

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, June 4, 1991 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
Denise Civiletti, Councilwoman
Victor Prusinowski, Councilman
James Stark, Councilman
Frank 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: "Reports."

REPORTS:

Supervisor	1990 Annual Report
Town Clerk	Monthly Report, May 1991
Building Dept.	Monthly Report, May 1991
Tax Receiver	Report of collections as of June 4, 1991 \$34,486,363.83

CORRESPONDENCE:

Victoria Brown, Esq.	Commends Assessor's Office for informed and helpful attitude as being best in Suffolk County
Robert Wilson	Observes the Riverhead litter volunteers in action and suggests that all can take a lesson from these volunteers
Victor Balabanow	Requesting to renew Performance Bond for Roanoke Pines subdivision for additional year
N.Y.S. D.E.C.	Transmitting copy of Commissioner Jorling's certification and approval of Riverhead Town's "Coastal Erosion Area Management Program"
Jamesport Fire Department	Requesting exemption from Article 62-A-9 for Sunday July 21, 1991

Supervisor Janoski: "Thank you. The time has not quite arrived for the first scheduled public hearing. So I will recognize anyone who wishes to speak on any subject."

Walter Shackel, 62 Meetinghouse Creek Road, Aquebogue: "We are here representing the Hockabuck Park Civic Association in reference to the article in the News Review dated May 23rd. Town backs skiing in Aquebogue.

At the Town Board Meeting of May 21st. the Board approved a special permit to allow skiing in Terry's Creek in Aquebogue. Members of the Association feel that the Board acted in haste and without considering some important facts. This Board and previous Boards have seen the importance of enacting or supporting laws to protect the environment of our rivers, our creeks and estuaries from disruptive activities. We have a five mile speed, no wake law in certain areas for safety and to avoid damage to mooring boats. These laws benefit all of us. We have law enforcement agencies to enforce these laws. Then at the meeting of May 21st. the Board chose to ignore these laws and approve a special permit to a private self-interest organization who have been in violation of these laws for two boating seasons. This brings certain questions to mind. Why wasn't the law enforced? What valid reasons did this organization present to be granted this special permission? Were there special considerations given? Now in the article of the News Review they gave certain reasons that this organization gave in order to be granted this special permission. Did the Board base their decision on the testimony of one resident who stated that he had no objections to this kind of activity? We have residents here today that live right on that point there that do object to this kind of activity. Was it because they received approval from Suffolk County, the D.E.C. and the Army Corps. of Engineers that you granted this permission for them? Has the Board seen proof of these agencies? They don't give any permission for skiing, these agencies.

This is a local matter and we wish to settle it on a local basis. When we, a couple of weeks ago, went to visit the Town Board, Mr. Janoski and we stated our case, the first thing he said was they don't belong there and everyone we spoke to said the same thing, they don't belong there skiing.

They profess to be members of the American Water Skiing Association and state that they had no knowledge of the 500' shoreline distance. A responsible organization; this is hard to believe. Yet they were skiing within the 500' markers, they have buoys out there. They are disrupting the area. They say that they are interested in the environment. We're interested in the environment also. That's why we are here. Racing high speed boats, churning up the waters, exhausting large amounts of carbon monoxide gasses, disrupting the hundreds of swans that are up there that rest up there. They have nesting grounds. There are hundreds of them, they resting grounds up there. They can't compete with these speeding boats.

The next thing they gave for a reason for getting this special permit was that this was a good spot. Yes, it's good for them, but the community cannot use the area when they are there. It's a good spot for them, but not for us. By granting a private, self-interest group special permission to use public water ways for this kind of activity is to deny the rest of the community

its use.

We feel that in view of the existing laws protecting the area against this disruptive kind of activity and since no valid reasons were given for a special permit to use Terry's Creek for water skiing, this should be rescinded. We also feel that our law enforcement should be more alert to prevent from happening in the future. I thank the Board for their time and I hope it hasn't fallen on deaf ears. Thank you."

Supervisor Janoski: "Thank you. Let the record show that the hour of 7:44 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 Town Hall on Tuesday, June 4, 1991 at 7:40 P.M. to hear all interested persons wishing to be heard regarding: AN AMENDMENT TO ARTICLE XIII "SUPPLEMENTAL USE REGULATIONS" OF THE TOWN CODE AT SECTION 108-56 ENTITLED "SIGNS"

Supervisor Janoski: "Thank you. This is a proposed amendment to the current Town Code regarding signs. And it would add to the code the additional use of computerized signage. One of the problems that has plagued the Town and enforcement of the sign ordinance which presently exists is the problem of extraneous signs for various messages that people try to give for example, special sales, the ever present Marlboro type sign out on the sidewalk, the sandwich signs. We have recently amended the sign ordinance to allow for a marquee type sign so that you could have a sign with the name of the business, the corporation name and incorporate it into that free standing sign would be an area where removable letters could be affixed very much like a movie theatre marquee; of course we regulate the size. We are, however, in a computer age and a proposal has been made that we allow the very similar situation with the computerized signs. Putting in place, however, a number of restrictions. We have in our review of what was originally proposed identified the areas that should be further amended.

But these signs would be on premises only.

They would be free standing and accessory to the main sign. Now I have looked at that and said that that could be interpreted a little differently than we intend, and we will make that very specific, that it must be part of a structure of a single sign.

No more than thirty square feet in total. I think the Town Board will have to consider a total square footage for the entire structure of signage.

A minimum display necessary to convey intended message. A minimum of 300 linear feet from any other existing electronic message center.

No horizontally or vertically moving messages or graphics shall be permitted.

A minimum time interval of 15 seconds between any change in

a message that occurs in such an electronic sign.

That the total number of electronic message centers shall not exceed one per property or complex one directory sign. If you had a complex such as Waldbaums with the directory sign that they have, they would only one message sign allowed within that structure even though there are multiple businesses. Those are the items that we have identified and this proposal is restrictions and controls on the use of such signs and we are having a public hearing to elicit your comment and observations and I would recognize anyone who wishes to be heard at this time. George."

