

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead Acting as the Governing Body of the Riverhead Town Board held in the Town Hall, Riverhead, New York on Tuesday, February 20, 1990 at 7:30 p.m.

Present: Monique Gablenz, Deputy, Supervisor
John Lombardi, Councilman
Denise Civiletti, Councilwoman
Victor Prusinowski, Councilman
James Stark, Councilman

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

Deputy Supervisor, Gablenz: "Thank you. Supervisor Janoski unfortunately is suffering from laryngitis so he won't be in attendance this evening. Let the record show that the hour of 7:37 has arrived and we call the meeting to order. Do I have a motion to approve the board meeting minutes of the Board Meeting of February 6, 1990?"

Resolved, that the Minutes of Regular Board Meeting of February 6, 1990 are hereby dispensed and approved without objection.

The vote, Prusinowski, yes; Stark, yes; Civiletti, yes; Lombardi, yes; 4 yes and 1 absent.

The resolution was thereupon duly declared adopted.

Deputy Supervisor, Gablenz: "Would the Town Clerk please read the reports."

REPORTS

Manorville Fire District - Annual report from 1989. Filed

Receiver of Taxes a report of collections as of February 16, 1990, \$20,953,966.89 Filed

APPLICATIONS

March of Dimes for a parade on 4/29/90 Filed

CORRESPONDENCE

M/M Henry Hunter: Object to application of Splish Splash to build a water amusement park. Filed

Leonara Calvit, 1/9/90: Expressing outrage that legal notices will be published in Suffolk County Life. Filed

Diane Koroleski: Submitting resignation as Deputy Registrar as of February 5, 1990. Filed

Frederick Lopez, 2/16/90: Requesting Town Board to assist in retaining Riverhead Office of NYS Dept. of Labor. Filed

Joe L. Moore, 2/14/90: Requesting leave of absence from position at Sanitation Department. Filed

The News Review, 2/13/90: Remitting check in the amount of \$48.28 for overcharges on publication fees to the town. Filed

Helen McKinney, 1/18/90: Objecting to the application of Splish Splash. Filed

Deputy Supervisor, Gablenz: "Thank you. The hour for the first public hearing has not yet arrived. Is there anybody who wishes to address the board on any matter? Cathy"

Cathy Casey, Wading River: "I have a couple of quick questions with regards to the town buying the Shorewood Water Lines in Wading River. I would like to know what the anticipated schedule is for the town to purchase, which I presume is the plant, all of the Shorewood water pipes on the north side of 25A in Wading River and from there when and if the plans are to buy Shorewood waters pipes on the south side of 25A?"

Deputy Supervisor, Gablenz: "We have purchased some of Shorewood Water north of 25A and we have begun investigation of purchasing south of 25A in the neighborhood of Josephine Drive. That's just in the beginning stages. H2M has just started to investigate and estimate for us what the cost might be."

Cathy Casey: "So in other words at this point there is no approximate time schedule that the town anticipates for buying up including the south side."

Deputy Supervisor, Gablenz: "No of course once the town decides that that's the action that they wish to take according to what the estimate is of the cost we would have to go to the State Controller for approval. It's difficult to give you a time schedule at this point."

Cathy Casey: "There is a small development, in that there are four houses. It is north of Guyder Beauty Salon on Wading River Manor Road, again on the north side. The street from which the man built the homes is a very, very, very narrow street. I understand the fire department has lodged a complaint with the town because the street is so narrow and it has a slight incline and it goes down and the homes go toward the back. My understanding was that he was allowed to build four homes. It looks as though he is clearing to build still another home. I would just like to know if anybody knows what the status is. If that is the case, one if he's building another home and number two is

the town going to allow him to build any more when you take into consideration -----I don't think that road is 20 to 25 feet wide. It is such a narrow road. It's ridiculous. You couldn't get two cars down on that road unless they are both side by side. You just couldn't do it. If you've got going down and another wants to come out there is no way you could do it."

Deputy Supervisor, Gablenz: "Does he already have the Planning Board minor lot subdivision approval?"

Cathy Casey: "To be honest with you, I presume so or he wouldn't have been able to build the four houses that he already has gotten on it."

Deputy Supervisor, Gablenz: "I'm not personally familiar with this subdivision but we can certainly check into it for you Cathy."

