

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, May 7, 1991 at 7:30 p.m.

**Present:** Joseph F. Janoski, Supervisor  
Denise Civiletti, Councilwoman  
Victor Prusinowski, Councilman  
James Stark, Councilman  
Francis Creighton, Councilman

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

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

**Supervisor Janoski:** "For those of you who have not met him, I'd like to introduce Councilman Frank Creighton who is present at his first Town Board Meeting. May I have a motion to approve the minutes of a Regular Board Meeting being held on March 25th and April 2, 1991."

**Councilman Prusinowski:** "So moved."

**Councilwoman Civiletti:** "Seconded."

**Supervisor Janoski:** "Moved and seconded."

**The Vote:** Creighton, yes; Stark, abstain, "I wasn't here."  
Civiletti, yes; Prusinowski, yes; Janoski, yes. 4 YES 1  
ABSTENTION

**Supervisor Janoski:** "Reports."

**REPORTS:**

Tax Receiver	Collections as of April 30, 1991 \$22,296,875.00
Police Dept.	For month of March, 1991
Sewer District	Discharge monitoring report for March
Town Clerk	April Monthly Report
Building Dept.	April Monthly Report

**OPEN BID REPORT:** Water Meters/Water District  
**Date:** April 30, 1991

**NAME:** Sensus Technologies, Inc.

ADDRESS: Uniontown, PA.  
AMOUNT: See file for amounts

OPEN BID REPORT: Pickup Truck/Bldgs. & Grounds  
Date: April 23, 1991

NAME: Lucas Ford Lincoln Mercury  
ADDRESS: Southold, NY  
TOTAL BID: \$16,299.00

OPEN BID REPORT: Reeves Park Improvements  
Date: April 8, 1991

NAME: Bi-County Construction Corp.  
ADDRESS: East Setauket, NY  
AMOUNT: \$478,534.30                      ALTERNATE: \$487,284.30

NAME: Grimes Contracting Co.  
ADDRESS: Montauk, NY  
AMOUNT: \$385,834.50                      ALTERNATE: \$395,834.50

NAME: Firebird Construction Corp.  
ADDRESS: Smithtown, NY  
AMOUNT: \$424,641.50                      ALTERNATE: \$433,391.50

NAME: Patrick Bistran Jr., Inc.  
ADDRESS: East Hampton, NY  
AMOUNT: \$545,932.50                      ALTERNATE: \$546,632.50

**NAME:** Chesterfield Associates, Inc.  
**ADDRESS:** Westhampton Beach, NY  
**AMOUNT:** \$473,945.60                      **ALTERNATE:** \$507,195.60

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**NAME:** Charles Cardo & Son  
**ADDRESS:** Quogue, NY  
**AMOUNT:** \$407,194.00                      **ALTERNATE:** \$433,444.00

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**NAME:** Riverhead Cement Block Co.  
**ADDRESS:** Riverhead, NY  
**AMOUNT:** \$345,647.00                      **ALTERNATE:** \$431,747.00

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Supervisor Janoski: "Thank you. Applications."

APPLICATIONS:

Site Plan                      Kenneth Zahler (Office bldg., Rte. 58)  
Site Plan                      Blockbuster Video (Rte. 58 & Harrison Ave)  
Special Permit                Go-Si-Me Co. (movie theatre Rte. 58)  
Special Permit                William Keller (establish single family  
   residence on second story of existing  
   building)  
Parade Permit                Riverhead Fire Department for 5/5/1991  
Parade Permit                Habitat for Humanity for 6/8/1991  
Petition                        Seventy two citizens requesting removal  
   of two trees and bushes from exit to John  
   Wesley Village  
Change of Zone                Werner Adel, Jr. Residence "A" to Business  
   "CR" Wading River

Supervisor Janoski: "Thank you. Correspondence."

CORRESPONDENCE:

- S.C. Dept. of Planning      If no objection received by 5-19-91 Re: Brookhaven Zoning Ordinance amendment, it will be assumed there are none.
- League of Historic Amer.      Applauding Town for obtaining grant monies for Vail Leavitt, advising that restoration has always taken much time; expressing confidence in Harold and Mary Smith to manage remaining restoration
- N.F.E.C.      Asks town boards to include two more parcels to the list for acquisitions from Drinking Water Protections Program funds
- Charles Cetas      Protests appointment filling vacancy on Town Board as unnecessary
- S. C. Vietnam Veterans      Requesting Town Board to consider donation to memorial project
- P. C. Richard      Requesting permission for tent sale
- Riverhead Lions Club      Supports Movement to name circle on Route 58 as "John Lombardi Circle".
- Warren McKnight      Suggests to Riverhead Town Board Members that they work in Town Hall at least two hours per week.

Supervisor Janoski: "The time for the first scheduled public hearing has not yet arrived. Let me make note that in the agenda for this evening we have this request from the Riverhead Bi-Centennial Commission. They are looking for recipes. Your favorite recipe for the Riverhead Recipe Book for the Bi-Centennial Celebration and if you have an interesting recipe you should send it to Judy Doll right here at Town Hall. About four minutes remaining before the first scheduled public hearing. Is there anyone who wishes to be recognized on any subject? Jesse."

Jesse Goodale, Riverhead, Coordinator of the Litter Control for the Town of Riverhead: "I and 250 unpaid volunteers try to keep the streets of our Town free of litter. Besides these volunteers there are twenty nine organizations who have adopted a part or all of a highway to keep it litter free. All volunteers have a designated section to keep clean on a schedule. I believe we have the best organized litter control in our State, but that is not enough. You have to have cooperation from our residents and from our guests which are our summer residents and weekend residents. And how do we get this cooperation? From this Town Board. You have got to put your departments on the front line. Tell me when a policeman has given out a summons for littering and I don't include the stuff that falls off a truck. They have

given out some summonses on that. I myself have picked up a million pieces of litter. I can't believe that someone didn't see some of it thrown from a car. A directive should go out to our public that they can make citizens arrests. Tell them how to do it. Let's publicize a few arrests in our local police columns in our newspapers. Every two months I write to our 250 volunteers to keep them motivated to stay on the job and to keep myself from getting discouraged. Here is the last letter that went out just the other day.

Dear Volunteer,

I stop in at Town Hall a couple of times a week dealing with one or another of our litter problems. The other day, our Town Clerk, Irene Pendzick, stopped me and asked to add a couple of paragraphs to my next letter to you litter volunteers. So here are a couple of paragraphs of Irene's thoughts and words of wisdom.

"Jesse tells me that the list of cleanup volunteers is 250 strong and growing! This may be the largest group of active volunteers on any long term project the town has ever had. Our town is cleaner because of you volunteers. Next year, Riverhead will be 200 years old. Our birthday gift can be making our town not only the cleanest, but also the most beautiful town in the U.S.A.!

We pick up litter now...if you have any ideas that will make Riverhead more beautiful (flowers in certain areas, lots cleared in other areas, 'welcome' to Riverhead at entrance roads, etc.), please send them to Jesse. You are in the field and know best what can be most effective. Please, 'send your ideas in...we can recruit more volunteers for these special projects to get them done by next year. Working together, Riverhead will be beautiful for its birthday! Keep up the good work!"

[Thank you Irene for those words. They're just as you wrote them. Not edited.]