George Schmelzer: "I'm not sure that I understood you rightly. You refer to Waldbaums. That means if Waldbaums put one of those signs up Pergament couldn't do it?"

Supervisor Janoski: "That's right. There could be one sign within the structure of the electronic sign. Electronic message center."

George Schmelzer: "Why limited it to one store?"

Supervisor Janoski: "That is what we are proposing because we feel that there could be a service through the allowing of specials to be placed and messages on such a sign and remove the temptation to bring in something that we have very stringently controlled and that is the portable sign and the little things on wheels that have the moving lights. That's been somewhat of a constant problem, but not to the extent of other towns and we tried to keep up with it. What the Board recognizes is that there is on the part of business a desire to convey an additional message on a regular basis. Be it a special on chicken cutlets or whatever the special happens to be. And rather than have a number of sandwich signs or other types of signs start to blot up the landscape a very controlled and neat approach within the structure of a sign is something that we are considering."

George Schmelzer: "Well it seems to be unfair to have one store do it and the rest of them can't. We are supposed to have freedom of the press, freedom of speech. Each one should be allowed, I think, to put up one if they see fit."

Supervisor Janoski: "I think you would even agree, George, that Waldbaums Shopping Center, for example, must have ten businesses in there."

George Schmelzer: "Yes."

Supervisor Janoski: "And to allow each of those businesses to have their own separate electronic message center would probably go further than we intend."

George Schmelzer: "I don't know. You like to control people for the pleasure of it."

Supervisor Janoski: "No, we didn't have to consider this amendment to allow them at all. What we are trying to do is recognize the needs of business, but to do it in such a way that it is acceptable in the community."

George Schmelzer: "I don't know it doesn't make sense. Maybe it does to you because you're the boss."

Supervisor Janoski: "No. You're the boss."

George Schmelzer: "No, you sit there. I don't."

Supervisor Janoski: "You're better off. So you think that the restrictions are too stringent, is that it?"

George Schmelzer: "Yes. I believe it should be free to each store. Each store isn't going to do it, but it will take care of itself usually. Usually if you leave things along, it takes care of those things better than bureaucrats do."

Supervisor Janoski: "Well under the present circumstances, George, they are not allowed at all."

George Schmelzer: "Well the bureaucrats are worse than I thought then. Thank you."

Supervisor Janoski: "Thank you George. Is there anyone else who wishes to testify on the proposal to allow electronic message centers be incorporated into freestanding signs? That being the case and without objection I declare the hearing to be closed. Let the record show that the hour of 7:52 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 7:50 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 Town Hall on Tuesday, June 4, 1991 at 7:50 P.M. to hear all interested persons wishing to be heard regarding: THE CHANGE OF ZONE APPLICATION OF EVE WEBER TO EXTEND THE BUSINESS "CR" ZONING 250' NORTH."

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

Charles Cuddy, Esq. for the applicant: "This is a parcel of land that's on the northwest corner of Benjamin Street in Wading River. It is directly across from the public school. It's also across the street from the Suffolk County National Bank. The parcel is also and I think it is important to note this, between two gas stations. There is a gasoline station just to the south of Suffolk County National. There is a gasoline service station and repair shop 200 feet to the north. I would like to hand copies of the Wading River Hamlet Study Maps to the Board so that

they can be made part of the record. I know that probably most of you are familiar with this particular area. But I'm not sure that any of you had the thrill of hearing the fire siren that is directly 105' from the front door of this house. I have, and I think it is important to at least get a feeling of what it does to this particular parcel. This is a house that was built a number of years ago. At the time it was built there was no fire siren there. When the fire siren goes off at this particular locale you can't speak on the telephone, you can't talk to anybody, you can't hear anything. It effectively makes it difficult to reside there for anybody whether you are an owner or a tenant. The owner of the property sought to sell this property. It's in a Residence "A" Zone and it was virtually impossible to sell the property as a residence, because when anybody went there they were faced with what I just indicated to you.

My client, whose the applicant, seeks to establish an antique shop at this particular site. She's willing in connection with establishing that antique shop, as a condition of approval, to indicate that the lines of the structure will not be changed from a residential type structure. She's not going to build a store. She doesn't want to do anything like that. She wants to use the building as it is. To use the building as it is requires virtually no change whatsoever in the building. It would have to be a small additional area for parking and that's all. When this application was presented to the Planning Department, not the Planning Board, but the Planning Department we were encouraged to proceed. It got to the Planning Board and the Planning Board, because of a single objection that was made at the Planning Board, I believe, indicated that what we should do go to the Zoning Board of Appeals. I think that is a back door approach. In other words they were saying to us, go ahead make an application, we have some sympathy for your position, but do it on the basis on a use variance which is not only difficult, but I think misses the point. The point is that the zoning here is improper. I know that people are going to tell me the Hamlet Study was done in 1988. That's three years ago. I say to you, and I give you the maps of the Hamlet Study, both before and after. They show existing and they show the new study. The second map shows the new study. This land was simply not addressed. And I read it several times. There is nothing in the Hamlet Study that addresses this particular parcel or this particular area. The area that was addressed and maybe it was talked about a great deal, the area that was actually addressed was the corridor. This is a parcel that cries out for some relief. You can't use it as it is and I think that there will be other people that will speak that will indicate to you as real estate brokers that you can't really use this particular parcel. Something has to be done. If there is a gas station to the north of it and a gas station to the south of it certainly and also I haven't added there is a beauty shop to the north of it on the other side of the street. And they are all shown in the various colors that are on this particular map or the various shadings that on this particular map.

I suggest to you that not to rezone this is going to create

a situation where you are going to have at best a tenant in the house and the type of tenant that is going to live there is not going to be good for the neighborhood, because it is not a desirable place to live. To have an antique shop there is virtually an innocuous activity. Certainly if you have the other businesses that I'm talking about, you have a public school across the street, you are not bringing anything strange into the neighborhood. I would ask you to consider the fact that the Hamlet Study did not address this and I ask this Board to legislatively address the problem and to approve an application to have this as an antique shop. Thank you."

Supervisor Janoski: "Thank you Mr. Cuddy. I don't know if you know this or not, but I live there."

