

11/6/85

1022

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Wednesday, November 6, 1985, at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Victor Prusinowski, Councilman
Vincent Artale, Councilman
Louis Boschetti, Councilman

Also Present: Richard Ehlers, Town Attorney

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

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Minutes of Regular Board Meeting held on October 15, and Special Board Meeting held on October 22, 1985 are dispensed without objection and be approved.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

BILLS

Bills submitted on abstract dated November 6, 1985 as follows:

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

RESOLVED, that subject to complete audit, the following bills be approved for payment.

11/6/85

1023

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Some of the heads of the departments of Town Government are here should you have any question of them. Reports Mrs. Pendzick."

REPORTS

Betty McKay, 11/4/85-Submitting resignation after 1 year leave of absence.	Filed.
Town Clerks Office-Report for month of October, 1985.	Filed.
Vietnam Veterans of America-October '85 report listing Long Island POW/MIA'S.	Filed.
Police Department-For month of September, 1985.	Filed.
Recreation Department-For month of September, 1985.	Filed.
N.Y.S. Dept. Environmental Conservation-Final GEIS Re: L.I. Regional Ashfill.	Filed.
Laurel School District-Statement of Taxes to be raised in 1986.	Filed.
Joseph Bilek, 11/6/85-Submitting resignation as of 11/10/85.	Filed.
Open Bid Report-Rehabilitation of Pulaski Street Facility. (Riverhead Water District Minutes).	Filed.
Open Bid Report-Town Hall H.V.A.C. System.	Filed.
Open Bid Report-Ambulance (Medical Emergency Vehicle).	Filed.

OPEN BID REPORT - Town Hall H.V.A.C. System

Bid Date: October 29, 1985 at 11:00 a.m.
1 Bid Submitted

#1 NAME: SAV-MOR MECHANICAL INC.
ADDRESS: 1585H SMITHTOWN AVENUE, BOHEMIA, NY 11716
TOTAL BID: \$17,664.00

OPEN BID REPORT - Ambulance (Medical Emergency Vehicle)

Bid Date: October 31, 1985 at 11:10 a.m.
7 Bids Submitted

11/6/85

1024

REPORTS Continued

#1 NAME: PECONIC AMBULANCE SALES & SERVICE
ADDRESS: DRAWER P, JAMESPORT, NY 11947
TOTAL BID: \$46,695.00
No Bid Bond Submitted

#2 NAME: RESPONSE VEHICLES INC.
ADDRESS: 917-1 LINCOLN AVENUE, HOLBROOK, NY 11741
TOTAL BID: \$52,800.00 1986 Ford E-350 158"
\$52,200.00 1985 Ford E-350 158"
\$49,500.00 1985 Ford E-350 138"
\$48,400.00 1985 Ford E-350 138"
\$51,000.00 1986 Ford E-350 138"
Bid Bond Submitted

#3 NAME: PROFESSIONAL VEHICLE SALES, INC.
ADDRESS: 3947 PROVOST AVENUE, BRONX, NY 10466
TOTAL BID: \$53,489.00
Bid Bond Submitted

Supervisor Janoski, "Thank you. Correspondence."

CORRESPONDENCE

Planning Board, 10/18/85-Recommendation that the application of Peter and James Van de Wetering be approved and approval of Major Subdivision of Salvatore Sica, Shade Tree Lane, Aquebogue. Filed

Wading River Fire District, 10/15/85-Request from attorneys for district for response to 9/12/95 letter re: Proposed Water District. (See Water District Minutes) Filed

Riverhead Central School District, 10/23/85-Statement of Taxes to be raised. Filed

Town of Huntington, Copy of resolution opposing change of tax lien date from December 1 to January 1 and a one-time payment instead of two. Filed

Florence Buckley-Requesting emergency plan for Dimension Cable Service. Filed

Irene Pendzick, "That concludes Correspondence. "

11/6/85

1025

Supervisor Janoski, "Thank you. Applications."

APPLICATIONS

Parade Permit-Wendy Van Scoy for a 20 car caravan on 11/3/85. Filed
Riverhead Lions Club-Christmas Parade on 12/1/85. Filed
Petition-Additional 5 residents for water on Edgar Avenue and Route 25. (See Water District Minutes) Filed
Site Plan-Verna Fitzpatrick for a storage building, Edgar Avenue, Aquebogue. Filed
Site Plan-Ronald & Richard Fichter for a warehouse, Line Road, Calverton. Filed
Site Plan-Jowich Associates for a warehouse on Edwards Avenue, Calverton. Filed

Supervisor Janoski, "Thank you. The time for the first public hearing has not yet arrived. I will recognize anyone who wishes to be heard on any subject. That being the case, under Unfinished Business:

UNFINISHED BUSINESS

Kimbrooke Associates-Special Permit for condominiums on Sound Avenue. We will accept the Environmental Impact Statement this evening.
George Nunnara-Site Plan for storage of gas/welding supplies. That is before the Town Board.
633 Associates-Site Plan for Office Building, 633 East Main Street. The Town Board will be acting upon that this evening.
Augusta Schneider-Special Permit for freshwater wetlands application. That is before the Board.
Anthony Conforti-Site Plan for Office Building, Howell Avenue and East Main Street. That is before the Board.
Al Steckis-Site Plan for Manufacturing Building, Wading River. That is before the Board.
Atrium Group, Ltd.-Special Permit to use 2 residential homes in industrial zone. That is under consideration by the Board.
Barry & Janet Wedel-Site Plan to alter sign manufacturing building on West Main Street within the Peconic River Moratorium. That is before the Town Board.
Rollin & Olga Hargis-Special Permit to add 23 mobile homes to existing Park on River Road, Calverton. That is before the Planning Board.

UNFINISHED BUSINESS

Jack Van de Wetering-Special Permit for Agricultural Housing on Sound Avenue. The Board will be setting a Public Hearing on that.

Edward & Stacy Worth-Special Permit for residential use in industrial "A" district. That is before the Planning Board.

Half Hollow Nursery-Special Permit for agricultural housing, Laurel. That will be acted upon this evening.

Anthony McLean-Change of Zone to construct housing on w/s of Doctors Path. Before the Planning Board.

Victor Pafundi-Special Permit to construct 20 dwelling unit, South Jamesport. That is still under consideration by the Board.

Anthony Cinque-Change of Zone from Agricultural "A" to Residence "C" on Doctors Path. The Planning Board has made an additional recommendation.

Justin Purchasing-Special Permit for 20 couple residence, Sound Avenue. That is under consideration by the Town Board."

Supervisor Janoski, "There are 6 minutes remaining before the first scheduled public hearing. I will once again invite anyone who wishes to be heard. Bill."

Bill Nohejl, Wading River, "Is it true that the ash fill site (the dump) is out?"

Supervisor Janoski, "The recommendations came (as you know) today."

Bill Nohejl, "I don't know. I heard a rumor."

Supervisor Janoski, "Ok. There was what is called an embargo on the information until 11 a.m. today. At that time, I released the information. There is no site in Riverhead which is under consideration."

Bill Nohejl, "Very good. Pleased to hear that. Maybe I'm a little bit premature. You have the Town Budget coming up later for a hearing. But I would like to make a statement now. I've talked to a couple of the men on the Board in reference to the sump on Wading River Manor Road fencing. That is a terrible site. I asked that money be put into Charlie Bloss's budget to take care of that. The one on Moore's farm. Do you know what I'm talking about? Right now it is protected by barberry bushes and broken snow fence. The side wall is at least 15 feet or about 7 or 8 foot from the pavement straight down. There are.... Mr. Moore moved there. He has an invalid child. He also has boys who at the age of using trikes and motorcycles, three-wheels. No matter his child or any other child that's in there, it might be too late. I've had that property before Mr. Moore and I had it leased to the Town. Now Mr. Moore has it with the Town. The prior man before me, Mr. Seeman

11/6/85

1027

PERSONAL APPEAPANCES Continued

Bill Nohejl Continued

had it with the town on a lease basis. And I think now that Mr. Moore has given you a 20 year easement, I think that is sufficient time to put up a fence and to coup the expenses that are going to go into there. I definitely am going to press this and I feel as though it should be put into Charlie Bloss's budget if it's not in there already. Is there anything more on the Horton Avenue drainage? That's been dragging for years and years. Is it going to come to reality?"

Richard Ehlers, "The one at the intersection of Middle up the road a little ways? Yes. The contracts on that have been let. They've been signed and we've written to the contractor urging him to begin to complete the project before the asphalt plants close."

Bill Nohejl, "That's going to be quite fast. Anything new on the bonding of Peconic Bay Boulevard that their water district.."

Richard Ehlers, "We're going to go up there and see them next week."

Bill Nohejl, "You're going to go up to Albany? Ok. Thank you."

Supervisor Janoski, "Thank you Bill. There are about four minutes remaining before the first scheduled public hearing. Is there anyone else who wishes to be heard? That being the case, let us do a few of the resolutions."

RESOLUTIONS

#768 RE-APPOINTS SHARON WENDELKEN TO THE ZONING BOARD OF APPEALS.

Councilman Boschetti offered the following resolution to be removed from the table which was seconded by Councilman Artale.

WHEREAS, Sharon Wendelken's position on the Zoning Board of Appeals has expired on May 31, 1985, and

WHEREAS, Town Law provides that, in the absence of a new appointment or her reappointment, she continues to serve in that position.

NOW, THEREFORE, BE IT

RESOLVED, that Sharon Wendelken is and is hereby reappointed to the position on the Zoning Board of Appeals effective immediately for a five (5) year term commencing May 31, 1985.

The vote, Boschetti, yes, Artale, yes, Prusinowski, no, Lombardi, no, Janoski, yes.

The resolution was thereupon duly removed from the table.

Councilman Boschetti offered the above resolution which was seconded by Councilman Artale.

11/6/85

1028

RESOLUTIONS Continued

The vote, Boschetti, yes, Artale, no, Prusinowski,....

Supervisor Janoski, "Wait a minute. I think that you...
Let's try this again."

Irene Pendzick, "I recorded the vote."

The vote, Prusinowski, yes, Lombardi, yes, Janoski, no.

Irene Pendzick, "I have three yeses and two nos to appoint
Sherry Wendelken."

Councilman Boschetti, "That's incorrect. My vote should be
no."

Irene Pendzick, "Are you changing your vote to no Mr. Boschetti?"

Councilman Boschetti, "Please."

Irene Pendzick, "I have three nos and two yeses. I'm not
sure if Ms. Wendelken is appointed or not at this point. Then the
motion is not carried to appoint her."

Supervisor Janoski, "It is not carried."

(Final vote on resolution #768)

The vote, Boschetti, no, Artale, no, Prusinowski, yes,
Lombardi, yes, Janoski, no.

The resolution is thereupon duly declared DENIED.

#769 APPOINTS MEMBER TO THE ZONING BOARD OF APPEALS.

Councilman Artale offered the following resolution which
was seconded by Councilman Boschetti.

RESOLVED, that Delphine Kucera be and is hereby appointed
to the position of Member of the Zoning Board of Appeals effec-
tive November 7, 1985 for a term ending June 1, 1990 at the an-
nual compensation of \$3,200.00.

The vote, Boschetti, yes, Artale, yes, Prusinowski,....

Councilman Prusinowski, "To be consistent with my previous
vote on this matter, no."

Prusinowski, no, Lombardi, no, Janoski, yes.

(Final vote on resolution #769)

The vote, Boschetti, yes, Artale, yes, Prusinowski, no,
Lombardi, no, Janoski, yes.

The resolution was thereupon duly declared adopted.

11/6/85

1029

RESOLUTIONS Continued

#770 AUTHORIZES OVERTIME COMPENSATION - WATER DISTRICT.

(See Water District Minutes)

Councilman Boschetti, "As a point of information, Mr. Supervisor, does the Town Clerk have this filed because I don't have a copy of it here?"

Irene Pendzick, "I have the explanatory report."

Supervisor Janoski, "Let the record show that the hour of (8:46, I'm sorry) 7:46 has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall on Wednesday, November 6, 1985, at 7:45 p.m. to hear all interested persons regarding: The Special Permit Application of Fred Gallo Jr. to Construct a Storage Building as an accessory use to a Retail Business located at 1005 East Main Street.

CORRESPONDENCE

Planning Board, 10/7/85:

Recommends that the application of Fred Gallo, Jr. be approved.

Supervisor Janoski, "Thank you. Is there anyone representing the applicant."

Henry Saxtein, Attorney, "Good evening ladies and gentlemen. My name is Henry Saxtein. I maintain offices at 747 East Main Street, Riverhead and I represent the applicant. I will hand up after my presentation the affidavit of posting of the property. We have a simple application before the Board to construct a metal framed building for storage purposes behind the frame building that Mr. Gallo presently has on the premises for his retail business. We are forced to come before the Board for a special permit due to the fact that this particular area is zoned Industrial "B". If it had been in a business zone, there wouldn't be a necessity for this application. The building is going to be used primarily for storage. And additionally the survey submitted with the application shows that there is a refrigerator sitting out on a concrete pad behind the framed building. That will be moved into this building. The building will be used to house this refrigerator and also to house trucks and other equipment that Mr. Gallo has. I would also like to emphasize that by letter dated October 7, 1985, I advised the Board that although the original permit had requested that a special permit also be granted for a single-family residence, this part of the application has been withdrawn."

11/6/85

1030

PUBLIC HEARING Continued

Supervisor Janoski, "Thank you Henry. I don't if you stated this or if I didn't catch it. What kind of business does Mr. Gallo have?"

Henry Saxtein, "Mr. Gallo is in a wholesale and retail sea-food business. He's been operating under a special permit which was granted by the Town Board I believe 3 years ago and his business has done very well in this location and he would like to expand and he needs this storage building in order to expand."

Supervisor Janoski, Thank you. Is there anyone present who wishes to comment on this application? That being the case, and without objection I declare the hearing closed."

7:45 PUBLIC HEARING CLOSED AT 7:50

Supervisor Janoski, "Let's proceed with the resolutions."

RESOLUTIONS

#771 AWARDING BID FOR REHABILITATION OF THE PULASKI STREET FACILITY OF THE RIVERHEAD WATER DISTRICT.

(See Water District Minutes)

#772 ACCEPTS RESIGNATION OF JOSEPH W. BILEK.

(See Sewer District Minutes)

#773 ADVANCEMENT OF MAINTENANCE MECHANIC III TO SEWAGE TREATMENT PLANT OPERATOR TRAINEE IN THE RIVERHEAD SEWER DISTRICT.

(See Sewer District Minutes)

#774 AUTHORIZING THE TOWN BOARD OF THE TOWN OF RIVERHEAD TO ACCEPT THE OFFICIAL ZONING MAP DATED JUNE 4, 1985, AS PREPARED BY YOUNG AND YOUNG, LICENSED LAND SURVEYORS.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, the Town Board, by Resolution of June 4, 1985, adopted amendments to the zoning map to the Town of Riverhead which amendments have been incorporated in the official zoning map of the Town of Riverhead as prepared by Young & Young, licensed land surveyors and which amendments are dated on said map as of June 4, 1985.

NOW, THEREFORE, BE IT

RESOLVED, that the official zoning use map be and hereby is determined to be the official map prepared by Young & Young licensed land surveyors, most recently dated June 4, 1985.

11/6/85

1032

RESOLUTIONS Continued

after November 13, 1985. The Town of Riverhead does not discriminate on the basis of race, color, national origin, sex, age and handicapped status in employment or the provision of services.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#777 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: SPECIAL PERMIT APPLICATION OF JACK VAN DE WETERING AND PETER VAN DE WETERING.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

RESOLVED, that the Town Clerk is hereby authorized to publish and post the below Public Notice with regard to the special permit of Jack Van de Wetering and Peter Van de Wetering authorizing the construction, maintenance and operation of an Agricultural Housing, Type 6 for employees engaged in agricultural labor operations, said facilities to accomodate approximately twelve (12) employees to be located on Sound Avenue, Baiting Hollow, New York.

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 19th day of November, 1985, at 7:45 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the special permit application of Jack Van de Wetering and Peter Van de Wetering authorizing the construction, maintenance and operation of an Agricultural Housing, Type 6 for employees engaged in agricultural labor operations, said facilities to accomodate approximately twelve (12) employees to be located on Sound Avenue, Baiting Hollow, New York.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#778 APPROVES SITE PLAN OF 633 ASSOCIATES.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, a site plan and elevations were submitted by 633 Associates for an office building at the corner of East Main St. and Riverside Drive, Riverhead, New York, site plan dated January 11, 1985 and elevations dated April 24, 1985 prepared by Donald A. Denis A.I.A., P.C., Architect, and

WHEREAS, this Town Board has reviewed the site plan dated January 11, 1985 and elevations dated April 24, 1985, prepared by Donald A. Denis, A.I.A., P.C., Architect.

NOW, THEREFORE, BE IT

RESOLUTIONS Continued

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#775 AUTHORIZES TOWN CLERK TO PUBLISH AND POST HELP WANTED AD
RE: STENOGRAPHER FOR ACCOUNTING DEPARTMENT.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk be and hereby is authorized to publish and post the below Help Wanted Ad.

HELP WANTED
TOWN OF RIVERHEAD
STENOGRAPHER

The Town of Riverhead is seeking a qualified individual as a Stenographer with the Accounting Department of the Town of Riverhead. Applicants must have skill in taking and transcribing dictation accurately at a reasonable rate of speed and must have ability to type accurately at a reasonable rate of speed. Interested persons must submit an application to the Accounting Department, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, weekdays between 8:30 a.m. and 4:30 p.m. No applications will be accepted after November 14, 1985. The Town of Riverhead does not discriminate on the basis of race, color, national origin, sex, age and handicapped status in employment or the provision of services.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#776 AUTHORIZES TOWN CLERK TO PUBLISH AND POST HELP WANTED AD
RE: PARKING METER OFFICERS.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

RESOLVED, that the Town Clerk be and hereby is authorized to publish and post the below Help Wanted Ad.

HELP WANTED
TOWN OF RIVERHEAD
PARKING METER OFFICERS

The Town of Riverhead is seeking a qualified individuals to serve in the position of Parking Meter Officer with the Town of Riverhead. Applicants must have a high school education, be 21 years of age or older, have a valid New York State Driver's License and be in good physical condition. Interested persons must submit an application to the Accounting Department, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, weekdays between 8:30 a.m. and 4:30 p.m. No applications will be accepted

RESOLUTIONS Continued

RESOLVED, that the site plan and elevations submitted by 633 Associates for a building permit for an office building at the corner of East Main Street and Riverside Drive in Riverhead, New York, site plan dated January 11, 1985 and elevations dated April 24, 1985, as prepared by Donald A. Denis A.I.A., P.C., Architect, be and are hereby approved, subject to the following:

1. That the provisions of the Town Code, which are not addressed by this resolution or other official action of the Town, shall at all times be complied with by the owner of the property covered by this site plan.

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a certified copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk and filed with the Town Clerk.

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design.

4. That the Declarant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same.

5. Trash receptacles of a decorative design shall be maintained at the premises.

6. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a station stating, "No Parking, Handicap Only", and the universal symbol affixed thereto.

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code, with regard to type, thickness, and grade.

8. That the Town Board may designate fire zones as they may see fit and it is agreed that the owner of the premises shall sign any and all documents as may be required to designate fire zones.

9. Subject to curbcut approval of the Highway Department.

10. Subject to letters of acceptance by the Sewer District and Water District.

11. Subject to any conditions required by the New York State Board of Review Building Codes Enforcement Division.

RESOLVED, that a certified copy of this resolution shall be forwarded by the Town Clerk to 633 Associates and the Riverhead Building Department.

DECLARATION AND COVENANT

THIS DECLARATION made the _____ day of _____, 1985, by _____ of 633 Associates, residing at _____ Declarant.

RESOLUTIONS Continued

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in Schedule A annexed hereto as proved by the Declarant, and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead and the owner and prospective owners of said parcel that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan, said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office, and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel,

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed do hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors, and assigns, to wit:

1. That the provisions of the Town Code, which are not addressed by this resolution or other official action of the Town, shall at all times be complied with by the owner of the property covered by this site plan.

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design.

3. That the Declarant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same.

4. Trash receptacles of a decorative design shall be maintained at the premises.

5. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a station stating, "No Parking, Handicap Only", and the universal symbol affixed thereto.

6. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code, with regard to type, thickness, and grade.

7. That the Town Board may designate fire zones as they may see fit and it is agreed that the owner of the premises shall sign any and all documents as may be required to designate fire zones, and be it further

IN WITNESS WHEREOF, the Declarant has hereunto set its hand and seal the day and year above written.

633 ASSOCIATES

BY: _____

11/6/85

1035

RESOLUTIONS Continued

STATE OF NEW YORK)

SS.:

COUNTY OF SUFFOLK)

On this _____ day of _____, 1985, before me personally came _____ of 633 Associates, owner of certain real property located at corner of East Main Street and Riverside Drive in Riverhead, New York, the premises described in and who executed the foregoing instrument; and acknowledged that he executed the same.

Notary Public

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Let the record show that the hour of 7:56 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:55 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall on Wednesday, November 6, 1985 at 7:55 p.m. to hear all interested persons regarding: The Proposed Amendment to Article XIX of the Town Code Re: Cluster Development to Require Mandatory Clustering in Subdivisions.

Supervisor Janoski, "Mr. Town Attorney."

Richard Ehlers, "The proposal that's before the Board for discussion this evening concerns cluster development. The Town Code currently provides that upon application of a subdivider, the Planning Board may permit the clustering of development. What that does basically, if you have a large parcel of property, the Planning Board may under the current rules at the applicant's request move the development down to one end of the property and attempt to preserve open space or some other type of public use on the property that is not built upon. The proposal is to change the tenor of the code to make the clustering strictly at the Planning Board's discretion. Not upon the applicant's instance. So the Planning Board would have to make findings that the clustering would be inappropriate rather than waiting for the applicant to ask for the clustering."

Supervisor Janoski, "Thank you. Is there anyone present who wishes to address the Board on this matter? Sherry."

11/6/85

1036

PUBLIC HEARING Continued

Sherry Johnson, Manorville, "First of all I'd like to point out an error that was made in the paper."

Richard Ehlers, "There was two missing underlines. Thank you."

Sherry Johnson, "They were missing underlines and not a deletion? Oh. Ok. The not was changed. Ok. I'd like to know if there are going to be any requirements that the Planning Board is going to go through to determine whether it will (whether they will require it) be clustered or it's just going to be at their discretion?"

Richard Ehlers, "I think the way it's phrased in there is that it's at their discretion as to the appropriateness of the clustering."

Sherry Johnson, "There's not going to be a certain acreage (total acreage) that will be required?"

Richard Ehlers, "Not as currently proposed."

Sherry Johnson, "Ok. Fine. I would like to say that I'm in favor of this amendment because it will preserve open space and I hope it will be approved. Thank you."

Supervisor Janoski, "Thank you. Yes sir."

Harold Goodale, Riverhead, "Didn't I read in here and hear say mandatory clustering? Isn't that what you said? Mandatory clustering? In other words it's going to be demanded that you have the houses in clusters."

Richard Ehlers, "Previously, the applicant had to ask for the clustering before the Planning Board had the authority to consider it. The proposal is that the Planning Board have the authority, consider it in all cases and only if they decide not to impose it that it would not be imposed."

Harold Goodale, "Are they still going to go.... I mean there is a lot of... I mean in certain areas maybe this is a good idea but in Riverhead you have a lot of wetlands where you run into a lot of problems with wetlands is that you have too much run off from black top, houses, and everything else and if you're going to do this kind of stuff near wetlands, what's the D.E.C. going to say about this? I mean are they going to be brought in on these circumstances around here. There's a lot of places that are low land and there's more and more wetlands because of it."

Richard Ehlers, "The proposal is not to increase the number of units. Currently, the Planning Board can move units away from wetlands. They can move them around on the property. The purpose of this change is to give the authority to do it any case they wish to."

PUBLIC HEARING Continued

Harold Goodale, "Even though what I'm saying is that it don't matter where you put the ten houses. If you have ten acres and you move them away from the wetlands, that will make the wetlands wetter. So in other words, you're saying that it's alright to put ten houses on there if you have ten acres next to wetlands. Yet if you had an acre parcel, you couldn't put ten houses on there because the rest of them would be under water. In other words, you take ten acres where there is wetlands is involved and they can turn around and say; well the wetlands are all part of it."

Supervisor Janoski, "In that case they would apply for a clustering."

Harold Goodale, "Yes. But it don't make no sense to cluster next to that because you're just creating a problem right there. I mean these problems have been created down on Church Lane. They put the houses down there. They have water in the basements and everything else and these problems have been created all over the place. And you're going to do it again by clustering houses. You are not going to have any. You say you're saving land. But when you put ten houses in there, you're going to stil have run off."

Councilman Artale, "If there is a danger to the wetlands, the D.E.C. would never approve it."

Harold Goodale, "All I'm saying is that.... You're saying that you're going to go ahead and cluster these houses, you're making it mandatory. I can't see the advantage to do it."

Councilman Boschetti, "Can I ask a question? I'm trying to understand what it is you're saying. I just want to make sure I'm correct. In other words if you have... Using a hypothetical example; if you have a ten acre parcel and ten houses are allowed. Theoretically, but if there's a wetlands nearby maybe only six houses would be allowed. So you're saying then that under clustering we would then allow ten houses to be allowed."

Harold Goodale, "I mean that's what you're saying. You would be allowed ten houses because it's ten acres. Yet there should only be 6."

Councilman Boschetti, "Ok. Usually what happens is that would not increase the density under this proposal. So if they are only allowed eight on it or six on a ten acre parcel because of wetlands, that's basically what they would be allowed under clustering. It's not a technique to increase density."

Harold Goodale, "Yes. Well, that's what I was trying to say. I say if you turn around and put ten roofs over there, you are going to get just as much run off even though they shouldn't be there."

Councilman Boschetti, "And they would have to conform with D.E.C. regulations. They would."

11/6/85

1038

PUBLIC HEARING Continued

Harold Goodale, "Alright. Thank you."

Councilman Boschetti, "You're welcome."

Supervisor Janoski, "Bill."

Bill Nohejl, "Mandatory scares me for the simple reason that it has to come to the Town Board for a special permit to build on a one acre zoning, one acre parcel or two acre or three acre parcel. It's just a reverse of what it has been before. Why does it have to come to the Town Board? Why can't it be the discretionary of the Planning Board without having coming to another legal red tape? I am for cluster zoning at certain areas of the town where sewage and water can be connected."

Supervisor Janoski, "The idea is that now in order to cluster which most people agree is an open space preservation technique. You....."

TAPE ENDED

Supervisor Janoski, "It's allowable."

Bill Nohejl, "But not the way this here I read. If you want the one acre residential, it has to be before a special permit of the Town Board."

Supervisor Janoski, "Mr. Town Attorney."

Richard Ehlers, "I think you're missing. We're just amending the section dealing with the Planning Board rules in this hearing."

Bill Nohejl, "Not according to the legal."

Irene Pendzick, "8:05 is a Local Law."

Bill Nohejl, "One is that you have to come the Town Board for a special permit to build a single acre residence."

Councilman Prusinowski, "Bill, this concept has been floating around here for quite a while. And one of the purposes of the hearing tonight is to get some thoughts from people like yourself on the merits of the proposal. I think proposal probably has to be fine tuned and reviewed a little bit more. Some of the points that are brought up here tonight and better understood with the public. I think it's a new concept that is taking hold on the east end as the strain on the ecology as far as water, services, addressing the problem of run offs. Actually in speaking to the Planning Department, they encourage (The Suffolk County Planning Department) clustering all over because it is a more efficient way of providing services and saving the open spaces."

11/6/85

1039

PUBLIC HEARING Continued

Bill Nohejl, "I agree with that to a certain extent. There are certain areas where it does blend into it and the man has to come through red tape to come in here and get a special permit to put on one acre zoning. I can't see that. I would go along if you said either/or."

Supervisor Janoski, "Why should the person have to come in and get a special permit to do the more environmentally positive thing?"

Bill Nohejl, "Well that's why I said if you said clustering either/or, it would be alright without having to come for a special permit. You could.... At present you have to go for a special permit to cluster. Let's just eliminate the special permit on the cluster and do it as you have been doing now. With a single acre residence you didn't have to come to the Town Board."

Richard Ehlers, "The proposal, the 755 proposal does not require the Town Board. It's strictly with the Planning Board. It says that the Planning Board shall follow the provisions of this article if in the provision...."

Bill Nohejl, "Read the whole thing. Read the whole legal ad of the 755."

Richard Ehlers, "Only references to the Planning Board."

Supervisor Janoski, "Bill would you yield the microphone?"

Bill Nohejl, "Beg your pardon?"

Supervisor Janoski, "Would you yield the microphone?"

Richard Ehlers, "The 805 hearing has to do with the non-contiguous cluster development."

Bill Nohejl, "I understand that. That's alright."

Allen Smith, "You've got 2 hearings on and they're getting confused. If I may. Section 281 of the Town Law provides for clustering of subdivisions today. It has been in the Riverhead Town zoning ordinance and code for many years. The hearing that you have open at the moment simply takes the provisions of our code as it currently exists where the applicant (the developer) must ask for clustering and it says that the Planning Board without any involvement of the Town Board upon looking at a particular site may direct in its judgment under the conditions that are set forth under section 281 of the Town Law that it be developed as a cluster; tight cluster, spread cluster, clustered in a corner. Cluster whatever way for the particular site. It has got nothing to do with the Town Board in the second hearing."

Supervisor Janoski, "Thank you Allen. I am going to recess this hearing and indicate for the record that the hour of 8:08 has arrived. The Town Clerk will please read the notice of public hearing."

11/6/85

1040

PUBLIC HEARING Continued

7:55 PUBLIC HEARING RECESSED AT 8:08

PUBLIC HEARING - 8:05 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall on Wednesday, November 6, 1985 at 8:05 p.m. to hear all interested persons regarding: The Proposed Local Law Re: Cluster Development of Non-Contiguous Parcels.

CORRESPONDENCE:

L.I. Pine Barrens Society, 11/2/85-
(asks that letter be read in its entirety)

Supervisor Janoski, "Please read it."

Irene Pendzick, "From the Long Island Pine Barrens Society."

The Long Island Pine Barrens Society is a not-for-profit conservation organization that is dedicated to preserving the Long Island Pine Barrens for present and future generations of Long Islanders. As several thousand acres of the Pine Barrens extends into the western portion of Riverhead Town, the Society is interested in the efforts of your town which may provide additional protection to this area. We would therefore like to go on record as supporting the Town's amendment to Article 19 of the Town Code relating to cluster development, and the new proposed law to permit "Cluster Development of Non-Contiguous Parcels". We ask that this letter be read into the public record at the Town Board hearing on November 6, 1985.

From our reading of the law amending the Town Code, it would modify the approval process for clustered development by no longer making it based on the voluntary written application of the developer, but rather by Planning Board decision. We strongly endorse the idea that towns on Long Island should have the ability to require that development be of a clustered nature when it determines that it is in the public interest to do so.

With regard to the Town of Riverhead's proposal, we have the following comments:

1. The language in paragraph B. of Local Law 108-87 is confusing in that it seems to suggest, by having the word "not" in both the first and sixth sentences (as it appeared in the October 24, 1985 edition of The News-Review), that the open space has to be detrimental to the surrounding area in order for the clustered subdivision to be approved. This conclusion is obviously not the intent of the proposed law. The word "not" in the sixth sentence should be deleted so as to allow the Planning Board disapproval of clustered subdivisions that will be detrimental to the surrounding area, the obvious intent of the paragraph.

2. We think the Town of Riverhead should require the clustering of all developments in the pine barrens areas of the Town, our support for the local law notwithstanding. We believe the Long Island Pine Barrens to be environmentally significant enough to warrant the blanket requirement. We urge that the Town Board amend the local law, at a future date to accomplish this objective.

11/6/85

1041

PUBLIC HEARING Continued

Irene Pendzick, "In conclusion, the Pine Barrens Society reiterates its support of the Town Board's two local laws that are to be brought up at the Town Board meeting on November 6, 1985.

Sincerely,
John L. Turner
President

Supervisor Janoski, "Thank you. Is there anyone present who wishes to address... I'm sorry. Mr. Town Attorney."

Richard Ehlers, "This is just to take a shot at what we're about now. This is the second hearing. It is going back to the old concept of what some people call transfer of development rights. What we call cluster development of non-contiguous parcels. That's two parcels that don't touch each other. The idea is that the Planning Board be able to recommend to the Town Board for the Town Board's ratification and that's the major change in this from what you saw last time. For the Town Board's ratification that an applicant may move development from one parcel to another parcel as a method of preserving parcels in open space. It offers sort of a double safe guard check and balance system. First the Planning Board would have to recommend it to the Town Board and then the Town Board during the 30 day review period would have to agree with the Planning Board that the parcel to be preserved was an appropriate parcel and it's that second stage of review that is the new feature in this since its last public hearing."

Supervisor Janoski, "Thank you. Is there anyone present who wishes to address the Board on this matter?"

Steve Haizlip, Calverton, "Mr. Town Attorney, you mentioned that the two parcels have got to be separated from each other. In other words, if you got a parcel up in this corner and you've got one a mile down the road, they have to be separated. So the rights up here to be transferred a mile down the road. Ok. The technical question is does that land have to be in the Town of Riverhead or if you own it.... Ok. You can't own it in Southampton or Southold. Ok. Very good."

Supervisor Janoski, "Bill is that you?"

Bill Nohejl, "Don't get me wrong. I'm not against clustering on contiguous property but I am definitely against clustering of divided properties. First of all I believe it's a big bonanza for the developer to take land from a five thousand acre parcel and transfer it up to a fifty or a hundred thousand dollar parcel. It's going to be a developer and also for professional interests. It will be providing areas for the wealthy. This land that it will be taken from will be taken from poor sections of town where affordable housing is very much needed. It says in the legal that the determination of... No. Offer for the dedication of real tax agreement, I'm requesting if you have a few minutes tonight. Is that ok. The tax before the approval permitted herein shall be granted by the Planning Board the applicant shall offer the property for which the development rights are proposed to be transferred from the Town of Riverhead for a public purpose which purpose if

11/6/85

1042

PUBLIC HEARING Continued

Bill Nohejl, Continued

such property is accepted shall be determined in the sole discretion of the Town Board. The application for such dedication shall be reviewed by the Town Board and passed upon at a public meeting by written resolution of the Town Board. In the event that the Town Board declines to accept the property offered for the dedication, the applicant shall either dedicate the development rights to the Town of Riverhead or to another government agency or private public purpose body. Who is a private public purpose body?"

Richard Ehlers, "Sierra Club."

Bill Nohejl, "Beg your pardon."

Richard Ehlers, "Sierra Club."

Bill Nohejl, "What else."

Richard Ehlers, "Nature Conservants."

Bill Nohejl, "That's a private. It can't be to a private person, private organization other than that."

Richard Ehlers, "It says private public. You'd suggest that that be typed up to prohibit private persons?"

Bill Nohejl, "I'll get back to it."

Supervisor Janoski, "Bill, how much more time do you need. Just a question."

Bill Nohejl, "Do you want me to relinquish and come back?"

Supervisor Janoski, "No. Well, I'm asking...."

Bill Nohejl, "You're supposed to take time. That's why I asked you. Do want to go to the next meeting, I'll come back because I don't want it broken up."

Supervisor Janoski, "Ok. Fine. Why don't we do that. Let the record show that the hour of 8:17 has arrived. The Town Clerk will please read the notice of public hearing."

8:05 PUBLIC HEARING RECESSED

PUBLIC HEARING - 8:15 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall on Wednesday, November 6, 1985 at 8:15 p.m. to hear all interested persons regarding: The Proposed 1986 Budget for the Town of Riverhead and the Federal Revenue Sharing Budget.

11/6/85

1043

PUBLIC HEARING Continued

Supervisor Janoski, "Thank you. Is there anyone present who wishes to address the Board on the proposed 1986 budget? Mr. Allen Smith."

Allen Smith, "Can you close this one and go back to the other one? The appearance is Allen Smith. I'm not representing anyone other than myself this evening. I've spoken before at budget time about the issue of public elected official's salaries. I believe from my experiences sitting on the Board that in response to public pressure we (in this community) down grade and undercut the elected public service to the indetriment of every taxpayer and every voter in our community. It has been so when I ran for public office. It was so during my tenure in public office and I believe to a degree it is true today. If my calculations are correct, the entire administrative salaries paid to this Board, to the Highway Superintendent, to Mrs. Pendzick and the others who are the managers of this sum 8 million dollars plus, (excuse me) 15 million dollars plus handle is about 1.7 percent of the entire management. If I can take Mr. Bloss for instance. If he was running a private road construction, what would he be making? Fifty thousand, sixty thousand, seventy thousand? And I'm not trying to say that Mr. Bloss should be paid fifty thousand or sixty thousand or seventy thousand dollars. But certainly by comparison to the private sector, he would be paid more than even what you have published as his salary in this budget. And in my judgment, he is worth it. He should earn it and his family he has youngsters in college and I'm picking on Charlie, should not suffer because Charlie Bloss elects to be a public servant of the Town of Riverhead. The long and short of this is.... And I almost thought of approaching it a different way. I thought about saying should the managers of this Town Board get paid equal to or more than the take home pay of a Sergeant on the Riverhead Police Force. And I think if I said that, each and every one of you would concur that the people who run the show should get paid more than the Sergeant. And if in fact they were to get paid more than the Sergeant, they would be in for raises of about 10 thousand dollars over what they are in for now. I think the public service should not hurt peoples' families. It should be commensurate with what people can earn in the private sector for handling the kinds of budgets that are inherant here and that certainly the figures that are there are not exorbanant in my judgment and quite possible might be lower. The other two things that I have to add are things that I have said before in public. And one is that when Mr. Janoski defeated me in 1979 and I prepared a little manual of things that I thought were needed in the community and I have repeated it at budget time since, we have grown both in terms of the budget, etc. That we need a Deputy Supervisor. A professional, financial management type leaving the Supervisor to the elected and policy matters rather than processing purchasing orders and things of that nature. The other thing is that by reason of the growth of the community at late, we are not capitalizing on our good fortune in terms of processing building permits and like because the clerical staff of the building department is being overburdened. I'm specifically not addressing the professional staff but certainly Mrs. Stromski should be allowed a stenographer to help with the Zoning Board and Planning Board and there should be enough people in that office to process the applications such that people can and will build in the Town of Riverhead and the

11/6/85

1044

PUBLIC HEARING Continued

Allen Smith, Continued

assessments that will appear upon the rolls. It takes over a year to do a minor subdivision in this community and it's just too long. Thank you."

Supervisor Janoski, "Thank you Allen. Is there anyone else present who wishes to address the Town Board on the proposed 1986 budget? Mr. Kasperovich."

William Kasperovich, Wading River, "I don't think it should go without somebody disagreeing with Mr. Smith. We can't have a situation in a small town where we have all cooks and no bottle washers or all bottle washers and no cooks. The drudge work, the drudgery of clerical work is something that we put off onto other people and I say that should be shared with the people. The people who make the policies should share it in the drudge work. If we are going to go to some sort of town manager, what in God's name do we need our elected five people for? We can't compare our elected officials to people in private business. We might compare them to people in employment in private business but we can't compare them to business individuals that risks his fortune to win or lose. If we're going to compare it, we compare it to employees of private industry. And as I've said time and time again, we overlook the efficient. We're a small town, we have got to get everything we can out of a tax dollar. We've got to get somebody looking over the other fellow to see that he gives the taxpayer a fair days work. It seems that once a man gets elected into office, he can work as hard or not as hard as he pleases because he has many ways to conceal his efforts or lack of efforts. And for this, I will fight to my dying days that we have open government such that the efforts of the individuals are given merit or brought to the attention of the taxpayer in the coming election. The next coming election that is. I think we're losing sight of the fact that our average salary in Riverhead is the majority of the people. We have not become an area where rich people live. We're still in middle income type community and the budget seems to carry a general attitude that we can get it from the taxpayer. All we've got to do is put it in the budget. I think showing good work would show that we can hold the line and put the budget compatible to the constituency of the electorate. Thank you."

Supervisor Janoski, "Thank you Mr. Kasperovich."

