

9/15/1992minutes

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Riverhead Town Hall on Tuesday, September 15, 1992, at 7:00 p.m.

Present:	Joseph Janoski,	Supervisor
	Victor Prusinowski,	Councilman
	James Stark,	Councilman
	Frank Creighton,	Councilman
	Harriet Gilliam,	Councilwoman

Also

Present:	Patricia Moore,	Town Attorney
	Barbara Grattan,	Town Clerk

Supervisor Janoski called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

Supervisor Janoski: "I have the privilege of presenting a Proclamation from Gov. Mario Cuomo in recognition of the DARE Program which we're about to have as part of our programs here in the Town of Riverhead in an effort to combat drug abuse. And I'd like to ask their Officer Dennis to come up and join us.

This is the State of New York, Executive Chamber. (I am going to read part of the Proclamation). Often it appears as though accomplishing the dream of a nation relatively free from drug use and its terrible consequences is beyond our reach. But if you look at the adversity and overwhelming odds that have been overcome in pursuit of other dreams, it is clear that this dream can also be accomplished through the Drug Abuse Resistance Education, DARE Program, our children are provided with information and motivation which fosters individual and collective commitment, persistence and action. This is our most effective weapon in breaking the cycle which perpetuates drug abuse from one generation to the next. Now, therefore, I, Mario Cuomo, Governor of the State of New York do hereby proclaim September 10, 1992, as DARE day in the State of New York in recognition of the efforts of all involved in DARE and their dedication to achieving the reality of a society free from drug use. Given under my hand and seal at the State Capitol in the City of Albany, this 7th day of August in the year one thousand nine hundred ninety two. Mario M. Cuomo. I'd like to present that to you, Officer Dennis. I would say that we as a Town Board are pleased to be able to provide this program in the schools, in the District of the schools of Riverhead, where we have

9/15/1992minutes

attended many of the graduations and I have had some interchange with Officer Dennis and it is striking to me how the children care for him and respect him. I think they are turning a corner as to how police officers are viewed by the people in our community, and it's about time."

Dennis Weinand: "Thanks again. Appreciate it."

"Please come up to have a picture taken with the Supervisor and the Town Board."

Dennis Weinand: "Thank you, thank you very much. Appreciate it."

Supervisor Janoski: Okay. Reports."

REPORTS:

BUILDING DEPT.

Report for the month of September, 1992

TOWN CLERK

Monthly report for August of 1992

WADING RIVER FIRE DISTRICT

1993 Budget Summary

SEWER DISTRICT

Discharge Monitoring Report

APPLICATIONS:

EXHIBITION PERMIT

Riverhead Raceway on October 4, 1992 for a Swap Meet

CORRESPONDENCE:

STATE DEPT. OF TRANS.

L.I. Ferry Steering Committee would like Riverhead Town to provide a candidate for the committee

9/15/1992minutes

MARY LU KESLER

Offers her resignation from the Assessors Office

RIVERHEAD CENTRAL S.D.

Mr. John Mandreski, Principal of Pulaski Street School, and Ms. Denise Lowe, Assistant Principal, would like to speak to the Board about the NYS Mentoring Program

JEFFREY RIMLAND

A letter regarding the views on the factory outlet zone

JOHN OFRIAS, CHAIRMAN OF CORRECT

Two letters regarding finding an alternative to a cargoport

KENNETH H. THOMMEN, SOUTHAMPTON TOWN CLERK

Three Notices of Adoption and two public hearing notices for the Town of Southampton

Supervisor Janoski: "Thank you. The time for the first scheduled Public Hearing has not yet arrived. I will recognize anyone who wishes to be heard on any matter. Steve?"

Steve Haizlip: "Steve Haizlip from Calverton. I know you've heard me say this before, but when the time comes to say it again, I'll say it again. Now, what I've been reading in the paper and been hearing on the radio about all them guys in Brookhaven Town, I guess the Hank Williams song flies again. Your Cheating Heart Will Tell on You, and they gonna cry and cry. But yet the thing that's bugging me right now and I hope and I hope that they don't want to take Town funds to defend themselves from malfeasance and misconduct in office. Because if they do, then the Town Supervisor should put his foot down, and from what I hear, not many of them are very clean. Thank you very much."

Supervisor Janoski: "Thank you, Steve. I was going to give Councilman Prusinowski an opportunity to tell you because we recognize that Mr. McNamara owns a great deal of property here in the Town of Riverhead. What Mr. McNamara got from the Town of Riverhead."

Councilman Prusinowski: "Hard time. It's not the time

9/15/1992minutes

that you go on when you are going to prison. No, we treated him fair and he wanted a re-zoning of one of his properties in back of Kinney Chevrolet to Business-B which was was turned down informally, and he went through the same site plan process as every other applicant in the Town of Riverhead, especially on his building of the corner of Roanoke Avenue. In fact, his site plan was held up for several months over a dispute of the elevator shaft on the roof, if I'm not mistaken, Supervisor, many years ago. To which his attorney in his letter blasting us for giving him a hard time."

Supervisor Janoski: "In short, we're okay. You don't have to worry about us."

Dean Terchunian: "My name is Dean Terchunian. T-E-R-C-H-U-N-I-A-N. I'm a new homeowner at Bear Estates here in Riverhead in the affordable housing project, and I'm here to state to the Town that the homeowners there and the development itself has a serious flooding and drainage problem. We would like to know, number one, if the Town has accepted the roads, I would like to know. Number two, what the Town plans on doing about our drainage problems if they have not accepted the roads or, if they have accepted the roads, and I'd like to get a response from the Town."

Supervisor Janoski: "Okay. The Town has not accepted the roads nor the drainage facilities that have been put in place. The Town Planning Department and Community Development Office has been working with the developer on this problem and there are some ideas that will be implemented to address some of the drainage problems there. I am told that the roads are draining properly and that there is not a problem with regard to the roads but that one of the catchbasins, not catchbasins, sumps, is not working properly and that could be for a number of reasons. But it will be undertaken as a project to correct that one sump and one of the ideas is to interconnect that sump with the other one that is there to make sure that in the case of a overflow that it just would spill over into the other sump. These things are going to be addressed and I'm sure you have a question."

Richard Reids: "Yes, I'm also a homeowner in Bear Estates. My name is Richard Reids. I happen to own the property adjacent to the other sump which you're referencing. I also have

9/15/1992minutes

flooding problems right in that location, am concerned that modifications to solve the other problems would cause further problems for me."

Supervisor Janoski: "What kind of flooding do you mean?"

Richard Reids: "Well, number one, the road is draining not into the sewer that's there but up my driveway and every-time it rains, I have approximately six inches of water. So that is drainage from the road and also there's a lot of drainage problems in the back of the property which aren't caused by the roads. Just like my concerns noted."

Barry Birnstein: "My name's Barry Birnstein. I'm also a homeowner in Bear Estates and out of curiosity, I was wondering why the builder allowed drainage in the back of people's yards instead of in the street."

Supervisor Janoski: "That's an interesting question because that was not as I recall approved as part of the plan that was the builder that did that on his own. The Town Board does not get involved in the aspect of a sub-division or the drainage that's approved. We don't even really see it. But it does, of course, have to meet the requirements as set by our engineer to the Planning Board who reviews it to make sure there is adequate drainage to address a certain amount of rainfall. The drainage rings that were placed on people's property were not placed there with the approval of the Planning Board which approved the sub-division. And I understand that one of the things that we're doing is looking at connecting those to the drainage system."

Barry Birnstein: "The water that's draining into these backyards which they're paying taxes for, should be draining into the street system, which should in turn flow into the main sump. I was just wondering if the Town Board is addressing that problem also."

Supervisor Janoski: "Is aware of it and there are a number of things being considered as far as correcting that. And as I say, I see that a number of people are here from Two Bear. The Town Board's involvement in this has been to make the decision to go into this program of providing affordable housing

9/15/1992minutes

opportunities with the grant from the State of New York. Having done that, we don't really see it again, except for our interest in it as an affordable program. Sub-division is reviewed by the Planning Board, and they have engaged their own engineer. The Town engineer doesn't really even get involved in it. So that the drainage is addressed during that process and I'm sure that if the system were functioning properly and there must be a reason why that one sump is not draining very well. There's got to be a reason and I'm sure we will find out what that is for what we would call, I would call, a normal rainfall, probably is adequate. What we had this past summer was somewhat extraordinary rainfall, but we will, and are, and have been, working on this particular problem and I am sure it will be resolved."

Barry Birnstein: "Thank you."

Councilman Creighton: "Mr. Supervisor, is there a bond outstanding on that?"

Supervisor Janoski: "Yes, there is. \$770,000.00."