Charles Cuddy: "I know that you do."

Supervisor Janoski: "It's not a bad place to live."

Charles Cuddy: "I think Wading River is an extraordinary place to live, but I think there are times when zoning isn't frozen and I think this is one of them. When you say it's a fluid concept and that you've got to apply some planning and some future zoning consideration to something like this or else it's going to go downhill. And I'm talking about this particular plot. I'm not talking about the Community of Wading River. I'm talking about this site and I want that understood. I'm certainly not talking about Wading River."

Councilwoman Civiletti: "Did you or didn't you go to the Zoning Board for a variance?"

Charles Cuddy: "No, we did not go to the Zoning Board for a variance."

Councilwoman Civiletti: "How large is the parcel?"

Charles Cuddy: "The parcel is 200 feet by 150 feet. It's 30,000 square feet. Two hundred feet on the road and the road being Wading River Manorville Road."

Supervisor Janoski: "Thank you Charles. I guess there is someone else who wishes to be recognized. Cathy."

Cathy Casey, Wading River Civic Association: "First just in case there are a couple of people on the Board that may not be totally familiar. When the counselor refers to the gas station that is north of this piece and or the beauty parlor that is north and on the easterly side of this piece. They are preexisting businesses. They have been there for many years. They have been there prior to zoning, I believe. Therefore they don't fall into this category. So I think to use the excuse that those businesses that have been there for many, many years. This was a residence. I don't think it should carry any weight with the

Board at all.

Number two. The gas station "that is south of this particular piece." I'm looking in my head and the gas station that I believe the gentlemen is referring to is on Route 25A and Wading River Manor Road. There is no gas station south of this piece. I would like somebody to tell me. South of it is the bank, then you have Little Bay Shopping Center which is on 25A. On the easterly side of it you have the real estate on the corner and across the street from the real estate is where you currently have a gas station. So when he talks south of it that is on 25A, that other gas station. (some comment from audience, inaudible) What other gas station is there then?"

Supervisor Janoski: "Let's not get hung up on that point. Mr. Cuddy are you referring to C & K Garage which used to be a gas station?"

Charles Cuddy: "Two gas stations. There's one called Finks and there is one called C & K."

Cathy Casey: "Oh, I'm sorry. I forgot. You are absolutely right. I stand corrected. But then again, I believe that one goes back many years. There again I don't think that is a substantial reason for suggesting that this particular piece be rezoned.

In addition for those of you who not be aware the Wading River Civic Association a number of years ago on a couple of occasions went to the Town of Brookhaven and requested when they had applications to rezone pieces on 25A in Wading River, but the Brookhaven township had several requests to rezone sections for business. We were opposed to rezoning residential areas several years ago and I'm talking prior to the building moratorium and the Hamlet Study that was done in Wading River. As president of the Wading River Civic Association, just again as a little reminder as I'm sure you are all aware, this Town Board spent approximately one hundred thousand dollars and invested in that Hamlet Study. There were many people from both that business community and the residential community who gave up their time to sit down and talk as well as talk with the professionals and get guidance from the professionals. These are people in the business. That is what it was done for. To aid in protecting the Wading River community. We know growth is coming as we all do. But what kind of growth and where is what we are concerned about. As a result we oppose any residentially zoned areas being changed to business in any way, shape or form in the Town of Wading River. The Hamlet Study recommended that. The Town Board adopted that Hamlet Study and we respectfully request that you decline this application.

I would also like to say that this so called statement that this house can't be sold again, just because it's been on the market for, I believe the statement that was made by the counselor before the Planning Board, for seven months means that it can't be sold. Well that's poppycock. We all know that the sales market for housing is down. It has been down and it is very possible that maybe the price that's being asked for the house

for this time may be too high. It is directly across the street from the Elementary School. You can't convince me and I'm sure most of the people here, that that house cannot be sold for residential purposes. Especially when it is right across from the Elementary School. It is ideal for a family with small children right across the street from the Elementary School. Again on behalf of the Wading River Civic Association I respectfully request that you deny this application for a change of zone from Residential to Business "CR" or any other form of business. Thank you."

Supervisor Janoski: "Is there anyone else present wishing to address this Town Board? Yes sir."

Mr. Fornell, Benjamin St., Wading River: "I'm here to oppose any changes to that particular parcel. Basically due to traffic. It's a narrow street. We have to tolerate that bank six days a week now. Thursdays when LILCO is cashing their checks they take over that whole area, I can't get to my house half the time. You try to get down the street and people are blocking the street and you blow the horn and you want to get through the line and they want to fight you. And as far as the siren for the fire department I only live 450' from this house and you live with it. You know it is not that far from me. You've got the school and there is no parking in front of this particular house because it is a narrow busy street right now. I don't think it should be changed."

Supervisor Janoski: "Thank you. Yes."

Jane Kratz, Esq. Wading River: "I am here also to oppose this application. From a legal standpoint I would consider this to be an application to spot zone. And given the deliberate studies that were made and the conclusions that are contained in the Hamlet Study. Any rezoning of this property given the fact that there has been no change in the neighborhood or in this particular area since the study was done would constitute spot zoning as a matter of law. I've prepared an opinion letter to that effect and I would like to hand up copies of it to the Board if I might. Above and beyond the legalities that are addressed in that letter as a neighbor I have reasons that may not be legal reasons for wanting to oppose this application."

The fire siren is not something that renders this property untenable or inhabitable whatsoever. It is a quiet private street, private road. Everyone who lives on the street has invested most of their life savings in their houses and we would be asked essentially to absorb a diminution in our property values in order to enhance the value of this particular parcel. A parcel with the first house on the block and has been residential for decades I assume. I would like the Board to understand that upon referral recommended that this petition be denied among other things because of the existence of the Hamlet Study and its findings. And the Planning Board noted in its resolution that it wasn't an oversight on anyones part that this particular piece

was not recommended for rezoning. It should be residential, it is zoned residential and that's the way it should remain. The C. K. Auto facility that is northerly of this piece beyond the LILCO Right of Way and of Paper Street is a nonconforming, preexisting use. Perhaps one day that parcel will be put to residential use. That's certainly all of our neighbors fond hopes. And the same thing goes for the beauty parlor. Be that as it may it is not a justification for rezoning this piece at this time. Thank you for your time."