Dick Benedict, Fanning Boulevard, "This is probably my fifth or sixth or seventh time asking for the same thing in the budget. A town of approximately 22 thousand people with an 18 million dollar budget still has no consulting engineers or civil engineers on our payroll that we pay to look over some of the stuff that comes in from H2M or Parish, Pine and Weiner. Not that they're maybe not doing a good job but somebody with the town's interest who lives in the town who could be held accountable for looking over some of their plans and drawings because they get an awful lot of money from Riverhead Town and I don't know if anybody checks over all their drawings and everything. And I just think that we could be able to afford at least on a part time basis some of our own civil engineers and who would

11/6/85

1045

PUBLIC HEARING Continued

Dick Benedict, Continued

maybe save us some money, look at it as an asset instead of an expense. Thank you."

Supervisor Janoski, "Thank you Dick. Is there anyone else present who wishes to address the Board?"

Ed Powers, Riverhead, "I have been going around the town and seeing our recreation facilities. We have two recreation facilities per say; Stotsky Park and the park behind Sweezys. Our beaches and our other facilities are not up to par with other towns in the county. I think we should address a lot of our money in the budget to upgrade our beaches and upgrade our parks in other areas besides Stotsky Park."

Supervisor Janoski, "Thank you. Is there anyone else present who wishes to add any comment about the proposed budget for 1986? That being the case and without objection, I declare the hearing closed."

8:15 PUBLIC HEARING CLOSED AT 8:30

Supervisor Janoski, "We will return to the recessed hearing amendment to Article 19; Cluster Development. Is there anyone present who wishes to address the Board on that. Mary Beth."

7:55 PUBLIC HEARING RE-OPENED AT 8:31

Mary Beth Andresen, Aquebogue, Good evening. My name is Mary Beth Andresen and I live on Church Lane in Aquebogue. I was a little mixed up on this and possibly a few other people were mixed up on the way this was worded in the paper and have somewhat been reorganized. I'm not sure totally. I think it's a pretty monumental public hearing to be heard the night after an election. I think it probably would have a lot more input from the community if it could possibly be held off to some degree because I think a lot of it with the election, people were not informed. They had their minds elsewhere. They were working on campaigns and as busy as all I'm sure you were. I think it's a pretty tremendous, when I hear mandated situations. Going back to years in school as you know, that mandated sort of struck terror in the hearts because things are certain mandated by law. My situation is that I don't believe that every parcel or every whether it be contiguous or non-contiguous or contingent or whatever, is an application for a subdivision."

Supervisor Janoski, "Mary Beth would you have preferred a substitution of a word like discretionary?"

Mary Beth Andresen, "Well, I would like to say what I'm going to say before I'll change my tune as far as wordage goes. Ok. Because I'm a little confused on it. Clustering subdivision to me is a very frightening thought. I'm sure the original Levitt proposal was a clustering of a subdivision. Possibly a half acre at that time which left the people with a hundred by fifty lot. But

11/6/85

1046

PUBLIC HEARING Continued

Mary Beth Andresen, Continued

it was a clustering. They allowed for areas not to be used. They had little park scenes and they had roadways and what have you and they filled an area, as in Levittown was one of the original pine barrens area with (that was the Island Trees area) with houses. An area that water table couldn't accept the amount. Clustering or non-clustering. One acre zoning...."

Supervisor Janoski, "May I interrupt you Mary Beth? You absolutely can not compare Levittown with cluster development."

Mary Beth Andresen, "Wait a second. Just let me continue."

Supervisor Janoski, "I mean you say something that's incorrect."

Mary Beth Andresen, "I'm saying with one acre zoning if you have a 20 acre parcel and you cluster it, you can put 20 homes on it regardless of the lay of the land Joe."

Supervisor Janoski, "Absolutely Mary Beth. But don't you understand that if you cluster, that the majority of the property is kept free from development. That there is less infrastructure necessary such as roads which of course represent asphalt. That it is an accepted mechanism by those who write the books on planning to preserve open space. We're not saying it's perfect in every case. And that is why we are considering making it a discretionary option."

Mary Beth Andresen, "By a Planning Board only. And I have sat here with the Planning Board and looked at a proposed clustered development that was half under water of which the gentleman had a site plan review on five of his lots were half under water. There were ducks swimming in an area that no longer appears on a D.E.C. map because of an illegal fill that happened in the years since the D.E.C. maps were aerial photographed and I've stood here before the Planning Board and I asked them if they were going to call in the D.E.C. on this matter because four of these lots; lovely as it was on paper..."

Supervisor Janoski, "I don't understand what this has to do with...."

Mary Beth Andresen, "Well you're leaving it up to the discretion of a group of people that never even went and looked at the piece of property."

Supervisor Janoski, "Yes but now we have the mapped the wetlands and...."

Mary Beth Andresen, "One point in question. I called the D.E.C. up on it and the D.E.C. came down and mapped wetlands or not, there were carp on this property. There was acer-grisum which are red maples and it fell into the situation but it wasn't

11/6/85

1047

PUBLIC HEARING Continued

Mary Beth Andresen, Continued

as extensive (excuse me) because it was filled in in the time previous to it. However, in a period of extreme rain which is what we had at that time. The lots were under water...."

TAPE ENDED

Mary Beth Andresen, "... was on the west side of the property. Not on the east side of the property."

Councilman Prusinowski, "If I remember right, one of the reasons why the Town Board assigned the authority of subdivision to the Planning Board was because they had five year terms and they took away the development pressure away from elected officials so you'd have a contiguous thing on those boards. So maybe that has to be looked at too. Like I said, these proposals we have tonight are not in their final form and that's why the public hearing. I've heard a lot of talk around town about cluster development. I think personally, my personal point of view is that I think it's a good concept and it should be adopted in the town in whatever form we finally come up with because that is the future. You just can't put.... The more you pave over, you are going to have more flooding problems, you're going to have more congestion. There has to be a better way to plan. You take a hundred acre parcel and if (right now I believe we have one acre zoning) you take so much out for the road, I think there's an acre you have to have for park and recreation area. I think if it's still in the code. And you have 85 square lots. You have all that roadway in there. You have an increased police protection, services, more drainage problems. This is... You know. These are things that are..."

Mary Beth Andresen, "Excuse me. But you're going to have a hundred if you have a cluster. You're not going to have 85."

Councilman Prusinowski, "Well I'm getting to my final point which means that one of the things that we might have to address here is look at the yield. Maybe change the yielding when you do a clustering. You understand what I'm saying with the yield?"

Mary Beth Andresen, "Well that might be something to consider because what you're doing is actually over developing the acreage. You actually are. Even allowing the..."

Councilman Prusinowski, "What you're talking about is the yield."

Mary Beth Andresen, ".... on your yield. Allowing for your parkland. I don't think that this town's physical environment can really totally accept a one per one. I don't really feel that many many land..."

Councilman Prusinowski, "So you're talking about reducing the yeild?"

PUBLIC HEARING Continued

Mary Beth Andresen, "Reduce the yield on a total cluster."

Supervisor Janoski, "Don't you get the point Mary Beth that if you have 50 acres of residentially zoned property, you can subdivide it without any problem. And what we're trying to do is to have the availability of clustering those 50 units because you can do it. It's private property."

Mary Beth Andresen, "But still if I have 50 acres, I would still have to put in a roadway according to the code as it stands now. I would still have to allow for off the street services according to the code as it is now and I wouldn't get 50 acres of or 50 lots on it necessarily."

Councilman Prusinowski, "What do you suggest we do then?"

Mary Beth Andresen, "Well possibly the total yield has to be reduced and each one has to be considered an individual and that is the biggest thing."

Councilman Prusinowski, "Well I think the concept that we're trying to get here that it be done a case to case basis. That it be made... In other words.... What I'm saying to you is what do you think we should do?"

Mary Beth Andresen, "I think you should reduce the yield and I think everything should be individual. And I don't think it should be left up to the auspices of the five people that sit up there on the Planning Board alone. For them to have that much strength because you're talking about developers that come into the area and have done it before and know the ways of the law probably far quicker and sharper and I'm not knocking anybody here but we haven't had it pushed down our throat like we're going to get it pushed down our throat. And it's happening so fast and every single thing (I'll finish) situation is individual. And if you just go over to West Lane to lovely Westwood Acres and see the amount of fill that has filled in over there. They took the dirt from the Church Lane development, you're talking about non-contiguous parcels with the same developer, and trucked over. Well he had a contract with the guy around the corner or something."

Councilman Prusinowski, "Yes but that's a single acre subdivision."

Mary Beth Andresen, "Right. But he filled land, filled deep land situation. It's a single acre subdivision but you're going to have problems. We live in a boggy wet area. You have to walk down Church Lane. I know your Board of Engineers have worked for a year. You've got to understand that if you're going to amount one (no matter how many acres you have) per one, you're going to have problems. Either to the people that are originally there or to the people which are going to develop there and then I don't want to be around to pay for the problem when they start flooding."

11/6/85

1049

PUBLIC HEARING Continued

Councilman Prusinowski, "Ok. So you're talking about the yield."

Mary Beth Andresen, "The yield being less."

Supervisor Janoski, "Thank you Mary Beth. Allen."

Allen Smith, "We're debating something that is not here tonight. Mary Beth and I get along real good but on this one she's off the mark. It's exactly opposite of what she said. What we have today will generate Levittown. What we have today results in fill being trucked from one place on Church Lane to the next place on Church Lane and it being put into wetlands. If you don't like that, which I believe Mary Beth doesn't like, then there are alternative ways of doing it and this is an alternative way. Every speaker that has come up here and said that if you can build 50 units on the land by reason of the fact that you adopt this ordinance, you can put 80 on there is dead not wrong. If you've got 50 acres, you may get a yield of approximately 43 lots when you're considering one acre lots. You would take out the roads and all the rest of that. What is being proposed here both in the hearing that's been closed and the hearing that is being considered at the moment does not effect yield one shot. Ok. If we are addressing the second hearing which is the TDR concept in my judgment is a good concept. It is not mandatory. It does not say that you are involved with two pieces but that you may be involved two pieces and if I can join hands with the Pine Barrens people for just a moment, you take a piece. If one of the criteria is the Pine Barrens and you take whatever the potential development of that piece may be, let's say it's five units or six units or seven units and that you put that onto another parcel where you can put those five or six units and leave the Pine Barrens area open. That's what we're doing here. All the rest of this just isn't what you're talking about. I realize that it's complex and it's in a field that maybe I understand a little better than some others but it just isn't what is being debated so far. And I hope that the Board understands."

Walter Binger, Aqueboque, "Good evening. I came here tonight again wanting to just sit back and listen to what's going on and what's important to the town. And in all due respect to Mr. Smith, he speaks about the two hearings. Now, there are cluster development is one that's fifty acres fifty houses. TDC is fifty acres fifty houses but all built on ten. Ok. Now, I don't necessarily believe in TDC. So we're going to dismiss this at the moment because this is not the meeting we're now involved with right? We're not involved with cluster zoning in itself. Number meeting number one. Ok. They can't help but run off. We all run it right on in our mind's as we're going. Ok. The way I feel is this. We're talking about cluster zoning being attached housing or cluster zoning being a house on a fifty by a hundred parcel?"

11/6/85

1050

PUBLIC HEARING Continued

Supervisor Janoski, "Cluster zoning is the use of a small area of a piece of property with the housing grouped together in a small area."

Walter Binger, "Grouped. Not attached."

Supervisor Janoski, "Not necessarily attached but they could be attached."

Walter Binger, "They could be attached. Ok. Not necessarily what I feel is a suburban type of community which I feel is what we're looking for. Suburbia, not Queensborough. Not Queens with attached housing in an empty lot next door. That doesn't seem attractive to me."

Supervisor Janoski, "Ok. Let me just stop you there and explain something."

Walter Binger, "I wish you would stop me."

Supervisor Janoski, "Let us say that this is a parcel of property. Let us say the magical number that has been discussed tonight is 50 acres. Well when you do the roads and so forth, you have a yield. Let us say a 45 single acre, single living unit subdivision and you can criss cross this with those lots. What this proposal says is let's put the 45 units up there and keep the rest of this as open undisturbed space forever. That is the proposal."

Walter Binger, "I think I understand that."

Supervisor Janoski, "Ok. Now that's allowable under the code presently. You must ask for it. What we are proposing tonight is the Planning Board and of course we think it should be the Planning Board because you certainly don't want your Town Board under the kind of pressure that Mary Beth addresses that they have the discretion to determine because they are the Planning Board of the Town. Whether it is in the best interest...."

Walter Binger, "That is what we have a Planning Board for."

Supervisor Janoski, "That's right. They are what's in the best interest of the Town. Is it to be developed this way, clustering or is it to create Levittown this way and that's what the proposal is about."

Walter Binger, "Well, I originally lived in West Hempstead which is next door to Levittown so I mean I lived on a 50 by one hundred parcel and my kitchen window was 10 feet from my neighbor's house. So I mean I can relate to both ways. But my feelings are and going back to what Bill started to say before the meeting was adjourned, it seems to aid the developers a lot. We now have a subdivision has to be, all the roads have to be in, planned out. The utilities have to be in, the sewers, the water. Now we have allowed these developers or we may allow these developers to, and I hate the word mandatory. Now it is in there, mandatory. I think that word shouldn't be in there. It should

11/6/85

1051

PUBLIC HEARING Continued

Walter Binger, Continued

either or at the discretion of whoever. Ok. Mandatory is.... They don't belong in some places. I mean if you have a subdivision already occurring, West Lane, you have 15 houses. Next door they build a cluster zoning all jammed together. Well, the people that think they bought their one acre of land and they've gone from their fifty by a hundred in West Hempstead and they bought their one acre land and all of a sudden they have a cluster housing next door. And I don't know. I'm getting away from what I'm trying to say but I'm not necessarily in favor of the clustering zoning and I don't want to see the word mandatory in a subdivision. It should be certain parts of town, it would not be acceptable I don't believe. And that would more or less be like the spot zoning technique. It seems to me like it should be a zoned area. Here, here and here we want open space. Here we already have zoning. We already have houses here and who pays? Which we know who pays. If you develop fifty houses on fifty acres but in the front ten, the people already own the fifty by a hundred parcel but they have to pay for an acre and they have to pay for the maintenance of that acre in order to own that little house. Now what makes the Town Board think that somebody who has a middle income (like most of us in Riverhead have) would be able to come in and pay 2 hundred thousand dollars for a house on a fifty by a hundred lot with commons that you share with the other neighbors."

Supervisor Janoski, "Does anyone else want to try?"

Walter Binger, "I think I understand the concept. But what I'm trying to say is that I'm not really against it but you understand I'm just throwing things out here."

Councilman Prusinowski, "Wally we're not here tonight to find out what we're going to say yes/no, it's going to be done at this minute. We're trying to get some input now. I tell you. You go to the west end, Smithtown, Huntington, they do it now and they did it because they had to do it. They were running out of open space. I know one particular case in Huntington and I sit on the farmland preservation committee, they had a choice of going into the program or doing a cluster development. And residents in the neighborhood and it's right off of 110 and it shows it that way because they preserved like some kind of a golf course or a park there or something they wanted to do and they made a deal with the developers. It might not be right for every instance in Riverhead. These are some new ideas that we're trying to meet the challenges that lie ahead of us. I mean...."

Walter Binger, "I'm in favor of leaving an open door certainly."

Councilman Prusinowski, "You know something. It's expensive housing now for one acre putting in a road and a fifty-five foot road criss crossed this way. You know how much asphalt? You know how much."

11/6/85

1052

PUBLIC HEARING Continued

Walter Binger, "I realize that. I realize it's very hard to make a subdivision."

Councilman Prusinowski, "Then when you cluster, we're not relaxing the requirements for the utilities and whatever else is in the code. That's not going to be relaxed. It's still going to be there. It has to be there."

Supervisor Janoski, "It does in the overall scheme of things. I think your addressing saving the developers money and that's not our intention. What does come up however, is the idea that if you require less infrastructure, (roads, etc.) that therefore the cost of the housing unit is reduced too. That's something that we expect would happen in theory. But we are not doing this to favor the developer. What we are trying to...."

Walter Binger, "Well, I'm not saying that anybody has great real estate interest or anything here. I'm not trying to say that. I'm just trying to throw things out here and maybe I take too relaxed an attitude when I get up here. We could gab over a cup of coffee over this not up at a Town Board meeting. Basically I don't know. I'm all together (and we're getting into the next meeting against the TDC) but I think one goes along with the other and that's the problem with both of these meetings. I mean one goes along with the other."

Supervisor Janoski, "I'm going to have to say that your five minutes are over."

Walter Binger, "Oh. Certainly."

Supervisor Janoski, "You can come back again."

Walter Binger, "Thank you."

Supervisor Janoski, "Bill you had your hand first."

Bill Nohejl, "I'm going to make a reference what happened a year ago or two years ago in Wading River. You're all familiar with Carrera's development. It's all one acre zoning. He came in for a cluster. H--- broke loose because the people didn't want their houses devaluated by houses being put together next to this development to their homes. Now, I am in favor of clustering in the right place as I said. Up here north where the water is available and the sewage is available. Yes, put it there. But why did the county say that it had to be one acre originally? Because of the water and the sewage to get away from drinking other people's urine. So now, out in the areas where there's no water and no sewage I don't favor clustering."

Supervisor Janoski, "Bill that's all addressed. The Health Department must approve any development. They would probably require some sort of treatment plant for the septage. The requirement for public water, that would be up to them. The water source. There are agencies that address these specific concerns. It is generally accepted that clustering is a tool to preserve open space from development."

11/6/85

1053

PUBLIC HEARING Continued

Councilman Prusinowski, "Bill, just one thing about that one cluster development. I was at that meeting that he rolled it out and we both know one of the reasons why he clustered it..."

Bill Nohejl, "I know too."

Councilman Prusinowski, "... and you know what it was."

Bill Nohejl, "A different school district."

Councilman Prusinowski, "The school district lines went through and all the houses were put into the other school district and the open space was put into this school district. He said Town Board hey. We'll donate the property to the Town of the central district number two but put all of the houses in the Shoreham-Wading River school district. That's why all h--- broke loose."

Bill Nohejl, "This is what's going to happen...."

Councilman Prusinowski, "I remember that one."

Bill Nohejl, "This is what's going to happen on the next hearing."

Councilman Prusinowski, "Oh. Ok. That's something...."

Bill Nohejl, "That's what's going to happen on the next hearing."

Councilman Boschetti, "Bill, before you leave, you have been one of the number of people who have gotten up and I don't know about the other members of the Board, but perhaps we understand what it is that's being discussed. So I for one, am having difficulty in trying to understand what the objection seems to be. When you think of clustering, can you tell me what you envision so that I can try to understand what is being seen here in your mind's eye when we say clustering?"

Bill Nohejl, "Yes. Clustering, I have no objection to clustering as long as it's done in the right areas."

Councilman Boschetti, "What do you see. You look at a parcel of land and we say we're going to cluster the housing and it's a fifty acre parcel. What in your mind are you envisioning?"

Bill Nohejl, "I figure I'm on half acre plots and the rest of it around being an open space. Yes."

Councilman Boschetti, "Ok."

Bill Nohejl, "I don't envision them being one on top of the other quarter acre."

11/6/85

1054

PUBLIC HEARING Continued

Councilman Boschetti, "So you're really thinking when we say clustering, you're thinking along the line of a type of subdivision with tiny lots."

Bill Nohejl, "Half acres. Not a tiny lot."

Councilman Boschetti, "But would that be a correct concept? Somewhat tinier lots than you might otherwise have had." —

Bill Nohejl, "Sure. It would be one acre or every 40 thousand otherwise going to a half or a third acre or whatever. That's what it would be and that I have no objection to. As long as the right facilities there to accomodate it. But out in the open space, the facilities are not there and when this says mandatory, I get shook up."

Supervisor Janoski, "You're right Bill. I think that what we'll do is substitute the word discretionary because that's our intent. For the Planning Board to make a determination whether it is in the best interest of the community to have clustering in that particular proposal."

Bill Nohejl, "Right."

Supervisor Janoski, "That's the purpose of the public hearing. The word mandatory was used and I agree with you that it should not have been."

Bill Nohejl, "And you put an article in the paper too that said it would come under the supervision of the Town Board if you wanted a one acre residential. That was an article in the Newsday written out."