Well I couldn't have said it better, except it is not strong enough for some of us on keeping our roads free of litter. The Superintendent of Highways has done several roads that we are committed to do. He probably could do them about every two months, but in the meantime they begin to look pretty bad.

The 'Adopt A Highway' signs are now all up for those organizations committed to keeping a major road clean. Enclosed is a list of all the 'Adopt A Highway' participants. Patronize these businesses and thank them for their efforts, but, on the other hand, let them know if they are not doing a good job.

I want you to get mad when you see someone discarding litter. Our police will cooperate with you and follow up on your complaints.

Be sure to wear your litter shirt for protection and for advertising the program. If you need a shirt, pail or bumper sticker call or write me.

Respectfully,  
Jesse Goodale

P.S. There seems to be a problem with fliers being placed on cars. If you find any, turn them in to me.

It's a town misdemeanor to put fliers on cars or on the windshield or wherever it is.

In conclusion, I will be willing to work with any member of this Board on the problem of litter, particularly on how to stop it from being strewn on our streets. Thank you."

Supervisor Janoski: "Thank you Jesse. Let the record show that the hour of 7:43 P.M. has arrived and the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 7:40 P.M.

Town Clerk, Irene J. Pendzick: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall on Tuesday, May 7th, 1991 at 7:40 P.M. to hear all interested persons who wish to be heard re: **THE APPLICATION OF VICTOR PAFUNDI FOR A PERMIT TO CONSTRUCT AN ADDITION TO A DOCK ON CASES CREEK.**"

Supervisor Janoski: "Thank you. Is there anyone present representing the applicant?"

Stephen Angel, Esq. Representing Applicant: "As you know we are here for approval of approximately seventy additional feet of floating dock along the existing bulkhead in the basin at the Dreamers Cove Motel in Aquebogue. And for approval of whatever associated mooring pilings would go with that. The application has been made under Chapter 107 of your code which involves water related applications. And I would like to just start off by handing up to you copies of permits that we have received from the various other agencies basically, well the State and Federal Agencies having concurrent jurisdiction. Once an approval from the New York State Department of Environmental Conservation with an amendment that extends the approval through July 31st. of this year. The second one is an approval of the Department of Army Corps. of Engineers and the third one is an approval from the Department of State under coastal consistency."

Supervisor Janoski: Mr. Angel would you please give those to the Clerk so that they will be made part of the record."

Stephen Angel, Esq.: "As you probably know from some correspondence that I wrote to the Board a couple of months ago jumping up and down and demanding this public hearing, we have been at this project for approximately three years. It's taken us a long time to put together a whole bunch of information, but even though there is a substantial amount of opposition, when I looked into this project it seemed to me that in effect the area that we are talking about has been used for boat storage, a mariner type operation, for quite a few years. And I have

affidavits from prior owners attesting to that fact, which I also would like to make part of your record.

The first one is an affidavit from Edward Powers. He was the owner of the Dreamers Cove Motel from 1968 until 1976. And the second one is an affidavit from Joseph Dougherty. Both of whom swear in these affidavits that the area in question, which we seek to put this additional floating dock, was used for the mooring of boats during the periods of time that they operated the Dreamers Cove Motel.

Next I have to maybe introduce the exhibit. There was some question in the last six or eight months about, believe it or not, mooring pilings. There is some question as to whether or not there were ever mooring pilings located at the property during the period of time that the docks were there and during the period of time the boats moored at the property. Now as you probably will guess I will show you an aerial photograph in a little while. But the aerial photographs taken up in the sky doesn't show mooring pilings and so in scratching around and calling around I spoke to Tom Samuels of James H. Rambo who is a marine contractor who's in the present of Rambo's since 1967 and he attested to me that he recalls back in the late 60's on a seasonal basis going in at the request of the owners of the Dreamers Cove Motel and replacing mooring piles that popped out after the winter season. I have an affidavit from Mr. Samuels to that effect which I would also like to make part of the record.

Also it appeared to us that the original intent of the motel construction was to construct it with a marina accessory to it. And in looking through the records over at the County Center we found a declaration of covenants and restrictions, probably asked for by a predecessor Board to you back in 1963 when the property was rezoned, that confirms that mariners were contemplated. It restricted the use of the property to single family homes, motel or marina. It's an indication back in 1963 that this was a marina use. And I would like to make that a part of the record also. It's a declaration dated March 19, 1963.

The next document I have here is an aerial photograph which we procured when we were appearing before the C.A.C. to show that the property was benefited by a nonconforming dock back before the adoption of Chapter 107. Chapter 107 was adopted, I believe, in August 1976 so we procured an aerial photograph that dates back to, I believe, April 1976 from Aerographics in Bohemia. It's a scaled aerial photograph showing the existing boat basin and also showing in this particular instance just prior to the adoption of Chapter 107 a floating dock along the existing boat basin of approximately 130 feet. I'll give you this also and let me point out the area. By the way, this would not show any boats. They're flown in April before foliage, because they're usually for other purposes than demonstrative ones like this."

Councilwoman Civiletti: "Is that photograph dated?"

Stephen Angel: (from a distance) "It's dated on the back. (back to microphone) The date of the photograph is April 6, 1976. That's the date of the flight. It was the closest in time

prior to the adoption of Chapter 107. The closest photograph taken in time that we could get.

Chapter 107 which is what we are applying under seemed to me to have two provisions that entitled us to the permit that we are seeking. One of the provisions is Section 5 of Chapter 107 specifically subparagraph "B". And that permits as a right uses accessory to residential or other permitted primary uses of adjoining lands or waters provided that they are consistent with the intent and objectives of the chapter, (Chapter 107 that is). It would be our position that since there was an existing motel with an existing marina facility that probably dates back to the date of its construction that use of that basin area for the mooring of boats, whether by virtue of floating docks, mooring piles or otherwise, is consistent with the permitted use, an accessory to the permitted use and is a basis for you people to issue a permit as a right. Now there is a separate provision Subdivision "C" of Section 107-5 which allows you to issue a special permit for docks in any situation not just when it's accessory to an existing upland use. Just if you find general standards such as it's not inconsistent with drainage and encroachment or interference with natural resources. That's the only standard I've found in Chapter 107. Consistent with the type of use and our argument that this is just accessory to a permitted use...it's our position that we have a right to use that boat basin area as a matter of zoning law also. And I looked to see if I could find any cases that were demonstrative of our position and I found a relatively recent Islip case where the issue of the extent of the nonconformity of a marina was litigated in the courts and the courts held that in this case a marina that had really not been used for a few years, it had only been used by one boat, was never less allowed to continue as a marina unstopped by local ordinance. That's one case.

The other case is a case involving a gravel pit. A pretty famous case in Syracuse called Syracuse Aggregate. And there the issue was to what extent can you use an area. In the case, the question was to what extent can you use a twenty five acre of property for sand mining and gravel mining. And the courts ultimately concluded that you could use the entire parcel if there was an intent to use the entire parcel initially at the creation of the nonconforming use. Now what we have here, if you will look at that aerial photograph and you look at the applications in your file, is we have an existing boat basin. That boat basins been there for years. I'm sure most of you are familiar with it. The boat basin really doesn't have much use other than as a basin for the mooring of boats. It's not a beach basin. You've got into it by climbing down a set of stairs. There is another beach area on the property. It's our position that to use that consistent with its obviously intended use by putting this floating dock along the edge of it is really no increase. The area was adapted for the mooring of boats. All we are seeking to do is put floating dock along the side so it can be used for the mooring of boats. There is no intention of putting floating dock outside of this demarcated boat basin. If you will notice the application, the application is just to put floating dock along

the edge or to extend the existing floating dock to the edge of the boat basin. And I would like to hand up copies of cases, one specifically marina case and the other one the Syracuse Aggregate case which discusses the extent of the right to use a defined area.

