

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, February 2, 1982 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 Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Minutes of the Town Board Meeting held on January 5, 1982, and the Special Town Board Meeting held on January 26, 1982, are dispensed without objection, and be approved as submitted.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

BILLS

Bills submitted on abstract dated February 2, 1982 as follows:

General Town	\$77,525.25
Ambulance	\$ 295.00
Highway Item #1	\$ 8,248.48
Highway Item #3	\$82,041.54
Highway Item #4	\$ 5,528.29
Street Lighting	\$67,500.57

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.

General Town	\$77,525.25
Ambulance	\$ 295.00
Highway Item #1	\$ 8,248.48
Highway Item #3	\$82,041.54
Highway Item #4	\$ 5,528.29
Street Lighting	\$67,500.57

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted

Supervisor Janoski: "We have with us this evening the heads of the departments of Town Government who would be available to answer any questions you might have of them."

REPORTS

Conservation Advisory Council - minutes of January 12, 1982 meeting. Filed.

Recreation Department - 1981 Annual report & 1981 Parking Permit Report. Filed.

Tax Receiver - report of collections dated January 20, 1982 & January 29, 1982. Filed.

Volunteer Ambulance Corps - Annual report for 1981. Filed.

Building Department - report for the month of January, 1982. Filed.

Supervisor Janoski: "Thank you Mrs. Pendzick. Applications?"

APPLICATIONS

Riverhead Flagg Corp. - for a change of zone and special permit to construct condominiums. Filed.

APPLICATIONS - continued

7-Eleven Store - special permit to operate amusement games. Filed.

Neptune Diner - special permit to have entertainment on premises. Filed.

Supervisor Janoski: "Correspondence, Mrs. Pendzick."

CORRESPONDENCE

Town of Shelter Island, 1/19/82 - copy of resolution opposing centralization of County Government in Hauppauge. Filed.

Joseph Brush, 1/28/82 - reaffirming that DEIS presents entire scope & purpose of Airpark. Filed.

Irene J. Pendzick: "And concerning the airpark, I have a tally sheet of letters that have been coming in from January 21st to January 29th, the last day of the commentary period on the Environmental Impact for the Riverhead Airpark. We received a total of 435 letters opposed to the airpark, a twenty-two page — twenty-two pages of comments from 'Stop the Airport Committee' and a — eight pages of comments by the New York State Department of Agriculture and Markets. And then we received in favor of the Airpark, total of 264 letters and we received 11 hand-delivered after the deadline."

Gregory Blass, 1/22/82 - copy of amendments submitted to County Legislature re: centralization of County Courts in Hauppauge. Filed.

Anthony Leanza, 1/25/82 - requesting that public hearings be held re: 2-family housing. Filed.

Re: Riverhead Airpark - 385 letters in opposition; 6 in favor. Filed.

Irene J. Pendzick: "Three hundred eighty-five letters that are on the agenda are in the previous report I just gave. That was last Thursday."

CORRESPONDENCE - continues
Environmental Review Board, 1/28/82 - application of
Riverhead Restaurant is a Type II Action. Filed.

Southampton Town, 1/27/82 - copy of resolution adopted
re: contract for recreational programs with Town of Riverhead.
Filed.

N.Y.S. Dept. of Agriculture & Markets, 1/28/82 - 8 pages
of comments re: DEIS of Riverhead Airpark finding denial appro-
priate. Filed.

Irene J. Pendzick: "This is the letter that I remarked
on regarding the Riverhead Airpark."

UNFINISHED BUSINESS
Riverhead Airpark - special permit application for
general aviation airport.

Cablevision - request for .30¢ rate increase.

Leonard Moore - special permit application for labor
camp.

Frank & Joan Richardson - special permit application
for 2-family house.

Suffolk Garden Restaurant - special permit application
for live entertainment.

Stanley & Gladys Udell - special permit application for
mobile home park.

George Young - special permit application to enlarge
existing warehouse.

George Nadjar - special permit application to operate
a game room.