Councilman Boschetti, "You might be talking about our TDR concept which is really the hearing we're on here."

Bill Nohejl, "It was both of them there."

Supervisor Janoski, "Bill, one of the things that you've got to understand with all due respect to the members of the Board, they don't always get it right. And especially when you're talking about two things that are closely related. TDR, transfer of development rights and cluster zoning. I'm not saying in due respect to the presses but that's what happens. But it certainly is possible."

Bill Nohejl, "Now I want to come back up."

Supervisor Janoski, "Absolutely. On the first public hearing, amendment to article 19 cluster development, is there anyone else who wishes to be heard? Yes sir."

Keith Lewin Calverton, "My original reason for coming is the word mandatory. We have now a law that says it's mandatory to be one acre or whatever it is non-cluster. What we want to do is the exact opposite according to this. Now it will be mandatory to be the other way and it was brought up before. Why be mandatory either

PUBLIC HEARING ContinuedKeith Lewin, Continued

way. Why not have them both equally available options in the start and then work from there. If it's such a great idea, the public and the developer should demand it and ask for it. If it's not such a great idea, then maybe it's something we should look at and maybe it shouldn't be mandatory. You should have a choice. The other thing is that if it's going to be clustered, if they want it to be mandatory, I think there should be in areas where we're right now looking at two acre or three zoning which is felt to be excessive for a homeowner to keep up. Especially if it's now trees and it's all lawn. Those areas, certainly. One acre zoning as a cluster, the rest be open. But when you get down where it can be a half acre or a quarter acre, whatever they decide, third acre lot, I think that devalues the property as far as the homeowner and what he's getting and what he can do in the future with it and also the neighbor's property. I think if we're going to have clustering, we should have a minimum lot size which would be acceptable to the community as being still an open group of housing."

Supervisor Janoski, "Do you feel that the Bluffs at Baiting Hollow are detrimental to the property there?"

Keith Lewin, "No I don't. I have no objections to the idea of putting a high rise there."

Supervisor Janoski, "That is the only example of clustering that exists in the town today and it is one of the big successes of the idea of clustering."

Keith Lewin, "If you have 2 hundred and 50 thousand dollars for a condo it's great."

Supervisor Janoski, "Wait a minute. You just complained that we were going to devalue property."

Keith Lewin, "You're not going to put up Bluffs on Horton Avenue, on Osborn Avenue. You're going to up the Bluffs on the Sound bluffs where you have a beautiful view and people that are paying for the view. Not for the property."

Supervisor Janoski, "What we're talking about is a concept. And once again I repeat. You are saying that the developer should be able to do what they want to do. We're saying that those who represent the best interest of the town. The Planning Board should make the determination and I'm really confused about your point of view on that one."

Keith Lewin, "I think the removal of the word mandatory would make it more acceptable."

Supervisor Janoski, "Absolutely. I agree with that a hundred percent."

11/6/85

1056

PUBLIC HEARING Continued

Keith Lewin, "But I also think that we should have a minimum where somebody could come back and say even though this is a cluster development, each lot has enough room for the homeowner to do what he would please to do in the future. If you go to a half acre, you're guaranteeing that you've got to have either sewer or water for the Health Department. You're also guaranteeing if the guy then decides that he wants to put a garage on the side of the house or put a swimming pool in the back or another accessory building, he's going to have to be very careful how to fit it. You can lock him into a limit of a reasonable but small house with no extra structures. If you went to one acre which is what we have now in most areas, he could pretty much be guaranteed that even if he buys the house and decides to put a detached garage, he'll have room without the fights of the neighbors."

Supervisor Janoski, "The Health Department has last word in any development in the county. I don't care if you're building on two acres single family...."

Keith Lewin, "Oh. I agree."

Supervisor Janoski, "...they make the determination whether you're going to get a building permit as far as your cesspool and your waste and your water. What I don't understand is the idea of the concern about the living unit being too small for future development. The idea here is to preserve open space. Now, if an individual does not wish to get into that clustering, you take the other option which is available. What we're trying to do here is to represent the best interest of the future of the community. Once again I will use the Bluffs as an example. Forget about that it is on waterfront property. There are many such developments which exist not on waterfront property. What we did there is to take (let's call it) a three hundred acre parcel of land which could have been subdivided into 2 hundred and 85 let's say, single family houses. Thereby covering all that golf course. What happened was that the development took place on 35 acres and the rest of it forever more will remain open. Now, I think that we served the community well by doing that and that's what we're trying to do here but to give that authority to the Planning Board. In the case of the Bluffs, they asked to do that and we thought it was a great idea. But in the case of development, what we are suggesting is that the Planning Board sees that it is in the best interest of the community that that's what they can have happen."

Councilman Prusinowski, "See one of the theories is and I'll have to go back to Lee Koppelman. He addressed the chamber about a month ago or three or four weeks. In a town the size of Riverhead you want to take advantage of the areas that you will get the most value out of your land which is the waterfront property on the Sound. There are some areas in town that cluster development will fit in beautifully. There are some areas in the town that cluster development will not work at all and that's where the Planning Board would have to decide. If there is another subdivision that's proposed for example, on the bluffs somewhere on the Sound something like 50 or 60 acres, it is to that advantage maybe a similar project up there. And that's the kind of decisions that have to be made."

11/6/85

1057

PUBLIC HEARING Continued

Keith Lewin, "I have no objection to clusters on right areas. But I think if we're going to do that, then it should not be.... The mandatory should be removed and also there should be some statement in the zoning which areas of the town that this would be appropriate or be stressed."

Councilman Boschetti, "Criteria."

Keith Lewin, "Yes. And not just say everything has to go this way or else you have to get a special permit not to. I think that would be more fair to everyone."

Councilman Prusinowski, "That makes sense."

Keith Lewin, "Some people like one or two acre housing."

Councilman Prusinowski, "Sure. That makes a lot of sense."

Supervisor Janoski, "Thank you. Yes sir."

Jacob Rottkamp, Calverton, "I would like to know who owns the open land after this is all cut and dried. Who is the owner of this land?"

Richard Ehlers, "The current process before the Planning Board causes the land to be owned basically three ways. In one way the lot lines go out into the open space area. However, there is a building envelope beyond which the person can not build or intrude. The second method is to use a civic association where the conclusion of the sale of the lots, the open space is dedicated to the civic association. The third way and that would also involve the placement of a section 239 general municipal law; open space covenant over that property. The third way is for dedication of the farmland rights if were appropriate and acceptable, to the Suffolk County Farmland Preservation authority to farmland preservation. Some of the land is going to be covenanted maybe useful for farmland, it would go that way. So the underline ownership would stay in someone else. It is a method.... The confusing part I think is that currently, section 281 of the Town Law, that's the state law that regulates our Planning Board, permits the clustering of development and clustering has been going on for quite some time here in the Town of Riverhead in subdivisions and it's not, it's only noticeable to us perhaps when we see something as dramatic as the Bluffs that they have clustered. There are many plans currently pending before the Planning Board which show sort of a minor cluster where the lots are drawn in such a way as to leave some space in the center or leave some space at one end."

Jacob Rottkamp, "Well this is fine. In the maintaining of this of the civic group that would own it would be the development. Is this correct? I would assume."

Richard Ehlers, "It would be the residents of the development."

11/6/85

1058

PUBLIC HEARING Continued

Jacob Rottkamp, "Of the development. So in other words, if they're going to maintain it, it's going to cost just as much as if it were built on an acre or an acre or two or whatever it may be. If the zoning were different, it's still going to cost them money to maintain this parcel. What I'm trying to bring up is this. If a farmer would want to go in and rent some of this land, there isn't one individual that owns it that you could really do any business with. You understand what I'm trying to say?"

Councilman Prusinowski, "I got you."

Jacob Rottkamp, "And what would the restrictions be on it? Let's say you can't start the work until 8 o'clock in the morning on this parcel of land. Alright. You've got to be off by 5 o'clock at night and all this kind of thing. You want the thing laying open right? But at the same token, what freedom do you have there and how do you work with this? Has this ever been brought into the picture and discussed?"

Supervisor Janoski, "I have to say Mr. Rottkamp that I am perplexed. Mary Beth Andresen comes up and one would expect that she would be all for this proposal. Farming is a possible outcome and we would perhaps have to do some fine tuning here. But the real purpose is to keep space from being built upon."

Jacob Rottkamp, "Yes."

Supervisor Janoski, "If it can be farmed, we think that's great to be put in agricultural use. And I think what you said is something that maybe we just have to think about a little more which is why we have these public hearings so that we get this kind of input. And we will ask the town attorney to mull that over in his head and see what we can come up with."

Jacob Rottkamp, "Well this is..."

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Conrad Doroski, Aquebogue, "Good evening. Let's make it simple. Any time we increase development and how much land does Riverhead town have to develop now? I mean space. We're not really..."

Supervisor Janoski, "Do you have any percentages on that?"

Councilman Boschetti, "How much is not developed at all?"

Conrad Doroski, "Yes. How much land do we actually have to build on? It seems like things are getting pretty cluttered up already."

Councilman Boschetti, "Ok. When you consider recreation, vacant land, and agricultural land as well as land that is used for highways and easements etc. it's just under 90 percent comprised in those four categories. So you have roughly 10 percent developed. Roughly."

11/6/85

1059

PUBLIC HEARING Continued

Jacob Rottkamp, "Roughly 10 percent developed now."

Councilman Boschetti, "Right."

Supervisor Janoski, "About 50 percent of the land mass is still actively engaged in agriculture."

Jacob Rottkamp, "In Riverhead Town?"

Councilman Boschetti, "Right."

Jacob Rottkamp, "Well, I was just thinking."

Supervisor Janoski, "You have to see this town from the air Mr. Rottkamp."

Jacob Rottkamp, "I have. I realize that. I also realize that are taxes in Riverhead town, who some people complain about, others don't but I'm not what you call a complainer but you can see that the majority of the taxes are or a good part of them are the schools. Right? Now if we develop and we know we're going to have more for schools. You're going to need more schools or more teachers or whatever. You're going to need sewage. You're going to need more highways. You're going to need more in the highway department personnel. You're going to need more Police Department. Right? Then you're going to have to worry about the water because we're worried about the water today. We're always saying well you know, the water is getting polluted. Sewage. Then they come up with the ashfill deal. It was well... They didn't play up on the west end so at the High School that night. Right? Or because they didn't plan... I realize that's why we are here for tonight to think about it and talk about it but I don't know how costly it would be for the town to buy some of these development rights to discourage development in Riverhead town."

Supervisor Janoski, "Say that again for me."

Jacob Rottkamp, "For the town to somehow buy let's say.... Let's say if the farmers... Right we know farming is (what you call) not in very lucrative terms. So if we could help out a farmer that wanted to sell his hobby to a developer."

Councilman Prusinowski, "That's a great idea. In fact I get two million dollars right now that I can spend if anybody's interested. Any farmer that wants to join the program they can. You can sign up because Southold town has been... It's county tax money right now that's available and we're having... We're asking people to sign up. Now, being in the farm program doesn't necessarily solve the farming problem. It's a good open space problem. My question is; what do you want us to do? We can put a moratorium... Hey you know. I live in this town too. We're in a dicotomy. On one hand nobody's wants to say development. On the other hand nobody wants to pay any more taxes which is great. Now, the school tax didn't go up this year. We were fortunate because of the tax base increase. My question is; what do you want us to do? We don't have all the answers. I'm asking you."

PUBLIC HEARING Continued

Supervisor Janoski, "Part of the problem is, development rights aside, that every acre just about is owned by someone. In some cases it happens to be public land. We don't have to worry about that. But if it's Mr. Rottkamp's land, he's got a right to expect that he can develop it or sell to someone who wishes to develop it or have someone buy the development rights if he's willing to sell at a particular price. That's the dicotomy that we find ourselves in. And very often we forget that that empty lot next door to us belongs to someone. It's private property. And if someone wants to build a house there, that is their American God given right to do that."

Councilman Prusinowski, "You know one of the problems that we're having (ironically) is the appraisals are coming in. The agricultural values of the land are increasing. Not so much as because of the type of soils. When they appraise the property for the farm program, they use a method that the type of soils and the farmers will know this. That certain soils are worth more money agriculturally. However, there are resales going on where... When I was on the committee ten years ago. we never thought that an agricultural land that's been stripped of development rights would get more than five or six hundred dollars an acre. Now it's selling for over a thousand or fifteen hundred. Then when we go to the closing and the farmer says hey. Wait a minute. Five thousand for my total price but the agricultural rights are fifteen. You subtract that. That's what I am getting? I should be getting a lot more and that's some of the technical problems we're having with programs like this and there are resales going on. And one of the resales are people like we had a horse farm where people came out from the city and they have a lot of money. And they say; I'd like to have a nice country estate so I'll buy a hundred acres. The house I pay full value for but the ninety acres I'm paying a thousand dollars an acre. So I can get a hundred piece and they don't want to (INAUDIBLE) They put a nice fence around. It's towards Calverton. And you have a nice estate for like a hundred and fifty thousand dollars or something because these are resales. I know we had the committee go up there and they wanted to put barns on it and stuff like that. So that's some of the technical problems we have in it. But you make a good point. I'm just asking what you would like us to do."

Jacob Rottkamp, "Ok. Thank you very much."

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

Walter Binger, "What you touched on and now back onto the farming and kind of lump this whole thing together here. For one thing, I don't know how you can take a development as proposed to develop it and then transfer farming rights but the people that own the development own the farm or part of the farm. IRS alone would probably tear that apart. I had not thought of the concept of farming while we're talking about cluster zoning. We either are talking about open space to farm program or we're talking about cluster zoning with open space being grass and trees. I mean I don't think the two of them are getting twisted together now with the third thing this tranfer of development rights. Now, we got three things going here."

11/6/85

1061

PUBLIC HEARING Continued

Supervisor Janoski, "Wally, I understand what you mean."

Walter Binger, "The problem is they all kind of... I have property that goes into all those aspects."

Supervisor Janoski, "When you drive by a piece of land that's engaged in the production of potatoes you don't consider that developed land. You consider it open space."

Walter Binger, "That's the farm program. Now the fault of the farm program as Vic said, years ago they never thought the prices would get that high. We started out before the folly era, they weren't allowed fences. They weren't allowed grape poles. They weren't allowed barns and that was totally no development. Now, the town went through that. Suffolk, the state went through that. Now, when they allowed the fences, when they allowed the poles, when they allowed the barns, when they allowed the farmer to have a house, all of a sudden farm land values went up in Riverhead town. Whether it be on the northfork because of the grapes you know, or what we just talked about."

Supervisor Janoski, "If you'll let me."

Walter Binger, "Go ahead. I'm sorry."

Supervisor Janoski, "One of the things that we thought is the possibility that instead if it is cleared land and not wooded land, that if some acceptable use (agricultural use) could be permitted. Because the development is (as I point out) in a small portion of the acreage and if there was some agricultural pursuit that was wished for the property, that that would be an acceptable use of the property. Not building upon it but if someone wanted to lease the property (I guess is the word.) for the production of strawberries, potatoes, cauliflower, whatever, that that would be acceptable under this open space protection proposal. It prohibits the building of a house or a barn."

Walter Binger, "I think I understand that. But I think the problem in the farm program is that the farmers are not making money. In fact, they're losing money year after year after year. Therefore, they're holding on to their development rights and they don't want to sell their development rights because maybe you don't want to farm. You can't take the five thousand dollar loss every year for the next fifty years and say you're eating. You know, I mean that's the problem with the program is the price of vegetables."

Supervisor Janoski, "Wally, it doesn't have anything to do with this."

Walter Binger, "Well that's what I'm saying. Well let's get away from the farm aspect. Does the farm aspect have to do with the cluster development?"

Supervisor Janoski, "No."

11/6/85

1062

PUBLIC HEARING Continued

Walter Binger, "Thank you."

Supervisor Janoski, "Ok. Does anyone else... Allen."

Allen Smith, "What Mr. Rottkamp suggests is that in this act, among the criteria that are specified to be considered is that the soils found in the United States Soil Conservation Service Capacity Classes I and II will be retained for permanent agricultural uses."

Supervisor Janoski, "Well, thank you anyway."

Allen Smith, "Yes. But it's dreadfully difficult to follow this when you're making a record that's got everything all crushed together."

Councilman Prusinowski, "Well, we're just having a discussion."

Supervisor Janoski, "Does anyone else wishes to address the Board on the question of cluster development? Yes ma'am."

Betty Brown, Peconic Bay Blvd., Aquebogue, "It is my opinion that it would not be wise for the Board to even consider mandatory clustering in subdivision. It may not be the intention of this Board to allow this to become a technique of developers to overdevelop our already "open space areas". It would be short sighted of the Board to think that this clustering is the answer for everyone. Open space is not the only golden word here. There is no more space available with clustering. You have one large open space and one large cluttered space."

Supervisor Janoski, "That's not true Betty."

Betty Brown, "It isn't?"

Supervisor Janoski, "No."

Betty Brown, "What do you call the area that is..."

Supervisor Janoski, "Well, the example that I gave was the Bluffs at Baiting Hollow."

Betty Brown, "Let's talk about normal houses."

Supervisor Janoski, "Well let's talk about the clustering that we have in the town. I am shocked that you and Mary Beth oppose this because this is the kind of thing that we would think you love but that's life. There is a three hundred parcel there. Thirty-five acres are developed. The rest is open space. That is a small portion. I'm sorry to interrupt you but you said equally large."

Betty Brown, "Well, I see the concern of the Board and perhaps this is a wonderful area to delve into if you have twenty acres, forty acres, fifty, one thousand. I think the condominium idea is a good idea. It's more pleasant to look at something like that but our town is not only made up of large parcels. There are many ten acre parcels. I happen to live next door to one. Half of it or more than

11/6/85

1062

PUBLIC HEARING Continued

Betty Brown, Continued

half of it is in wetlands. If this was mandated and houses were going to be built,..."

Supervisor Janoski, "The owner of that ten acres could come in with the idea that they want to cluster. That's already permissible. They have to ask for it. What we are saying (Betty) is that the Planning Board and I will repeat that, the Planning Board of the town who is supposed to look over the development of the town, if they think it's in the best interest of the community to say this is the way that ten acres should be developed in clustering. It doesn't have to be and we will remove that word mandatory. It was ill advised. It should have been discretionary. But Betty, I am perplexed. I really am because you are usually on the side of this kind of a proposal. Now I don't know what's going on here but..."

Betty Brown, "I think there's too many loopholes. I think it's a can of worms. It leaves too much chance to developers to come in and say well; I have fifteen acres here. Four or five of it is in wetlands and obviously can not be developed."

Supervisor Janoski, "I just explained to you that a developer can come in and ask to cluster if part of the land is wetland and the yield is determined by the state in the Department of Environmental Conservation. We are saying that we, (those who represent the town) the Planning Board in this case, are going to tell the developers what they have to do. Not the developers tell us what to do and that's what perplexes Betty in this thing. We are putting in charge of the future development of the town in this proposal into the hands of those who are supposed to represent the best interest of the town not the developers."

Betty Brown, "Well there's other people that are not developers that might perhaps develop ten acres. And if they came to you and asked if they can have ten houses on the ten acres, perhaps you would say nine if the acreage was highland. If several acres of it were lowland, you would only offer them a certain amount. One house per acre is all they would have and that is all that you would be able to give them."

Supervisor Janoski, "It's not us that makes that determination. It happens to be the state. If we're talking about wetlands."

Betty Brown, "Am I wrong to think that these people now can say; well I have ten acres. It doesn't matter how much of it is under water. I would like to put that ten houses on my highland that I have. Isn't that cluster developing? I own ten. I only have five highland acres."

Supervisor Janoski, "There's got to be some land in this town that isn't wetlands and I don't know how this concern over wetlands has crept into this. What I think..."

Betty Brown, "It's only our open space that no one can do anything with and now....."

11/6/85

1063

PUBLIC HEARING Continued

Supervisor Janoski, "And we're trying to protect it Betty and that's why I'm going crazy up here. The idea of the wetland is under the jurisdiction of the D.E.C. I don't know if you have ever dealt with them. But I know that guy in the back of the room has. Would you like to say something about trying to do something on property with wetlands? Please. Yes."

Allen Smith, "If there's ten acres and three are wetlands, assuming one acre development, you can only build seven in any event. You can't increase the yield."