I would also point out that I believe the zoning for the parcel is Residence "C" so even if we were seeking to have a marina there; marinas are still permitted uses in Residence "C". At least I think it's called resort marinas which are marina without substantial services and here we have a marina with basically no services. The intent here is to have the marina continue as it did in the past as an adjunct to the existing motel operation. It would be used by occupants of the motel units. As you probably all or most likely aware, Mr. Pafundi and I have been living with this on and off for the last three years and we've gone through the file, we've gone through the dredging application, we were before you. I think that there is no doubt that the boat basin was used as a basin for boats. There is no doubt that there was a floating dock there. There is no doubt that there were boats moored there. There's no doubt that dredging occurred over the years. There's no doubt that even some of our objectants sought the dredging using the existing motel marina as an excuse for it back in the eighties, in the mid-eighties. It just seems to me that a lot of the under currents of environmental concerns that have been flying through this application really do not ring true. What we have here is just a really diminimous request to extend the floating dock in an area where boats have existed before. Where the agencies charged with environmental concerns, the Department of State in connection with coastal consistency, the Department of Environmental Conservation in connection with wetlands and the Army Corps of Engineers under their wetlands jurisdictions, navigable waters jurisdiction have all approved it. Even in the case of the Department of Environmental Conservation have extended it on application.

I'd be pleased to answer any questions if you have any? Thank you."

Supervisor Janoski: "Thank you Mr. Angel. Is there anyone present wishing to address the Town Board in the matter of the application addition to dock. George."

George Bartunek, Chairman of the Riverhead Conservation Advisory Council: "What I would like to present to the Town Board is more or less a synopsis of the procedures that the C.A.C. and Mr. Pafundi have been through for approximately a year and a half. And I think that everything can be summarized in two memos that were forwarded to the Town Board. I'm just going to simply read from these and if the Town Board has any questions regarding this matter I'll be glad to answer these.

This is from a memo dated March 28th, 1991, Application for Victor Pafundi, Cases Creek.

There has been a great deal of confusion regarding the

procedures taken by Mr. Pafundi in order to resolve the issue. The following procedures and recommendations are submitted to you for your consideration:

1. The CAC recognizes that approximately 130 feet of dock previously existed at this site. Therefore, the CAC recommends that a permit be issued for this part of the project (already installed by Mr. Pafundi).
2. There has never been any evidence submitted to the CAC which indicates the existence of spiles used for mooring. It seems that any mooring on the previous dock may have been parallel to the dock and not perpendicular as proposed by Mr. Pafundi. Therefore, it is the opinion of the CAC that the installation of the spiles and the extension of the dock beyond the 130 feet requires review of this part of the project as a Type I action, according to the guidelines of SEQR.
3. In accordance with Section 617.11 of SEQR, the CAC has taken the liberty of reviewing the Environmental Assessment Form submitted by Mr. Pafundi in order to determine potential effects on the environment. The opinions of the CAC (12/10/90) were forwarded to the Town Board and are attached for your convenience.

And what I would like to do is to read these to you again very quickly. These are from the memo of December 10th, 1990.

During our regular monthly meeting held on December 5, 1990, the Conservation Advisory Council reviewed the Environmental Assessment Part II Checklist (Project Impacts and Their Magnitude) as it applies to Mr. Pafundi's proposal to construct a marina at the site of Dreamers Cove.

We were in agreement that there is a potentially significant impact in the following areas:

- Affects on a water body designated as protected (#3) There is a series of checklists in SEQR that you are to follow and if there is any environmental flag that would go up then the people that are involved with the review, as if they were lead agency, they are supposed to write an opinion on that. And we took the liberty of doing that.

In the opinion of the Conservation Advisory Council, there exists a potential for siltation into the freshwater wetland on the north side of Peconic Bay Boulevard (protected by Article 24, Environmental Conservation Law) during the processes of "Jetting in" the spiles. This potential could be mitigated if Mr. Pafundi is required to undertake the emplacement of the spiles only during a period of time from peak high tide to slack low tide. This would assure that sediment would be transported into the Bay instead of the freshwater wetland. It should be noted that Mr. Pafundi did not comply with this requirement when he was issued a permit form the Town for dredging of Cases Creek.

- Affect on surface or groundwater quality (#5)

The C.A.C. feels that there would exist a potential for the

discharge of boat effluent (gasoline, motor oil) with the operation of large craft in the area. Such a discharge could occur either during the normal operation of a boat or be due to an accident. Mr. Pafundi would be required to construct a pump out station in order to comply with the special conditions required by the New York State Department of Environmental Conservation permit for this project. Further mitigation of the potential for such discharge would be to limit the size of the boat permitted in the docking area.

- Affect on threatened or endangered species (#8 & #9)

The Conservation Advisory Council is recommending that a survey should be conducted in order to determine whether or not there exists any threatened or endangered species in the freshwater wetlands north of Peconic Bay Boulevard. Such a survey would be required as part of an environmental impact statement.

- Affect upon public health and safety (#16)

The Conservation Advisory Council is of the opinion that there would exist the potential for explosion on boats in the event of an accident.

- Affect on the character of the existing community (#17)

It is the opinion of the Conservation Advisory Council that approval of the construction of such a marina will set the precedent for similar projects in this part of Cases Creek in the future.

- Public controversy concerning the project (#18)

There are some very strong objections from within the community to this project. The primary concern seems to be the ultimate intentions of Mr. Pafundi and the disposition of this property if and when the project is completed. Such questions may be resolved through the procedures of an environmental impact statement.

In conclusion, it is the opinion of the Conservation Advisory Council that there are sufficient concerns regarding this project to require the serious consideration of requiring the preparation of an environmental impact statement before this project proceeds any further.

Now I'm going back to the memo of 1991. It seems that it should be the responsibility of the Town Board to assume Lead Agency status in order to finally resolve this matter. Which is the point that we are at right now.

If the Town Board determines that an EIS is not required (Negative Declaration), the CAC recommends that at least a special condition should be attached to the permit which would require Mr. Pafundi to remove and replace the spiles back to the location indicated on his original plan (limited to 15 feet away from existing bulkhead and spaced no more than 10 feet apart along the total length of the proposed 200 feet of dock).

And that concludes the statement. Does the Town Board have any questions that they would like to address to the CAC at this time? Thank you."

**Supervisor Janoski:** "Thank you George. Is there anyone else present wishing to address the Town Board in the matter of this application?"