Supervisor Janoski: "Thank you. Yes, sir."

John Houser, Benjamin Street, W. River: "I find it a little bit amusing that the good lawyer Cuddy, who represented Three Village Homes, who had no problem selling Mr. Carrera's home to me on that street now finds it uninhabitable because of a fire siren. We've raised three children on that street in the last seventeen years and the fire siren is not a problem. I'm opposed and so is my wife for any variance to the former Buniski residence. In fact I shudder to think what Joe and Mary Buniski would have thought had they ever conceived that their house would be turned into an antique shop. I don't think it is appropriate for that area. It's a nice residential area. It's a street that's had a rather nice group of people living on it in these last few years and we really don't want to see it changed. The house is saleable. It in my opinion was overpriced. I just would like to be on record that we are not in favor of this zoning going through."

Supervisor Janoski: "Thank you Mr. Houser. Yes, sir."

Joe Teigh, Benjamin St., W. River: "I've held a real estate license in the past which has now expired and the reasons that he gives that the house is unsaleable is incorrect. We are in a down market and the house was definitely overpriced, plus the fact that he has shown that other pieces are commercial. That does not necessarily mean that the next piece could become commercial. According to that, what the gentlemen said, we could then say because the Kratz house is adjoining to the antique shop now that can become commercial. And on and on and on until we turn the whole area into a commercial zone which of course is not what we are looking for. We have lived on this street and the siren hasn't bothered us or any of our neighbors and we see no need for an antique shop. Thank you."

Supervisor Janoski: "Thank you. Bill."

Bill Schultz, Wading River Road: "I live just north of the proposed zoning change and I've lived there since 1951. I knew Mary and Joe Buniski before they built their home across from the school and they always took pride in their home and grounds. Sure there is a bank on the other corner from the Weber land and I wished that was next to me instead of a garage. I consider that as an asset. The building is well kept. Also the grounds are well

manicured all the time. When Mrs. Weber purchased this home she knew it was residential property. She should not have bought it to use it for other purposes. So far the grounds are not well kept, and things could only get worse instead of better. If this is zoned business, the traffic will be a terrible consideration. It's across the street from the school and I've had previous experiences with parked cars on the road. Police have informed me that I could not park cars in front of my house and where will the cars park if this is put into the zone. There are stores for rent on 25A that's business zoned and that's where she should have bought. The town is so concerned about signs, how about the sign she has in front of her garage. It is three quarters the size of her garage and the town allows this? Therefore I ask you consideration of my objections to this change of zoning.

And I would like to say as far as the siren is concerned I've lived there for forty years and I'm a fireman for forty years and I'm proud of it. I think everybody in that neighborhood are proud of the fireman that take care of everybody and I don't think the siren bothers anybody."

Supervisor Janoski: "Bill I want to ask you a question. You referred to a sign that is on the garage?"

Bill Schultz: "It's laying against the two garage doors."

Supervisor Janoski: "What does the sign say?"

Bill Schultz: "It's a sign saying that it is an antique shop."

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

Cathy Foster, Benjamin St., W. River: "I also live on Benjamin Street. In fact my house is directly behind the bank. I'm opposed to this change in zoning for all the reasons that have already been stated as well as a couple of other things that I would like to point out. When I bought that house that I'm living in now behind the bank, I was able to get it at somewhat of a bargain because it was directly behind the bank and therefor it was somewhat undesirable. It decreased the value of the home from the sellers who sold it to me. I think logically speaking that to have this zoning changed so an antique shop could be opened up would logically decrease the value of the Kratz's house as well. Also I know that Eve Weber is a very particular and nicely fussy landlady and as far as any type of blatant threat of undesirable tenants moving in because the house cannot be lived in otherwise, I find that that just doesn't make sense. I know her from the past and I don't like feeling that we have to go along with this proposal so we can keep our neighborhood decent.

Also I noticed that because I'm directly behind the bank there is a lot of traffic every so often where the cars will use my driveway to back up and turn around. And I think with more traffic coming for the antique shop that this would be more so

with the cars using our driveways. We do have quite a few children living on the block and they like to roller skate on the block all the way up to the corner. They like to ride their bikes and I think with an increase in traffic that this would make it undesirable for us as parents to allow our children to do this. So I'm glad I've had the opportunity to say all this. Thank you."

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

Joy Bryant, Little Bay Real Estate: "We had that house, the Buniski house for sale for quite sometime and had trouble selling it at that price as a residence. I felt that the use of it as an antique shop which wouldn't add a lot of traffic to the neighborhood it would only add to the community rather than seeing it sell for much less money or become a rental property. Are we on the right house?"

Supervisor Janoski: "Yes. You know the price of this house has been mentioned four or five times."

Councilman Vic Prusinowski: "What is the price?"

Joy Bryant: "One forty nine nine. I do think that the house being in the middle of two commercial properties next to the bank, next to the auto repair, across from the school with the fire alarm right there, that it will make a very nice antique shop. Wading River doesn't have one at this point."

Supervisor Janoski: "You never told us where you live."

Joy Bryant: "In Wading River on Lewin Drive."

Supervisor Janoski: "Thank you. Do you have a question?"

Councilman Creighton: "Are you currently participating in a contract for sale or was it sold with your assistance?"

Joy Bryant: "It was sold with my assistance."

Councilman Creighton: "From whom to whom?"

Joy Bryant: "From Mr. Buniski to Mrs. Eve Weber."

Councilman Creighton: "With the suggestion that it would make a good antique shop?"

Joy Bryant: "Yes."

Councilman Creighton: "Thank you."

Town Attorney, Patricia Moore: "Just a clarification. The application says that this is under the contract to purchase. Is Mrs. Weber under contract?" (inaudible - microphone not working)

Joy Bryant: "It has not closed yet."

Town Attorney, Patricia Moore: "It is subject to getting this approval."