Councilman Prusinowski, "You can't increase the yield Betty. That's the way it is now."

Allen Smith, "If you've got ten acres and nine are wetlands, you're going to put up one house."

Councilman Boschetti, "This is not a technique to increase the density!"

Betty Brown, "I was afraid that it might be a loophole that might perhaps be."

Councilman Prusinowski, "No. Betty, first of all, this is a process that is really catching fire in western Suffolk because they're already at the crossroads with hope (beyond the crossroads) which I hope this town never even has to come close to which they are desparately trying to save their open space. I know being on these county committees in Smithtown and I'll say it again, Huntington. It's a process of not increasing the yield. It's a way of rearranging the use of the land for its most optimum where you save ecology. You save services and really in Huntington it helped drive down some of the housing costs which are getting astronomical. You know. And I'm not saying it's a perfect thing. We're just talking about it. But the only things is that it's not a loophole to make more density. No. It's not perfect. But the thing is that it's not a plan to increase the density and you know. If it has to be tightened up, we'll certainly tighten it up believe me. And I see your point. Your point is that you don't want it to be a loophole to be used by the developers to put eleven houses on ten acres when now he is only allowed seven. Ok? That's the point."

Supervisor Janoski, "Betty, before you came down here tonight, what did you do in the way of research about cluster development."

Betty Brown, "I didn't do anything. I was busy doing my housework."

Councilman Prusinowski, "That's good."

Mary Beth Andresen, "She doesn't get paid to do it Joe."

Supervisor Janoski, "Mary Beth. I know that. But you see, what I'm confused about Mary Beth, somehow you've showed up here thinking that we're doing something to hurt the town. And wetlands and all, I'm just confused. I thought maybe you had a misconception of clustering which you seem to have a little bit. Basically

11/6/85

1064

PUBLIC HEARING Continued

Supervisor Janoski, Continued

said, it is not a mechanism to allow you to build more than you would usually have if you did a single family single lot and its purpose is to protect open space from development."

Betty Brown, "Could I just clarify that I would never think that you would do anything to hurt the town but I am wary of developers in that they're clever and they're...."

Supervisor Janoski, "We're trying to take away the option of the developer."

Betty Brown, "... and I would be worried that there would be anything that they can do that we would not be aware of. We can go overboard and think that this cluster is beyond and on and I don't always agree. I have one question. Why is this extended not only just to residential areas? Why was it now extended to all zones in the Town of Riverhead? How does that benefit? It's mandated in all. Am I correct?"

Richard Ehlers, "The Planning (excuse me) Board has seen an increase in the number of subdivisions in industrial land which are accompanied by special permit applications for single family residences. If you see what I'm saying. In other words, in an industrial section you make a separate application for a special permit for residential use. So we wanted to be sure that the Planning Board was thinking cluster in those areas which were going to become residential even though nominally dominated as industrial through the special permit process."

Betty Brown, "How would this affect business? Business also?"

Richard Ehlers, "You can have the same type of application in a business zone. It's less like to happen in the business zone. They tend to be smaller. If you look at a zoning map of the town, you can understand that there are some large industrial areas."

Betty Brown, "Thank you."

Supervisor Janoski, "Sherry."

Sherry Johnson, "I let my housework go and I did some research and I found a marvelous little pamphlet by the cooperative extension entitled; clustering of residential development in alternative to sprawl and it answers a lot of questions."

Supervisor Janoski, "Thank you Sherry. I don't see.... I see your arm back there. Yes."

Emil Reidel, Wading River, "I think the Town Board has to make a better presentation of what they're intending to do and what I would suggest is that maybe you go to an area and take pictures of a cluster development. Get a site plan that's been clustered and bring it in and let the people see what you intend to do. And I think that would answer a lot of questions."

PUBLIC HEARING Continued

Councilman Prusinowski, "That's a good idea. In fact, I will go right to the one in Huntington because I'm very familiar with that. In fact, I'll tell you. They have a before and after picture which is very good because I know we had it because they were considering it in the farm program. It's a good idea."

Emil Reidel, "Or to other states too that have been doing it for a longer period of time and make a presentation for the public. Thank you."

Supervisor Janoski, "Thank you Emil. Mary Beth are you..."

Mary Beth Andresen, "I've been to your clustering developments in this town that have been proposed and I've seen them misuse the land. And because they were the all powerful developer and I've seen the Planning Board not question it. Ok. Alright. End of that. The thing is if you're going to correct..."

Supervisor Janoski, "Wait a minute. How have they misused the land?"

Mary Beth Andresen, "Because they didn't go according to the lay of the land in the one development that I..."

Supervisor Janoski, "When was this Mary Beth? Was this before any of the controls that we have now?"

Mary Beth, "Oh no. This was about six or seven months ago Joe."

Supervisor Janoski, "Where is this exactly Mary Beth?"

Mary Beth Andresen, "It's on the record at the Planning Board because I was here. It's South Jamesport Avenue. Peconic Bay Boulevard, the Mohring Development. Mr. Ehlers knows what I'm talking about."

Supervisor Janoski, "What is she talking about?"

Councilman Prusinowski, "I know what you're talking about ok. Yes."

Mary Beth Andresen, "I know what a cluster development is. I'm not an idiot. And what we talked about before and I don't like to be referred to where you did your homework. Ok. That's number one. Number two; you still can exceed the yield, I don't care what you say, then you would normally be developing the parcel because not every piece of land is a rectangle. Ok. And if you put in roads, you put in the amount of roads that you're going to need for one acre home sites, you possibly will not get to all those areas that you can then in fact get to if you cluster it. Leaving the smaller home sites. So therefore, getting more yield out of the land. I think it's time in this town that certain areas of land be equated just because a developer buys it does not necessarily mean that it's his all fire way of getting rich quick. It should be taken in the same situation as stocks

11/6/85

1066

PUBLIC HEARING Continued

Mary Beth Andresen, Continued

and bonds. It's a chance folks. And maybe certain areas are not D.E.C. controlled. But certain areas have to be walked through and they are cranberry bogs or they are left bogs where there are a moss ridden thing that seeps the water out of the ground and is only seen by the people that do know it."

Councilman Prusinowski, "Mary Beth I'm only concerned about one thing, the Planning Board. Dick, did a while back we had a discussion. They asked us about how to determine the yield and which way we were going to go on that and we took the more restrictive approach. They asked us a direct question and I'm just concerned. I hope the Planning Board is following the Town Board's direction."

Mary Beth Andresen, "Well, that man did not exceed the yield. But where his clustering was located, was in the wet area and where his berm and his sunken pit or whatever he wanted to call it. I think he called it a water collecting basin, was in the high ground area. Ok. And that is true and he walked in here with a very very noted surveyor in town and it was right after his hearing happened to come up the day after that March storm. My pictures weren't back yet from the developer but the ducks were swimming on his property. Alright. I'm just saying that I still think that the yield should be carefully regulated because of the properties being different and lay of the land may not yield one lot per acre as it does because everything is an individual. And I think the input from this town is something that still needs to be taken regardless if we do our homework or not."

Supervisor Janoski, "Mary Beth, what I asked was the research on the concept of clustering."

Mary Beth Andresen, "Well I've seen it and I've seen it happen you know."

Supervisor Janoski, "Mary Beth we seem to be in a position where you want to say something that we agree with. That everything is not the same and I'm saying to you and I'm going to say it one more time. The group of people which is in charge of the planning for the town and I hope to god that they're working in your best interest and are going to make those determinations. It's not going to be us politicians up here. It's going to be those people who are on the Planning Board. And what we are trying to do is give them an additional tool to preserve open space and I don't see why you're so hostile about it."

Mary Beth Andresen, "Is their additional tool still going to be met with public input."

Supervisor Janoski, "They're a public body. Absolutely. They're a public body."

Mary Beth Andresen, "Or is going to be now that they have the mandated control be able to be totally omnipotent in their own way?"

11/6/85

1067

PUBLIC HEARING Continued

Supervisor Janoski, "They're a public body. You know that they... You were present at some hearings on some of the deliberations that you refer to in your testimony and they will continue to operate that way."

Mary Beth Andresen, "Thank you."

Supervisor Janoski, "Thank you. Is there anyone else who wishes to address the Board? George. What?"

George Schmelzer, Calverton, "I'll wait to last if you want me to."

Supervisor Janoski, "No. I was just about to close this hearing. Are you familiar with what the hearing is about?"

George Schmelzer, "I just read it in the paper this evening for the first time."

Supervisor Janoski, "Ok."

George Schmelzer, "You're talking about..."

Supervisor Janoski, "We need it George because we have to have your voice for the record."

George Schmelzer, "I talk loud enough. Is that loud enough?"

Councilman Prusinowski, "Just tell us who you are."

Supervisor Janoski, "Who you are and where you from George."

George Schmelzer, "Calverton, Town of Riverhead, State of New York, County of Suffolk. My name is George L. Schmelzer. I think you're talking about one acre zoning and I've heard it here just recently referred to one acre lots. How many of you have your house on one acre? You do? One out of five has one acre. I remember was it five years ago? There was no building going on in Riverhead Town. That the office holders were almost crying because there was no construction. We had three building permits in the whole year. That was terrible. Now the god d--- developments are coming in again. And if there's no demand for a house, you won't see a developer. A developer is created by the demand for houses. Now if the developers went on strike for a year and refused to do anything, next thing we'd hear; these developers are not adequately taking care of the needs of the people. This is terrible. They're not taking care of the people's needs. They are not developing any if there was a big demand. So when this zoning first started, I remember, they controlled the size of the lot because of your health, welfare and morals you should live on a small lot this big and make it this big. And a few years later they made it this big then this big then this big. Even in Southampton they've got five acres. I don't know who can take care of five acres and pay for it. Now we have got something else proposed. You call it cluster zoning. I call it sardine can zoning. You want people to live in a sardine can, everybody forced to. If anybody wants to live in a sardine can, go ahead and let

11/6/85

1068

PUBLIC HEARING Continued

George Schmelzer, Continued

them do it but don't force everybody. And why should we have to get a d--- permit to put a house in an industrial zone. If somebody has a business there, maybe he likes to live there and protect it at the nighttime. All these d--- monkey shows for what. And if you have this cluster zoning say on a hundred parcel, if you squeeze them down to about five acres, who is going to take care of the rest of ninety-five? What's going to happen with them? Who is going to pay taxes on them at the bank? Who is going to pick up the paper to keep it in order? I don't see any office holder or the elected official whether it be local, state, county who uses their sweat or money to preserve any land. Personally I don't see a d--- money. Look at the farmers now. Two dollars a hundred. It cost them five dollars. I don't see any politicians using their sweat and money to help. They just want to preserve the land so they can ride by and look at it and say; gee this is pretty isn't it. As long as somebody else owns it and pays taxes on it. Isn't that true Joe?"

Supervisor Janoski, "I'm afraid you've got the wrong candidate on that one."

George Schmelzer, "I'll ask everyone of you. You go on the county level, the same thing. I don't see any one of those legislative officers open their d--- mouth now about the farms. So this proposition about forcing upon the people you must have a cluster, I say the developer finds a market for cluster then let him do it. He wants it the other way, let him do it. I've heard businessmen say it's impossible to locate in Riverhead. All the d--- regulations and bureaucracy they give up."

Supervisor Janoski, "George. Do you think we should do away with zoning?"

George Schmelzer, "We were all happier without it. The ones who were not happy with it were the lawyers. They couldn't make anything. Now they've got the surveyors in on it, the architects, politicians. It's a great game. Don't lawyers do good on it? We wouldn't be here tonight if there wasn't zoning."

Richard Ehlers, "Is that a threat or a promise?"

Supervisor Janoski, "George could you sum..."

George Schmelzer, "Before we had this, we only had a part time lawyer in the town. Now we've got a full time one and hire special ones on the side besides. Now with this so called cluster of sardine cans I call it, there's the land that's left over. Who is going to take care of it? So answer it. Anybody."

Councilman Prusinowski, "Who takes care of all the open land now?"

George Schmelzer, "The owner takes care of it."

11/6/85

1069

PUBLIC HEARING Continued

Councilman Prusinowski, "Ok. He does all the time. All the time George?"

George Schmelzer, "We're talking about this."

Supervisor Janoski, "What has to be done?"

George Schmelzer, "What."

Supervisor Janoski, "I'm sorry. I should know better."

George Schmelzer, "You don't have to be sorry."

Supervisor Janoski, "George...."

TAPE ENDED

MEETING RECESSED AT 9:45 AND RECONVENED AT 10:00

Joseph Ingegno, Riverhead, "I think cluster development is a good concept for preserving open space. I believe some of the people here tonight might have some misconceptions on how it's done or why it's done. When, I happen to be in the business of designing subdivisions and cluster zoning, and cluster zoning becomes part of our design, when we a tract of land that is one hundred acres, we have to first develop yield maps which would be as what the zoning requires now by showing where the roads would go, where the lots would go excluding wetlands, ponds, lakes and everything else. Out of that final yield what you try to get is probably an eighty to eighty-five percent yield on your acreage. So that if you a hundred acres, you try to get somewhere between eighty to eighty-five lots. Now, the transfer of development rights that is the total amount that you would be allowed to build on the specified area in the cluster zone. Just because you have a hundred acres, you can't build a hundred houses. You only could build on what is the yield for that development. Whether it be.... Out of the hundred acres if eighty acres are wetlands, then you could only get an eighty percent yield on the twenty, then you could only build that many houses in the cluster concept. So it does lead to developing more units on the same amount of land. It is also less expensive in most cases for the builders to develop on cluster concepts which should pass the cost on to the buyer which should try and lower the selling prices of the units. Because if he could build eighty houses and only have to put in a quarter a mile of roads rather than maybe a mile of road at over a hundred dollars a foot for road and then electric lines and water lines. The savings should be passed on to the consumer. Thank you."

Supervisor Janoski, "Thank you Joe. Is there anyone else who wishes to address the Board on this matter? Mr. Kasperovich."

William Kasperovich, "I don't appreciate your antics Mr. Chairman or Supervisor when I raise my hand to be recognized to speak. I don't spend my evenings and give up a piece of my life to come into this Town Hall for pleasantries. Now, it was said by yourself, by Mr. Prusinowski, by the Town Attorney, that you have not put this matter into its final state and I once again would say that when you have it in the final state, we should

11/6/85

1070

PUBLIC HEARING Continued

William Kasperovich, Continued

then have a public hearing of what will actually be proposed to be in print for the people to respond. Then corrective wordage or sentences or even thoughts would make a meaning. This way so much of it is being generalized and there are many aspects that have not even been touched on tonight. But that, needless to say, if three of you gentlemen have said that this is yet to be worked on further, then I think another public hearing when such time comes that it is finalized be held so that the people will know what exactly will put forth when it becomes a resolution. And that would make for a better situation, for better... Would set well with whether anybody agrees or disagrees. And as far as certainly the indication put forth to you people that the citizenry of this township did not put complete faith in your appointed people. Needless to say they don't have as much faith in our elected people. And if we do it by the book openly and with enough time for everybody to consider, then there's no big sweat on this situation of clustering."

Supervisor Janoski, "Mr. Kasperovich did you stop by the Town Clerk's Office and get a copy of this proposal?"

William Kasperovich, "I read it in the paper. I do spend my forty cents for the News-Review."

Supervisor Janoski, "What I want you to say is that yes it has been publicly published."

William Kasperovich, "But you three gentlemen have said that it is still in a working state. That it is still flexible."

Supervisor Janoski, "Of course it is. This is part of the process. That is why we have this public hearing."

William Kasperovich, "Alright. But then if we are going to take that approach, we should then have another public hearing when it is finalized. So that before you vote on your resolution, the people will know exactly what you have proposed. Not a loosely fitted.... Yes you have set a direction. You've set a posture. You have set the thing in motion. Well and good. I've got to give you credit for that much and that's fine. But at the same time, some people look at it in different directions. Some people do one amount of homework and other people spend a couple of days at it. Other people have abilities and talents. Others, this is a hard task to study this out. And so it's my thoughts that this is a good thing tonight but another public hearing should be held when you have come to a final state. And I think that would be good government. Thank you."

Supervisor Janoski, "Steve."

Steve Haizlip, "Town Board members and the Town Attorney. I have been listening very carefully and I heard you tell Mr. Schmelzer about three or four possible dispositions of the undeveloped land. And one of them was that it could go off the tax roll. I am not in favor of that. No way. No how. I remember

11/6/85

1071

PUBLIC HEARING Continued

Steve Haizlip, Continued

Mr. Janoski asking the Senate, the Assembly (sorry) three years ago for additional tax revenue for loss taxes that is already in this town. So I strongly urge an input that I don't want to see any vacant land which is an over run or remaining land from the result of cluster in one corner then the other eighty acres sit over there and say no. We don't have to put that on the town roll tax. That can go off. We need it. And why keep it doubling up on a guys back that's left. Do you want to respond Mr. Ehlers?"

Richard Ehlers, "Just that that comment (excuse me) was intended just to be sure that everyone understood. We have clustered in the past. Mr. Hallock had a subdivision which I think is known as Hallockville Estates off Pier Avenue in North Jamesport and there's a pond on that site and the pond parcel was dedicated to the town at the request of the town's conservation advisory council. That land around the pond portion which was buildable land, was used in the calculation of his yield and became part of the subdivision yield that he used which was a clustered subdivision. The town desired to own that portion of the pond because we owned the other half of the pond. So in that case, a small portion of the clustered land did come off the tax roll."

Steve Haizlip, "Of course this is a question you see and I guess I shouldn't be asking questions. So I'll just make it as a statement. Then in that case, if any land was dedicated to the town, then I hope it was prorated into those people's tax bills to make up for it and not the ones that was left out in other spaces."

Supervisor Janoski, "Is there anyone else who wishes to address on the matter of cluster development? George."

George Schmelzer, "I believe you should concentrate in thinning down the ordinance instead of making it worse. Put all this effort into making things less complicated, simpler. We'd all be happier."

Supervisor Janoski, "George, Steve is absolutely correct. You have not identified yourself for the record. But you have to do it again."

George Schmelzer, "You just identified me yourself when you called me. Ok. My name is George Schmelzer. Do you want my middle name too?"

Supervisor Janoski, "No."

George Schmelzer, "I forgot what I was talking about."

Councilman Prusinowski, "George I don't think you're in favor of this proposal."

George Schmelzer, "That's right. I'm not in favor of it."

11/6/85

1072

PUBLIC HEARING Continued

Councilman Prusinowski, "Ok."

George Schmelzer, "I say forget it and put the reference into simplifying things that we have on hand. That's my real point. I don't want to get you angry at me."

Councilman Prusinowski, "Ok. I get your point. No. I'm not angry. We're just a little tired. It's ten after ten."

George Schmelzer, "I see even Joe he is smiling a little bit. So it must be alright."

Supervisor Janoski, "That's what I said. You lighten up any situation. I already said you lighten up any situation."

George Schmelzer, "Ok Joe. Thank you."

Supervisor Janoski, "Thank you George."

George Schmelzer, "I don't give lawyers much credit. I see his face he's just smiling now."

Supervisor Janoski, "Thank you George. Is there anyone else who wishes to address the Board on the matter of cluster zoning, I am sorry. Cluster development. That being the case and without objection adjourned. We will now move on to the proposal for the adoption of a local law; cluster development of non-contiguous parcels."

7:55 PUBLIC HEARING CLOSED AT 10:11

8:05 PUBLIC HEARING REOPENED AT 10:11

Bill Nohejl, "Again for the record, my name is Bill Nohejl, Wading River. I'd like to continue on from before. I agree with Bill Kasperovich about another hearing should be held after you take the input here. I think we're at the point where I asked who is the public purpose body mentioned in the Cierra Club or what not. If the town accepts a parcel say of forty acres where the development rights would be taken off and accepted as dedication, there's something in here that states that the fellow who has transferred the development rights would be liable for the taxes and that I don't believe is legal because..... It is legal? You can make him pay the full value of taxes for the property that has been dedicated to the town?"

Richard Ehlers, "Currently in an I.D.A. transaction where they do a payment in lieu of tax agreement. Basically they agree to make payments in lieu of the tax which would normally be owed."

Bill Nohejl, "Even though it's dedicated to the town?"

Richard Ehlers, "In the case of an I.D.A. transaction, it's in the industrial development authority which is an agency of the state of New York."