Robert Keller, Aqueboque: "I am the nearest neighbor to the proposed project. However I don't want to make an argument on my own private concerns, because I'm more concerned about the effect that this proposed marina will have on Cases Creek and its environments. For your information I have some photographs. Mr. Angel was so prolific, I thought I might show a few that will help remind you of what the conditions of the property were in 1989. You will notice the conditions that existed and I think you will notice that there is somewhat less than 130 feet of floating dock. One thing Mr. Angel seemed to leave out of his presentation was the numbers of the boats that they proposed put into this basin and that the history of the basin certainly was such that 18 boats which appears to be what the application is requesting was never there at any one particular time. There placement of the pilings, a larger distance from the floating dock than was designated on there original plan, has to make us believe that there intention is to put in larger boats than were ever proposed or were ever there at any one particular time in the past. Mr. Angel also fails to mention that the Town Board has designated Cases Creek as a critical environmental area subsequent to the use of that basin as a marina. I believe that the Board has a responsibility to do everything in its power to insure that the creek is fully protected within the law since that designation of that creek as a critical environmental area.

My reading as is stated in the Environmental Review Act that actions contiguous to a CEA are to be considered Type 1 and which require an environmental impact statement. It's most difficult for me to understand why we have spent almost three years in this process to avoid what Mr. Pafundi appears wants to avoid presenting an environmental impact statement. And I would leave it to your judgement to determine just why he has to do that or why he is choosing to do that.

I personally fully support the positions taken by the CAC in their memo to the Board dated March 28th which Mr. Bartunek just went over in detail. I have to appeal to you to recognize that what you do as a result of this hearing establishes precedent which Mr. Bartunek also noted that could turn Cases Creek into another Meeting House Creek or a Great Peconic Bay Marina that would ultimately have wall to wall boats in a critical environmental area so designated by you. If the Board recommends that an E.I.S. is not required and I'm quite sure you would be able to fully substantiate any such action to the public, if you do that. I would suggest that in addition to the special condition recommended by the C.A.C. moving the piles to locations as indicated on the original plan. I would also recommend that the following conditions be included as part of the permit requirements. Those requirements are simply stated in the applicants permit itself. One that private mooring of recreational vessels be by motel occupants only. Two that the mooring site would only accommodate small vessels of the type that have been utilized in the project area for many years 14 to 18 feet in length. Those two conditions are in the request and in the statement in the application for a permit.

I respectfully request that you find that an environmental

impact statement be required to protect Cases Creek. Thank you very much for your attention."

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

George Schmelzer, Calverton: "As to where the spilings are, I don't think it makes any difference to any clam, mussel, fish or mosquito where they are. So what is all the fuss about as to where the spilings are. Let them put them where they are needed. So it seems to me that this town government, county government and state are all sounding off on the need to promote recreation and tourism. This is part of it. Why handspring everything? The size of boats and all that nonsense by some jealous neighbors who like to look at somebody elses property and not pay taxes on it. We should promote this, not hinder it. That's part of our recreation and tourism. All these projects are. Who cares what size boat they have? Nobody tells you what size car you must have on the road. To me it's as simple as that. Thank you."

Supervisor Janoski: "Thank you George. The gentlemen in the rear."

Roger Troop, Aquebogue: "I'm the second closest neighbor to the proposed marina. I'm all for promoting Riverhead as a wonderful place to visit and to enjoy the quality of life. But I'd like that quality of life to continue for my grandchildren and their grandchildren. And I think it does matter to the clams and to the oysters and to whatever is on the bottom where the spiles go. If someone makes a permit and that's approved and then it is not followed, he's breaking the law. And no one in Riverhead is above the law. No one. I think, Mr. Pafundi, if he cares about the environment, cares about his neighbors will do the only right thing. And you people who represent us have to agree and see that only the right thing is done. And done fully and carefully. As Mr. Bartunek said, we need an environmental impact statement. It's not so much to ask. Listen, if Mr. Pafundi loves the environment and the wonderful qualities that Riverhead has to offer, as we all do, as this gentlemen said here, maybe it doesn't matter what size boat. Maybe it doesn't matter where the spiles go, but we should find out if it doesn't matter. I'm asking you folks up there, who have the power, to please make sure this happens and if you don't, kind of explain why you don't, because I think it is terribly important to us and to future generations. I thank you for your time."

Supervisor Janoski: "Thank you. Mr. Angel did you want to answer a question?"

Stephen Angel: "I'd like to make just a minor rebuttal comment, if I may. Two things. One has to do with an environmental impact statement request. It's our position that there is no such necessity. This is a situation where the property was used for a marina operation. The boat basin has been

there. It's been there for the better part of thirty years. Boats used it. There's no reason to study a fete complete'.

Secondly, I'd like to point out to you something that I think that I've pointed out to you in the dredging application and it's germane because two of the speakers in opposition to this application, Mr. Troop and Mr. Keller. When their own personal interests were at stake back in 1984 they wrote letters to the Army Corps of Engineers which I would like to hand up to you requesting dredging, because I guess they keep boats on Cases Creek. And Mr. Troops letter says one of the reasons for this application to complete the navigation up into the canal for the convenience of the motel and restaurant and the adjacent property owners. Mr. Keller's letter says among other things as a justification for dredging, improve access by watercraft to the commercial enterprises, tavern and motel located on the east side and northeast corner of the cove would increase the economic base of these local businesses. People change their minds over the years, but this is an acknowledgment by people who are in opposition of the existing commercial marina operation and not only is it an acknowledgment, it was used by them as a justification for their own personal desires for dredging back in 1984. If I could put these into the record. "

Supervisor Janoski: "If you would put them into the record. Mr. Keller, I will recognize you later."

Robert Malkan, Aquebogue: "I'm a homeowner in the Aquebogue Association which is that adjacent to the motel. I go back twenty years in this community. I had a boat at the boatel twenty years ago. We had parallel dockage accommodating two boats at that time, one of which was mine. That is the history. We never had a marina. We had a boatel. In my view a boatel and a marina are different, because Mr. Powers offered the facilities to me as a person staying at his motel.

Now as far as I'm concerned progress is not necessarily good progress. One of the issues that hasn't been mentioned is that if large boats are docked at this facility there's not going to be adequate parking for the people who come as guests. If you have a twenty or twenty-five foot boat, and you have your guests come you're going to have a mob scene of cars on our street, on Bay Avenue. And I don't think that has been brought up.

The other consideration which I think we should address is the impact on the young children who are on the beach and who go snorkeling in that area. I think that there is a definite hazard to the young children of our community if you have these large boats coming in and out of Cases Creek. This has nothing to do with clams. It has nothing to do with any impact of the environment. It has to do with young children. And as far as I'm concerned it's a very small area which will not be justified on any basis except commercial development. Thank you."

Supervisor Janoski: "Thank you. Yes sir."