Supervisor Janoski: "Under unfinished business we have the special permit application for a general aviation airport which has now ended its public commentary on the Environmental Impact Statement and will now wait Town Board action on that Environmental Impact Statement.

From Cablevision, a request for a .30¢ rate increase, which is pending a reply from Cablevision.

From Leonard Moore, a special permit application for a labor camp which will be acted upon by the Town Board this evening.

From Frank and Joan Richardson a special permit application for a two-family house is before the Planning Board.

From Suffolk Garden Restaurant special permit application for live music to be acted upon by the Town Board this evening.

From Joseph and Linda Sullivan, special permit application for a mobile home park is before the Planning Board.

From Stanley and Gladys Udell, a special permit application for a mobile home park, pending Town Board action.

From George Young, a special permit application to enlarge an existing warehouse before the Planning Board.

And from George Nadjar, a special permit application to operate a game room. There is presently a moratorium on the consideration of special permit applications for game rooms.

The time for the first public hearing has not yet arrived, so I would open up the meeting to anyone who wishes to be heard on any matter. Mr. Nohejl?"

Bill Nohejl, Wading River; "On the bike ordinance, I have a problem under Section K.

K. Sidewalks Restricted. No person shall operate, park, abandon, or keep motionless a bicycle on any sidewalk within the downtown area as hereinabove described. However, the walking of bicycles in an orderly manner on such sidewalks and the parking of bicycles in an upright position on the sidewalks at curbside parallel to the road shall be permitted.

I'm confused. You can't park, but you can park. The matter of parking, I understand it will be similar to a car parking along the curb."

Supervisor Janoski: "Parallel, yes."

Bill Nohejl: "All right. I am up here for safety reasons. Usually children, elderly person exit from the right door. If a bicycle is parked there, you cannot get out there and if you had to take your children out onto the passenger's — the driver's side, have them exposed to traffic, your door extended open for a long period of time, I feel as though, that's the terrible thing.

PERSONAL APPEARANCES - continued

Supervisor Janoski: "Well Bill, the intent of that particular section of the law is to prohibit the obstruction of pedestrian traffic on a sidewalk. And certainly we have to allow for the good and common sense of a police officer to know what his duty is. We are going to provide bicycle racks in the very near future in the downtown area. That is being considered right now and will be acted upon. But the intent to us was perfectly clear and we are proceeding on that matter."

Bill Nohejl: "I understand that, but until that time when you put this into force and you do not have the bicycle racks, and a person, an arrogant person wants to get out on the right side of the car, will knock that bicycle over and be exposed into the middle of the sidewalk. The person who parked it there, the bicycle, did the proper thing according to this. But if a policeman or someone can come along and find it in the middle of the sidewalk — Now where does a person come off who, who parked it properly. But it was forced or even the wind will knock it over into the middle of the sidewalk, he is penalized and I don't think that's right."

Supervisor Jansoki: "Do you have a suggestion, Bill?"

Bill Nohejl: "Yes."

Supervisor Janoski: "Let's hear it."

Bill Nohejl: "Before this is enforced, all the parking, the municipal parking signs should have bike racks, pointed to a parking area in a parking field and the space should be eliminated where normally a car would be parked and these bike racks put into this. Like you take West Main Street, maybe down by Griffing Hardware, maybe by Grangabel Park there by the Minuteman Press, you come in from the south over the bridge in right at the Peconic Parking area just over the bridge in there where you might have your lawn area, the divider in the road and up here by Sweezy by the diner on that there parking sign a big rack. Then they'll be no excuse. And all that, I feel as though it should be done prior to the full enforcement of this bicycle law to protect the innocent, and to protect the person who is getting out into traffic and say, for instance, a person has three or four children, he has to take one by one out on that side because a bicycle is parked over there and those children are exposed to traffic while he's getting the last one out. Take it into consideration. Thank you."

PERSONAL APPEARANCES - continued

Supervisor Janoski: "Thank you Bill. We have four minutes remaining before the first public hearing. Is there anyone else who wishes to be heard? I recognize a familiar hand."