11/6/85

1073

PUBLIC HEARING Continued

Bill Nohejl, "That's industrial development."

Richard Ehlers, "It works for the any municipal..."

Bill Nohejl, "Even for this concept?"

Richard Ehlers, "Sure."

Bill Nohejl, "I'm very doubtful. Because once that development is sold up there, totally sold,.... Let me finish."

Richard Ehlers, "That agreement is recorded with the County Clerk."

Bill Nohejl, "Who pays for it? The individual person who buys the home must make up that taxes because once a developer is finished developing, he's out. Who pays the taxes then?"

Richard Ehlers, "We get back to the question of the homeowners association or prorating amongst the individual lot owners. If it's owned by a homeowners association, then the homeowners association becomes, the taxes become a lien on each of the parcels and the association can sue to receive from the individual parcel owner his share of the payment in lieu."

Bill Nohejl, "And this would be through the Suffolk County tax, the Suffolk County Treasure would honor your committment that they own the town this money? Would that be part of the tax bill? And if they went into arrears, would the Suffolk County Tax Bureau collect it as normally if my property went to arrears?"

Richard Ehlers, "No. Because as far as they're concerned it's off the roll."

Bill Nohejl, "So how are you going to get the taxes?"

Richard Ehlers, "Through the agreement."

Bill Nohejl, "If I bought a piece of property, bought the house up there on one of these developments and there was nothing said to me that there was part of me paying taxes on this property that you've taken the development rights form, I would never pay it."

Richard Ehlers, "You would be but it's going to be recorded with the County Clerk and it pops up on your title search on your covenants."

Bill Nohejl, "You say recorded. It says may be recorded in this here. It may be recorded right in the legal. That means it can or it won't. There's a loophole. It can be recorded or it might not be recorded."

Councilman Prusinowski, "It must be recorded."

Bill Nohejl, "Here it can be."

11/6/85

1074

PUBLIC HEARING Continued

Richard Ehlers, "That's a good stylistic change."

Bill Nohejl, "I guess it does."

Councilman Prusinowski, "It has to be recorded Bill. You're right."

Bill Nohejl, "It says may."

Councilman Prusinowski, "Well, I'm saying you're right. It should be."

Richard Ehlers, "It says maybe because at that time I was trying to draft it I was considering the Hallock type case where we expanded the size of our public beach. And that case you probably wouldn't want to record such a payment with a tax agreement."

Bill Nohejl, "Also, yield. If say the property is only 35 yield on the property, do you want to send up to the developer... Joe I ask to be patient now. Don't... Let me finish here. I don't want any arguments."

Supervisor Janoski, "I'm just making an observation Bill."

Bill Nohejl, "Alright. I don't want any argument. What bothers me very much so in this, that I think it's going to be uncontrollable because it's to the discretion of the Town Board and the Planning Board. You're making these rules up now and like zoning, future zoning can be broken by a new Town Board or a new Planning Board. I don't feel as though this is really going to hold water very tightly. There's going to be loopholes found in here and there's going to be legal suits coming down the line. I suggest that be very very carefully checked. You know this is not like the county where it went to a referendum of the people. Where the people said yes, we will support the farmland program. And any time that property is to be changed, it must go to the referendum of the people to get it." Am I right?"

Councilman Prusinowski, "Mandatory referendum."

Bill Nohejl, "This does not require a mandatory referendum. I feel as though there's going to be fooling around in the future. No Joe I'm not saying you. I'm not saying you. I said future Town Boards or Planning Boards. It could be turned."

Councilman Prusinowski, "The reason did that is just for the reason because what they're doing there is the county taxpayers are subsidizing. They're paying the farmers money to make that commitment. Like I had a guy ask me today or asked our secretary, is there a buy back provision. There is no buy back. The buy back provision is a very complicated mandatory referendum procedure and it bypasses the county legislature. So the only people that if you want to take your particular parcel, you have to put it on the ballot county wide and it's either yes or no."

Bill Nohejl, "Right. But this here, no."

11/6/85

1075

PUBLIC HEARING Continued

Councilman Prusinowski, "Then it directs the county legislature."

Bill Nohejl, "But this here proposal does not go to the public. If you're thinking..."

Supervisor Janoski, "Bill do you see anything positive in this proposal?"

Bill Nohejl, "Do I think positive?"

Supervisor Janoski, "Do you see anything positive about..."

Bill Nohejl, "No."

Supervisor Janoski, "No."

Bill Nohejl, "I see positive about contiguous parcels."

Supervisor Janoski, "Well that's cluster development."

Bill Nohejl, "Alright. So I mean if you have two or three parcels and you want to bring them all to one. Ok. Well that's two parcels next to each other that's individual but you put them together. But this, I see nothing positive. As I said before in my opening statements, I see a bonanza for developers. I am for people who are representing and anybody in the professional line to take care of."

Supervisor Janoski, "But through all this, do you see that what we're trying to do is prevent a piece of property from being developed? I mean, in all the concerns that you raised which are very valid ones. What you're saying is that you think that every parcel land in the township should be developed."

Bill Nohejl, "No, I'm not saying that."

Supervisor Janoski, "Well then what should we do Bill?"

Bill Nohejl, "I'm not saying that every parcel in town should be developed. I didn't say that."

Supervisor Janoski, "Yes. I know that but that's what you're leaving us with. That if we can't develop ideas such as this to transfer development rights, then there is a right to develop that property and then it can be built upon. We're trying to prevent and preserve large tracts of land throughout the town. I mean certainly anything that man creates, somebody else can undo."

Bill Nohejl, "Alright Joe. I purposely asked you about the Jamesport site before. Now as I stated once before up at this podium; the town should acquire that property and sell the developing rights from that to pay for that land. Then you would have something. The people of Riverhead would have something. The developers are going to have to pay a fair price for that development off of that land up at Jamesport."

11/6/85

1076

PUBLIC HEARING Continued

Supervisor Janoski, "Absolutely and that's what this proposal would allow."

Bill Nohejl, "Yes. That's for the public use. This here is not for public use. You could get ten parcels of land around town. Say ten people come in and ask for a transfer of development rights. What is the town going to do with four hundred acres of land around in different parts of the town which are in the poorer section? They're not going to be the exclusive sections."

Supervisor Janoski, "Alright. One of the things that is a provision here is that the Planning Board reviews the acreage that is proposed."

Bill Nohejl, "I agree with that."

Supervisor Janoski, "Once again it is the Planning Board of the Town that makes the determination whether the land is worthy of being preserved and then they make a recommendation to the Town Board which is another level of protection. Now, I like to think every once in a while that a bunch of us do act in the best interest of the people of the town and that we wouldn't take a lousy piece of property in development right trade off for some very expensive piece of property."

Bill Nohejl, "You wouldn't huh."

Supervisor Janoski, "Well, Bill you know. If that's what..."

Bill Nohejl, "Joe, let me say one thing to you. I'm very familiar with real estate. All the valuable property of Riverhead are bought up by big financial people. They're surveying there. And they have the money at the time when the time is right, they go to put such a tight crunch onto whoever is running this government that something is going to be done because money talks. And you know it talks."

Councilman Prusinowski, "Bill I think what you're getting at is that one thing is and I think in general discussion on this, that we might have to add some criteria of the type of transfer of development rights. You know, categories and also talk about some type of a mechanism where it bypasses the boards to go back the other way. I'll tell you something. I'm sitting on the farm committee and I see it all the time. We have now thousands of acres in the program and we've had some things. So some of those things... I think that is your point you're trying to make. That we're going to have to address those kind of concerns. Because when you have a mechanism like this, I know where you're going on it. I understand your point."

Bill Nohejl, "But the idea is it's a county program is not transferring the rights to any other place."

Councilman Prusinowski, "No. The public is buying those rights."

11/6/85

1077

PUBLIC HEARING Continued

Bill Nohejl, "Right, now here we are transferring them to another place."

Councilman Prusinowski, "For a public purpose."

Bill Nohejl, "And there between this place and that place, that's where a lot of problems come in."

Councilman Prusinowski, "Right. For a public purpose."

Bill Nohejl, "That's right. Now I'd like to ask under this proposal... Can I talk to you Vic? He don't seem to be interested."

Supervisor Janoski, "I'm sorry Bill. I have to tell you something Bill. In case you've noticed, haven't noticed, at seven-thirty this morning I was on my way..."

Bill Nohejl, "I don't care Joe where you were at seven-thirty. You didn't care where I was at four-thirty. I don't care Joe"

Supervisor Janoski, "Bill your five minutes are up. Would you please sit down?"

Bill Nohejl, "I asked for extra time before I talked."

Supervisor Janoski, "I'm sorry I can't grant that. The Board has mandated a five minute rule. Unless that's waved, I have to ask you to sit down."

Bill Nohejl, "You waved it at the beginning. I asked for it."

Supervisor Janoski, "What you asked for was to go on. Bill why are we doing this? Come on."

Bill Nohejl, "Joe, why the h--- don't you go to h---."

Supervisor Janoski, "Why am I given a hard time?"

Bill Nohejl, "This is your problem Joe. You make mockery. You make mockery of that man. You make mockery of me. You make mockery of some people. Then some people you let them talk all d--- night. Think that over. Thank you. You lost a lot of respect from me Joe."

Supervisor Janoski, "Yes sir."

George Schmelzer, "Do you want my name again?"

Supervisor Janoski, "Yes George for the record."

George Schmelzer, "George from Calverton. Not Calverton, Virginia. Calverton, Long Island. George L. Schmelzer. I guess the Board seems to be concerned about too many people coming in, too much residential construction, an increase of it. But I notice one thing. How many of the Board members were raised here? Just you."

11/6/85

1078

PUBLIC HEARING Continued

Councilman Prusinowski, "You mean..."

George Schmelzer, "Grew up here."

Councilman Prusinowski, "Born in Riverhead?"

George Schmelzer, "Yes. And raised in Riverhead. You're the only one. So to be practical, we should tell the rest of the Town Board; move out. Go back where you came from and other people too. Then we have no problem. It's funny people coming in this town any town, Southampton is even far worse. They've got more hypocrites over there than here. They've got more money too. I call them elite money parasites. They come out to the country, buy an acre of land or whatever. As soon as they get the house built, they say we have got to preserve the farms or they'll buy several years back some land along a swamp or stream. They'll dredge it out, fill it in, put a lawn in, a house, bulkhead. As soon as they get it all done, they say oh we've got to save the wetlands. That's the people we should look out for. Of course the County Planning Board may push for the expressway all the time. When it got here then this demand for housing started. Of course they wouldn't admit that. I asked the big boys on the Planning Board why did you recommend the expressway out here for if you don't want it developed, you want to save the farms. We had enough roads here to haul potatoes before, no problem. The guy I asked, he said well the state doesn't take our recommendation about that. I said I didn't ask you that. I said why did you recommend it? He turned around and walked off, wouldn't answer me. You can't stop people from being born and we made it very attractive with these roads there. What are you going to do? You going to tell them you got to move into the next county. Anybody who isn't raised here and whatnot, let them move out themselves first. Confidentially I wasn't born here. I was raised here. I was three months old because my father was working in the city. Maybe I shouldn't have said that but it's true. God d--- it I was born in Queens County because my father was working there at the time."

Councilman Prusinowski, "George can I ask you a personal favor? Can you make your point on this public hearing and conclude your remarks please."

George Schmelzer, "Sure."

Councilman Prusinowski, "Because you know it is ten thirty. If you have something... I'm just asking as one Board member."

George Schmelzer, "Ok. Sure. This proposal you have would it... You mean to take a piece of lane, two pieces of land, one is in Laurel and the other is in Laurel and consider them together and plop the development rights on one side or the other. That's what you're talking about? Or a piece of land where a road goes in the middle. A public road. When you consider development rights, do you consider the whole acreage? Suppose it was fifty acres and five acres of swamp, would you consider the swamp as having development rights?"

Councilman Boschetti, "No."

11/6/85

1079

PUBLIC HEARING Continued

George Schmelzer, "Why not?"

Supervisor Janoski, "Because it's not part of the yield that will be normally calculated in development of the property."

George Schmelzer, "The guy pays taxes on it. Any way to screw a land owner, it's being done isn't it. Any way possible it seems to be. That's not right. Think that one over. Thank you gentlemen. You look tired. Go home and go to bed."

Supervisor Janoski, "Thank you George. Is there anyone else present? Yes."

Walter Binger, "I'll try to make it short. I spoke on the last public hearing. Ok. I wanted to be on the record for this public hearing. I am not against clustering zoning. Ok. I went over it a little bit with Mr. Boschetti in the hallway and what I really to say is that we need better checks. We need better developed agenda so that we understand exactly what you propose. In other words, there should be a certain percentage of the open land up front. Let's take the example I used. If you take ten acres of land, no bogs, no swamps, no cranberry trees, straight flat farmland. You develop, you put ten houses on it. So we put ten houses up in front. You can put ten houses up the front theoretically because we don't have any checks, an inch apart and from one end of the property to the other. You put the parking right off the main road. You put the water and the cesspools right up the main road. And from the front of the land you can't see the open space. So we've defeated the open space. Now, I saw a cluster zoning when I came here and I still think that's what it should be. As another means of open space besides the farm program. It's a different thing. I don't think you can tie in the open space and make it farmland. I think the open space, and this gets back to what Bill wanted to say or did say and I will reiterate it. You take the ten houses in the front of a ten acre parcel but those ten houses own a part of that ten acres and that ten acres still...."

TAPE ENDED

Walter Binger, ".... A, B, C or D means. It should be owned by the taxpayer or whatever. It should be owned by the what do you want to say, the homeowners association or it should be owned individually. This house owns this square. This house owns this square. This house owns this square and you are really responsible for that. I would see that would be a problem. A would cut his lawn and B wouldn't but it should be kept as part of that ten acres that's now developed as ten acres were at the same amount of money but you put all the houses up the front. You haven't pushed all the houses up the front, thrown the land off the Cierra Club, taken it off the tax rolls. And what we said about the land up on beach, I mean nobody objects on a tax base situation to taking one acre of pond and making it part of the town. And in developing the rest of the subdivision instead of an acre zoning, an acre and 9.95 zoning or .95 zoning. Because that .95 zoning with a house on it is worth substantially the same amount as a full acre. But what we're talking about is taking a greater percentage of the property in undeveloped land. And if you trade that off for anything except the homeowner

11/6/85

1080

PUBLIC HEARING Continued

Walter Binger, Continued

owning it, then it wouldn't be part of the tax rolls. And a farm program lowers the tax base. As Bill also pointed out, you objected to that Joe a couple of years ago. Alright."

Councilman Prusinowski, "All scenarios like this.... Let me get you one thing straight. Even the farm program is an open space policy. It started out to help the farmers and it's ended up as open space policy."

Walter Binger, "Correct. But the problem is the farmer that sold off his development rights can not afford to own it even if he doesn't pay anything for the land because he can't make money growing crops if he loses three dollars every time you weigh the potatoes."

Supervisor Janoski, "That's exactly right."

Walter Binger, "So that's what hurting the farm program. That is why you've got two million dollars left over or we just got another twenty million I just read today right."

Supervisor Janoski, "If I could just say something. It wasn't what I would describe as an objection to the preserving of farmland. What I said and expressed was a concern that when you do preserve an acre of farmland, somebody else has got to pay more taxes. And that in order to make that not happen, you perhaps have to have some economic development to pick up that slack and that was the theory."

Walter Binger, "I'm not disagreeing with the way the town has developed. Ok. I'm saying maybe we should have had a Planning Board fifty years ago as opposed to five years ago or whenever it was formed I'm not even sure."

Supervisor Janoski, "Well, I'm just saying that you said I objected to the tax loss and it was more like raised a concern about what was happening to those who were paying taxes because we were preserving open space which makes your taxes go up. Everytime Vic is successful in having some acreage put in the program, you pay more taxes. You liked open space. And what I always talked about was that let's have the open space, let's have a factory built and pick up that lost revenue. That's what I wanted to say."

Walter Binger, "I'm not against development. I mean I'm in building construction traits. I make my living building buildings, I mean high rise buildings and all that. Alright. Let me get back to this Town Board meeting. I object to the TDR. The transfer of development rights. As an example, the condominium on the Bluffs. If they build a seven story condominium on the Bluff, number one; I think they're crazy because there's no base to build and that's why they don't built high rises on Long Island. They build them in Manhattan because it's a rock foundation and the buildings stay up. They don't build high rises on Long Island and they don't especially build them on sand bluffs. I don't understand where this proposal came from. But you take the development rights and transfer them from a condominium or actually you're doing the opposite other way around. You're taking the development rights from a land

11/6/85

1081

PUBLIC HEARING Continued

Walter Binger, Continued

(I think he proposed Sound Avenue originally, I think he did have property in mind for this) the Sound Avenue property which isn't worth as much as Sound front property and let him build a hundred and ten units on Sound front worth two hundred and thousand dollars as opposed to a hundred and ten units spread across a hundred and ten acres and only half of them worth two hundred thousand dollars. You've aided the developer but you also have a seven story high rise that blocks the view of the Sound which is part of the reason Riverhead.... We have Sound front, Bay front, River front. I mean we have just about every little piece of desirable property somewhere along here in Riverhead. We have a lot of waterfront. Ok. So I mean if we let them develop all the waterfront, then we've lost that plus to the town."

Councilman Boschetti, "How do you stop it?"

Walter Binger, "How do you stop it. I think we already stopped it by one acre zoning and a thirty-five foot height variances haven't we. I mean don't we have that in our zoning codes now?"

Supervisor Janoski, "Sure."

Walter Binger, "So why are we allowing TDR which now says; ok. We're one acre zoning but it's really not in this place. It's over in this place and this place."

Supervisor Janoski, "Well what it hopes to do is to keep that acreage open."

Walter Binger, "For the ideal situation it sounds great. Open space. But you're trading off open space here for open space here."

Councilman Prusinowski, "We've got your point and I know this needs a lot of work and it's only a proposal."

Walter Binger, "I'd like to see it better written down and show us the checks that the Town Board or the Town Planning Board or the Zoning Board of Appeals or whatever is going to have on this before I can really say yes or no. At the present time I'm against it; TDR."

Supervisor Janoski, "Is there anyone else present?"

Betty Brown, "I just want to say that nobody seems happy with anything here. Both proposals are just outrageous. Whether they're ill-written or ill-presented or not perhaps not what you meant them to be, I think everyone intends to preserve open space and we all have the same ending here but no one can really understand what you had in mind. You don't understand what we have in mind. I think perhaps that you were offended that we made mention of what we didn't seem to like here and that was not our intent. It was just to get it out in the open and try to understand. I would hope that we would have another public hearing and things would be better described."

11/6/85

1082

PUBLIC HEARING Continued

Supervisor Janoski, "Betty, the purpose of the hearing of course is to get input from the people on any proposal. I don't know how to do this because I've heard this over and over again that we don't present it properly. Well we're not in the business in a public hearing of presenting really. When you come here I guess you're supposed to have looked into the matter and developed a position on the proposal with some recommendations and how you feel about it. I don't know what to do about this. I guess we're going to have to thing about it. You know, you read the public notice in the paper."

Betty Brown, "It's just too vague. No one can really come up with an idea no matter how much homework you do."

Supervisor Janoski, "Yes I know. And you know, nobody comes in that I'm aware of and talks to anybody on staff or tries to find out what the proposal is all about. And then you appear at a public hearing and I don't mean this in a negative way, and you really don't have an indebt.... We've been working on this for months. There were many objections that we raised about it before it got to where it is now or to the point where we thought we could present it to the public and see what the public thought about it. The process is an on going one. We have taken down I don't know how many reels of tape tonight on what people think about it and we don't do this lightly and we want to do what's best for the town. We're trying. Our end results try to develop many tools and mechanisms to preserve open space."

Betty Brown, "I realize that your heart is in the right place and so is ours. Perhaps what you need to do is to form something like the school district did. Instead if saying we're closing the school or we're moving children, they have a feasibility study, a committee that presents something. Your description of this is not too great. We sit there and thank goodness for someone like Mr. Nohejl who can point out perhaps what is wrong with this. I'm sure you're happy to hear also but also you're offended that people are picking away at this because you have worked so hard at it."

