUPERVISOR STARK:** "Who has a copy?"

**COUNCILMAN PRUSINOWSKI:** "I want to amend Resolution #815 on the Tanger SEQUA determination to add two words, manufacture and..."

**SUPERVISOR STARK:** (inaudible)..."Hey pal, do we have a copy of that resolution up here?"

**COUNCILMAN PRUSINOWSKI:** "Yes, I have a copy. It's the first paragraph were it says "The sale of goods and retail," I also want to add manufacturing outlet, wholesale, not wholesale manufacturer outlet."

**RICHARD HANLEY:** "There is an existing special permit of manufacturers outlet on the premises."

**COUNCILMAN PRUSINOWSKI:** "Right, already, right."

**RICHARD HANLEY:** " Which the Town Board issued a couple of years ago."

**COUNCILMAN PRUSINOWSKI:** "Right."

**RICHARD HANLEY:** "The petition is for an amendment to that special permit to provide for the box use; which is this use by special permit. So the reason why the resolution said that, was because the use is for the sale of retail with these provisions. I don't believe that you need the special permit to build new outlet centers; because we've already issued that use, we just have to approve the special permit. If you want to call it out specifically from the zoning, we could do that and make that change."

**COUNCILMAN KWASNA:** "So he is applying for the special permit for the box use."

**RICHARD HANLEY:** That's right.

**COUNCILMAN KWASNA:** "Which he already has."

**RICHARD HANLEY:** "He already has a special permit use for the outlet center. Just as a courtesy he gave us the sight plan for the outlet center, to see what it looked like. But the actual petition is for that Vic."

**COUNCILMAN PRUSINOWSKI:** "So, really, this is a new application for (inaudible). Well, on his applications that he gave you, he says that they are a description of what work that he done, the construction of manufacturer outlet or retail establishment. That's why I saw the difference between the resolution that we adopted the other night, and the application that they submitted to the town. So, what I wanted to do, was be consistent, with that, since we're making a SEQUA determination here, so that it doesn't preclude the Town Board from allowing, or, another words, I don't want their attorneys to come in here and say, "Because on Resolution 815 you declared, neg dec this thing, is that we're entitled to retail."

**RICHARD HANLEY:** "You have to make the ultimate decision on whether to issue the special permit for the retail box (inaudible)."

**COUNCILMAN PRUSINOWSKI:** "But doesn't the SEQUA process lay the ground work for that."

**RICHARD HANLEY:** "Yes, but to a certain extent Vic, what's' happened, is that there was an EIS already provided for on that property, there is a full Environmental Impact Statement done on that piece for the manufacturers outlet. Now what is submitted to us with this special permit, was the expanded assessment form. He gave us all the traffic data he had done traffic work for the box, as well as an Economic Impact Analysis for the box. So rather than go through the entire EIS process, and having to deal with FDIS and findings, all it was, was that we were going to make a decision based on the data we have. This doesn't suggest that we are out to improve this."

**COUNCILMAN PRUSINOWSKI:** "I'm not questioning this paragraph down here. I'm just talking about up here."

**RICHARD HANLEY:** "If you'd like, we could amend that first paragraph, and just call out for what he submitted, an application for which is box use, retail establishment being what was applied for."

**COUNCILMAN PRUSINOWSKI:** This way, it doesn't close off, in case we get to a point were we want to mix or something like that."

**RICHARD HANLEY:** "Because he gave us a site plan for that too. I don't believe that they decided whether they decide to do a box exclusively; or that they are thinking of some outlets expansion on that part of the property."

**COUNCILMAN PRUSINOWSKI:** "Well, that's just my personal opinion. It's up to the board."

**SUPERVISOR STARK:** "Well, we're having a board meeting going on right now. So whatever you want to change."

**RICHARD HANLEY:** "I can work with this if you would like."

**COUNCILMAN PRUSINOWSKI:** "All I want to do is for the sale of goods, for the sale it says it right here, for the sale of manufacture outlet goods. Well, actually he has it here; the construction of manufacturer outlet or retail establishment."

**RICHARD HANLEY:** "So, why don't I just say to provide for and take that language."

**COUNCILMAN PRUSINOWSKI:** "Right. For the local retail establishment."

**RICHARD HANLEY:** "And then the rest of it stays the same."

**COUNCILMAN PRUSINOWSKI:** "Stays the same."

**COUNCILMAN PRUSINOWSKI:** "Right."

**SUPERVISOR STARK:** "Basically it says the same thing."

**RICHARD HANLEY:** "It suggests that he can build outlet center on there as well."

**SUPERVISOR STARK:** "And that's already accepted, isn't it?"

**RICHARD HANLEY:** "That's already there, but it just makes it clearer, I guess if there is an inspection on this resolution."

**COUNCILMAN PRUSINOWSKI:** "Again a SEQUA determination is a map, a road map of the final decision."

**RICHARD HANLEY:** "To a certain extent, that is true."

**COUNCILMAN PRUSINOWSKI:** "And sometimes attorneys will come in here and say, on October 15, 1996, councilmen,,you voted for this and you neg dec this, so that means, you know what I'm saying, that's all."