Joy Bryant: "No, no it's not. She will have it as a residence if this doesn't go through."

Supervisor Janoski: "Thank you very much. Way in the back there."

Janet Porcella, Wading River: "I live east of north country road of Wading River. I also have the pleasure of being Mrs. Weber's friend and I do take exception to the remark the gentlemen made about the grounds not being well kept. They are immaculate. Inside and outside. And awhile do sympathize with the people on Benjamin Street and there is a lot of traffic with the bank this little innocuous business is not going to draw a tremendous amount of traffic. I do have an antique shop of my own. I know. I don't feel, as I say, that her business is going to draw an undue amount of traffic to the point that she will not have people parked on the sides, parked in the front, everywhere. She has her own driveway and she will probably make additional parking so that she won't be in anybody's way. So I would wish that you would really strongly consider it. I am a Wading River resident and I feel that the type of business she is bringing in---it is not a local tavern, it's not a pool hall, it's a quite little business. And she is a wonderful woman and she keeps the place very well. I can't see the problem with it. I don't feel that it will interrupt my life.

As I say, the people on Benjamin, I do sympathize with them, but it will not be to the point where they would have an undue amount of traffic."

Someone from audience shouting questions.

Supervisor Janoski: "Sir you are out of order. Please talk to us ignore him."

Janet Porcella: "I'm sorry. I'm sure that she is intelligent enough to realize that she will not have her customers parking on that side of the street where you go down to enter the drive-in window. I think that she can definitely handle that situation if she puts the additional parking in the back and have no parking on that side. Because it is a narrow road. I agree with these people. It would be difficult if you had people parking on that side of the street because of the traffic going. But whether she is there or not it's still a problem and that's about really all I have to say on the subject."

Supervisor Janoski: "Thank you. Please do not interrupt the speakers and make comments on their testimony and I will make sure that you are not interrupted when you speak. The gentlemen with the dark blue jacket."

Dave Kratz: "In deference to the previous speaker. I think she is missing the point. Maybe a lot of people are missing the point here. A nice little antique shop is one thing, but when you rezoned commercial that's another. I don't want a 7-11 on the corner, I don't want a used car shop on the corner. My wife went all through the book and saw what could be put there as a commercial piece of property. The property value goes up and she can sell it to someone else. It's commercial. Who knows what can go on that street? And to the antique shop point, watching Mrs. Weber's Antique Shop across the street, she had the antiques all strewn over the lawn, the chairs and stuff. And I that kind of thing doesn't really attract neighbors. Just putting that stuff all over the lawn. As an antique shop it's a quaint little antique shop. Thank you."

Supervisor Janoski: "The gentlemen with the light blue jacket."

Ralph Kessling, Wading River: "I live in Wading River, on the other end of Wading River. My only question is if you do make it commercial and she decides to sell a year or so later what happens then? It's commercial property. You can put anything there then, right?"

Supervisor Janoski: "Anything that is allowed in the zoning code. The previous gentlemen brought it up and it was and I've been waiting for somebody to say that for a long time. Yes sir, you with the white striped shirt."

Russ Knights, Benjamin Street: "I just want to go on record as echoing the sentiments of those who spoke against this rezoning. They really stole my thunder as far as reasons so I won't repeat them, but only left a little bit unanswered is this parking lot. I'm not really quite sure where that would go. The only place I would see would be either between the house and Benjamin or behind the house which would be west of their house and closer to the Kratz's property. I don't see anyway in which that would alleviate traffic on Benjamin Street. Thank you."

Supervisor Janoski: "May I just speak with the real estate individual. If you could just come up, I just want to ask a couple of questions. Joy, what is the lot size on that property? Do you know?"

Joy Bryant: "Three quarters of an acre."

Supervisor Janoski: "And would you happen to know the square footage of the house? Roughly, it doesn't have to be exact."

Joy Bryant: "Roughly. Fifteen hundred."

Supervisor Janoski: "Thank you. Way, way in the back."

Don Buniski: "I'm half owner of the house. I lived there since I was ten years old. Before they put the fire siren there. That's the one thing I'm going to bring up. Now the people on Benjamin Street say it's not bad. But there is a buffer. There is a lot in the back which I own and it's not as bad back there as it is living in that house. It'll blow your head off. You listen to that go off in the middle of the night. Mrs. Weber, I've been renting the house to her since October or November and I go in the house and I go around the house and the grounds are kept up good, the inside is kept very well. I have no problems with her at all. I guess that is all I have to say unless you've got some questions."

Supervisor Janoski: "Thank you. Do you know the square footage of the house?"

Don Buniski: "Square footage of the house? About twelve hundred feet."

Supervisor Janoski: "Twelve hundred?"

Don Buniski: "Roughly."

Supervisor Janoski: "Yes, I'm sorry I missed you before."

Joanne Wolheb, Benjamin St., W. River: "I would like to go on record as objecting to this change in the zoning. As Mr. Kratz pointed out, once it is changed to commercial property we don't have any control of it at that point. Benjamin Street is a residential area and we would like to keep it residential. Thank you."

Supervisor Janoski: "Is there anyone remaining who wishes to address the Board? Mrs. Hurley."

Patricia Hurley, W. River Manor Road: "I've lived in Wading River for the past twenty years. My house is located on Wading River Manorville Road approximately 300 yards north of the proposed antique shop. As far as I can see this shop is in the middle of what you would call a commercial area and it's not a very nice commercial area. I feel that the antique shop would definitely be in keeping with the historic nature of Wading River and I can't think of a better use for the property. I'm definitely in favor of it and I think it would be an asset to the community and I would urge you to vote yes. Thank you."

Supervisor Janoski: "Thank you. Yes, sir."

Gordon Danby, Wading River: "I do not live in this neighborhood. I feel some sympathy with this application, I shouldn't say that, with this use, because I'm troubled with the fact, and I'm not that involved in things anymore, that the gas station to the north is resurrecting what was a defunct oil business dead for many years."

Councilperson: "We turned it down."