Charles Cetas, Riverhead: "I have no personal interest in this in this matter, I'm just a fan of Cases Creek. I am strongly opposed to the Town Board overturning the Conservation Advisory Council's decision not to allow the new docks and piling of the Dreamers Cove Motel at Cases Creek. The whole purpose of the C.A.C., I believe, is to advise the Town Board on how best to preserve and protect Riverhead's natural heritage, resources and critical environmental areas such as Cases Creek. If the Town Board chooses to overturn the C.A.C. decision in this case I believe the members of the Town Board will be demonstrating to the people of Riverhead that they have no real interest in preserving or protecting critical environmental areas in the Riverhead Town. Cases Creek is a feeding and nesting area for many kinds of water fowl such as Great Blue Herons, Snowy Egrets, swans and ducks. It is also a breeding area for fish, shell fish and many other forms of marine life. And it is a source of natural beauty and pleasure to people who have the opportunity to observe it. I believe a new 18 to 20 boat marina, whatever the number, that has been illegally built, in my opinion, at Dreamers Cove Motel without permits from Riverhead Town could, if allowed to remain and be used, cause serious damage to the natural eco system of Cases Creek. The new piles, if I'm not mistaken, are twenty feet from the docks, the new floating docks that have recently been put there, and I think that is a violation of a D.E.C. Permit which I think he gave you a copy of. That means to me that boats of twenty feet or even longer, twenty five feet possibly would be capable of docking at this marina. Boats of that length have many designs, but a popular design is the gasoline powered overnight cuddy or a small cruiser. These boats are capable of having cooking facilities, port-a-potties and fully furnished heads. The Town Board overturns the C.A.C. ruling and I feel that the owner of the Dreamers Cove Motel should at least be required to build and charge the boaters who dock there for a pump out facility.

I am a boater at heart myself. I've owned a boat in the past and enjoyed every moment I was able to spend using it. I believe most boaters are responsible people and don't wish to cause injury or damage to wild life or natural areas. I believe they prefer marinas, docking and launching facilities to be located in appropriate places. Clearly in Cases Creek is not the most appropriate place for an eighteen to twenty boat overnight marina. Any responsible boater would tell you so. No matter how responsible a boater may be and how hard a boater may try to maintain his or her boat so that it does not cause environmental problems a boat whether gasoline, diesel or sail powered when it is in the water is going to cause pollution, especially from fuel, oil, lubricants and bottom paint. Some bottom paints are extremely toxic.

Unfortunately there are those few boaters who are either irresponsible or ignorant or a combination of both who do not properly maintain their boats and think nothing of throwing overboard food scraps, trash and the contents of port-a-potties and heads. If this eighteen to twenty overnight marina is allowed to be used, it is inevitable that everytime the tide comes in

what ever pollution and trash the boats docked at that marina have put into the water will be washed into the Cases Creek marsh. I feel the Town Board as well as the owner of Dreamers Cove Motel will be responsible for any damage that results to the creek, the marsh and the wildlife and marine life that use and inhabit the creek and the marsh.

If the Town Board allows Mr. Pafundi to operate this marina, I believe, one could also say that the Board would appear to be showing favoritism. Not long ago a Mr. Juliano caused a great deal of concern in Town Hall when without permits bulldozed a path from Sound Shore Road to the Sound Bluffs. The town and the state filed all kinds of charges and fines against Mr. Juliano. The town even I think looked into the possibility of filing criminal charges. Mr. Juliano is being to required to restore the land at no doubt great expense. In other words, Mr. Juliano is being asked by the town and the state to pay dearly for his illegal action. I strongly believe that what Mr. Juliano did was wrong and that the state and the town have imposed appropriate punishment on him.

What punishment does Mr. Pafundi suffer for his illegal acts. Is he to be rewarded with a permit to operate this marina? Cases Creek and its associated marsh is a priceless and irreplaceable natural resource that is valuable to all twenty three thousand residents of Riverhead. What right does any one individual whose main interest is to make money for himself from the natural beauty of Cases Creek and Peconic Bay have to do anything that could potentially result in a loss of or serious damage to such a valuable natural resource.

I believe there is no amount of tax dollars or any other benefit to Riverhead Town which could be derived from this marina that would be an adequate substitute for a healthy Cases Creek. I strongly urge the Town Board not to overturn the C.A.C. ruling. Thank you."

Supervisor Janoski: "Mr. Velys."

Mike Velys, Aquebogue: "I live on Peconic Bay Boulevard directly across from this facility. I've lived there from 1953. I bought my property before the Dreamers Cove Motel was built and through the years I've must have passed there thousands of times. I've never seen more than one or two or three boats at most. For the most part the previous owners had a rowboat or that sort of a thing, possibly a little outboard with a kickit to accommodate some of the tenants at the motel. This facility has been referred to as a marina. I've been in a lot of marinas. This is the furthestest thing in the world from a marina. It's been stated that a residential marina is a permitted use in a Residence "C" area. Application made here is not for a residential marina. The application is made for a commercial marina. That is clearly stated in the application. Not residential, but a commercial marina. As for the placing of piles as was stated by Mr. Cetas, depending on where the spiles are placed and the distance between them determines the size of the craft that can be put in. We've never had thirty and forty foot boats in there, but if you

put the piles where he presently wants to put them you could conceivably get very sizable boats in there. He says that it been a marina, Mr. Angel says that its been a marina. If it has been a marina, it has been a marina in violation, because that the state requires that a pump out station. There is no pump out station there. There never has been. There was never a need for one. So the question is what kind of marina was it? I've seen pollution from Canada to the Bahama Islands. The whole world is concerned about the environment. I don't see how we can close our eyes as to what few precious creeks we have here in the Town of Riverhead. I just can't see how we can do that. There have been so many uncontrolled damages to the environment. Here's something that we can control and I just don't think that we ought to allow a commercial marina to go in an area that is essentially a residential area, it's been a residential area all this time.

I strongly urge the Board to at least require that an environmental impact statement be done. They claim that it is not necessary. That is not their determination to be made. It is the Conservation Advisory Council's and the Town of Riverhead's determination to make whether we should require impact statement. I think it is vital and I think that's the next step. I think we should require it and see what the outcome is. Thank you."

Supervisor Janoski: "George."

George Bartunek: "There is one point of clarification that I would like to make that maybe some members of the Town Board and some members of the public may have assumed that the C.A.C. has denied or recommended a denial for a permit of this marina, which the C.A.C. has not done. What the C.A.C. has recommended in the letters that I just read to you is that we want this to be looked at as a Type I Action. Because of the timing the application came to the Town of Riverhead. Thank you."

Supervisor Janoski: "Thank you. Is there anyone who has not yet spoken and wishes to address the Board? Sherry."

Sherry Johnson, North Fork Environmental Council: "I'm really disappointed that the only public opportunity to express our opinions on Mr. Pafundi's docks at Dreamers Cove is coming to us under these circumstances. Circumstances where legislative intent to recognize the Peconic Bay and its environs and more specifically Cases Creek itself as being unique enough to be designated as a critical environmental area has been ignored by the failure to implement SEQRA for this application. Circumstances which require us now to appear and plead with you not to overturn the C.A.C. determination. Circumstances where we are allowed to speak only after the applicant has already gone ahead and done the work he wanted to do without receiving local input or local permits. Cases Creek is one of the most important bay creeks within the town. It's significant fresh and tidal wetlands have not yet been completely surrounded by subdivisions and it's one of the few creeks which hasn't already been impacted by a commercial use. There is still time to preserve this

productive finfish and shellfish spawning and nursery area, but not if this application is handled in a manner which totally disregards taking into consideration the environmental impact.

There are many local issues here that the D.E.C. did not take into consideration when they issued their permit. Such as the bathing beach that is immediately adjacent to Cases Creek. What impacts would increased boating activity have on swimming at this beach? What are the safety concerns? Someone else mentioned parking. Is there sufficient parking? And of course there are all the environmental impacts that George mentioned. These are issues that could have been raised in the SEQR process and if the public had been allowed to participate sooner.