Councilman Creighton: "So there is a bond that's being held for the purpose of guaranteeing that the work is satisfactory. Should it not be, the Town, I believe it's the Town Board has the authority to call that bond and take the money and get the work done properly."

Nicolle Cabodavitch: "My name is Nicolle Cabodavitch. I also live in the Bear Estate. I live exactly across the street from that sump that's not working at all. It's not been working since I've been there. I was the 10th person to move in there and every time it rains, I've never seen a normal rainfall in Riverhead yet. You just made a statement, Mr. Janoski, that the roads were draining properly? The last rainfall, it was 13 feet up my driveway."

Supervisor Janoski: "Listen, I don't want to sit here and argue with you, sir. What I said was I was advised. I was advised that the drainage system of the roads was working properly. If is not, we will address it. Mr. Creighton is exactly right and I thought that I had said that. Obviously, I did not. That we have not accepted the roads or the drainage

9/15/1992minutes

system. That means that the bonding that was put in place to guarantee that they were properly done, is still being held by the Town. So we will resolve this. We have the ability to resolve it and to correct it. A sump is there. It is not working for some reason. Maybe there's a layer of clay underneath there."

Nicolle Cabodavitch: "Correct. There is."

Supervisor Janoski: "Okay, so then that's what has to be done. It has to be dug up and that layer of clay removed so that that water will drain."

Nicolle Cabodavitch: "That was what's already done. It didn't resolve it."

Supervisor Janoski: "Well, we'll come up with something."

Nicolle Cabodavitch: "I'm there a year now and it's..."

Supervisor Janoski: "But you know what's interesting to me. I have to say this to you. We had some terrible rain a couple of weeks ago. And during the process of the rain, there was about two inches of water in my den. Do you know what I did? I got a big vacuum cleaner and I cleaned it up and I dumped it outside and I didn't call the Town. But we're going to fix this because we're involved in this and we're going to make that system work for you. But, you know, you have to work with us."

Nicolle Cabodavitch: "The entranceway coming in, who is responsible for mowing down the hayfield that's there now?"

Supervisor Janoski: "I have no idea."

Patricia Moore: "It's private property."

Supervisor Janoski: "Private property."

Nicolle Cabodavitch: "Oh, it's private property. Okay."

Patricia Moore: "It's not part of the sub-division."

9/15/1992minutes

Nicolle Cabodavitch: "It's not part of it at all?"

Patricia Moore: "The one where the, that building?"

Nicolle Cabodavitch: "Where you come in, where you come into the entrance, right off of Middle Road."

Patricia Moore: "Okay. The entranceway, eventually, when the Town accepts the roads, the area that is next to the roads the public property, will be maintained by the Highway Department. If that area is part of the roads that you are describing then the developer still has the ownership and has to maintain it. The area to the left that has that big building, that's not part of this as it's owned by someone else."

Supervisor Janoski: "Yes, sir, Jimmy. And, who are you young lady?"

Patricia Miller: "Patricia Miller."

Supervisor Janoski: "Did you want to speak to the Town Board?"

Patricia Miller: "Yes, I did."

Supervisor Janoski: "Oh, did you want to be recognized by the Town Board?"

Patricia Miller: "I want to be recognized by you."

Supervisor Janoski: "Okay, well I asked Jimmy to come up, but you beat him here."

Jim Divan: "Jim Divan. I live at Lake Two Bears also. My basement also floods. I think it's primarily because they graded the property towards my house instead of towards the road, so even though the road doesn't flood primarily into my yard, my yard doesn't flood into the road. So that's why I get water in my basement. Also, I was wondering if anything had been addressed about the electrical wires and the problems involved with them."

Supervisor Janoski: "Not aware of those."

9/15/1992minutes

Jim Divan: "They weren't buried."

Supervisor Janoski: "Pardon me?"

Jim Divan: "They weren't buried far enough. We have underground cables. In the normal course of rototilling my lawn, which I went down maybe three inches, I cut the cable wire and the telephone wire, and my next door neighbor who is here, was rototilling and they cut the Lilco groundwire which came up to the surface within about four inches of the surface. I also know of another instance where someone was digging their mailbox in."

Supervisor Janoski: "All right, Jimmy. Let me just get a chance to ask you. Andrea?"

Jim Divan: "I just want you to be aware. Thank you."

Supervisor Janoski: "That's something I was not aware of. Did you hear that one?"

Andrea Lochneiss: "We were aware of one situation many months ago and Ken Testa had been looking into it with regard to Lilco. We were not aware of any other situations like that, so if anyone does have a problem where they come across electric lines that are not buried adequately, they should let us know that."

Supervisor Janoski: "Do we have a depth that these things should be at? Twenty-three inches?"

Jim Divan: "They should be at least 18 inches, that's what I was told by the Building Inspector."

Supervisor Janoski: "Who's saying that? Is that you, Jimmy saying that?"

Jim Divan: "I'm sorry, 18 inches I was under the impression."

Supervisor Janoski: "Well, that's as I say information to me and Andrea, I guess you were aware of some of the situations. Yes."

9/15/1992minutes

Patricia Miller: "Thank you. Mr. Janoski, I'm very glad that you were able to take your simple vacuum cleaner and vacuum up that little bit of water you had."

Supervisor Janoski: "Not a simple one."

Patricia Miller: "I, in my case, had to have 12 firemen, the Highway Department, for a period of nine to 10 hours pumping my property and my basement. It took me a month after to still pump out the water. Every single basement window was broken into and the water came in like a broken dam. That's my situation. I could sympathize with the rest of the people. I can understand their plight. I, also have a plight. And that vacuum cleaner is not going to solve it. There's a bigger, much bigger problem here and it has to be addressed."

Supervisor Janoski: "It appears that there is."

Patricia Miller: "I would also like to know, are you going to accept these roads under the conditions that these homes are still in?"

Supervisor Janoski: "No."

Patricia Miller: "So, in any case, are you going to accept the roads? Are you going to have the roads dedicated to the Town, the sump, the park, if these conditions still remain on our property?"

Patricia Moore: "If you have building of...some type of problems. When you bought the property, you had a punchlist, like any one of us when we buy property, they have a punchlist. That's a private..."

Supervisor Janoski: "Sir, let me explain something here. I don't allow people to yell out from the seats. If you want to be recognized, I will be happy to recognize you. Okay."

Patricia Moore: "Let me just explain what our legal authority is. We, the Town of Riverhead, is waiting to accept the dedication of the roads. That means that the roads have to be met to standard and that the drainage system has to meet the Town standards. When you as any one of us would buy a

9/15/1992minutes

piece of property from a private person, because that's really what you're talking about, a private developer, you may have a punchlist. And if your contractor fails to complete the punchlist, if you have an escrow, you apply the escrow. If you don't have an escrow, you can go after them through some kind of a legal process. But the Town cannot intervene in that contractual relationship between you and the developer."

Patricia Miller: "Well, I just want to know how far the Town will stand by the people of the Town."

Patricia Moore: "Well, I think that you know from the comments that have been made and the record of the communication, that the Community Development Office has gone beyond the scope of their typical involvement with any private development to make sure that all of the individual problems that you advise us of, is then forwarded on to Two Bears and they're told and they're asked to correct those problems. We're acting as intermediary there, where really, if you bought a house in Timber Ridge Estates or one of the other sub-divisions, you wouldn't be able to come to the Town and ask the Community Development Office to send a letter and force the developer, the builder, to repair the problems with your house."

Patricia Miller: "But, being that the Town was under the Supervision of this, because this was an affordable housing development backed by the Town of Riverhead. So, there you do have your foot in the door in that case."

Rick Hanley: "Richard Hanley, Planning Director, Town of Riverhead. I think the particular concern of this person here is are private structures on private properties that are not functioning properly?"

Patricia Miller: "I have two drywells and a drop basin."

Rick Hanley: "The Planning Board has asked in their review of the surveys for the whole subdivision in order to make a decision or a recommendation to the Town Board for acceptance of all roadways and drainage areas for as built surveys of all private drainage structures in the sub-division. The reason we want those surveys is we want to see exactly what's there and they are going to make some decisions on whether those

9/15/1992minutes

private structures should be connected to the sub-division drainage system. We can't make that decision until we have the data and that data has been requested through correspondence and we expect it shortly."

Patricia Miller: "Okay. Now, I wasn't aware of that, that that was the purpose, I thought the purpose of that was to..."

Supervisor Janoski: "Listen, this is not like the discussion that we are having here. I know that this is your first time at a meeting, no, no, don't go away. It's just that what you're saying has to be recorded so that it can be typed as part of the record of the Meeting. And those kind of little interchanges, it drives the Town Clerk crazy. Or actually the person who is doing the transcribing. Sir, Mr. Dean, I don't recognize you and I'll tell you why. We haven't asked if there is anybody else who wishes to be recognized. Is there anyone else who wishes to be recognized? Yes, ma'am."