Gordon Danby: "Oh, okay. That bothered me. Also, I think, if I'm not mistaken what was the Fink house the large residential house next to Judges is now a commercial property. But I will say I didn't realize that I was addressing the Town Board. I thought I was coming to the Zoning Board of Appeals, because I don't support changing zoning."

Supervisor Janoski: "They are more important than we are, believe me."

Gordon Danby: "But seriously I can't support a change of zone even for something that I think is reasonable, because I believe that that is a terrible precedent. And I don't want to undermine the zoning I approve of what the town did and the community people who worked so hard and I hope throughout the whole township you would work to protect the roads. It is absolute insanity to take the roads we have and let people wreck them for strip zoning. But I must say I do have some sympathy with such a shop in that particular location, but if it were to happen I would say it should be a special purpose then. Thank you."

Supervisor Janoski: "Thank you Gordon. Is there anyone else remaining. Way, way, way in the back."

Janet Siles, Wading River: "I live very close to the area in question. And I just can't imagine why you or anybody is upset. It is a beautiful store. It's a beautiful place. She's got lovely furniture and it's a very nice addition to Wading River as far as I'm concerned. I agree with everything that Gordon Danby has said. I'm part of the Wading River Civic Association and I have always supported Cathy Casey and all her work and everything that she has done, but I think this is kind of neat and I like it. Thank you."

Supervisor Janoski: "Yes."

Carol Ackely, North Country Road, Wading River: "Although I sympathize with the people on Benjamin Street, I feel that this house is in the middle of a commercial area. It is not an extension, it right smack in the middle. An antique shop is an asset rather than a pizza parlor or another Chinese restaurant. And I think this should be granted."

Supervisor Janoski: "You know this is not a contest to see how many people are for or against. I saw a hand way in the back there. We try to base our decisions on valid reasons."

James Guyder, Wading River: "I have the beauty shop that is across from C. K. Gas Station. I can't see what's wrong with having this antique shop. I'm not against this at all, because I feel she keeps the place up nice and it's a nice added

attraction, unlike a pizza parlor or something like that. Thank you."

George Schmelzer, Calverton: "I heard someone mention spot zoning. I heard that quite awhile ago and other matters. Well you have a spot of residential, a spot of commercial, you should call it leopard zoning. A leopard has all kinds of spots. So if it comes to pass that this parcel cannot be sold for a reasonable price or if it's sold and the tenant would object to the siren then they can always rent it out to a large well bred family for a good rent. If that happens, boy would these neighbors flip. Thank you."

Supervisor Janoski: "Thank you George."

Supervisor Janoski: "Cathy you have something you would like to bring up? We have someone who has not spoken. There is somebody left in the room who hasn't said anything?"

Eileen Siberson, Leonard Street, W. River: "I live on Leonard Street which is behind Wading River Manor Road at that point. I just want to say that I was not in favor of the gas station's increased use of the oil tanks for delivery. However, in this case I had shown this house many times for sale from the beginning and I did not have anyone at all in all of that time interested in it as a residence simply because of the traffic, because of the sirens and because of the businesses all around. Now I'm not sure whether or not changing the zoning fits in with the town's plan that way, but I wondered whether or not you can have special use that would accommodate that. Thank you."

Supervisor Janoski: "Thank you. Is there anyone else who wishes to address the Board in this matter? Mr. Cuddy."

Councilman Stark: "Charlie, can I ask you one question before you start? Is this presently being used as an antique shop right now?"

Charles Cuddy, Esq.: "Not to my knowledge it isn't. But the woman has already answered your question. I don't believe it is."

Councilman Stark: "Well I heard a couple of people refer to that they have antiques on the property and it's been kept up nice."

Charles Cuddy, Esq.: "I think that the property is used to store antiques. I don't think it is being used as an antique shop at this point and time."

Councilman Stark: "It's being used as a warehouse now?"

Charles Cuddy, Esq.: "It is being used as a house at this point. Mrs. Weber is there. She's attempting to reside there. She

has been and that's what Mr. Buniski said. Getting back to Mr. Buniski, just for a moment. The location of this property maybe was inaptly described when you go down Benjamin Street. There is a vacant lot in back of this. It does not border on any residence. That lot is also owned by Mr. Buniski, but this parcel does not back on to an existing residence. I know many of the people, as the gentlemen said before, on Benjamin Street. I think that Benjamin Street is an extremely decent residential street. I did not take on this application to try and reduce the quality of life on Benjamin Street. I think, and I truly believe and I say this to the Board, that the application makes a lot of sense for Benjamin Street. I Mr. Kratz and I know Mrs. Kratz. I know many of the people who have purchased houses there. Maybe more than half of them certainly. I don't think that at any time an antique shop at the end of that street is going to reduce the property values. I take strong issue with Mrs. Kratz saying that this is spot zoning. I don't believe for an instant that this is spot zoning. I believe that planning wise it is an intelligent thing to do. I think that zoning wise it is an intelligent thing to do and I really invite the Board to consider not just saying no, because that is a very easy thing to do and it's done often, but to take a look at this particular parcel and come up, if necessary, with some imaginative for it. But I think CR Zoning is correct. My client, and I put this on the record, has no intention of doing anything but the sale of antiques there. I would be pleased to work with the Town Board or the Town Attorney informing any kind of covenant. Anything that the Town would like without getting into legal problems to show that's what her intention is. She has no intention of, and a put a condition before it that she would not change the lines of that house. She has no intention of building a retail store. She has no intention of selling it for that purpose. And I have no problem in indicating that to the Board and neither does she. And I would hope that you would bear that in mind. Thank you."

Supervisor Janoski: "Thank you Charles."

Councilman Frank Creighton: "In this process have you or your client had any discussions, conversation, negotiations with neighbors who seem to live closest to the house in an attempt to try to agree on some kind of process or------(interrupted)"

Charles Cuddy, Esq. "No, I'd be happy to do that. We had not done that I think that Mrs. Weber felt and initially I did too that the application, as one speaker said, was somewhat innocuous. Obviously a lot of people feel very strongly about it and I think one of the reasons they feel strongly is they anticipate the hypothetical use that could be made and I don't deny it could be made if you had CR use. We don't intend to do that. We come before the Board saying that and I would be pleased to talk to those people. Yes, we would be happy to do that."