Mr. Angel was kind enough to tell you about all the permits that he had received. He gave you copies of those. I'd like to give you copies for the record of the violations. I have a copy of the violation that the D.E.C. issued back in November of last year and I have a Town summons that was issued on the 21st. day of November last year to be entered into the record. I'd also like to enter into the record the Resolution #608 from 9/20/1988 which was the designation of the critical environmental areas for perhaps the new members of the Board to review to see what the intent of the Board was at that time. I also have a map that shows some of the Bay Creeks in the area and depicts the extent of the wetlands of Cases Creek.

I spoke with the D.E.C. today to find out the status of the violation and was told that there had been a consent agreement agreed to which consisted of the payment of a fine and the agreement to remove the pilings and replace them in the correct position which was some feet less than what they were placed at. I feel that since the pilings have to be removed anyway that they should not be allowed to be replaced until a decision on a local level has been made. The N.F.E.C. has always contended that there should be an environmental impact study done on Cases Creek. We are still of that opinion and we hope that you will support that.

I also would like to state that back in 1988 when I was on the C.A.C. I clearly recall reviewing the application which at the time consisted of some reconstruction and renovations at Dreamers Cove at the motel and also on the site plan it included the docks. We decided at the C.A.C. level to separate the two and not review the docks at that time for whatever reasons I don't recall. But I do clearly remember them being not along the bulkheading, but sticking out into the creek. I just wanted to add that testimony."

Supervisor Janoski: "Thank you. Is there anyone remaining who wishes to address the Town Board on the matter of this application? Mr. Fellows."

Fred Fellows, Aqueboque: "I live in the third house from the Creek and I have owned that property for a great number of years. And I have been going to that property for 31 years. What I think is occurring here is a point that has been touched on, but which is very staggering to me. There is a deception, if I may be bold enough to use such a strong word, there is a

deception being perpetrated here. There's an innuendo of certain facts which are being converted to larger facts. Therefore if this fact exists then something larger exists. It reminds me of what Mr. Pafundi is doing is very similar to my cat. When the cat wants to sit in my lap and I tell him not to the cat will start over here and then make a move there and then make a move there before long if I let him make those moves he's on my lap. The thing that I say is occurring as a deception is the word there has always been boats. The word boatel was used. Little by little the word marina is being used. And photographs were used, affidavits from former owners are being used and none of this information to my knowledge and I'd like to examine the items that have been presented to the Town and I'd be happy to examine them in the presence of Mr. Angel and yourself. What I see occurring here is the fact that there were boats there of which apparently no one really objects to is being transferred into a marina, a commercial marina. Now there never was a marina there and the information is that there was a marina there. The word marina is not correct. Mr. Vely's explained what the word marina means. I know what the word marina means. Truthfully, as a selfish interest I certainly don't want a commercial marina near my home. I know that when an occasional large boat was there, when the Gray Goose was in operation, there were some boats that came in there at night for the evening, and couldn't leave because of the tide or because of inebriation of the boat owner and there was celebrating all evening long which could be heard by all the neighbors. What was even worse the next morning the revving of motors would be very disturbing to the neighborhood.

Now let's get to the most important point about boats. I've been there 31 years. I confirm what Mr. Vely's said. There have never been more than one or two boats at that motel at anyone time. They were boats of motel guests. I spoke to Mr. Dougherty who owned the motel for a great number of years and I know that Mr. Dougherty refused to even rent spaces to boatmen. I asked for permission to rent a space from him before I had my dock built. If you recall, I faced this Town Board because I asked the Corps of Engineers for a permit to build a personal dock. There was such a turmoil in reference to my building a commercial dock and this Town Board was jammed with people. There were several meetings about it and I was told it was a residence area, there are no commercial boats permitted there and I did get my permit for a dock, after I met with the Aardvark Group and with the Bay Woods group, when I assured them that the dock was for my own personal use only. I couldn't rent space from the marina, my neighbor had space for a couple of boats, I'm sure he would have liked to let me use it, but he felt it wasn't convenient to him so I asked permission for the dock.

There have not been more than one or two boats in that marina over the past thirty one years. So the statement that there was a marina and it preexisted and that citing an example in Islip, or whatever it was, that since we are one boat there then it was always a marina. It may have been a marina with thirty or forty boats and then down to one and back to thirty. This was never a marina. Their intimations to the documents

handed to you is a photograph, an aerial photograph. I'd like to look at that. It was admitted that there are no boats showing there. If there were a marina there in April or December or any time there would be boats showing in the photograph. I'm sure there have been a lot of photographs taken over the years during summer months. I've seen photographs of that area showing greenery. Those photographs would not show boats in that area. I challenge Mr. Angel to get any photograph of any period of time showing boats in the area. I accept the statement that somebody has looked at this photograph and has measured off 130 feet of floating dock. There have always been floating dock there parallel to the bulkhead. Parallel to the bulkhead there have been outboard motorboats there. One or two at a time at the motel. A motel with thirteen or fourteen units. If they are saying to their customers, which I believe they are entitled to, I accept that, I agree that they are entitled to have their customers rent space there and bring a boat. I have sent people there over the years who had a boat and who stayed with their boat at the motel and it was parallel on 135 feet or 130 feet of docking. If we are talking 25 foot boats, you are talking maybe only four or five boats that could even dock on a parallel docking. So I honestly would like the Town Board to consider the fact that we are going from allow boats there to boats for hotel guests. But the request isn't for the number of boats at the hotel, unless somebody is going to have a hotel guest and they are each going to have two boats. Typically I have no problem with the hotel having the ability to have guests bring boats. It's absolutely unlikely statistically in my mind that fourteen hotel units are going to have fourteen boats. So I accept the fact that small boats can go in there. I think the Town Board should again go down and look at the Cases Creek. We are really talking about a pretty tiny area for mooring boats. It narrows down to a very narrow inlet going under the road and up into a very broad area of perhaps fifty to one hundred acres of wet lands and those wetlands certainly do produce a lot of life. This gentleman here very correctly stated, it doesn't matter where pilings are as far as clams are concerned. It matters that it does disturb the clam and other life and I do dig clams. I dig mussels and other items there. I certainly wouldn't be able to do that if there was a marina there.

The other thing that bothers me about a marina is that both Hockabuck and Baywoods, particularly Hockabuck has a beach in common with the hotel. There are perhaps forty homes in there and there are a great number of children in there always have been children there. Now it's their grandchildren who are there and they are swimming in there. My daughter went across that inlet at high tide which meant she had to swim across and we are only talking 15 feet of width of channel there and she was almost struck by a boat and it was a frightening thing to see. I think that's important to recognize the amount of traffic that might exist.

But the deception that bothers me is that it looks like we are going to approve a marina when there was no marina and there were just a few boats there. I don't think anybody here is

objecting to a couple of boats using the boatel. I think the program is to expand upon a permit on another permit, on another permit, on another permit until we now can enrich Mr. Pafundi, which I envy him, so that he can sell some condominium units each with a boat slip. It makes a condominium much more valuable.

I've done a lot of work in this town and I've been in front of this Town Board to do a lot of things. And I've had a lot more difficulty getting very simple things approved than getting a marina approved. I've appreciated the concern of the town towards the projects that I've done in this town. I also live in this town. I pay taxes on five properties in this town."