Sharon Wendelken, 101 Linda Lane West, Riverhead; "I saw you on tv the other night Joe, last night, and I was just wondering who initiated the story."

Supervisor Janoski: "ABC News."

Sharon Wendelken: "I guess I don't need to tell you or anyone else here that Riverhead does not have the best image. And I feel that with all the positive things that go on in this community, and the positive things that the children do, it wasn't in good taste to have such a negative story. It made us — it made our Town look and our children look like drinking is their major concern, and I think it blew the problem way out of proportion. I think that in the future, it might be wiser to consider, I know it's probably great to be on TV and have people asking your opinion on things, especially on network television, but I think in the future it might be better to use a little discretion, I think, it's going to project a positive image or negative on the Town."

Supervisor Janoski: "Why don't you comment on what you think we ought to do about the problem?"

Irene J. Pendzick: "Is that on?"

Sharon Wendelken: "Gee, I thought I did pretty well."

Supervisor Janoski: "You did very well."

Sharon Wendelken: "What I think you should do about this problem? As a parent, I think more promotion of the group CAP, which is doing some very good work in the Town, I think if there was going to be a story done on alcohol abuse in Riverhead in the school system that some members of CAP should have been brought in to discuss and discuss what they're doing which is something positive rather than dwelling on the negative."

PERSONAL APPEARANCES - continued

Supervisor Janoski: "I didn't, of course, write the story on . . ."

Sharon Wendelken: "I'm well aware of that. I just think some better discretion could have been used in this case."

Supervisor Janoski: "I have no discretion in the case."

Sharon Wendelken: "Well I think that there wouldn't have been a story if the Town Supervisor said he didn't wish to comment on it or if he wasn't quarreling with the School Board about issuing certain data."

Supervisor Janoski: "Well I would say to you, Sharon, that I don't intend to keep my mouth shut about problems that I see in this Town. That is probably what is wrong with this entire nation. Alcoholism on the part of young people has surpassed drugs. I have had a number of calls from citizens of the community asking me to please do something and I am going to carry out that duty."

Sharon Wendelken: "Oh, I am not arguing that something has to be done. My argument is in the negative."

Supervisor Janoski: "Drinking on the part of young people happens to be a negative subject."

Sharon Wendelken: "Yes, but I don't think we need it on network television. I have people who don't live in Riverhead calling me and they think oh my gosh your children are going to these schools and Riverhead's problem is a universal problem and it's a problem throughout the County and throughout the . . ."

Supervisor Janoski: "One of the things that I said to the TV reporter, which probably — I didn't happen to see that was that . . ."

Sharon Wendelken: "You weren't on for too long . . ."

PERSONAL APPEARANCES - continued

Supervisor Janoski: "Was that it is not a problem unique to Riverhead and probably I said Riverhead's problem is less than other communities because we happen to be a rather conservative rural community. I don't suppose that was on there."

Sharon Wendelken: "No that wasn't on there."

Supervisor Janoski: "Well we can disagree upon this all night. . . ."

Sharon Wendelken: "Yeah, I don't want to get into a big debate about it. I just felt that better discretion should have been used."

Supervisor Janoski: "Actually, it is the media that create the image problems. I was very upset with the editorial of the Traveler-Watchman last week or the week before which talked about negative image. Certainly it is the media that creates and talks about the negative image."

Sharon Wendelken: "Well perhaps if you'd stress the positive a little more. Thank you."

Supervisor Janoski: "I will not bury my head in the sand.

Let the record show that the hour of 7:45 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

Supervisor Janoski recessed the meeting to hold the public hearing.

PUBLIC HEARING - 7:45 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public notice for public hearing to be held at Riverhead Town Hall on Tuesday, February 2, 1982 at 7:45 p.m. to hear all interested persons regarding the special permit application of Dr. Jerome Rogers for residential use of property currently zoned as Industrial "A" and to convert a barn into residential use, located on West Lane, Aquebogue, N.Y.

The affidavits were ordered to be placed on file.