Supervisor Janoski: "Thank you."

Joe Teigh: "I would just like to bring out the point that she is using it to sell antiques right now and if she has that kind of respect for the law at the present moment without any hearings, how are we to believe that no matter what happens she is not going to do it anyway. Because she has signs up and she is selling antiques already."

Supervisor Janoski: "Thank you. Yes. Cathy."

Cathy Casey, Wading River: "I've already been told by members of the audience this is my last time so I will try to get to the point here. Everyone's getting a little tired right now."

First of all I would just like to state something here. Some people seem to feel that we are after Eve Weber and that is not the case. Simply because awhile her attorney seems to feel that this is not spot zoning because it is not in what appears to be a commercial corridor which realistically is not because it is as usual no C.K. is still zoned in a residential area. Is that not correct? It's Residential "A." It is there and operating there because and again please correct me if I am wrong and clarify for people, it is there because it is a preexisting business. Same with Guyer Beauty Salon. They are preexisting to changes in the zone or zoning period. Obviously nothing can be done about them at this time. However, for her attorney to say that this is not spot zoning when therefore you have residential to the north of it. The five hundred feet commercial corridor stops at the bank. That's why the first five hundred feet and you do have commercial. Because that has been zoned commercial for years to my knowledge.

As also was indicated there is a very large sign that the lady used to use on the other side when she was in the other house; out in front of the house. Quite frankly it's not very attractive. I frankly, in passing the building or the premises have noticed that it has not been as some people would lead you to think constantly manicured and looks like a show place. I frankly, and I cannot give any names, but I know somebody who bought furniture from her, I know this person personally, roughly two months ago. The lady has been selling and in business as such. The point, however, still remains that if you take that spot and you zone it Business CR, you are not only leaving the people of Benjamin Street, as you all well know and have admitted, in a vulnerable position. You are also risking the values of their home and you are taking the Hamlet Study, as her attorney indicated, and talks about planning. Well the planning was done. Where was Mr. Cuddy, where was Miss Weber when all this planning and conversation and thought processes went into the Hamlet Study a long time ago. There is plenty of other business zoned areas up on Route 25A. There are still some stores vacant on 25A. There is no reason why Miss Weber cannot move here business up to where it belongs in the business corridor on 25A.

And again I personally request that you turn down this application for a change of zone. Leave it residential which is what it is and the way it should be. Thank you very much."

Supervisor Janoski: "Thank you. Jimmy is telling me that now may be a good time to bring up the fact that the next Town Board Meeting will be held in Wading River at the Elementary School at our usual time of 7:30 P.M. That is the 18th of June. Is there anyone else left who wishes to address the Board? That being the case without objection I declare this hearing to be closed. For the record the hour is now 8:42 P.M.

We have another public hearing which was not placed on the printed agenda. It was scheduled for 7:45 P.M. so it is now almost 8:43 P.M. Let us take a recess for a few minutes.

We cannot legally have that public hearing. Is there anyone present who is here because of the application of William Keller? (no response) Is there anyone who wants to make any comment on anything at all: anything on the agenda? Yes sir."

Joseph Sykora, Riverhead: "I know I should have spoke way back when the theater was mentioned. I like the multiplex theater on Route 58, but the only thing that I'm asking is has anybody got in touch with the County to see if they are going to widen Route 58?"

Supervisor Janoski: "The County can hardly afford to put a stripe down the center of Route 58. That idea of widening is pretty much on the back shelf. We are in very, very, preliminary consideration of the application of the application of the multiplex. As a matter of fact, it hasn't gotten anywhere near the Town Board. They just are in preliminary site plan reviews."

Joe Sykora: "That's the only reason why I'm asking. Because we have the traffic now on Friday and Saturdays. And what is it going to be like when a movie is there?"

Supervisor Janoski: "These are questions, valid questions, that eventually, because it will become a special permit. It is a special permit. It won't become a special permit application. There will be a Planning Board review of it and recommendation and there will be a Town Board hearing on the application. So that there will be ample opportunity to raise those issues. As to what else will be required in the process, at this point we don't know because as I say it is very preliminary. They should have widened Route 58 back in 1981 when it would have cost three million dollars."

Joe Sykora: "I know that. Thank you."

Supervisor Janoski: "Steve."

Steve Haizlip, Calverton: "I want to commend Mr. Bloss. He took care of Edwards Avenue and its been resurfaced, smoothed out and it's a beautiful road now. As a matter of fact I have a tape that you can probably send your industrial committee crew out and says bring your industrial manufacturing here. Look what a beautiful road I've got here for you and it's right down to the expressway. It is really nice."

And that drain, Mr. Prusinowski, has been taken care of and it will handle that water problem now.

I want to speak to Miss Civiletti with your permission Mr. Supervisor."

Supervisor Janoski: "Certainly."

Steve Haizlip: "When we addressed about the D.E.C. last week and we brought up the subject about administrative law judges. I have been doing a little bit of research and reading into that. I find that the administrative law judges belong to the department that they accept, the Public Service Commission, the Motor Vehicle Bureau, the D.E.C. and they are paid by those people and so your chances of winning are not good. Like Judge Jasons report with the Motor Vehicle Bureau, I went through that and know what that's all about. My son who is an electrical engineer and is in the Merchant Marine Academy in the City and he had to go before one so I know what it's all about. It's a no win situation. But now with other judges, I think the justice has a blindfold. But with those guys, I doubt it."

I want to question Resolution #371. According to the Tax Pac people, last year I went to a few of those meetings. They brought up the subject of people on the School Board, sorry I want to rephrase that working for the school have confidential salaries. Well I don't know what they mean by that now I'm going to try to find out. Why are we talking about going into agreement with a confidential employee? Could that be explained a little bit?"

Supervisor Janoski: "Certainly. Within town government the civilian employees are represented by the Civil Service Employees Association. They are the sole bargaining unit. However, there are a number of employees for, to be exact, who are appointed. For example, the secretary to the Highway Superintendent has no bearing on Civil Service, has no bearing on Civil Employees bargaining unit. They are appointed."