Mrs. Birnstein: "My name is Mrs. Birnstein. I also live at Two Bears. I'd like to state that, I'd like to know if there were any Perc test done. Were there?"

Patricia Moore: "The Planning Department would be required to ask for any kind of testing of the property so it's the Planning Board not the Town Board that does a sub-division approval. And, Rick, maybe you can answer what the standard course of events is in the sub-division."

Rick Hanley: "Richard Hanley, Planning Director, Town of Riverhead. The sub-division had, as all sub-divisions do in the Town of Riverhead, a soil boring to indicate where various strata are within the sub-division. There were at least four test holes taken in that division. And the drainage design was based upon that data test holes. I'll go further and say that the engineer of the Planning Board has already decided that a possible solution to the northerly recharge area would be a connection from that northerly area to the southerly basin which seems to be draining just fine. We believe we can solve that problem with the drainage basin."

Supervisor Janoski: "Ma'am, once again. We can't allow

9/15/1992minutes

little conversations. Would you ask the question into the mike?"

Mrs. Birnstein: "Right. I just wanted to know if any other Perc tests have been done recently. It's under my understanding that two feet of topsoil was stripped. I have no topsoil. Therefore, I have no drainage."

Richard Hanley: "Richard Hanley again. There was an excavation of that recharge area done when we first learned of the problems with the northerly recharge basin, and it was thought that that excavation would solve the problem. We are now of the opinion that we will have to connect those two basins. That's a different matter than topsoil on an individual lot or private lot. And this is the first I'm hearing that the topsoil has been stripped off every single lot in the subdivision, so."

Mrs. Birnstein: "I'd just like to ask one short question. You say you have the bonds. How much time are you going to give Two Bears to get their act together and give us our neighborhood?"

Councilman Creighton: "How long will it take, Rick?"

Richard Hanley: "Richard Hanley again. The Planning Board will not recommend to the Town Board that they accept the roadways and drainage areas as Town property until all these problems have been rectified. That's clear from the correspondence in the record in my Department, between myself and the consulting engineer of the Planning Board. As soon as we get in house as built surveys on the sub-division, as built surveys on the individual drainage and all problems rectified, then we will recommend to the Town Board for dedication. If that is not forthcoming in a reasonable period of time, the Town has the authority to call the performance bond on this sub-division, and that's a decision for this Board here."

Patricia Moore: "Just so you understand the timing of a calling of the performance bond. When you call a performance bond, the Town Board declares that the contractor's in default, and a bonding company steps in. The bonding company typically will assess the cost, the work that has to be done, and then

9/15/1992minutes

contract out to other contractors to do that work. That process itself can take months. So, so far we've been working with a contractor. There's been correspondence back and forth to try to solve the problem. So far at least on the Town's level, we've gotten cooperation by actively having authorize surveyors to prepare the maps. Authorize engineers to review the drainage. So everything is being done and if you review any of the correspondence file, you can see there is active progress. Unfortunately, in the last two weeks, we had one terrible rain storm after another and just as we thought we were heading towards resolving the problem, another rain storm occurred which just aggravated the condition. But we are actively working on it, just, the alternative of calling a bond, is not a miraculous solution. It will get the job done but it will take time as well. So, right now, we are working with a contractor and he is at least on this side cooperating by authorizing other people to do the work. Okay."

Kathy Petrowski: "My name is Kathy Petrowski. I also live in Two Bears. Basically, we haven't addressed the park which flood every time. I live right next to it. When it floods, that place is inundated with children. They are going down slides, they are jumping into this water. Somebody is going to get hurt. How long is it really going to take to get this really taken care of? Somebody is going to get hurt."

Richard Hanley: "We're aware of ponding through the top lot area of the playground area. It appears that it ponds almost every rain storm. We have a solution for that ponding which would provide for positive drainage between the park and the recharge basin which is, it's contiguous to. That will be just one more item that will have to be rectified prior to acceptance."

Supervisor Janoski: "By positive drainage you mean a collection system?"

Richard Hanley: "Right."

Patricia Moore: "They had put in, I'll just refresh recollection. They had tried to solve the problem there by putting a self-contained, they called it a french stream, I

9/15/1992minutes

never heard of it, but anyway, the engineering term I guess it's recognized. It's a separate catch unit that would have caught the water and should have allowed some drainage. But that wasn't working. So now we're at a second try in trying to solve the problem."

Mary Ainswirth: "Hi, I'm Mary Ainswirth. I'm also Two Bear Estates. I'm very happy with my house and I'm very happy being there. But I'm concerned with this road not being approved to the Town. What is going to happen in the snow when we have snow this winter?"

Supervisor Janoski: "Oh, we will maintain the roads as far as plowing snow. The acceptance by the Town is a formality in which we agree that the roads and everything that has been put in place is to the requirements of the Town. The reason that we hold a bond is to guarantee that. Because the one thing that the contractor, builders don't want, is for us to call that bond because if they're in the business of building they will probably never get a bond again. So they want to make sure that everything is done right and as has been said, there are people who are working on this, trying to correct it and the roads will be plowed in the wintertime. If we get any snow this year."

Candy Ulmet: "Candy Ulmet, also of Two Bears. I've been on Two Bears back since last September when I also had 10 feet of water in my basement and a lake in my backyard, not a pond. The last rain it was above my knee in my backyard and above my ankles in my front yard. I had built up my gardens, thank God I didn't get any in the basement. I also have two drywells in my backyard. They opened them up in April, since the first rain in April, they have never, ever drained. Every time it rains, whether it be a light rain for 15 minutes to a heavy rain, I have water in my backyard that does not drain."

Supervisor Janoski: "Your reference to the drywells, they're just..."

Patricia Moore: "At your request, private drywells?"

Candy Ulmet: "Because, I guess, of my first flood. Last

9/15/1992minutes

September."

Patricia Moore: "Well, your property is going to be one of them shown on the, what we call as built, to identify who has these independent drainage structures."

Candy Ulmet: "I probably called Two Bears 100 times in the last year and I have never seen anybody. My property is totally graded the wrong way. Rivers from six other properties coming down onto mine and that's where it stands."

Supervisor Janoski: "This is interesting. I'm sorry, Ken. The young lady with the baby. Dean you don't have to raise your hand, I'll remember that you're there."

Eileen Mangino: "My name is Eileen Mangino and I also live in Bear Estates. I'm here because I love my house and I'm very happy there. We are at a low point in the development and I am afraid about the drainage, that it's going to flood the basement at some point. But I hope that we can all work together with the Town. I mean I think Two Bears in a sense their weak spot is definitely drainage and handling of that sort of thing. And I do think they stripped the topsoil off but I see that we homeowners and Township work together."

Supervisor Janoski: "There's no question about that. I have a question for the Planning, if you could come up Rick. This is a normal sub-division. There was nothing out of the ordinary about this."

Richard Hanley: "This was a zoning sub-division."

Supervisor Janoski: "Okay. When we do a sub-division or the Planning Board does a sub-division, we get a topographical map as part of the sketch plan?"

Richard Hanley: "We get a survey, topographic survey as part of the sketch plan. All grades are shown on the sketch map, existing grades and proposed grades."

Supervisor Janoski: "And the engineer to the Planning Board reviews this and takes into consideration water flow direction?"

9/15/1992minutes

Richard Hanley: "Yes. Not just water flow from hard surfaces expected but also overland water flow from contiguous properties. This sub-division conforms fully with the code relative to roadways and depth of recharge. There are some field conditions here that we're dealing with and this is not atypical for a sub-division to have a punch list that has to be responded to by the developer to the engineer of the Planning Board."

Supervisor Janoski: "This is an extraordinary situation would you say that?"

Richard Hanley: "I would say that we've had extraordinary conditions this summer and I think that all these problems will be rectified. It's important to understand that at no time did the Town Board or the Planning Board instruct this developer to put private drainage structures on private properties. He did that at his own, on his own. And the Planning Board has asked for as built's on all these private structures."

Councilman Stark: "Rick, is there any recourse by the homeowner to the developer through his bond on damage that was caused to their property as a result of the poor design or the poor construction or..."

Richard Hanley: "What's that, just pure civil action, Pat?"

Patricia Moore: "I would think so."

Richard Hanley: "I mean, I would like to straighten this out from at least the Planning Board, Town Board end. I think these problems can be solved, Jim."