PUBLIC HEARING - continued

Supervisor Janoski: "Is there anyone present who wishes — I'm sorry, is there anyone present representing Mr. Rogers?"

Susan Rogers; "Representing Dr. Rogers on this matter."

Supervisor Janoski: "Do you want to explain to the Town Board what it is that you wish to do?"

Susan Rogers: "Okay, we would like a special permit to use the barn located in the upper right hand corner of the survey that I gave you, which is set back 24.5 feet from West Lane and in addition, we would like a special permit use to properly construct residences on the lot 2, 3 and 4 on the survey which was sent in with our application."

Supervisor Janoski: "Okay, is that your presentation?"

Susan Rogers: "Yes oh — to answer any questions."

Supervisor Janoski: "Okay, thank you very much. Is there anyone else present who wishes to address the Town Board on this application?"

No one else wishing to be heard and no communications having been received thereto, Supervisor Janoski declared the hearing closed at 7:48 P.M.

Supervisor Janoski: "Let us do a few of the resolutions in the six minutes remaining before the next public hearing."

RESOLUTIONS

#73

ADJOURNS TOWN BOARD MEETING ONE WEEK

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

WHEREAS, many Town Officials will be attending the Association of Towns meeting in New York City on the 16th day of February,

NOW, THEREFORE, be it

RESOLUTIONS - continued

RESOLVED, that the regularly scheduled Town Board Meeting scheduled for the 16th day of February, 1982, at 7:30 o'clock p.m. is hereby rescheduled to the 23rd day of February, 1982, at 7:30 o'clock p.m., and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized to publish and post this resolution.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#74 APPOINTS JAMES V. DELUCCA AS ENFORCEMENT OFFICER,
RE: HOUSING STANDARDS

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

WHEREAS, historically from time to time, the Town Board of the Town of Riverhead has appointed and designated housing standards enforcement officers, and

WHEREAS, such appointment is required by §68-39 of the Riverhead Town Code, and

WHEREAS, such designated individuals receive no additional compensation,

NOW, THEREFORE, be it

RESOLVED, that James V. DeLucca be appointed as enforcement officer for the purpose of enforcing the provisions of the housing standards of the Town Code to serve without additional compensation, and be it

FURTHER RESOLVED, that in accordance with Section 52-2 of the Town Law, a Deputy Building Inspector may be appointed by the Town Board and pursuant thereto, James V. DeLucca is hereby appointed Deputy Building Inspector of the Town of Riverhead.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#75 AUTHORIZES PUBLISHING AND POSTING OF NOTICE OF PUBLIC HEARING, RE: CHAPTER 108, PERMITTED USES OF GAME ARCADE, GAME CENTER, AND GAME ROOM

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Notice of Public Hearing with regard to additions to Chapter 108, Sections 27, 34, 39, and 42, pursuant to the adoptions of the definitions entitled, "Game Arcade", "Game Center", and "Game Room".

RESOLUTIONS - continuedNOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held on the 23rd day of February, 1982, at 8:00 p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the following proposed additions to the Riverhead Town Code, Chapter 108, Sections 27, 34, 39, and 42, subject to the adoption of the definitions entitled "Game Arcade", "Game Center", and "Game Room":

§108-27, Business A

C. (6) A Game Center

§108-34, Business B

B. (4) A Game Arcade

C. (3) A Game Center

(4) A Game Room as an accessory use to tavern only

§108-39, Business

C. (4) A Game Center

(5) A Game Room as an accessory use to tavern only

§108-42, Business D

C. (3) A Game Center

(4) A Game Room as an accessory use to tavern only

* (underscore marks addition)

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#76

AUTHORIZES PUBLISHING AND POSTING OF NOTICE OF PUBLIC HEARING, RE: §108-3, "GAME ARCADE", "GAME CENTER", AND "GAME ROOM"

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Notice of Public Hearing with regard to the additions to §108-3 of the Riverhead Town Code, specifically adding the definitions "Game Arcade", "Game Center", and "Game Room".