Supervisor Janoski: "Fred. I understood you said up until a point where this Board has not approved a marina. This application has been around here, has been testified for three years. I don't know of any case where you have had to wait three years to have a permit issued. So I wish that you would just leave out what you just said."

Fred Fellows: "I'm trying not to hurt anybody's feelings, if I have I apologize. What I'm trying to say. I'll conclude and I'll make a short resume.

What we are seeing is going from a couple of boats in documents that say well there were boats here and the word marina keeps popping up. And I just can't see a commercial marina."

Councilman Vic Prusinowski: "Mr. Supervisor to answer this question because you hit the heart of this thing. I want to ask you a question. I know the definition of a marina, as you know I'm a boater and stuff and I like a few of us on the Board have owned boats. The only question I have to the applicant and he can answer me is our understanding on the Town Board that the only thing that we are considering is not approving a commercial marina or residential marina, it's an accessory use to this motel which would allow for exactly what you said is one slip to be used only for and I think it is mentioned in this permit for the motel units only. It's not to be overnight dockage, not to have where I can come in there on the weekend and say I want to tie up here and I'll pay you \$100.00 a night and hook up to the electric. I want that question. Is that what we are talking about here? That's always been our impression."

Stephen Angel: "And that is in fact the case. The problem with this is what we've got there is a space for a bunch of boats. And the cases talk about marinas. But to be absolutely clear and for the record we are not seeking a marina operation. We have always applied - Mr. Pafundi has always applied to have a dock for the occupants of the marina themselves. Nobody is allowed to rent a slip."

Councilman Prusinowski: "Would you be willing to covenant that?"

Stephen Angel: "We would be willing to covenant that also in the application. But the intention was that whatever docking facility was there exists and will exist would be limited to the occupants in the actual motel units and we would be willing to covenant that."

Councilman Prusinowski: "That's an inappropriate place for a marina. For a commercial marina---we just want to know what your intentions are before we make our decision on this."

Supervisor Janoski: "Yes, you have not spoken yet."

Gloria Keller, Aqueboque: "I have a couple of statements. First of all we really had no problem at all if Mr. Pafundi had gone through with the impact statement. If that was approved and he could do it, there was never any question in anybody's mind that that was okay. But that was primary, and that seems to be the thing that was stopped."

The other thing that bothers me is Mr. Angel is making this statement and we are to believe him. However, when they got the permit, not the approval that I see, but the permit from the D.E.C. The piles were to be ten foot away from that floating dock. Now who is anybody to be above the law and put them in 17 or 18 feet from the floating dock which is what they are. Plus they were only supposed to be a certain amount of space between each other and some of them are bigger. Now just that in itself I think should be made public that everyone understands that there again they were saying they were doing one thing and did another. And I just feel that if that is allowed to go on then they would be above the law. They would be able to do whatever they want. I have watched that creek and that was why we wanted it dredged. We used our boats without the dredging. So that was not such a personal thing. But I've watched that creek before it was dredged with no fish, everything was very, very dormant. Since it was dredged it's unbelievable. Just last year there were snappers jumping in that creek. That hasn't been and I happen to love the creek and think it is beautiful and I just stand before you because I think you all are good guys and I think you all love Riverhead and that's it."

Supervisor Janoski: "Is there anyone who has not addressed the Board who wishes to comment on this application? Yes, sir."

Roger Troop: "I'll be very quick as I was up here before. If Mr. Angel says that all he wants is to accommodate the motel in it's present capacity, why then are we asking for 70 more feet above the 130 that he has?"

Supervisor Janoski: "Mr. Keller you had your hand up some time ago. Did you wish to be recognized again?"

Robert Keller: "I would like to respond to Mr. Angel's statement that we opposed the dredging and permit and so on. He very well knows that there were two applications. One for

dredging and one for the commercial docking I think was the original application. We didn't oppose the dredging. We stated that we were in favor of the dredging. But he transfers our opposition from the docking to the dredging application. I'm confusing."

Supervisor Janoski: "You're confusing me because I didn't understand Mr. Angels testimony that you were opposed to the dredging, that you supported the dredging using the existence of commercial facilities, because I recall very well that the county was taking the position that they weren't going to do dredging for private docking, but they would for public access. I believe that was his testimony that you supported it using public access as the reason."

Robert Keller: "Supported the dredging."

Supervisor Janoski: "Yes. That's what he testified."

Robert Keller: "But he was testifying that we were in opposition to the application that was made now. The application that we are in opposition to is the commercial docking not the dredging. Using our support of the dredging to condemn our opposition to the docking."

I'd also ask you when you review the papers and the affidavits that he presented to you, that you review them in terms in the number of boats that the previous owners stated were on site. I believe that they make no statement on a number, just that they were boats.

Another point of course is that because something was there at one time it certainly give you a continuance to do that forever. They seem to say that because there were boats there they can now have a boatel or a marina as such.

Another question I would ask you is to insure whether the aerial photograph shows any pilings. If it doesn't show pilings, then they are not preexisting and therefore they should be the subject of an environmental impact statement.

He spoke also about places in Syracuse and Islip. I'd ask you to determine whether they are critical environmental areas as Cases Creek is.

So just on those questions I'd ask you to review the application very closely. Thank you."

Supervisor Janoski: "Thank you. Mr. Fellows I meant to let you know that anything submitted here which was made part of the record is open to your review in the Office of the Town Clerk between the hours of 8:30 and 4:30. Is there anyone present wishing to address the Town Board in the matter of this application? That being the case and without objection I declare this hearing to be closed. Let the record show that the hour is now 8:58 P.M."

If the people who were here specifically for that hearing would like a moment to leave us, I will certainly hold up for that purpose, because I know some of you really were interested

only in this one aspect of this Town Board Meeting. However, if you are going to discuss please do it in the corridor so that you do not interrupt the proceedings.

Ladies and gentlemen the Town Board is now going to recess until the hour of 9:10 P.M."

Supervisor Janoski: "Let the record show that the hour of 9:17 P.M. has arrived and the Town Clerk will please read the notice of public hearing."

Town Clerk, Irene J. Pendzick: "We have two for 7:45 Mr. Supervisor, so I've included the both of them. I have affidavits of public hearing and posting of a public notice for a public hearing to be held at Town Hall on Tuesday, May 7th, 1991 at 7:45 P.M. to hear all interested persons wishing to be heard regarding: AN AMENDMENT TO ARTICLE V "PARKING, STOPPING & STANDING" - SECTION 101-13 AND AN AMENDMENT TO DELETE SECTION 101-20 OF ARTICLE V "PARKING, STOPPING & STANDING."

Supervisor Janoski: "Thank you. Very simply the Town Board had completed the renovation of the Griffing Avenue Parking Lot and in the plan for that parking lot was provided spaces with limited parking namely two hour parking. That is the subject of the first hearing to make that part of the code. The provision of two hour parking. Previous to that there were some spaces which were designated one hour parking. So obviously that would have to be removed from the code and that is the subject of the second hearing. I am aware that there are different points of view as to how many spaces should be controlled parking. That is not a subject of this hearing. This hearing is simply putting into the code book a provision for restricted parking, two hour parking in those spaces which are so designated in public parking in the downtown area. I would recognize anyone who wishes to be heard. Steve."