Councilman Stark: "There's no doubt in my mind that the problems can be solved, but in the meantime and don't get me wrong, I'm not beatin' up on you, but I do recognize the value of the people who are living in the community that until we go through this bureaucracy, and you well know bureaucracy, you've been in it longer than I have, the damage can continue to happen to their homes as a result of Two Bears, who I was never

9/15/1992minutes

in great love with as far as their reputation in other Towns, in their past performances in the other Towns. I mean they happen to be here after my arrival and it's something I had to live with, but I think Community Development and the Planning Board and everybody else has done an extremely good job and we've supplied affordable housing to a lot of people, but there's a gap in there of bureaucracy that's got to be closed as rapidly as possible to save further damage to the property and the homes of these affordable homes."

Richard Hanley: "Well, I think what probably what's going to be most inspirational to the developer to get off the dime on this, is the fact that he's got almost a million dollars tied up here in a performance bond and as Pat said, I think we can be more expeditious in solving these problems through negotiation with that bond in place then to call it."

Councilman Stark: "Is it a cash bond or just a purchase performance bond?"

Richard Hanley: "It's a performance bond, Jim."

Councilman Stark: "Just purchase? So he paid a small premium. He doesn't have a million dollars, the bonding company has a million dollars tied up. Now either the bonding company gets up off their butt and does something. All right. That's all. Thank you."

Councilwoman Gilliam: "With regard to the statement that the Town would have more bargaining power by letting the performance bond stay in place rather than calling it, I still think that there should be some time frame set with them, like a certain time if these repairs have not been made, that the Town should move towards calling the bond. That there should be some time limits set within which Two Bears is expected to act or respond so that the homeowners are not kept in limbo with regard to their drainage problems. And I certainly think the Town is in a better position to exert that bargaining power and exert that influence on Two Bears than the individual citizens are."

Councilman Creighton: "By any chance is the engineer to

9/15/1992minutes

the Planning Board present?"

Supervisor Janoski: "He's not. Did you want to jump in-
to this, Alice? Jump right in."

Alice Graff: "I have two statements, one, before this
place, this development, was set in, I had people who lived in
that area tell me that they're going to have a lot of trouble
with drainage. Now, there must be something back there some-
where that the people from that area know about. So those
people would not be surprised about the problems that are exist-
ing now. What to correct, I have no idea. But my second
question or statement or whatever you want to call it, is I
was told today that the affordable housing by the dumps, that
since they can't seem to be selling too well, they are renting.
Is this allowed? I was under the impression that that was not
a thing that was to be allowed. I don't know if it's a fact
or fallacy, but this is what I was told today."

Supervisor Janoski: "Well, first of all, Alice, we don't
call the dump the dump anymore. It's now the recycling center.
Andrea?"

Andrea Lohneiss: "Are you referring to the Osborne
Meadows project?"

Alice Graff: "They just told me up by the dumps."

Andrea Lohneiss: "Well, on Osborne and Middle Road, we
have a third sub-division of 21 units called Osborne Meadows
which has been sold for several months now and renting is pro-
hibited by the covenants and restrictions that we placed on
the property. So we're not having trouble selling. They have
been sold."

Alice Graff: "I was just told they're renting."

"What about Silver Linings?"

Andrea Lohneiss: "Silver Linings has been sold for four
years and there are no renters there that I know of. It's
also prohibited."

9/15/1992minutes

Councilman Stark: "Andrea, she's referring to Oak Drive there off Youngs Avenue, which is in I believe Chapter 11. The Manors."

Andrea Lohneiss: "That's a standard sub-division. It's not an affordable housing sub-division."

Councilman Stark: "There were some houses that were completed that are probably being rented by the bank to anybody that wants to rent them."

Supervisor Janoski: "Which has nothing to do with the Town. Private sub-division. Looks like you're up Dean."

Dean Terchunian: "My name is Dean Terchunian. Earlier I heard comments from the Town Board or the Town Attorney that the Town wasn't responsible for the grading of each of the lots in this sub-division. I believe that's the statement that was made."

Patricia Moore: "Nobody mentioned anything about grading. If you're going to ask a question, go ahead."

Dean Terchunian: "It appears from what the people have said here that have come and spoken tonight that there are some grading problems in the sub-division on people's homes on their lots. I am aware because I have read the contract between New York State Affordable Housing and the Town and I have read the contract between the Town and Two Bears that it states extremely clearly that the Town engineer must approve the grading on each one of the lots. So if we are having grading problems as stated here, that means that the Town engineer has reviewed the grades on these existing properties and has let this situation happen. Thank you."

Supervisor Janoski: "The Town engineer in this case is the engineer to the Planning Board which approves the sub-division. Anybody want to add anything to that?"

Richard Hanley: "Rick Hanley again. The as built surveys that the Planning Board has asked for from the developer I think will answer this question, as they will refer the as

9/15/1992minutes

builts to the proposed topographic survey and the preliminary plat and if there are disparities, then they'll be dealt with."

Supervisor Janoski: "So what you're saying is that the Planning Board with the advice of the engineer to the Planning Board approved a sub-division with drainage in certain topographical features. When we get the work that was actually done, the as builts, we will compare that to what was approved and if something different has been done, we will move on it. Thank you. Before we move on, is there anyone else who has anything to add? Okay, thank you all very much. Oh, you want to say something?"

Bob Russo: "My name is Bob Russo. I'm from the Two Bears also. If you have a personal problem on your private property of improper grading, what you just said to us, does that mean that we have a chance to get our grading done properly then?"

Supervisor Janoski: "If what is done is different than what was approved by the Planning Board, I would say that will be the result."

Bob Russo: "Okay, how will we get notified on this? How can we find out that there's been a problem?"

Supervisor Janoski: "Well, Rick, can you suggest a method?"

Rick Hanley: "Rick Hanley again. This is all about getting public facilities in this sub-division dedicated. And all of these things get done through that process. I'm not sure I understand what the suggestion is whether you can come in and inspect the topographic survey. Would it mean anything to him, I don't know because we don't have as builts yet and when we get those, I think the professional is in the best position to review them together and to make some decisions."

Supervisor Janoski: "Well, I get the strong sort of

9/15/1992minutes

feeling here that they're not trusting the professional. Suppose that the individual homeowner after all this information is in, want to come in and find out about their specific piece of property as to the grading, what was approved, what was actually done. Could they come into the Planning Department and talk with you?"

Rick Hanley: "When we have the as built? Yes. It's also possible that each one of these folks in the audience might have their own survey necessary for closing. I don't know what the banks require in terms of topo, but if they've got their own data, they could certainly take a look at it."

Supervisor Janoski: "Okay, good. Does that answer your question?"

Bob Russo: "Yeah, I have just a couple more though, please. It was also brought to my attention and other people's attention that there was supposed to be a year guarantee given on these houses and as you have probably found out and I know Mrs. Lohneiss has been very helpful in trying to cure some of my problem. To get any form of guarantee out of the Two Bears Corporation is impossible, impossible is a nice word, and I don't know what to do with it any more. I have a few things that I would like to have them do but it appears to me that they will never come and never do anything again for me and I want to make that as a beef or gripe. It's just terrible. I was aware of their reputation before this, but this exceeds anything that I have ever heard of them in the past. It was brought up that if you bought a private house, if I had bought a private house, ten to one I would not have ended up buying it from unfortunately Mr. Tufts, because either it would have been done right which unfortunately in this case I had doubted, or we would have killed each other. Plain and simple. That's the way my relationship had gone with the company and that's one of the reasons why it's gone this far. And I was going to ask about a workmanship bond. If there was any form of workmanship bonds that were ever instituted, what recourse could the Town help me or anybody else in this matter."

Supervisor Janoski: "I think you're getting into your own private relationship but I would defer to Andrea or the

9/15/1992minutes

Town Attorney. The Town Attorney.

Patricia Moore: "To my knowledge, that you're dealing with the warrantees of your individual house between you and the builder and that's something that unfortunately you have to settle with the builder and you have recourse through the Small Claims Court, the Justice Court. There are ways of if you don't get recourse through negotiation, you end up having to go to Court. And depending on the amount that you are suing for, the Justice Court process is manageable for a layman."

Bob Russo: "So you would have to bring him to Small Claims Court is what you're saying."

Patricia Moore: "Small Claims, and that can be done by yourself. You don't need a lawyer. So. But, unfortunately, that's..."

Supervisor Janoski: "Andrea, what kind of record do we have, have we compiled as far as Two Bears' response to complaints?"

Andrea Lochneiss: "On this particular situation? In general, they're not all that responsive to us either, although we have had some more leverage historically through this project than the individuals purchasing the home."

Supervisor Janoski: "Let me ask one of those questions that I ask. This was a project built in the Town of Riverhead, therefore, requiring the inspection of the Town of Riverhead Building Department. Should I be assured that it has been built and meets the codes of the Town and the State?"