**RICHARD HANLEY:** "General, in the language."

**SUPERVISOR STARK:** "Would you like to put that wordage out now so that everybody knows."

**RICHARD HANLEY:** "The first WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Tanger Properties Limited Partnership for an amendment to the existing special permit on property located on Route 58, Riverhead in order to provide for the construction of manufacturer's outlet center or retail establishment. So that the sale of goods at retail would come out."

**SUPERVISOR STARK:** "So that you--------

**COUNCILMAN PRUSINOWSKI:** "That satisfies me completely."

**COUNCILMAN KWASNA:** "Start from the sale of again."

**RICHARD HANLEY:** "After the word Riverhead, Route 58, Riverhead, in order to provide the construction of manufacturer's outlet center or retail establishment, the sale of goods at retail comes out."

**SUPERVISOR STARK:** "You got that?" Lori you want to write this wordage down."

**COUNCILMAN LULL:** (inaudible) the overlay or

**RICHARD HANLEY:** "The existing --we changed the map, in other words; rather this was not an overlay, this was in fact a map change on the official map of the Town of Riverhead which shows Business F on this particular parcel.

**COUNCILMAN LULL:** "The whole parcel." "Okay."

**RICHARD HANLEY:** "The whole parcel."

**RICHARD HANLEY:** "He based upon some decision making on the time, a petition to the state for WSR permits, so there is a remainder, there is a residual 14 acres on the property which is zoned Business F so what he is suggesting in this petition, is he would like the Town Board to consider a boxed use on that remaining thirteen or fourteen acres and that's a special permit use within the Business F District. So what we've said here, is that I don't believe that you've made any opinions on the merits of this thing yet. All you've said, is that he doesn't need to submit an EIS to you because we already have an EIS in place. We've counted all the birds and bunnies a number of years ago, so this is more a traffic consideration and economic impact which are submitted as an addendum to his EAF. So we can consider all that data in your decision making. Planning will be looking at it, the State will be looking at it and the County will be

looking at it and you as a board on the merits of it. I don't know that you cannot accept the petition since the zoning is in place."

**COUNCILMAN LULL:** "What we need to do, is we need to go back to something we talked about last spring, and that is to make sure that resolutions that are going to be presented on Tuesday night, give to the town clerk by Tuesday noon and then everything is completed, so that we don't have to have last minute resolutions."

**SUPERVISOR STARK:** "You're still going to have last minute resolutions."

**COUNCILMAN LULL:** "You'll still have last minute resolutions but some of those resolutions, the majority of those resolutions will-------

**SUPERVISOR STARK:** "They are generic resolutions."

**COUNCILMAN LULL:** "Yea, but this---"

**SUPERVISOR STARK:** "This is nothing more than what we would have done. He's accepted the application, he has his GEIS impact study, he has the additional one, he's moving to the next step which sets all these processes in place. It still comes down to a vote of the town board whether we're going to grant this special permit or not. That's it. If you want to amend the sale of goods at retail."

COUNCILMAN LULL: "That's not going to change anything."

**SUPERVISOR STARK:** "It's not going to change anything. If that makes you feel more comfortable , I certainly have no objection to it because it's already in the overlay as a special permitted use, am I not correct?"

**COUNCILMAN LULL:** "Sure, my question is (inaudible)

**SUPERVISOR STARK:** "That jumps out at you because we always consider Tanger Properties to be factory outlet, but yet even in the present and the (inaudible) 30% can be accessory use which ends up being retail, does it not?"

**RICHARD HANLEY:** "Thirty percent as an outlet center use, or in the alternative, Jim, is the box 100% general retail sales, but a single tenant, single occupant and a minimum building of 100,000 sq ft.

**COUNCILMAN KWASNA:** "What was it originally, 30% per store or outlet?"

**RICHARD HANLEY:** "The definition says 70% of the site

in an outlet center use has to be manufacturer's outlet with 30% accessory, discount sales, its not specific as--------"

**SUPERVISOR STARK:** "Let me get the motion on the floor."

**RICHARD HANLEY:** "The building department deals with it on the entire property."

**SUPERVISOR STARK:** "Resolution No. 824."

**COUNCILMAN PRUSINOWSKI:** "Is to amend Resolution 815 deleting in the first paragraph "sale of goods at retail"and replacing the wording "construction of manufactures outlets or retail establishments."

RESOLUTION NO. 824 **AMENDS RESOLUTION NUMBER 815 OF 1996**

**COUNCILMAN PRUSINOWSKI** offered the resolution which was seconded by **COUNCILMAN LULL.**

THE VOTE: Wittmeier, Aye, Kwasna, Aye, Lull, Aye, Prusinowski, Aye, and Stark, Aye.

The resolution was thereupon declared duly adopted.

There being no further business on motion or vote, the meeting adjourned at 10:23 am.

Barbara Guattar
Town Clerk