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held on the 23rd day of February, 1982, at 7:45 P.M. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the proposed additions to the definitions of the Riverhead Town Code, §108-3,

RESOLUTIONS - continued
specifically adding "Game Arcade", "Game Center", and "Game Room", as is more particularly defined in the following outline.

Definitions. §108-3

GAME ARCADE: A specific main use of a structure which contains more than ten pinball machines, electronic video-screen games, foosball games, air hockey games, skeebowls, or any other similar games or machines for the use of which fees are paid directly into the machine or to any operator excepting pool tables, juke boxes, and juvenile rides.

A game arcade shall not be a "recreational use" and no game arcade shall be permitted except in the area zoned Business B as herein defined. The use of a structure as a game arcade shall be the sole and only use of such structure and no accessory uses shall be permitted.

GAME CENTER:

1. An accessory use to a specific main use, consisting of an area or room containing four or less pinball machines, electronic video-screen games, foosball games, air hockey games, skeebowls or any other similar games or machines for the use of which fees are paid directly into the machine or to any operator excepting pool tables, juke boxes, and juvenile rides.

2. When a game center is a permitted accessory use under this Code, the operator of such center shall apply for a one year's use permit, renewable annually, subject to the following conditions:

a. payment of an annual fee in an amount to be determined by resolution of the Town Board.

b. the operator shall agree in writing to abide by such rules as shall be established by resolution of the Town Board.

3. Operation, by any person or entity, of a game not in accordance with subdivision 1 shall be a violation and result in the revocation of the permit, if any, by the inspector.

4. Operation, by any person, of a game center without a valid use permit shall be a violation.

RESOLUTIONS - continued

GAME ROOM: An accessory use to a specific main use of a structure such as a tavern which contains more than four and less than ten pinball machines, electronic video-screen games, foosball games, air hockey games, skeebowls or any other similar games or machines for the use of which fees are paid directly into the machine or to any operator excepting pool tables, juke boxes, and juvenile rides. The operator of a game room shall be subject to all the restrictions of paragraph 2, 3, and 4 applicable to Game Centers.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Janoski: "Let the record show the hour of 7:55 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

Supervisor Janoski recessed the meeting to hold the public hearing.

PUBLIC HEARING - 7:55 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall on Tuesday, February 2, 1982 at 7:55 P.M. to hear all interested person regarding the proposed use of municipal facilities.

The affidavits were ordered to be placed on file.

Supervisor Janoski: "Is there anyone present, first of all, I guess we have to explain what this public hearing is all about. Mr. Town Attorney, do you have an abstract of this? During the course of the year, there are very many events around the Town such as the Polish Town Fair and the Country Fair which might require an individual application for a special permit for use of the streets. What we started to do last year was to have one public hearing to cover all of these events so that the public might have an opportunity to comment on them at that time.

And I would, at this time, ask if there is anyone who wishes to comment on this proposed matter?"

No one wishing to be heard and no communciations having been received thereto, Supervisor Janoski declared the hearing closed at 7:57 p.m.

Supervisor Janoski: "I call a recess until ten minutes after eight."

Councilman Prusinowski: "Frank Lescenski, could you meet John Lombardi and I in John's office please."

Supervisor Janoski recessed the meeting for ten minutes after which the meeting reconvened at 8:12 p.m.

RESOLUTIONS

Before the following resolution was offered, Councilman Prusinowski stated: "Yes, Mr. Supervisor, there was an error in this resolution. It should be authorized compensation for Highway Department."