Andrea Lochneiss: "There were 120 COs issued which would imply that the State building code has been complied with."

Supervisor Janoski: "Okay. So the complaints that we're having are not of a structural nature, but what would I call it? Cosmetic."

Andrea Lochneiss: "Primarily."

Councilman Stark: "Andrea, while you're up. In fact,

15/1992minutes

When the recipient or the buyer of the house went to close, wasn't that, in fact, when the money was released to the buyer? Or was it released to the builder?"

Andrea Lochneiss: "The State money, the grant?"

Councilman Stark: "Yeah."

Andrea Lochneiss: "No. The grant was controlled by the bank, the construction lender, and it was drawn down in a pro rata basis with the rest of the construction loan the Dime provided."

Councilman Stark: "Was there any balance done prior to the closing? Was there any balance that was due the builder at the time of closing?"

Andrea Lochneiss: "It was not drawn down house by house. It was drawn down based on a percentage of construction for the project as a whole. So."

Councilman Stark: "It's an area we overlooked. We should have done it house by house."

Patricia Moore: "No, we tried, but neither the State nor the Dime allowed us to really save very much when it came down to the draw downs. In fact, we fought tooth and nail at the time of closing to even be notified that there was a draw down."

Andrea Lochneiss: "We controlled the draw downs for a long time. It was at the end of the sub-division that the builder decided that the Town having that kind of control was not what they wanted, so they went elsewhere for the rest of their financing, in order to circumvent our control over their draw outs."

Harriet Gilliam: "I just want to make a comment as a result of this dialogue that just took place between the Supervisor and our Community Development director. As characterizing the problem as cosmetic, I would hardly call three feet of water in your basement, or all of your basement windows being broken out, a cosmetic concern. And I think it's an over-

9/15/1992minutes

simplification of a very serious problem, and I don't think that it's appropriate to refer to this as a cosmetic complaint or a cosmetic concern when people have severe drainage and flooding problems."

Supervisor Janoski: "Harriet, I don't recall ever having said that the flooding was cosmetic. I asked what kind of problems the gentleman was having. Harriet, I'm getting tired of you mischaracterizing what I'm saying here. Pay attention. Show up every once in a while. You'll find out what's going on."

Harriet Gilliam: "Well I think you should take your own advice, Mr. Supervisor. But I think you should start giving respect that's due in this Town Board. Start running it like a Town government not like a circus."

Supervisor Janoski: "Ma'am, could you give me an example of what we're talking about. Listen, it's all well and good ladies and gentlemen, but I was talking to the gentleman. I asked what the problems were. I asked a very intelligent question. Did we inspect it? Did it meet the Town code, the fire code? I was told yes. I asked a question, how would you describe the problems? I didn't say cosmetic. Someone else said cosmetic. Now could you describe for me a problem that you have?"

Bob Russo: "I have a problem right now in my kitchen where when they had put in the counter-top, everything was made to my knowledge, everything was pre-cut to just be put in. They put the kitchen counter-top in and then when they put the stove in, they couldn't really put the stove in right because there wasn't enough room. What they did was they jammed it into the corner and cocked the stove in such a way so they could get it to fit and what happened was, they had scratched the whole floor, excuse me, they didn't scratch the whole floor, they scratched maybe up to three or four tiles, which after they had replaced the tiles with the wrong color and there was imperfections in the other tiles, the whole floor is now a disaster, and when I go to use the stove, the stove rubs against the wall and it's starting to take the paper off the sheetrock. So, you know, this here is to me, although it

9/15/1992minutes

might sound minor to somebody else, is a relatively big problem, because in doing my homework what I'll more then likely have to do, is take the kitchen counter-top off, cut it to the appropriate size so the stove will fit right, and then that will hopefully solve my problem provided I don't tear any more tile when I go to take the stove out. So you see, it's that type of situation where it's one little problem but with that one little problem to try to fix it, everything gets compounded and you don't know which way to turn. And that's my major one right now. I want to thank everyone for of course doing this project and but I have to make my voice known. Thank you."

Supervisor Janoski: "Listen, I appreciate what you're saying. The Town Board at that time, took a very big step in allowing this project, in supporting this project. Because there were many people who didn't want it to happen. Members of the Board at that time thought that they were doing exactly the right thing in supporting, applying for the monies, sponsoring the application, and getting the monies from the State. I will tell you that based on what is happening here, that I wouldn't blame a Town Board for never wanting to do another project again."

Bob Russo: "I would almost advise them not to."

Supervisor Janoski: "We had the courage to go ahead with the 122 units, I believe was the number."

Andrea Lochneiss: "120".

Supervisor Janoski: "And we had thought that we were creating a beautiful community for people who would have an opportunity to own a home. And I got to tell you something that I do not support nor am I in favor or condone any of the things that have happened as far as the building of that project. And I have to tell you something else, that I don't like that this Board or the attitude of people directed toward us. I mean we didn't do anything wrong. We tried to do something right. As far as the builder and the materials and the way it was built, we have professionals who look after that and make sure that it met code, et cetera, et cetera. I would

9/15/1992minutes

take a ride up there on a regular basis and look at it. I have to tell you that it looks nice. I know from nothing about grading and draining and that kind of thing, but I was very pleased by it. Planning, Community Development, and members of the Board, I think have indicated their support to try to correct the problems that exist. And to the extent that it is possible, we will do that. I never thought I'd see the time to come that I would almost be sorry that we got into this, but I feel a little regret. What we undertook as being leadership on the Island, no other Town has endeavored to do as many affordable houses as we have in this little Town. And it is just unfortunate that the result seems to have some problems. But, I can only say one more time, we're going to do everything possible to correct what the problems are."

Bob Russo: "I wanted to thank you and I want to let anybody else that wants to speak, we'll let Dean talk because he has another situation. Thank you."

Supervisor Janoski: "I see that he does. Go right ahead, Dean. I see that we got Steve Haizlip but we'll save him for later."

Dean Terchunian: "My name is Dean Terchunian. I know I've been up here three times this evening and I don't want to dominate the time. I have one more thing I'd like to say and I'd like to separate the issues here."

Councilman Stark: "Dean, could you just speak into that microphone?"

Dean Terchunian: "Mr. Janoski recently asked us at the meeting tonight if there are things besides cosmetic problems with the house. I would like to state a scenario that has happened with my house and my property that started last September 14th when I went to the builder and told them about a building code violation amongst other things that were wrong with my house. The builder threw me out of his office and threatened not to sell me my house and threatened to beat me up in his office. It's a sad thing to say. I went to Andrea Lohneiss a month later after I had notified Two Bears hoping they would do something, Two Bears themselves. Andrea

9/15/1992minutes

Lohneiss, and if it wasn't for Andrea Lohneiss, I probably would not own my house today. And with the help of the Town. Because Two Bears refused to sell me my house. I do want to point out besides cosmetic, October 17th of 1991, in documentation provided to the Supervisor's office, the director of Community Development and to the Building Inspector, who I personally spoke to, Mark Hepner, there was a building code violation on my house. And it's a flashing problem where there is no metal flashing between the concrete stoop and the wood of the house. This is a direct building code violation. I pointed this out to Mark, amongst, and also to Andrea. They, Mark said he would look into it and take care of it. I assumed that the professional would take care of it. To my dismay, in May, I was going to put a stoop over the concrete step and I found out that the water from the stoop, instead of draining away from the house, drained towards the house. I was instructed by the contractor that I should take the stoop out, otherwise I would have a water problem against my house. I had the contractor take the concrete stoop out and found out there was no metal flashing. I pointed this out to Mr. Janoski in a meeting in May and he said he would look into the matter which I believe he sent Mark Hepner out there to take pictures. Later on in June, I had a meeting with Pat Moore, the Town Attorney, and I discussed this same problem with her. And before the meeting got started I let her know I was very grateful to the Town for the opportunity to own a house. And I still am. I was told by Pat Moore that the Building Inspector had informed the Supervisor's Office that I had tampered with the flashing and removed it. And had thrown water against the house to show that the wood was wet. And I said well, I said let's say that I am a liar. I have a back stoop with the same problem. I'd like to open that up in front of the Town and the professionals of the Town, to show them that I had the same building code violation there. To date, I have not heard from the Town. I was also informed in that same meeting by Pat Moore that if I pursued this matter of bringing up this building code violation, that she could in her power of the Town, revoke my C of O and force me to fix this problem myself. As a small person..."