Supervisor Janoski, "No I think it's not that we're offended. I think what it is that we're a h--- of lot tired, most of this. We have been working on it for a long time and I think correctly, that you point out that we're trying to do something good for the town. And very often sitting up here and I can only speak for myself, I get the opinion that people think we're trying to pull something over on them and actually we're not."

Betty Brown, "I think the intention has to be better outlined. This is really just a disaster."

Councilman Prusinowski, "Betty I'll tell you."

Supervisor Janoski, "It's a process."

Councilman Prusinowski, "It's a new concept. It's never been adopted to the town. That's why you have to have a lot of public input and study and you're right."

11/6/85

1083

PUBLIC HEARING Continued

Betty Brown, "Thank you."

Councilman Prusinowski, "Ok. I'm hitting the budget."

Supervisor Janoski, "Well, who ever of the three who wants to go first."

Harold Goodale, "I just got one quick question. Who in the zoning determines the yield on the land? I mean does the Planning Board, Town Board. Who determines the yield?"

Richard Ehlers, "The Planning Board."

Harold Goodale, "The Planning Board does. Would they go in like the decision with the D.E.C. and all that to determine anything?"

Supervisor Janoski, "If there's wetlands involved."

Harold Goodale, "Yes, wetlands and ponds or whatever. Ok. Thank you."

Supervisor Janoski, "Well if it's classified as a wetland, sure. If it's a pond... Is that your arm Mary Beth and it was difficult for me. Ok. Mary Beth."

Mary Beth Andresen, "I'm here on the second public hearing this evening. I live on Church Lane in Aquebogue for the record. I came up tonight and I said it at the last public hearing, people, you're here, as Victor said, to get input from people in this town and Bill raise a great point and he was shot down for it. Betty Brown was told she didn't do her homework. I was told I should have been home doing my laundry. People, Joe, do not like being put down."

Supervisor Janoski, "Mary Beth."

Mary Beth Andresen, "Excuse me. Wait a second."

Supervisor Janoski, "Mary Beth this is not.... Wait a minute. You wait a minute."

Mary Beth Andresen, "I'm sorry that you're tired."

Supervisor Janoski, "I never said anything about your laundry."

Mary Beth Andresen, "I am sorry that you are tired."

Supervisor Janoski, "I don't have to sit here and have you say that to me. I never said anything about your laundry. I should take this, fine."

Mary Beth Andresen, "Whatever. We're here and maybe we're not well versed."

Supervisor Janoski, "Mary Beth excuse me of anything you want."

Councilman Prusinowski, "Just relax Joe."

11/6/85

1084

PUBLIC HEARING Continued

Mary Beth Andresen, "Maybe we're not well versed and that's why I originally when I spoke at the public hearing I felt that maybe it was such a magnanimous situation that it should be not a public hearing to have the night after an election. And because people here are a little confused about it and maybe it is the all and all. Maybe we don't see it as such and I want to go on the record as saying just that. Thank you."

Supervisor Janoski, "Ok. Thank you. Anybody else? Mr. Stillwagon."

Bill Stillwagon, Aquebogue, "My concern is this payment in lieu of taxes. When we need more revenue in the town and we raise taxes to get that, does that payment in lieu of taxes go up proportionately or does that always remain the same?"

Richard Ehlers, "You can negotiate the agreement in two ways. It can either be an affixed amount for ever and ever or it can be an amount equal to what the taxes should be on the parcel if the taxes are paid."

Bill Stillwagon, "Ok. I think it should be the latter otherwise we'll just continue to lose more money. Thank you."

Supervisor Janoski, "Is there anyone else who wishes to be heard? That being the case and without objection, I declare the hearing closed. Resolutions."

8:05 PUBLIC HEARING CLOSED AT 10:43

RESOLUTIONS

#779 AUTHORIZES OVERTIME - HIGHWAY DEPARTMENT.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Superintendent of Highways be and is hereby authorized to pay time and one-half compensation for overtime for a total of 443½ hours in the amount of \$5,625.80, in accordance with personnel services abstract submitted and filed in the Office of the Town Clerk.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#780 AUTHORIZES OVERTIME PAY FOR POLICE OFFICERS.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

BE IT RESOLVED, that the following Police Officers be paid Overtime Pay for a period from September 1, 1985 through October 31, 1985.

11/6/85

RESOLUTIONS Continued

1085

Boden, Robert	10-21-85	1.00 hrs.
Cheshire, D.	9-30-85	1.00 hrs.
	10-25-85	2.00 hrs.
	10-30-85	<u>1.00 hrs.</u> 4.00 hrs.
Danowski, J.	9-11-85	.30 hrs.
		<u>1.15 hrs.</u>
		1.45 hrs.
Dunleavy, J.	10-8-85	10.00 hrs.
	10-31-85	<u>1.30 hrs.</u>
		11.30 hrs.
Gianni, V.	9-1-85	8.00 hrs.
	10-9-85	<u>3.00 hrs.</u>
		11.00 hrs.
Green, D.	9-29-85	8.00 hrs.
	10-13-85	3.00 hrs.
	10-26-85	<u>.30 hrs.</u>
		11.30 hrs.
Haley, R.	9-7-85	8.00 hrs.
	9-26-85	8.00 hrs.
	10-28-85	<u>.30 hrs.</u>
		16.30 hrs.
Hubbard, T.	9-14-85	3.30 hrs.
	9-27-85	<u>6.00 hrs.</u>
		9.30 hrs.
Kurpetski, J.	9-12-85	8.00 hrs.
	9-17-85	8.00 hrs.
	9-20-85	8.00 hrs.
	10-1-85	7.00 hrs.
	10-19-85	8.00 hrs.
	10-22-85	<u>8.00 hrs.</u>
	47.00 hrs.	
Lydon, J.	9-8-85	1.00 hrs.
	10-13-85	2.00 hrs.
	10-15-85	<u>3.00 hrs.</u>
		6.00 hrs.
Lynch, T.	9-14-85	2.00 hrs.
	10-12-85	<u>1.30 hrs.</u>
		3.30 hrs.
Mackie, F.	10-20-85	2.00 hrs.

11/6/85

1086

RESOLUTIONS Continued

Michalski, V.	9-10-85	.45 hrs.
	9-12-85	8.00 hrs.
	10-1-85	8.00 hrs.
	10-13-85	3.30 hrs.
	10-20-85	8.00 hrs.
	10-27-85	8.00 hrs.
		<u>36.15 hrs.</u>
McDonald, O.	9-11-85	8.00 hrs.
	10-13-85	3.30 hrs.
	10-26-85	3.30 hrs.
		<u>15.00 hrs.</u>
Palmer, D.	9-21-85	2.00 hrs.
	9-27-85	7.00 hrs.
		<u>9.00 hrs.</u>
Peeker, R.	9-3-85	4.45 hrs.
Psaltis, J.	10-18-85	.45 hrs.
Romaniello, F.	9-8-85	4.00 hrs.
Sadowski, E.	9-24-85	2.00 hrs.
	10-7-85	3.00 hrs.
		<u>5.00 hrs.</u>
Woods, K.	9-18-85	8.00 hrs.
	10-13-85	3.30 hrs.
	10-28-85	8.00 hrs.
		<u>19.30 hrs.</u>
Yakaboski, D.	9-3-85	2.30 hrs.
Zaleski, J.	10-3-85	2.00 hrs.

TO BE BILLED TO CENTRAL SCHOOL DISTRICT #1 FOR POLICE SERVICES
FROM SEPTEMBER 1, 1985 THROUGH OCTOBER 31, 1985.

Grattan, J.	9-21-85	4.00 hrs.
Danowski, J.	9-21-85	4.00 hrs.
Kurpetski, J.	9-21-85	4.00 hrs.
Sadowski, E.	9-21-85	4.00 hrs.
		<u>16.00 hrs.</u>
Alexander, F.	10-5-85	4.00 hrs.
Boden, Robert.	10-5-85	4.00 hrs.
Romaniello, F.	10-5-85	4.00 hrs.
Sadowski, E.	10-5-85	4.00 hrs.
		<u>16.00 hrs.</u>
Kurpetski, J.	10-12-85	4.00 hrs.
Romaniello, F.	10-12-85	4.00 hrs.
Sadowski, E.	10-12-85	4.00 hrs.
		<u>12.00 hrs.</u>

11/6/85

1087

RESOLUTIONS Continued

Sadowski, E. 10-31-85 4.00 hrs.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

#781 AUTHORIZES OVERTIME PAY FOR DETECTIVES.

Councilman Lombardi offered the following resolution which
was seconded by Councilman Prusinowski.

BE IT RESOLVED, that the following Detectives be paid Over-
time Pay for a period from September 1, 1985 through October 31,
1985.

Miller, D.	10-31-85	1.30 hrs.
Palmer, W.	10-31-85	1.30 hrs.
Robinson, D.	9-14-85	2.00 hrs.
	10-31-85	<u>1.30 hrs.</u>
		3.30 hrs.
Underwood, R.	9-5-85	6.00 hrs.
	9-14-85	<u>2.00 hrs.</u>
		8.00 hrs.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

#782 AUTHORIZES OVERTIME PAY FOR CIVILIANS.

Councilman Lombardi offered the following resolution which
was seconded by Councilman Prusinowski.

BE IT RESOLVED, that the following civilians be paid Over-
time Pay for a period from September 1, 1985 through October 31,
1985.

Haliday, D.	10-10-85	2.00 hrs.
	10-21-85	2.00 hrs.
	10-25-85	<u>2.00 hrs.</u>
		6.00 hrs.
Quinonez, C.	9-23-85	4.00 hrs.
	9-27-85	2.00 hrs.
	10-11-85	4.30 hrs.
	10-23-85	<u>2.00 hrs.</u>
		12.30 hrs.
Ruskowski, F.	9-1-85	2.00 hrs.
	9-3-85	3.00 hrs.
	9-8-85	2.00 hrs.
	9-16-85	2.00 hrs.
	9-26-85	1.00 hrs.

11/6/85

1088

RESOLUTIONS Continued

Ruskowski, F.	9-27-85	3.00 hrs.
	9-28-85	4.00 hrs.
	9-29-85	2.00 hrs.
	10-1-85	2.00 hrs.
	10-3-85	1.00 hrs.
	10-4-85	2.00 hrs.
	10-5-85	2.00 hrs.
	10-12-85	3.00 hrs.
	10-13-85	3.00 hrs.
	10-14-85	2.00 hrs.
	10-15-85	1.00 hrs.
	10-17-85	2.00 hrs.
	10-19-85	3.00 hrs.
	10-20-85	9.30 hrs.
	10-21-85	1.00 hrs.
	10-26-85	4.00 hrs.
	10-29-85	3.00 hrs.
	10-30-85	1.00 hrs.
		<u>58.30 hrs.</u>
Sargent, C.	9-1-85	2.00 hrs.
	9-15-85	2.00 hrs.
	9-19-85	2.00 hrs.
	9-27-85	9.00 hrs.
	9-28-85	6.30 hrs.
	9-29-85	5.30 hrs.
	9-30-85	10.00 hrs.
	10-13-85	2.00 hrs.
	10-15-85	4.00 hrs.
	10-20-85	2.00 hrs.
	10-26-85	6.00 hrs.
	10-27-85	6.00 hrs.
		<u>59.00 hrs.</u>
Sievers, D.	9-5-85	5.00 hrs.
	9-10-85	1.30 hrs.
	9-25-85	2.00 hrs.
	9-30-85	1.00 hrs.
		<u>9.30 hrs.</u>
Terry, A.	9-11-85	2.30 hrs.
	9-14-85	7.00 hrs.
	9-21-85	5.00 hrs.
	9-25-85	1.00 hrs.
	9-28-85	2.30 hrs.
	10-5-85	9.00 hrs.
		<u>27.00 hrs.</u>
Zlatniski, D.	9-5-85	8.00 hrs.
	9-6-85	8.00 hrs.
	9-8-85	7.00 hrs.
	9-27-85	14.00 hrs.
		<u>37.00 hrs.</u>

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#783 AUTHORIZES RECALL/COURT TIME PAY FOR LIEUTENANT AND SERGEANTS.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

BE IT RESOLVED, that the following Lieutenant and Sergeants be paid Recall/Court Time Pay for a period from September 1, 1985 through October 31, 1985.

Alexander, F.	10-5-85	4.00 hrs.
	10-28-85	3.00 hrs.
		<u>7.00 hrs.</u>
Droskoski, W.	9-27-85	10.00 hrs.
Grattan, J.	9-14-85	5.30 hrs.
	9-19-85	5.00 hrs.
	9-21-85	4.00 hrs.
	10-3-85	8.00 hrs.
	10-7-85	8.00 hrs.
	10-8-85	5.30 hrs.
	10-9-85	4.00 hrs.
		<u>40.00 hrs.</u>
Grossman, A.	9-23-85	2.00 hrs.
	10-7-85	9.00 hrs.
	10-8-85	5.30 hrs.
	10-9-85	4.00 hrs.
	10-20-85	10.00 hrs.
	10-22-85	3.30 hrs.
		<u>34.00 hrs.</u>
Mazzo, L.	9-27-85	4.00 hrs.
	9-29-85	8.00 hrs.
	10-27-85	8.00 hrs.
	10-19-85	8.00 hrs.
	10-29-85	9.00 hrs.
		<u>37.00 hrs.</u>

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#784 AUTHORIZES OVERTIME PAY FOR SERGEANTS.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

BE IT RESOLVED, that the following Sergeants be paid Overtime Pay for a period from September 1, 1985 through October 31, 1985.

Alexander, F.	9-14-85	2.30 hrs.
Becht, J.	10-13-85	3.30 hrs.
Mazzo, L.	10-30-85	8.00 hrs.

11/6/85

1090

RESOLUTIONS Continued

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

#785 AUTHORIZES COURT AND RECALL PAY FOR DETECTIVES.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

BE IT RESOLVED, that the following Detectives be paid Court and Recall Pay for a period from September 1, 1985 through October 31, 1985.

Miller, D.	9-18-85	2.00 hrs.
	9-25-85	4.00 hrs.
	10-25-85	2.30 hrs.
		<u>8.30 hrs.</u>
Robinson, D.	9-15-85	6.00 hrs.
	10-1-85	4.00 hrs.
	10-14-85	5.00 hrs.
	10-15-85	4.00 hrs.
		<u>19.00 hrs.</u>
Summerville, A.	9-1-85	4.00 hrs.
	10-5-85	4.00 hrs.
	10-14-85	5.00 hrs.
	10-26-85	4.00 hrs.
	10-27-85	4.00 hrs.
		<u>21.00 hrs.</u>
Underwood, R.	9-7-85	4.00 hrs.
	9-28-85	4.00 hrs.
		<u>8.00 hrs.</u>

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

#786 AUTHORIZES PAYMENT FOR SERGEANTS AND POLICE OFFICERS FROM D.W.I. FUNDS.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

BE IT RESOLVED, that the following Sergeants and Police Officers be paid from D.W.I. Funds for a period from September 1, through October 31, 1985.

Boden, Robert.	10-12-85	8.00 hrs.
	10-19-85	7.00 hrs.
		<u>15.00 hrs.</u>
Foote, F.	10-8-85	8.00 hrs.
	10-18-85	8.00 hrs.
		<u>16.00 hrs.</u>

11/6/85

1091

RESOLUTIONS Continued

Gianni, V.	10-5-85	8.00 hrs.
	10-17-85	<u>8.00 hrs.</u>
		16.00 hrs.
Grossman, A.	9-2-85	8.00 hrs.
	9-9-85	8.00 hrs.
	9-16-85	5.00 hrs.
	9-23-85	8.00 hrs.
	9-27-85	8.00 hrs.
	10-1-85	8.00 hrs.
	10-14-85	4.00 hrs.
	10-20-85	<u>6.00 hrs.</u>
	55.00 hrs.	
Haley, R.	9-25-85	6.00 hrs.
	10-13-85	8.00 hrs.
	10-15-85	<u>4.00 hrs.</u>
	18.00 hrs.	
Lydon, J.	9-17-85	8.00 hrs.
Mazzo, L.	9-3-85	8.00 hrs.
	9-14-85	8.00 hrs.
	10-3-85	<u>8.00 hrs.</u>
	24.00 hrs.	
McDonald, O.	10-15-85	8.00 hrs.
Romaniello, F.	9-4-85	8.00 hrs.
	9-14-85	8.00 hrs.
	9-18-85	8.00 hrs.
	9-20-85	7.00 hrs.
	9-21-85	4.30 hrs.
	9-25-85	8.00 hrs.
	9-26-85	8.00 hrs.
	9-28-85	8.00 hrs.
	10-4-85	8.30 hrs.
	10-11-85	8.00 hrs.
10-16-85	<u>8.00 hrs.</u>	
	84.00 hrs.	
Weinand, D.	10-10-85	8.00 hrs.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#787 AUTHORIZES STRAIGHT TIME STANDBY PAY FOR DETECTIVES.

Councilman Lombardi offered the following resolution which
was seconded by Councilman Prusinowski.

BE IT RESOLVED, that the following Detectives be paid Straight
Time Standby Pay for a period from September 1, 1985 through October
31, 1985.

11/6/85

1091

RESOLUTIONS Continued

Cheshire, D.	9-13-85	2.00 hrs.
	9-15-85	2.00 hrs.
	10-6-85	2.00 hrs.
	10-13-85	2.00 hrs.
	10-19-85	2.00 hrs.
	10-27-85	2.00 hrs.
	<u>12.00 hrs.</u>	
Dunleavy, J.	9-3-85	2.00 hrs.
	9-7-85	2.00 hrs.
	9-9-85	2.00 hrs.
	9-16-85	2.00 hrs.
	10-7-85	2.00 hrs.
	<u>10.00 hrs.</u>	
Miller, D.	9-1-85	2.00 hrs.
	9-10-85	2.00 hrs.
	9-12-85	2.00 hrs.
	9-18-85	2.00 hrs.
	10-2-85	2.00 hrs.
	10-9-85	2.00 hrs.
	10-10-85	2.00 hrs.
	10-16-85	2.00 hrs.
10-31-85	2.00 hrs.	
	<u>18.00 hrs.</u>	
Robinson, D.	9-2-85	2.00 hrs.
	9-8-85	2.00 hrs.
	9-17-85	2.00 hrs.
	9-24-85	2.00 hrs.
	9-29-85	2.00 hrs.
	9-30-85	2.00 hrs.
	10-1-85	2.00 hrs.
	10-3-85	2.00 hrs.
	10-17-85	2.00 hrs.
	10-24-85	2.00 hrs.
		<u>20.00 hrs.</u>
Summerville, A.	9-4-85	2.00 hrs.
	9-23-85	2.00 hrs.
	10-29-85	2.00 hrs.
	<u>6.00 hrs.</u>	
Underwood, R.	9-11-85	2.00 hrs.
	9-14-85	2.00 hrs.
	9-26-85	2.00 hrs.
	9-28-85	2.00 hrs.
	10-4-85	2.00 hrs.
	10-11-85	2.00 hrs.
	10-12-85	2.00 hrs.
	10-20-85	2.00 hrs.
	<u>16.00 hrs.</u>	

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#788 AUTHORIZES RECALL AND COURT TIME PAY FOR POLICE OFFICERS.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

BE IT RESOLVED, that the following Police Officers be paid Recall and Court Time Pay for a period from September 1, 1985 through October 31, 1985.