#78 AUTHORIZES COMPENSATION FOR 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 compensation for the period January 1st thru January 17th, 1982 for a total of 37 hours in the amount of ONE HUNDRED SIXTY SIX and 50/100 DOLLARS (\$166.50), in accordance with personal services abstract submitted and filed in the Office of the Town Clerk.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#79 TRANSFER OF FUNDS
Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

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

	<u>FROM</u>	<u>TO</u>
A3484 SC Dept. of Health-Drug Abuse Service	\$3,000.00	
A4210.401 Supplies & Materials		1,080.00
A4210.402 Local Travel		100.00
A4210.402 Food		670.00
A4210.404 Miscellaenous		600.00

RESOLUTIONS - continued

	<u>TO</u>
A4210.405 Conference Attendance	300.00
A4210.406 Consultants	250.00

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

#80 AUTHORIZES OVERTIME FOR HIGHWAY DEPARTMENT
Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

RESOLVED, that the Superintendent of Highways be and is hereby authorized to pay time and one-half compensation for overtime for the period January 1, 1982 thru January 15, 1982 for a total of 850 hours in the amount of EIGHT THOUSAND NINE HUNDRED SEVENTY-ONE and 75/100 (\$8,971.75) DOLLARS, in accordance with personal services abstract submitted and filed in the Office of the Town Clerk.

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

#81 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 Accounts:

	<u>FROM</u>	<u>TO</u>
A1990.400 Contingency Fund	\$4,000.00	
A1620.200 Shared Services Equipment		\$4,000.00

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

#82 PROVIDES PETTY CASH ACCOUNT FOR HOME CHORE PROGRAM
Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that an Impressed Petty Cash Account in the amount of \$50 is hereby established for the use of the Home

RESOLUTIONS - continued

Chore Program and that expenditures will be accounted for and charged to Account #H7610.406. Said account is to be used and supervised by the program coordinator, Ray Briggs.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#83 APPOINTS DETECTIVES, THIRD GRADE TO THE RIVERHEAD POLICE DEPARTMENT

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

RESOLVED, that Police Officer Edward Curven and Police Officer Alex Doroski are hereby promoted to the position of Detective, Third Grade in the Riverhead Police Department effective Monday, February 8, 1982.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#84 APPROVES SPECIAL PERMIT APPLICATION OF LEONARD MOORE
Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

WHEREAS, Leonard Moore submitted an application for a special permit for construction and maintenance of a Type 6 farm labor camp as more particularly defined by §108-45-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 October 2, 1981, 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 a 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 this Town Board on the 4th day of November, 1981, and

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

WHEREAS, the hazards or 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

RESOLUTIONS - continued

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 Leonard Moore, such camp to be constructed on the west side of Wading River-Manorville Road, Wading River, New York, subject to the following conditions and stipulations:

1. That the camp building be set back from Wading River-Manorville Road 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 a 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 even 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;
3. That the camp building shall be screened with plantings at the direction of the Building Inspector, who shall designate size, variety, location, 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 Leonard Moore shall submit a detailed site plan to the Town Board and the Planning Board and shall be approved prior to commencing construction.

RESOLUTIONS - continued

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 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 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, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#85

APPROVES SPECIAL PERMIT APPLICATION OF SUFFOLK GARDEN RESTAURANT CORP.

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

WHEREAS, Section 108-3 of the Riverhead Town Code states that live entertainment may be permitted by special permit of the Town Board in a restaurant, and

RESOLUTIONS - continued

WHEREAS, by resolution of the Town of Riverhead Zoning Board of Appeals duly adopted August 23, 1979, the application of Fred Immerman and Francine Van Bernowitz, to use a certain parcel and improvements, as a diner-restaurant was granted, and

WHEREAS, an application for a special permit on November 25, 1981, was made by John T. Brown, Jr., stating,

"Gentlemen: This is to request a special permit, pursuant to the newly revised Article 108.3, be issued by you to allow live music at the following premises:

Suffolk Garden Restaurant Corp.
Route 25
Calverton, New York 11933

It is not our intention to employ any form of live entertainment that would include topless or nude performers. Sincerely"

WHEREAS, a public hearing was held on the 19th day of January, 1982, and all persons wishing to be heard were heard, and

WHEREAS, at this public hearing, John T. Brown, applicant, requested that he was seeking a special permit for weekend entertainment only, and

WHEREAS, the Town Board finds that live entertainment of the type described in this special permit application will not be objectionable and that properly regulated, the comfort and tranquility of the neighborhood may be accommodated, and