Patricia Moore: "At this point, I'm going to interrupt you because you are mischaracterizing and misquoting me to

9/15/1992minutes

such an extent that you are getting libelous. Now, excuse me, sir, but you are affecting my integrity here. What I advised you is if you want to pursue the matter, the Building Department will ask the Building Inspector to, excuse me, ask the contractor, to pull the CO. If we pull the CO, you're living in a house without a C of O. And that's not to your advantage. So I advise you that the only recourse I have if I finally get to the point of finding that the violation occurred, is that you don't have a valid CO. If you don't have a valid CO, then you're living in a house without a CO, now your insurance is in jeopardy and you're the one who is ultimately stuck with that problem."

Dean Terchunian: "And what I'm point out here, is that the Town Building Inspector was aware of this and yet gave the C of O to the house. I am stuck with the problem and to date I have not heard from the Town of how they're going to approach this problem, and I am, and my wife and my child, are distressed over the situation."

Councilman Stark: "Who signed that C of O? Do you recall, Dean?"

Dean Terchunian: "No, sir."

Councilman Stark: "Could you let me know?"

Dean Terchunian: "You'd like to know who signed the C of O?"

Councilman Stark: "Yeah, sometime in the next couple of days."

Dean Terchunian: "Sure."

Councilman Stark: "If you would, please."

Eileen Mangino: "First of all, this Development is everything that you ever hoped it would be. It's a wonderful place to live. I have wonderful neighbors. So many people that I know before we had the opportunity to move into these houses, we were doubled up with our families. I lived with my parents, with my husband and my daughter, pregnant, well I wasn't

9/15/1992minutes

pregnant for a year, but I lived with my parents for a year because we couldn't afford to get out and even rent. There were other people in the development that had the same story, so don't ever regret doing this development. You can't imagine how important this is to so many people, and I urge you no matter how much trouble you find yourselves experiencing from this project, do it again, do it a hundred times because it's really been a blessing for so many people. And I see that every day and I, every single day since I've moved in that house, I have thanked God. I really have. You have no idea what it's meant. The other thing is, I don't think we should be bothering the Town with problems like our stove is pushed in crooked. Excuse me, I know that's important, I have problems like that too. But that we can go to Small Claims Court. There's avenues through which we can deal with that. The problem that we need the Town for is the big problem of the drainage. They have control over that because of the Highway Department and their responsibility for maintaining the roads and accepting them. And that's what we need you for. We need you to help make sure that we are in habitable homes that aren't getting wet everytime it rains heavily. And that's really what we need, but we thank you, I thank you for embarking on this very much. And the other person I think really deserves a lot of credit and I want to say that now, Andrea Lochneiss. She has been dealing, she has been completely calm and cordial to me whenever I've called. She's extremely good with public relations. I know she's getting it from all sides and I just want to say thank you. I was going to write a letter, but I'll say it now. Thank you."

Supervisor Janoski: "Thank you. As I say, this was a difficult project for the Town to undertake and, you know, I seem to have what I say just turned a little bit. I didn't ask the question that Dean said I asked. I asked a very specific question. Did we inspect it? Did it meet State code? And I asked a question: How would you describe the problems? I think, Andrea, you said the word cosmetic. I never used the word except to repeat it after you said it. So, in this kind of atmosphere, it's very difficult to come I guess to an understanding. It's an emotional issue for you. You have probably as I have when I was your age, invested far more then you can afford in owning this home. I can only say again that Andrea, you know her, you know that she's going to do her best. Rick

9/15/1992minutes

Hanley working with the Planning Board is going to do his best to resolve the drainage problems and we're not going to approve and accept roads and drainage systems until someone tells us that they're right. I guess that's the situation."

Andrea Lochneiss: "I'd like to just clarify that the term cosmetic was in contrast to your question as to whether they were structural. And it was not in any way to diminish the seriousness of the problems within the homes, and it was completely separate and distinct from the roads and drainage problems."

Supervisor Janoski: "Well, be that as it may, and to me cosmetic because I'm doing some things around my house now, cosmetics are very important. It doesn't diminish it but I wanted to make sure that our function of inspecting those properties was undertaken and undertaken correctly. I'm aware of Dean's problem, I have been told that the flashing is there. He says it's not there. Somehow we're going to have to resolve this thing. Dig it up. I don't care."

Andrea Lochneiss: "The question as to whether there were CO's issued, yes, there were 120 CO's issued."

Supervisor Janoski: "Thank you, Andrea. Steve, did you want to comment on this? Okay."

Steve Haizlip: "Steve Haizlip from Calverton. That young lady up here, what was she saying? Yes, we need housing, but learn from this and so Mr. Hanley, as he was addressing, he came up with the words as built. That reminds me when I go out and buy a car sometimes. I was a youngster and didn't have too much money, the guy would say "as is". Now, are we going along like, hey, you take this as it's built?"

Supervisor Janoski: "No, not at all, Steve. What this means in this case is a document, in this case a survey, a topographical survey, which will indicate what's there. So that we can compare it to what was approved. Very much, we, as you know, approve site plans here on a regular basis for businesses. One of the functions that we carry out is in approving the site plan, is to inspect it, not only for structural things, and also to make sure that what we approved

9/15/1992minutes

is what's built, looks like architecturally and conforms to the plans that were, in fact, approved by the Town Board. And that is an as built. As they did it, as opposed to so that we can compare it with as it should be. Which may be the same."

Steve Haizlip: "Joe, you know, I don't want to be a smart alect, but you know we talked over there about the (inaudible) this is (inaudible)."

Councilman Prusinowski: "Supervisor, Steve, to follow up on what you're saying, what in that context is from the correspondence that I've been reading here from the engineers to the (inaudible), it's I believe an engineering problem on the drainage, and what the engineer wants to compare is exactly in plain English the Planning Board approved a map with drainage specifications, and they want to see what actually was built so when the engineer is asking for those as built surveys, he wants to know exactly which is probably taking some time. They have to go out there and re-survey that land and they want to know what actually was built as compared to what was approved. And that's where the argument's going to come in. So if they approve one elevation, the excavation is wrong. We have pulled bonds similar to this over the years I've been on the Town Board because developers have not done what the Planning Board has asked or has approved and that's why you have the bonds. In addition, the Tufts had a rotten reputation in Southold Town and believe me it is the problems that we're having in the sub-division, that is why Andrea went out and hired a special clerk to oversee the project in addition to the Building Department. If you go back and I believe it's in Joey's newspaper several years ago, you'll find articles where actually homes were not finished properly, I don't know if it was Southold or East Hampton, and the floors were not even cut square, they weren't paved, I don't mean to use the word paved, the tiles weren't in, cabinets were left out, it was a disaster, so it's unfortunate the residents are suffering with some of these structural problems but the Town really was cognizant and tried very hard to make sure it wouldn't happen again. You know, it's a tough project. I'm surprised there was even this problem because the banks were very, very strict on the way they allotted the money. And the main thing here is the, I think it was the Long Island Savings Bank was the mortgagor.

9/15/1992minutes

The Dime, they really controlled most of the funding. I mean they couldn't even pay for their own lumber. They wrote a check out themselves until the very end. So, so that's what that means here. The engineer wants to compare the two."

Steve Haizlip: "All right, in closure, what you said to me there one day at the work session. You have a lot of professionals. You people are only managers. So, these professionals, they should perform like professionals."

Bob Russo: "I would like to ... with the term cosmetically sound or cosmetic problems. I, unfortunately, had to get involved to the point with my house, I own a salt box. It's called a modified salt box. It has what's referred to as a trapezoid window, okay. I don't know if anybody is familiar with the trapezoid window, but one of the things that I was involved with, or rather, excuse me, forced to get involved with, was that trapezoid window. And, information that more or less filtered through and I inspected, and that window was illegal. It did not pass inspection. The Town did actually stop building because of that. And it is my true belief, that if I did not stand up for my rights, not only myself, by anybody else who owned that salt box, would have had problems to this day with that window, possibly to the extent of falling out. There are people here now, excuse me, I know of one individual here, two individuals here, not here, two individuals with the salt box that do have moisture problems still. I do not, but I followed it all the way through until the very end, until the last rainstorm when Mr. Tuft did come after the newspaper reports may I add, and did caulk my window for the final time and it did work. But, there are other people with major problems there that they might not even know about. And that's what I'd like to close with."

Supervisor Janoski: "Yes, ma'am."

Kathy Petrowski: "Okay, I'm going to make it really quick. You heard all our problems. You heard everything that's happening. We just want to know how long is this going to take to do something about it. That's all we want to know. How long?"

Supervisor Janoski: "I don't know that anybody can give

9/15/1992minutes

you a number of weeks. Rick, how would...?"

Kathy Petrowski: "You know, just give us some kind of something, because we can go on another year."

Supervisor Janoski: "Can you give us some sort of indication what time frame we are talking about here?"