Steve Haizlip: "Okay. You've said enough. I catch on now."

Supervisor Janoski: "My secretary, secretary to the Town Attorney and the Town Board Coordinator."

Councilman Frank Creighton: "It might please you to note that I asked you the same question of the Town Board Coordinator when I was going over the resolutions."

Steve Haizlip: "Okay, Mr. Creighton. I'm glad to hear that I wasn't by myself."

Supervisor Janoski: "Alice."

Alice Graff, Riverhead: "I have two questions. Neither one related to the other. Omni. I don't recall. What was it five hundred tons a day?"

Supervisor Janoski: "A day."

Alice Graff: "A day to make it a profitable organization. Is that correct?"

Supervisor Janoski: "It has a five hundred ton per day capacity."

Alice Graff: "And it has to be at least four hundred tons in order to be profitable. Okay. Thank you for that."

My second question is: Prior to this year we always had on the back of the agenda all the situations and where they were related to whether they were at the Planning Department or the D.E.C. or whatever and this year this is no longer in existence on the Agenda. Is there any particular reason we don't have this so that we can check out different things that we are interested in?"

Town Clerk, Irene J. Pendzick: "I can answer that. The Town Clerk's Office used to keep that list current, but we just haven't been able to do that this year. We've been swamped and rather than be wrong. We just don't do it."

Alice Graff: "Is that information available to you."

Town Clerk, Irene J. Pendzick: "No, no. It's available. You have to keep the files on each of those change of zones, site plans, or special permits. You have to keep an update. You have to be on top of it. And at that time I had a tickler file that I kept it up, but I just haven't had the time."

Alice Graff: "In other words you don't have enough office help to take care of all of that."

Town Clerk, Irene J. Pendzick: "You got it."

Alice Graff: "Thank you."

Supervisor Janoski: "Is there anyone else? Let us take up the resolutions."

RESOLUTIONS:

Councilman Vic Prusinowski introduced Resolution #344
ESTABLISHES FIRST STREET PARK AS "JOHN LOMBARDI MEMORIAL PARK"

WHEREAS, John Lombardi served as a Councilman of the Town of Riverhead for 16 years; and

WHEREAS, the Town of Riverhead is saddened by the untimely passing of Councilman John Lombardi; and

WHEREAS, it is both fitting and proper that the Town of Riverhead honor those who serve its citizens: and

WHEREAS, it is the desire of this Town Board to establish a fitting memorial in recognition of the many contributions to the people of the Town of Riverhead by Councilman John Lombardi.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby names the First Street Park as "John Lombardi Memorial Park" in lasting tribute to an outstanding citizen and public servant; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a suitably engrossed copy of this resolution to Alice Lombardi.

So moved.

Councilwoman Denise Civiletti: "Seconded."

Supervisor Janoski: "Moved and seconded by acclamation gentlemen and lady."

Board Members: "Yes."

Supervisor Janoski: "So ordered by acclamation."

RESOLUTION #372 - introduced by Councilman Frank Creighton and read in its entirety - URGES NEW YORK STATE ASSEMBLY NOT TO PASS ASSEMBLY BILL #3713 AUTHORIZING 8-YEAR TAX EXEMPTION FOR HOME IMPROVEMENT.

Councilman Stark: "Before I second I would just like to say that this resolution is proposed by this Board as a direct result of LeRoy Barnes. LeRoy Barnes has informed us, because he is a department head, of many of the impacts financially on this community and other communities in Suffolk County. Let us also say that this resolution that says pass only affects Suffolk County. That's another step in the direction of our State Legislators to think that Suffolk County and Eastern Long Island can live with their mandates.

I wholeheartedly second this resolution.

Supervisor Janoski: "Moved and seconded."

Councilman Vic Prusinowski: "I just want to point out too that some of the State Senators are going to run around and say that we did this to enhance a slow economy especially in the home improvement industry. And I'm all in favor of promoting a resurgence of the home improvement industry. But most people that live in today's real world, the 98% of the property owners and by the way not everybody pays property taxes so this wouldn't benefit everybody, but to those people who want to do

improvements on either rental properties or on their homes should really get a sales tax exemption for a limited amount of time which would affect their day to day, paycheck to paycheck ability to pay for those improvements. It takes you at least a year to get a benefit from this so that for those State Senators that are going to come back and say to us, but we are trying to promote a slow economy. I'm all in favor of it, but let's do it in a way that is really going to benefit and give a jolt into the economy. Not passing a five cent a gallon gas tax which I'm going to have to pay starting very soon to finance some schemes up in Albany. I think it is time that our State Representatives stand up and be counted and stop standing behind schemes like this that really defraud the taxpayers and tell a line to the public. Because everybody pays for this one way or another. This is another outrage. One of the reasons why our property taxes in New York State and taxes in general are getting way, way out of-----this type of stuff has got to stop. And I wholeheartedly support this resolution."

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

RESOLUTION #374 - introduced by Councilman Vic Prusinowski, APPROVES SIGN DESIGN FOR THE MORTGAGE CORNER (OLD COUNTRY ROAD, RIVERHEAD)

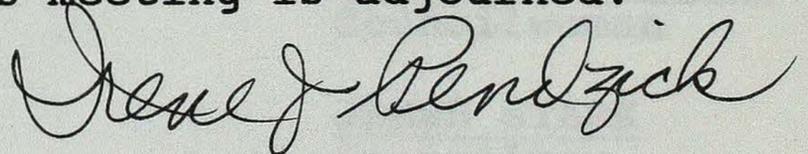
Councilman Frank Creighton: "Second."

Supervisor Janoski: "Moved and seconded."

Councilwoman Civiletti: "I abstain because I do business with them. I represent the parent company that is starting the mortgage for them."

The Vote: Creighton, yes; Stark, yes; Civiletti, abstain; Prusinowski, yes; Janoski, yes. 4 YES 1 ABSTENTION

Supervisor Janoski: "Let the record show that the hour is now 9:25 P.M. Without objection this meeting is adjourned."



Irene J. Pendzick
Town Clerk

ch:IJP