WHEREAS, the use will not prevent or substantially impair either the reasonable and orderly use or 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 be issued to Suffolk Garden Restaurant Corp., Route 25, Calverton, New York, for the performance of live entertainment as an accessory use to its restaurant use subject to the following conditions:

RESOLUTIONS - continued

1. This special permit shall expire if the live entertainment, described herein, is not an accessory use to the permitted use as a restaurant;
2. The live entertainment permitted shall include only entertainment primarily and solely of a musical or vocal nature. Such entertainment shall not employ any topless or new performers or any lewd or immoral acts.
3. Entertainment shall be permitted on Friday and Saturday only.
4. All entertainment shall stop at 2:00 a.m.
5. All doors and windows shall be closed during performers.
6. Such entertainment shall not be audible at a distance of one hundred (100) feet from the structure to a person of ordinary hearing.
7. That this special permit shall be revoked if any of the stipulations enumerated herein are not complied with, such revocation to take effect after a duly noticed hearing by the Town Board.
8. That all restrictions and limitations as outlined in the Riverhead Town Code, Section 108, shall be followed by the applicant.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski;
"Since I'm in a similar business, I Abstain from this vote".
Lombardi, Yes, and Janoski, Yes.
The resolution was thereupon declared duly adopted.

Supervisor Janoski: "Before we adjourn for this evening, is there anyone who wishes to address the Town Board on any matter? Mrs. Casey?"

Cathy Casey, Red Fox Path, Wading River; "A couple of questions on the labor camp. On the labor camp, how long is this permit good for?"

Supervisor Janoski: "Indefinite."

PERSONAL APPEARANCES - continued

Cathy Casey: "You did not keep a restriction on the period of time?"

Supervisor Janoski: "No."

Cathy Casey: "What was my other question? Is it or is it not transferable, should Mr. Moore desire to sell the property?"

Supervisor Janoski: "It is transferable."

Cathy Casey: "I thought we were going to hold, and I understood you were strongly leaning towards holding the fact that it could not be transferred, it was not transferable. He would have to reapply or a new potential owner would have to reapply."

Supervisor Janoski: "It was decided after discussion over these matters and we have discussed it for some time, that it would not be proper really to place those limitations."

Cathy Casey: "All right. So in other words, all three pertinent recommendations that the Planning Board passed on to this Town Board were totally ignored. Ignored in the sense that you discussed them and you decided that none of them had enough nor Mr. Moore felt that none of them were valid enough to keep them or keep this permit within any of those guidelines. Okay, then I must tell you, as a resident and taxpayer that if I run into problems, I am personally going to hold this Board personally responsible for your decision and come election day, I can assure you, if there's problems, I will campaign for Mickey Mouse if I have problems. Thank you very much."

Supervisor Janoski: "We are always responsible for any actions that we take."

Councilman Prusinowski: "Joe, I want to point out we did not ignore the recommendations from the Planning Board."

Cathy Casey from the audience: "You didn't?"

PERSONAL APPEARANCES - continued

Councilman Prusinowski: "Excuse me Cathy, we also added a lot of stipulations to this that the Planning Board, quite frankly, did not come up with and we are satisfied that if there are problems that might occur in the future, that there is stipulations in here that the Town Board can take remedial action. But the reality of the situation is, is that if you were buying a house from somebody and some governmental agency imposed on you saying, you cannot transfer your deed if you should pass away or if you would want to sell your house you lose the use. No bank in the world's going to loan you money. That means your condition on buying a house is placed on some governmental body in the future and that what it really comes down to on that particular point. But on some of these other aspects of it, I think we put in a lot of safeguards in there that the Planning Board did not. And, yes some of the recommendations that the Planning Board did come up with after discussion, we did make some changes."

Supervisor Janoski: "Mr. Jacobs."

Norman Jacobs, 5 Red Fox Path, Wading River; "This idea of having an agent to supervise the camp, where is the agent going to live? How can he be reached by the people in the neighborhood if there's any trouble? Has the Board given this any consideration? Where will there be a public — will it be a sign displayed where people that live in the neighborhood would be able to reach someone? How long is it going to take us for this person to get there?"