Rick Hanley: "Rick Hanley again. We met with the engineer for the developer about three or four weeks ago. And he got a certified letter from me asking for the as builts. They do take some time to get. We're going to give him a reasonable period of time. If it's unreasonable, the Town Attorney and I will recommend to you to think about calling the performance bond."

Supervisor Janoski: "Let me ask you this question, Rick. You've been here for umpteen years. Have you seen this Town Board stand up and beat the hell out of someone after we get to a point where that's the thing we have to do?"

Rick Hanley: "Yes, I have."

Supervisor Janoski: "Okay, thank you. And that's what we will do if it appears that that is the only way. I expect that all you folks who are here from Two Bears really don't want to be here for the rest of the meeting. Am I mistaken in that belief? I'm not mistaken? We have to go on with some public hearings so what I'm going to do is I'm going to give everyone a few minutes to leave if you wish to leave because we have some public hearings that we have to have. But why don't we just take, yes Dean?"

Dean Terchunian: "As a closing comment, what I'd like to know is could the Town in the near future hold a hearing on this situation once the Town has some information for the homeowners?"

Supervisor Janoski: "We can have an information session. Is that what you're asking for?"

Dean Terchunian: "Thank you."

Supervisor Janoski: "Okay, sure. Okay, why don't take

9/15/1992minutes

the opportunity, why don't I just call a recess for 10 minutes or so. Ladies and gentlemen, please, if you are going to leave the meeting and you want to talk with one another, do so in the halls because we're going to come back.

RECESS - 8:28 P.M.

Resume with a Public Hearing at 8:38 P.M.

P U B L I C H E A R I N G

Supervisor Janoski: "The meeting will return to order. Let the record show, much to my surprise, that the hour of 8:38 P.M. has arrived. The Town Clerk will please read the Notice of Public Hearing."

Town Clerk: "I have affidavits of publishing and posting of a public notice for a Public Hearing to be held at Riverhead Town Hall at 7:25 P.M. on Tuesday, September 15, 1992, to hear all interested persons who wish to be heard regarding amendment to Chapter 108 Zoning to the Riverhead Town Code at Article XXII Business PB District Section 108-112."

Supervisor Janoski: "And, the Town Attorney, your appearance is very timely."

Patricia Moore: "This is the PB? Okay. The ordinance now provides that when someone applies for a PB overlay, they have to go through what is essentially a two step process. First, to have the Town Board review the application and determine whether or not PB is appropriate for that Zoning District, and then, secondly, to decide whether or not through a special permit, each of the different professional office uses that are listed is appropriate. This creates some problems for development projects because most times professional office centers may have one or two professional offices that they, the renters, are known at the time the approval, that the applicant goes through the approval process, but there may be two or three other rental storefronts that don't have, that they don't have tenants. Which means that they have to continually come into the Town which is time consuming, costly for both the applicant as well as for the Town and resources."

9/15/1992minutes

So the proposal is to make it a one-step process where the floating zone would allow as of right the list of professional offices, and as long as the landlord, the developer, is placing one of those professional offices into the complex, they do not have to go through separate approval processes. That's what we're doing tonight."

Supervisor Janoski: "Thank you. Is there anyone present wishing to address the Town Board on this matter? That being the case, and without objection, I declare the Hearing to be closed."

Public Hearing closed: 8:42 P.M.

P U B L I C H E A R I N G

Supervisor Janoski: "Let the record show that the hour of 8:42 P.M. has arrived. The Town Clerk will please read the Notice of Public Hearing."

Town Clerk: "I have affidavits of publishing and posting of a Public Notice for a Public Hearing to be held at Riverhead Town Hall at 7:30 P.M. on Tuesday, September 15, 1992, to hear all interested persons who wish to be heard regarding an amendment to Chapter 108-Zoning of the Riverhead Town Code Parking Schedule."

Patricia Moore: "Here we're reducing the parking requirements for theaters, auditoriums, and public assemblies with fixed seating, including churches, schools, elementary level colleges and universities. It used to be one space per two seats, and now it will be one space per three seats. The goal here is to reduce asphalt parking areas and increase green-space vegetation and aesthetically a better development."

Supervisor Janoski: "Anyone present wishing to address the Town Board on this change in the parking requirements for movie theater? Steve?"

Steve Haizlip: "Steve Haizlip of Calverton. Sometimes I have a little trouble the way the words and everything goes in here. Now, this here is talking about parking schedule and the Town Attorney mentioned about parking space. Could we sort

9/15/1992minutes

of (inaudible) a little bit here?"

Supervisor Janoski: "The schedule means the amount of parking spaces that are required. Each zoning category and use has a certain requirement as to how much, how many parking spaces must be required according to how much square footage in the case of a business property, or how many seats with regards to a restaurant and in this case, how many seats with regard to a movie theater. What we have found and this is probably at least the fourth time since I've been around that we have reduced the parking requirements set in the code. Not in the instance of movie theaters, because nobody wanted to build any movie theaters, but once that started to be talked about, we recognized that there would be an overproduction of parking spaces. I think I can give you two good examples of too much parking where Suffolk Life is presently located, and where A & P, now Jeffreys, is located. I would say even at the height of shopping business, the Christmas season, that fully half of those parking spaces are never used. Because our codes require too many parking spaces and we are actually adopting those schedules that have been put in place by other Towns."

Steve Haizlip: "Oh, all right. Now I think I understand you. What is there will be there, and what you're going to do in the future, if building, will be reduced. Okay, good enough."

Supervisor Janoski: "Anyone else wish to address the Board in this change in the code? That being the case and without objection, I declare the Hearing to be closed. Let us take up the Resolutions."

Resolution #543

Councilman Prusinowski: "Calling for a Public Hearing for extension to the Riverhead Sewer District to serve Casilen Corporation-Osborne Avenue Development, so moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

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

9/15/1992minutes

Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #544

Councilman Stark: "Order establishing lateral water main pursuant to Section 199 of the Town Law, Extension No. 35, so moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #545

Councilman Creighton: "This authorizes the Town Clerk to publish and post a notice to bidders for installation of water mains and appurtenances at Wildwood Road and Sound Avenue, so moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #546

Councilwoman Gilliam: "This adopts a local law electing a retirement incentive program, so moved."

Councilman Creighton: And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #547

Councilman Prusinowski: "Authorizes the Town Clerk to

9/15/1992minutes

publish and post help wanted ad for a part time custodial worker, so moved."

Councilman Stark: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 yes.

Resolution #548

Councilman Stark: "Appoints a school crossing guard to the Police Department, so moved."

Councilman Prusinowski: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #549

Councilman Creighton: "Appoints John Jacobs to a part time detention attendant at the Police Department, so moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #550

Councilwoman Gilliam: "Reduces performance bond of Joseph Fuchs for a subdivision known as Manor Lane Estates, so moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

9/15/1992minutes

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #551

Councilman Prusinowski: "Authorizes Robert O'Rourke to hold auto parts swap meet car show, so moved."

Councilman Stark: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #552

Councilman Stark: "Waives performance bond requirement on the Resolution 504 approving the site plan of Birchwood Restaurant, so moved."

Councilman Stark: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #553

Councilman Creighton: "This authorizes the Town Clerk to publish and post a notice of Public Hearing to consider an amendment to Chapter 108 "Zoning" of the Riverhead Town Code Article I regarding General Provisions Definitions, so moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes, Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #554, 555 & 556

9/15/1992minutes

Councilman Creighton: "554, 555 and 556 all authorize the Town Clerk to publish and post notices of Public Hearings regarding changes to Chapter 108 of our Zoning Code, so moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #557

Councilwoman Gilliam: "Adopt amendment to Chapter 108 "Zoning" of the Riverhead Town Code by adding Section 108-51.2 entitled "Setbacks for Wood Decks", so moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #558

Councilman Prusinowski: "Approve site plan of Calverton Links, so moved."

Councilman Creighton: "Fore, which means two, which means seconded."

Supervisor Janoski: "Okay, moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #559, 560, 561, 562

Councilman Prusinowski: "559, 560, 561, and 562 are all various budget adjustments for different Departments in Town government, so moved."

Councilman Stark: "And seconded."

9/15/1992minutes

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes on all four Resolutions.

Resolution #563

Councilman Prusinowski: "Approves the site plan of Riverhead Grill wood deck, so moved."

Councilman Stark: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, absolutely. 5 Yes.

Resolution #564

Councilman Stark: "It's a budget adjustment, so moved."