Boden, Richard	10-20-85	9.00 hrs.
Boden, Robert	9-27-85	6.00 hrs.
	10-5-85	4.00 hrs.
	10-20-85	9.00 hrs.
		<u>19.00 hrs.</u>
Cheshire, D.	9-5-85	8.00 hrs.
	9-19-85	4.00 hrs.
	9-20-85	4.00 hrs.
	10-8-85	4.00 hrs.
	10-9-85	4.00 hrs.
	10-16-85	4.00 hrs.
	10-21-85	4.00 hrs.
	10-23-85	4.00 hrs.
		<u>36.00 hrs.</u>
Danowski, J.	9-5-85	8.00 hrs.
	9-6-85	8.00 hrs.
	9-7-85	8.00 hrs.
	9-21-85	4.00 hrs.
		<u>28.00 hrs.</u>
Densieski, A.	9-3-85	4.00 hrs.
Dunleavy, J.	9-10-85	4.00 hrs.
	9-11-85	4.00 hrs.
	9-14-85	4.00 hrs.
	9-18-85	4.00 hrs.
	10-6-85	4.15 hrs.
	10-9-85	4.00 hrs.
	10-12-85	4.00 hrs.
	10-15-85	4.00 hrs.
	10-16-85	4.00 hrs.
	10-17-85	4.00 hrs.
	10-20-85	10.00 hrs.
	10-23-85	5.00 hrs.
	10-27-85	4.00 hrs.
		<u>59.15 hrs.</u>
Fagan, D.	9-14-85	8.00 hrs.
Foote, F.	9-6-85	4.00 hrs.
	9-17-85	8.00 hrs.
	9-23-85	2.30 hrs.
	10-7-85	8.00 hrs.
	10-8-85	5.30 hrs.
	10-23-85	2.00 hrs.
	10-29-85	8.00 hrs.
		<u>38.00 hrs.</u>

11/6/85

1093

RESOLUTIONS Continued

Gianni, V.	9-9-85	2.00 hrs.
	9-28-85	8.00 hrs.
	10-30-85	2.00 hrs.
		<u>12.00 hrs.</u>
Haley, R.	9-27-85	5.30 hrs.
	10-20-85	11.00 hrs.
		<u>16.30 hrs.</u>
Hubbard, T.	10-20-85	9.00 hrs.
Kurpetski, J.	9-13-85	2.00 hrs.
	9-19-85	8.00 hrs.
	9-21-85	4.00 hrs.
	10-11-85	11.00 hrs.
	10-12-85	4.00 hrs.
		<u>29.00 hrs.</u>
Loggia, J.	9-9-85	2.00 hrs.
Lynch, T.	9-6-85	4.00 hrs.
	10-7-85	8.00 hrs.
	10-8-85	5.30 hrs.
	10-13-85	4.00 hrs.
	10-20-85	10.00 hrs.
	10-21-85	4.00 hrs.
		<u>35.30 hrs.</u>
Mickoliger, L.	9-27-85	5.00 hrs.
Moisa, W.	9-27-85	5.00 hrs.
McDonald, O.	9-6-85	8.00 hrs.
	9-13-85	8.00 hrs.
	10-11-85	8.30 hrs.
		<u>24.30 hrs.</u>
Paasch, P.	9-27-85	5.30 hrs.
Palmer, D.	10-20-85	9.00 hrs.
Psaltis, J.	9-23-85	4.30 hrs.
Romaniello, F.	9-2-85	4.00 hrs.
	9-3-85	2.00 hrs.
	9-13-85	2.00 hrs.
	9-27-85	4.30 hrs.
	10-5-85	4.00 hrs.
	10-11-85	11.00 hrs.
	10-12-85	4.00 hrs.
	10-15-85	4.00 hrs.
	10-25-85	4.00 hrs.
		<u>39.30 hrs.</u>

11/6/85

1094

RESOLUTIONS Continued

Sadowski, E.	9-14-85	4.00 hrs.
	9-21-85	4.00 hrs.
	9-29-85	5.00 hrs.
	10-5-85	4.00 hrs.
	10-8-85	4.00 hrs.
	10-12-85	4.00 hrs.
	10-20-85	12.00 hrs.
	10-28-85	2.00 hrs.
	10-31-85	4.00 hrs.
		<u>43.00 hrs.</u>
Swiatocha, J.	10-7-85	8.00 hrs.
	10-8-85	5.00 hrs.
	9-19-85	8.00 hrs.
	<u>21.00 hrs.</u>	
Von Voight, R.	9-27-85	5.00 hrs.
Weinand, D.	9-5-85	8.00 hrs.
	9-11-85	8.00 hrs.
	9-18-85	8.00 hrs.
	<u>24.00 hrs.</u>	

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#789 AWARDS BID, RE: REHABILITATION OF TOWN HALL H.V.A.C. SYSTEM.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

WHEREAS, on October 29, 1985, the Town Clerk did receive bids for the rehabilitation of the Town Hall H.V.A.C. System, and

WHEREAS, all bids received were duly read aloud, and

WHEREAS, only one (1) bid was received.

NOW, THEREFORE BE IT

RESOLVED, that the bid for the rehabilitation of the Town Hall H.V.A.C. System be and is hereby awarded to the only bidder, Sav-Mor Mechanical Inc. of Bohemia, New York in an amount not to exceed \$17,664 (Seventeen Thousand, Six Hundred and Sixty Four Dollars), and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Sav-Mor Mechanical, Inc.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#790 AUTHORIZES OVERTIME COMPENSATION IN ACCOUNTING DEPARTMENT.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the following employees of the Accounting Department be paid time and one-half overtime compensation:

Vourakis, V.	15.07 hrs. @\$15.0555 = \$226.89
Friszolowski, F.	5.58 hrs. @\$11.7879 = \$ 65.78
Pipczynski, L.	13.41 hrs. @\$12.4380 = \$166.79

FURTHER RESOLVED, that the explanatory report relating to aforesaid overtime be filed in the Office of the Town Clerk.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#791 BUDGET ADOPTION FOR RIVERHEAD WATER DISTRICT HEADQUARTERS PULASKI STREET (MAIN BUILDING AND GARAGE).

(See Water District Minutes)

#792 ACCOUNTING DEPARTMENT EMPLOYEE COMPLETES ONE-YEAR PROBATIONARY PERIOD.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, Nancy Ellen Krukoski was appointed to the position of Account Clerk Typist in the Account Department on a probationary basis, effective November 5, 1984,

WHEREAS, Nancy Ellen Krukoski has satisfactorily completed her one (1) year probationary period.

NOW, THEREFORE, BE IT

RESOLVED, that Nancy Ellen Krukoski be appointed to the position of Account Clerk Typist in the Accounting Department, Group 7, Step 1, as per the CSEA Salary Administration Schedule, at an annual salary of \$13,961.49 effective November 5, 1985.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#793 AUTHORIZES SUPERVISOR RELEASE PETTY CASH MONIES TO RECEIVER OF TAXES.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

RESOLVED, that the Supervisor be and is hereby authorized to issue a check in the amount of \$200.00 to the Receiver of Taxes, from the Petty Cash Fund Account established for Petty Cash Fund purposes for the Office of the Receiver of Taxes, Pursuant to Section 64-1A of the Town Law.

11/6/85

1096

RESOLUTIONS Continued

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#794 TRANSFER OF FUNDS - HIGHWAY DEPARTMENT.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Supervisor be and is hereby authorized to transfer the following:

	<u>FROM</u>	<u>TO</u>
D5140.480 Off Street Parking	\$ 5,000.00	
D5140.490 Drainage	20,000.00	
D5142.400 Snow Removal		\$ 5,000.00
D5130.400 Repair Equipment		20,000.00

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#795 AUTHORIZING THE HIGHWAY DEPARTMENT OF THE TOWN OF RIVERHEAD TO PURCHASE TWO CHIPPERS.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, Hurricane Gloria has required a mass cleanup effort by the Highway Department, and

WHEREAS, it was necessary to purchase on an emergency basis, two Chippers for use by the Highway Department.

NOW, THEREFORE, BE IT

RESOLVED, that the purchase of the above mentioned Chippers be and is hereby authorized by the Town Board:

Vermeer Sales and Service, Inc.
Vermeer Branch Chippers
Model No. 1600
\$

Trius Inc. Asplandh Whisper Chipper
Model No. JEY 19473
\$12,000.00

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#796 RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE AND THE SUFFOLK COUNTY LEGISLATURE TO PURSUE ALL POSSIBLE MEANS FOR RESOLUTION OF PROBLEMS CREATED FOR RIVERHEAD TAXPAYERS BY ASSEMBLY BILL NO. 8140 ADOPTED JUNE, 1985.

RESOLUTIONS Continued

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski

WHEREAS, State Assembly Bill No. 8140, adopted June 27, 1985, and made retroactively effective to June 6, 1985, amended the Real Property Tax Law, sections 902 and 904, and such Act was to be controlling in all jurisdictions, notwithstanding any conflicting special, general or local law; and

WHEREAS, the Suffolk County Tax Act, a special act of the State Legislature which has controlled real property tax procedures in Suffolk County since 1920, was superseded by the 1985 amendment which changed the lien date from December 1st to January 1st, and, more importantly, requires that taxes be paid at one time on April 1st, rather than the two payments on January 10th and May 31st as permitted by the Suffolk County Tax Act; and

WHEREAS, the Town Board of the Town of Riverhead is concerned about the problems and burdens that a one-time payment of all taxes will create for the 12,000 taxpayers of Riverhead who have long fashioned their financial planning and savings procedures to comply with the two payment procedure under the Suffolk County Tax Act; and

WHEREAS, in addition to the burden imposed upon the taxpayers by requiring one payment of all taxes, the Town Board of the Town of Riverhead also perceives that it is impossible for the towns of Suffolk County to comply with the dictates of this amendment for the 1986 tax year because all tax bills are printed and procedures under the Suffolk County Tax Act are in place.

NOW, THEREFORE, BE IT

RESOLVED, that by this resolution, the Town Board of the Town of Riverhead hereby requests the New York State Legislature and the Suffolk County Legislature to take all steps possible to retain the two-payment procedure as mandated by the Suffolk County Tax Act and to change the date of compliance in other matters, as required by this amendment to a future date, and be it further

RESOLVED, that upon its adoption a copy of this resolution be forwarded by the Town Clerk to both houses of the New York State Legislature and to the Suffolk County Legislature.

Councilman Boschetti, "I would just like to point out that what we're doing here is opposing the State Legislative act that would change the two-payment system we have of taxes on property taxes now to one payment. We are opposing the change to one payment per year and trying to keep it at the two-payment system we have now."

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#797 APPROVES SPECIAL PERMIT APPLICATION OF HALF HOLLOW NURSERY REALTY, CORP.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

RESOLUTIONS Continued

WHEREAS, Half Hollow Nursery Realty, Corp. submitted an application for a special permit for construction and maintenance of a Type 6 farm labor camp as more particularly defined by s108-45-B(8) of the Riverhead Town Code, and

WHEREAS, the matter was referred to the Planning Board, and WHEREAS, the Planning Board has forwarded its recommendation that the special permit be granted subject to certain limitations outlined in their report dated September 9, 1985, and

WHEREAS, the Riverhead Environmental Quality Review Board did recommend to the Town Board that this action be considered to be Type II and this Board concurs with that recommendation, and

WHEREAS, by reasons of certain changes in the farm economy, the subject land can and will be used more profitably for the production of green crops, and

WHEREAS, green crops cannot be produced without reliable source of hand labor and experience in the production of green crops demonstrates that the required labor force is best supplied by a resident building, and

WHEREAS, a public hearing was held by the Town Board on the 1st day of October, 1985, and

WHEREAS, the use will not prevent or substantially impair either the reasonable and orderly development of other properties in the neighborhood, and

WHEREAS, the hazards of disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town, and

WHEREAS, the health, safety, welfare, comfort, convenience, and order of the Town will not be adversely affected by the authorized use, and

WHEREAS, such use will be in harmony with and promote the general purposes and intent of this chapter,

NOW, THEREFORE, BE IT

RESOLVED, that a special permit for a Type 6 labor camp be issued to Half Hollow Nursery Realty, Corp., such camp to be constructed on Route 25, Laurel, New York, subject to the following conditions and stipulations:

1. The camp building be set back from Route 25 two hundred (200) feet;
2. That the camp building shall have 1,500 square feet of habitable area, which includes bedroom, dining and living room area and 200 square feet of utility, kitchen and miscellaneous area comprising a total of 1,700 square feet. The camp building shall have a separate bedroom for every three (3) men and each such bedroom shall be a minimum of 200 square feet. The building will be of masonry construction. All electrical and plumbing work will comply with the New York State Building Code B. Plans and specifications for the camp building will be subject to the approval of the Building Inspector. The applicant shall have the option to add one (1) additional bedroom to this camp building at the time of construction in which event these minimum specifications will be amended upward by the Building Inspector. In no event shall the subject building be occupied by more than fifteen (15) persons without further public hearing before the Town Board.

RESOLUTIONS Continued

3. That the camp building shall be screened with plantings at the direction of the Building Inspector, who shall designate size, variety, locations, etc;

4. That occupancy of the camp building shall be limited to men employed on the farms of the applicant. Occupancy shall be permitted only from March 1st to November 31st. There shall be no rentals of this building. The building shall be subject to at least an annual inspection by the Building Department of the Town of Riverhead. Said building shall, at all times, comply with the conditions of this special permit and all other applicable laws, ordinances, and rules governing its use and occupancy.

5. That construction of this camp shall commence and be completed within one (1) year of the date of granting of this special permit.

6. That Half Hollow Nursery Realty, Corp. shall submit detailed site plan to the Town Board and the Planning Board and shall be approved prior to commencing construction.

7. That order shall be maintained at the camp and that an agent shall be appointed annually by the owner to maintain such order. Such agent shall be a resident of Riverhead Town and shall be appointed by written agreement filed with the Town Clerk and the Police Department. Such agent shall be responsible for the daily, orderly operation of the camp.

8. That the subject premises shall be operated in accordance with the following conditions:

- a. Compliance with all Town Ordinances and County Sanitary Code Requirements;
- b. Absence of crew chiefs at all times;
- c. Compliance with all State laws, including operation free from a pattern of violations of the Penal Law by camp residents.
- d. Access to subject to subject premises shall be permitted at all reasonable times to Town officials and representatives.

9. Failure of the applicant to comply with any of the stipulations enumerated herein shall be cause for revocation of this special permit after duly noticed hearing before the Town Board.

10. In the event that the owner of the premises which are the subject of this permit shall at any time during the effective period of this permit take up residence and domicile on a permanent basis within the Town of Riverhead or within ten (10) miles of the subject premises, owner shall assume the duties of "agent" as stated in paragraph 7. Said paragraph 7 shall be renewed in force and effect in the event the owner shall thereafter discontinue residence as aforesaid.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

11/6/85

1100

RESOLUTIONS Continued

#798 AUTHORIZES TRANSFER OF FUNDS.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Supervisor be and hereby is authorized to transfer the following General Town Funds.

		<u>FROM</u>	<u>TO</u>
A3620.210	Building Dept. Office Equipment	\$500.00	
A3620.410	Building Dept. Conferences	700.00	
A3620.420	Building Dept. Office Supplies		\$500.00
A3620.430	Building Dept. Car Expenses		700.00

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#799 AUTHORIZES TOWN CLERK TO PUBLISH AND POST HELP WANTED AD FULL TIME LABORER - SANITATION DEPT.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, there is an available position in the Sanitation Department for a Full Time Laborer.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below help wanted ad for a Laborer in the November 7, 1985 issue of The News-Review.

HELP WANTED

The Town of Riverhead is seeking qualified individuals to serve in a full time position of laborer in the Sanitation Department. Interested individuals must submit an application to the Accounting Department, 200 Howell Avenue, Riverhead, New York between 8:30 a.m. and 4:30 p.m. No applications for this position shall be accepted after Friday November 15, 1985. The Town of Riverhead does not discriminate on the basis of race, color, national origin, sex, age and handicapped status in employment of the provisions of services.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#800 AUTHORIZES SUPERVISOR TO NEGOTIATE LEASE AGREEMENT BETWEEN THE TOWN OF RIVERHEAD AND THE VETERANS ADMINISTRATION RE: WADING RIVER HIGHWAY SUBSTATION.

11/6/85

1101

RESOLUTIONS Continued

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, the Town of Riverhead has conducted preliminary discussion with the Veterans' Administration concerning the use of a portion of the property situate at the Calverton Cemetery for use as a highway substation, and

WHEREAS, the Veterans' Administration has given a favorable initial response, and

WHEREAS, Highway Superintendent Bloss and the Town of Board has reviewed the needs and options of the Town.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to negotiate a lease with the Veterans' Administration of a portion of the property situate at the Calverton Cemetery for use as a highway substation, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Highway Superintendent Bloss.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#801 APPOINTS RECREATION SUPERVISOR.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

WHEREAS, due to the resignation of Richard Boden, a vacancy presently exists in the position of Recreation Supervisor, and

WHEREAS, said vacancy was duly advertised, and

WHEREAS, all applicants were thereafter interviewed.

NOW, THEREFORE, BE IT

RESOLVED, that Thomas J. Milmoie be provisionally appointed to the position of Recreation Supervisor at the annual rate of compensation of \$16,362.62 as set forth in Group 4, Step P of the 1985 CSEA Salary Schedule effective December 2, 1985, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Thomas J. Milmoie, Stanley Grodski, and the Accounting Office.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#802 ACCEPTS FINAL ENVIRONMENTAL IMPACT STATEMENT RE: APPLICATION OF KIMBROOKE ENTERPRISES, INC.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, a Draft Environmental Impact Statement has been circulated to involved agencies pursuant to State Environmental Conservation Law with regard to the application of Kimbrooke Enterprises, Inc. (Seawatch Landing), and

RESOLUTIONS Continued

WHEREAS, based upon the comments received after such circulation and after public hearing, Kimbrooke Enterprises, Inc. has revised the Draft Environmental Impact Statement to submit additional data.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead accepts the Final Environmental Impact Statement of Kimbrooke Enterprises, Inc.; such Final Environmental Impact Statement to consist of the Draft Environmental Impact Statement, the written comments submitted and response thereto.

BE IT FURTHER RESOLVED, that the Office of the Town Attorney shall forward a Notice of Completion of the Final Environmental Impact Statement to the involved agencies pursuant to the State Environmental Conservation Law, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Land Design Associates, P.C.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#803 TERMINATES SERVICES PART-TIME CLERK - RECEIVER OF TAXES.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

BE IT RESOLVED, that the employment of Alice Zaweski Part Time Clerk in the office of the Receiver of Taxes, be and is hereby terminated effective November 1, 1985.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#804 APPOINTS PART-TIME CLERK - RECEIVER OF TAXES.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

BE IT RESOLVED, that Elizabeth McKay be and is hereby appointed Part-Time Clerk in the Office of the Receiver of Taxes and is to be compensated at a rate of \$4.50 per hour effective November 1, 1985.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#805 ACCEPTS RESIGNATION OF ELIZABETH A. MCKAY.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

11/6/85

1103

RESOLUTIONS Continued

WHEREAS, Elizabeth McKay did receive a one-year leave of absence effective November 9, 1984, and

WHEREAS, this one-year leave of absence is now coming to a close, and

WHEREAS, Elizabeth McKay did submit a letter dated November 4, 1985 informing the Board that she does not wish to return to her position of Account Clerk Typist.

NOW, THEREFORE, BE IT

RESOLVED, that the resignation of Elizabeth McKay from her position of Account Clerk Typist be and is hereby accepted effective November 9, 1985.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#806 AWARDS BID RE: EMERGENCY MEDICAL VEHICLE.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, on October 13, 1985, the Town Clerk did receive and read aloud bids for an emergency medical vehicle for use by the Riverhead Town Volunteer Ambulance Corps, and

WHEREAS, seven (7) bids were received.

WHEREAS, the Executive Board of the Riverhead Town Volunteer Ambulance Corps have personally inspected representative products from each of the three bidding vendors and based on such review recommend to the Town Board the purchase of the ambulance bid by Professional Vehicle Services, Inc. as the best vehicle for the Town and to be the vehicle which meets all specifications, and

WHEREAS, the lowest bidder failed to provide the necessary bid bond with his bid proposal and upon further request has continued to refuse to request reformation of his bid to include the necessary bid bond and, therefore, does not meet the legal requirements of a qualified bid.

WHEREAS, the Riverhead Town Volunteer Ambulance Corps has raised \$25,000 through donations which will offset costs to the purchase of the ambulance to the Town, and

WHEREAS, the costs of equipping the ambulance will be wholly borne by the Riverhead Town Volunteer Ambulance Corps.

NOW, THEREFORE, BE IT RESOLVED, that the bid for an emergency medical vehicle be and is hereby awarded to Professional Vehicle Sales, Inc. in the total amount of \$53,489, and

BE IT FURTHER RESOLVED, that the Town Clerk forward a certified copy of this resolution to Professional Vehicles Sales, Inc. of Bronx, New York.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

11/6/85

1104

Supervisor Janoski, "This meeting without objection is adjourned."

There being no further business on motion or vote, the meeting adjourned at 10:58 p.m.

IJP:nm



Irene J. Pendzick
Town Clerk