Supervisor Janoski: "It's registered with the Police Department. He is a agricultural farmer who lives on — in Wading River on Wading River-Manor Road. As a matter of fact, he farms the property which is right behind — on the corner of 25A and Wading River-Manor Road."

Norman Jacobs: "Doesn't the Board think the people in the neighborhood. . ."

Irene J. Pendzick: "That's off Sir, push the button to you."

Supervisor Janoski: "Yeah, you pushed the button."

Irene J. Pendzick: "To you, that's it."

PERSONAL APPEARANCES - continued

Norman Jacobs: "Doesn't the Board think that the people in the neighborhood deserve a little more safeguard than what they have shown here. I personally agree 100% with Mrs. Casey's thoughts. The Board knows from the very beginning on this case, the problem, the problem was never with Bill Nohejl. The problem was with the fact that there was a man that's going to live in Farmingdale and handle this camp as a migrant manager so-to-speak. Now the person who's supposed to run the camp, if I'm correct in understanding this, will this be the gentleman that's down there, that the Supervisor mentioned before at 25A on Wading River Road?"

Supervisor Janoski: "His name is Mr. May. He's not running the Camp. He is to act as agent on behalf of the owner of the farm. The foreman is that the proper term, foreman?"

Norman Jacobs: "Foreman or manager, yes."

Supervisor Janoski: "Manager would be some one else."

Norman Jacobs: "Well this doesn't answer the problem. I fail to see how the Board could go along with something like this when you knew of all the objections the people have had, the petitions that were sent in the newspaper notariety, the fact that the Planning Board, some of their recommendations have been disregarded by the Town Board, I think this is very lax and very unfair. Now if anybody wants to ask me any questions or give me a rebuttal, I'd like to hear it."

Supervisor Janoski: "Thank you Mr. Jacobs."

Norman Jacobs: "And let me add one thing more. I'm going to remember this at election time."

Supervisor Janoski: "Mr. Nohejl?"

Bill Nohejl, Wading River; "Mr. Moore is going to be the operator of the farm. He will be there during all the working time and the man who is put into supervision after he leaves until he comes back the next morning is a fourth generation farmer, fourth generation farmer. And he has recently purchased the property where my son and I farm on Wading River-Manor

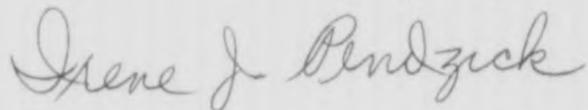
PERSONAL APPEARANCES - continuedBill Nohejl continues:

Road. He has fifty-six acres, fifty-seven, fifty-eight acres that he just purchased in back of the Albo Real Estate Agency. He lives within five minutes of the farm and I feel as though this man will be very reputable to carry out his duties and I must make one comment, that when I came to Wading River when some of my neighbors came to Wading River, there were no restrictions put onto these people. And I feel as though this is a farming community. Riverhead is a farming area. And if you are to take a living away from a person or the farm which supplies other people with substance food, I think you would be making a big mistake. And I think in time, like we have the Opec with the oil, there will be times that our stomachs will not be full like they are now. I feel as though people should not be putting down the farmer, instead encourage the farmer to produce, to keep the price of vegetables where they are able to buy within their means. We see the price of lettuce \$1.19, \$1.29 a head. Pretty soon — it's all right for the person who is able to afford to buy it, but there's other people who cannot afford to buy and would like to eat it. We must keep this into consideration. We know that — I know as a farmer if you do not have the tools to operate a farm, you cannot produce from a farm. So why take away a man's living and take away his implements to make a living to produce and to supply our stomachs. Thank you."

Supervisor Janoski: "Thank you Bill. Is there anyone else who wishes to address the Town Board?"

No one else wished to be heard at this time.

There being no further business on motion and vote, Supervisor Janoski declared the hearing closed at 8:36 P.M.



Irene J. Pendzick, Town Clerk

IJP/vlv