Councilman Prusinowski: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #565

Councilman Creighton: "This awards the bids for Electronic Meter Books, so moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #566

Councilwoman Gilliam: "Authorizes submission of preliminary application to the State of New York regarding Jobs

9/15/1992minutes

Bond Act. As I indicated in a memo to the Supervisor and Town Board last week, there are a number of projects within the Town in terms of future expansion which could be considered eligible for the Jobs Bond Act, and the Town is moving forward with regard to working on those proposals. The Jobs Bond Act is an initiative that will be on the ballot in November whereby the State is proposing to fund improvements to the structure which will result in jobs and encourage economic development and that is certainly something that we need in Riverhead. So moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski. And I would simply add that we had identified the projects that we were going to apply for prior to receiving the memo from Councilwoman, esteemed person. Yes. 5 Yes.

Resolution #567

Councilman Prusinowski: "Adopts amendment to Chapter 108 "Zoning of the Riverhead Town Code Section 108-3 Definitions", so moved."

Councilman Stark: "And seconded."

Supervisor Janoski: "Moved and seconded."

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

Councilwoman Gilliam: "Excuse me, there was an amendment to that."

Supervisor Janoski: "I though you were just going to incorporate that into..."

Councilwoman Gilliam: "In Section 108-3 of Definitions instead of occupied, operated by."

The Vote: (Continued) Victor Prusinowski: no problem with the word change; Stark, no problem with the word change;

9/15/1992minutes

Janoski, yes. Okay. 5 Yes.

Resolution #568

Councilman Stark: "568 will, in my opinion, send a message to the community to the economy that Riverhead is ready and prepared to do everything in its power to stimulate the economy in the Town of Riverhead and eastern Long Island in general. So it's with great pleasure that I move for the adoption of the Resolution adding a Business F District Manufacturers Outlet Center Outlay Zone to the Riverhead Town Code, so moved."

Councilman Prusinowski: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes, Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #569

Councilman Creighton: "This authorizes the Town Clerk to publish and post a notice to bidders requesting bids on repairing the facade of the Town Hall which is deteriorating, so moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Resolution #570

Councilman Stark: "Appoints a CSE home aide to the Home Aide Program, so moved."

Councilman Prusinowski: "And seconded."

Supervisor Janoski: "Moved and seconded."

9/15/1992minutes

Councilwoman Gilliam: "I am going to abstain because my questions as to how this individual was selected have not been satisfied as of the time of this meeting."

The Vote (Continued): Creighton, yes.

Councilman Stark: "The home aide was selected by the people over in the nutrition center after a great deal of going over applications and knowing the people individually. Home Aide provides very essential services to seniors in need of food shopping, errands, and light housekeeping. Without this assistance, many seniors with no family support, would end up in costly nursing homes. Because we had an immediate resignation, if action is not taken by this Town Board immediately, to appoint a replacement, clients that this fund served would not receive this service for a period of time. I am not willing to deny the individuals who have a real need of essential service because of few procedural problems. So, I will vote yes. Thank you."

The Vote (Continued): Prusinowski, yes; Janoski, yes.
4 Yes, 1 Abstention.

Resolution #571

Councilwoman Gilliam: "This names individuals to serve on the Ad Hoc Committee for the review of administrative and procedural prerequisites to responsible economic development which was a Resolution passed by the Board #484 to set up the committees, so moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes.

Councilman Stark: "Supervisor, I have an amendment to the Resolution."

Supervisor Janoski: "Recognize Councilman Stark for an amendment."

Councilman Stark: "I would like to add to the Resolution

9/15/1992minutes

that it be further resolved that the Chairman of the Economic Development Committee as designated by the Town Supervisor shall be responsible for the overseeing of the directing of the activities of this Ad Hoc Committee and be it further resolved that a written report of this Committee shall be submitted to the Town Board for Review."

Councilwoman Gilliam: "May I respond to that?"

Supervisor Janoski: "If we get a second we can discuss it."

Councilman Creighton: "Second the amendment."

Supervisor Janoski: "Approved and seconded. Harriet?"

Councilwoman Gilliam: "Okay. If I recall, during the Work Session Mr. Supervisor and Mr. Stark there was some discussion from Mr. Creighton as Chair of the Economic Development Loan Fund that the identity of these two committees remain separate and apart so that there would be no confusion that this was an economic development committee. I do not see this activity of the Ad Hoc Committee falling within the purview of the Economic Development Loan Fund and nor did I recall Mr. Creighton asking that it come within that purview per a directive from the Supervisor."

Supervisor Janoski: "I'm asking."

Councilman Creighton: "I did ask that there be clarification because the document that was put before the work session referred to this Ad Hoc Committee as an Economic Development Committee. The Economic Development Committee is a Committee composed of myself and Councilwoman Gilliam appointed by the Supervisor to do just that, to oversee economic development in the Town of Riverhead, not just fund matters and I requested that the name of the Committee be changed so it's not confused with the standing Economic Development Committee. I think the proposed amendment would satisfy my concerns to remove any confusion as to the purpose of this Ad Hoc Committee and the standing Economic Development Committee. So I see no problem with the Economic Development Committee Chairman, myself, accepting the responsibilities to oversee the activities

9/15/1992minutes

and participate with and perhaps support and assist the work of the Ad Hoc Committee, which is basically to help remove red tape to the process of getting permits and every other thing associated with economic development. So, it's a worthy cause and it does fit in the overall responsibility of economic development, and as Chairman of the Economic Development Committee, I have no problem with the amendment. And will support it."

Supervisor Janoski: "Any further discussion?"

Councilwoman Gilliam: "Again, I think it's a misnomer in terms of Economic Development Committee. The Committee is referred to as the Economic Development Loan Committee which oversees the lending of community development funds to businesses in the Town of Riverhead who are either interested in starting or expanding, and I just want that clarification on the record that since I have been on the Town Board, it has always been stated that the Supervisor defines the scope of the, each Committee under his purview, and certainly the scope of that Committee has been in practice and in terms of its title, concerned with economic development loans and I still maintain that this is a separate area dealing expressly with administrative procedures and processes with regard to working in conjunction with the County to expand or encourage economic development."

Supervisor Janoski: "Well, if Councilman Creighton is willing to undertake this responsibility, as Supervisor, I can adjust the Committee to incorporate that responsibility. Any further discussion? There's an amendment that's been moved and seconded. Please call the roll."

The Vote: Gilliam, no, on the amendment; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 4 Yes, 1 no on the amendment.

Supervisor Janoski: "On the question as amended, such has been moved and seconded. Call the roll."

Councilwoman Gilliam: "For the sake of moving the process and the objective of the Ad Hoc Committee along and not posturing oneself as to who is going to get credit or for being

9/15/1992minutes

in charge of it, I vote yes for the Committee's purpose."

Councilman Creighton: "With the understanding that this opportunity to work with the new Ad Hoc Committee was offered to me late tonight, and I view it as merely one of contributing positively to the process and no more, I vote yes."

Councilman Stark: "And I thank you Councilman Creighton for accepting that. I vote yes."

Councilman Prusinowski: "I hope it accomplishes an agenda which all of Suffolk County can adopt. As I understand this is going to be coordinated with Suffolk County, because the key to economic development is to understand that we're competing for business not just from New York State. We're competing for business for the rest of the country and the rest of the world. We have lost industry on this Island to other parts of the country because of the red tape and over-regulation, the high energy costs and to create jobs, we need a system like this. So I vote yes. We need a plan, not a system. We need a plan of action. I vote yes."

Supervisor Janoski: "I vote yes."

The Vote: 5 Yes.

Councilman Prusinowski: "Mr. Supervisor, I make a motion to pay the bills."

Councilman Stark: "Seconded."

Councilwoman Gilliam: "I have a question with regard to one of the bills. Referring to Frederick Wood Associates, a \$3,000 fee for an appraisal of Rimlands. Could I have an explanation as to what the appraisal is for and what the intent of that is?"

Supervisor Janoski: "Sure. Rimlands has for, I would say some eight years, been a problem in the downtown area because of its vacancy and the fact that it's been allowed to deteriorate and is in somewhat of a run down or deteriorated condition. There are reports that people are breaking into it, occupying it, and in conjunction with the business leaders of the Town, the Town wants to take action which will resolve the

9/15/1992minutes

situation. Part of the information that we need, is an appraisal as to the value of the property. It is my recollection, which I hope is good, that the Town Board approved having this quite some time ago, undertaken, in fact, it might have been undertaken prior to your coming into office. I guess that's the situation. So one of the possibilities as we move through the process. Right now, the Building Department is conducting or will conduct an inspection as to the condition of that building. I am hopeful that we, the Town Board, will undertake a dangerous and hazardous building procedure against that building, and it may come about that we will seek proposals as to the use of that building or the property and at that time, having the appraised value will be very necessary if we go out for proposals for that purpose as part of a procedure which may be either the dangerous and hazardous or a condemnation for economic purposes."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Councilman Stark: "Adjourn."

The meeting adjourned. 9:05

Barbara Guttan
Town Clerk