Steve Haizlip, Calverton: "Mr. Supervisor and Board Members, all I would like to know is, if there is going to be a two hour time limit, is this going to be an honor system?"

Supervisor Janoski: "No. We have parking officers in our employ who have the authority to issue summonses for parking violations."

Steve Haizlip: "It won't be a metered field. It will be that he will go around and chalk-----"(interrupted)

Supervisor Janoski: "No. No, we are not at that point where we will use the chalking method. Basically a parking officer would note cars that are parked there beyond the two hour limit. We have directed that warning tickets be issued, just making people aware that it is restricted parking. To bring about education as to the changes that have taken place in the parking field and at a point in time especially after the enactment of this, then real summonses would be issued."

Steve Haizlip: "I'm glad that you brought that up because I was going to ask about time for education and getting acquainted, etc."

Supervisor Janoski: "George."

George Schmelzer, Calverton: "Many people work in Riverhead. A lot of businesses in Riverhead. Sometimes several hours, they don't know exactly. What are the people that work in Riverhead going to do? Go outside and move their car every two hours."

Supervisor Janoski: "They can park in those spaces which are unregulated and there are a great many of those in existence."

George Schmelzer: "For what purpose is this? If you've got a certain number of people who need to park all day, what is the difference where they park? You're going to put them in a certain parking lot. To me this serves no useful purpose."

Supervisor Janoski: "Same parking lot George and I would appreciate it if you would go down and look at what has been done. Yellow marked parking spaces are the restricted parking spaces. Obviously the business community underwrites those parking lots through a special district tax. Those parking lots are built and renovated and maintained at the behest of the businesses in the community. Their existence is primarily for people who come to Riverhead Town to do business. To make purchases or conduct business with attorneys of whatever it happens to be. There is parking which is unrestricted where you can park all day. One of the problems that we have experienced over the years-----"

TAPE MALFUNCTIONED - END OF VERBATUM MINUTES - CONTINUE  
MINUTES FROM TOWN CLERK, IRENE J. PENDZICK'S NOTES:

George Schmelzer, Supervisor Janoski and Councilman Vic Prusinowski discussed the merits of public parking districts, their purpose and the desire of the business community to promote parking.

Philip Kenter, Riverhead: Suggested signs to jurors that parking lot for them is to the north. He also stated that there is not enough all day parking for employees and requested that more all day parking be made available.

An addition to the minutes as underlined:

Philip Kenter: ...is not enough all-day parking for employees. Relay employs about 35 full-time employees, mostly female, and are worried about their safety leaving at night.

Supervisor Janoski: Advised that the two-hour designated spaces are adjacent to Griffing and Roanoke Avenues and to the

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back of the stores. Asked if Mr. Kenter spoke to any other merchants regarding these thoughts.

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Philip Kenter: No, just expressing his feelings.

The hearing on public parking closed at 9:31 P.M. and the new public hearing began.

PUBLIC HEARING - DATED MAY 7, 1991 AT 7:50 P.M.

RE: AMENDING ARTICLE III, SECTION 46A-5 (5A), ARCHITECTURAL REVIEW BOARD

Supervisor Janoski explained that the Architectural Review Board is an advisory body to the Town Board with regard to site plans and sign permit review. The Architectural Review Board was given the authority to issue permits. The Board has found that when applicants disagree with the ARB, they go to the Town Board. Now the Town Board is changing the signature authority to issue the permit to the Town Board and the ARB will review and make recommendations.

George Schmelzer asked if the Architectural Review Board gave permission to knock his signs down.

Supervisor Janoski explained that the Architectural Review Board did not exist then in 1978 or 1979. The law provided for a five year amortization period.

An addition to the minutes as underlined.

Supervisor Janoski: The ARB was given authority to issue sign permits. The proposed change will ask for recommendations from the ARB for final approval of sign permits by the Town Board.

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JJP

The public hearing ended at 9:35 P.M. and Supervisor Janoski asked to recognize anyone wishing to speak.

Steve Haizlip, Calverton questioned Resolution #283 (AMENDS SITE PLAN OF EDWARDS AVENUE CORPORATION) as to where is the site and what kind of business was there?

Supervisor Janoski responded that the building houses an environmental company on the east side. The site plan is to provide parking for the vehicles of employees and clients.

Steve Haizlip stated that 60 MINUTES aired Mr. D'Amato last week. When Senator D'Amato was Supervisor of Hempstead town he forced employees to give back a 1% kick-back.

Mr. LaValle and Mr. Sawicki, when called, never get back to their constituents.

Bill Nohejl, Aqueboque brought to the attention of the Town Board that the Chamber of Commerce controls the Christmas Lights

on Main Street. He comments that they are a disgrace - some are on and some are off. The foliage covers some of them. In three places the lights remain on all day and all night.

Supervisor Janoski replied that the Chamber has made a determination to take the Christmas lighting down.

Bill Nohejl stated that the town employees put them up. Mr. Nohejl also commented on the trash along side the roads of Riverhead town is increasing. He asked Councilman Creighton if he noticed it along Peconic Bay Boulevard.

Councilman Frank Creighton replied that he saw mostly cuttings, grass and branches put along side the road for the Highway Department to pick up.

Councilman Vic Prusinowski interjected that when the town creates garbage districts next year, this type of material will be picked up one time a month.

Bill Nohejl continued. If the town picks up the debris, the next day the residents put it out again. On Peconic Bay Boulevard a commercial landscaper leaves grass clippings out for the Highway Department to pick up.

Cathy Casey, Wading River inquired as to where the Change of Zone was to Business "CR" for Werner Adel and where the Change of Zone was for Weber. Cathy also stated that the Wading River Civic Association opposes any changes to business zoning.

An addition to the minutes as underlined.

Cathy Casey: Stated on record that the Wading River Civic Association opposes any residential zone change in the Wading River area. Too much business already in Wading River and urges the Board to seriously consider denying any zone change to commercial in the Wading River area.

6-5-91  
JJP

Supervisor Janoski answered that the Planning Department will have to consider the zone changes and that a public hearing will be held for the people to speak out or in favor of the zone changes. The location is on the southside of Route 25A, (1500 feet east of Manorville Road).

An addition to the minutes as underlined.

Supervisor Janoski: ...Planning Board reviews request and makes recommendation for approval or denial of application to the Town Board based on knowledge of area. Wading River Hamlet Study would be taken into consideration. Werner Adel property is on the southside of Route 25A (1500' east of Manorville Road).

6-5-91  
JJP

Cathy Casey asked the Supervisor why C. K. Auto was denied it's special permit application in Resolution #296.

Supervisor Janoski replied that the planners concluded that the C. K. Auto application should be submitted as a use variance.

An addition to the minutes as underlined.

Supervisor Janoski: ...concluded that Special Permit application is not applicable and applicant should apply for a use variance through the Zoning Board of Appeals.

6-5-91  
JJP

No further comments, resolutions were considered.

There being no further business on the agenda the meeting was adjourned at 10:07 P.M.

Irene J. Pendzick  
Town Clerk

IJP:ch

*[Faint, mostly illegible text from the rest of the minutes, including sections for Councilman, Supervisor, The Vote, Reports, Tax Receiver, Mail, Hanorville Fire, Suffolk County, and Applications.]*