Cathy Casey: "I think it might be wise, especially, I don't think he is supposed to building a fifth one and from the looks of it, he is clearing and perhaps he may be intending to do that. It might be wise to talk to him about that road. It's a beautiful looking road, but as far as practicality, I think it's very dangerous."

Councilwoman Civiletti: "What's the name of the road?"

Cathy Casey: "I don't know. I don't even think it has-----"

Councilman Lombardi: "What's the development?"

Cathy Casey: "It's just past, you know where the beauty salon is on 25A? You're heading north on Wading River Manor Road, you pass the elementary school, then you have Guyder Salon, and then you have the street right next door to them. It's new. It's only been there, I guess, three to four years tops. I have to apologize, I meant to fiscally go and measure the road at the opening on to Wading River Road. It just seems ludicrous that it's got four homes in there, let alone the possibility, it looks like going to put a fifth one in there. It's really a hazard."

Councilman Stark: "Is that on the east side or west side, Cathy?"

Cathy Casey: "On the east side of the Wading River Road. Thank you very much."

Deputy Supervisor, Gablenz: "Thank you. Is there anyone else who wishes to address the Board? Steve."

Steve Haizlip, Calverton: "I want to renew my complaint about the Harrow's Parking Lot. Now I think I will refer to it as the Newmark and Lewis Parking Lot. I complained a long time ago, I don't know exactly when but the parking spaces are not

plainly marked. They are all faded, obliterated and gone. Out in front of Dunkin Doughnuts and the ---used to be a bank and now it's a health care center. None of those parking spaces are marked, people park all over, anyplace they want. Today down there I got locked in. There was car up in the front, I pulled behind it, the guy pulls behind me and so I'm locked in. I've got to wait until they get through. I do notice that the fire lanes and the handicap places are all clearly marked. Now, they all got clearly marked, I can't understand why the parking spaces don't get clearly marked. In case of an accident there is going to be a dispute if some smart lawyer saying, "Hey" this wasn't marked, they didn't know where to go. They went wherever they thought there was an open space. Now, the second complaint that I want to bring up that I asked about once before is the foxes in that hen house over there at 25A and Sound Avenue waiting for those chickens to come in and give them \$480,000.00. I think the Town Attorney can answer that."

Deputy Supervisor, Gablenz: "I don't follow the question, Steve."

Steve Haizlip: "A piece of land over on 25A and Sound Avenue, I believe it used to be a lumberyard. We were going to get that for \$180,000.00, but then all of a sudden, the people who we were negotiating pulled a fox trick and they wanted us to pay \$480,000.00 for it. The highway satellite station."

Councilman Lombardi: "The Salt Storage Barn. We did acquire some of that property and we are in litigation, I believe with the other party. He wants the \$480,000.00. Is that correct Pat? One part is paid for Steve and the other part is what he is asking for \$480,000.00 which is in litigation. That's all I can tell you."

Steve Haizlip: "I think what your telling me is we gave \$180,000.00 for part of it. If we need more property, then he is going to hold us up for \$480,000.00."

Councilman Lombardi: "No, that's not correct."

Steve Haizlip: "If it's not correct, give it to me while I'm up here."

Deputy Supervisor, Gablenz: "Well it's not that he may hold us up for \$480,000.00. He may make the request, but that's not necessarily what the town will pay."

Councilman Lombardi: "We have to go to court. There is no getting away from it."

Steve Haizlip: "Ok. John. Good."

Deputy Supervisor, Gablenz: "Let the record show that the hour of 7:46 has arrived. Would the Town Clerk please read the notice of public hearing?"

Town Clerk, Irene Pendzick: "I have affidavits of Publishing and Posting for a Public Hearing to be held at the Riverhead Town Hall on Tuesday, February 20, 1990 at 7:45 P.M. to hear all interested persons who wish to be heard regarding a Code Amendment Section 108.3 Definitions.

Town Attorney, Patricia Moore: "108.3 is the definition section in the Town Code and through the efforts of the Town Board and the Farm Bureau we've incorporated proposing creating a definition for temporary greenhouse and expanding the definition of agricultural worker housing. As to the temporary greenhouse. <It's a structure which regardless of it's size shall be constructed with no permanent foundations and built in conformance with the National Greenhouse Manufacturers Association standards. The plastic covering shall be removed from the temporary greenhouses within twelve months of the last agricultural production.> As to the agricultural worker housing, we have additional language to the existing definition and the additional language is that <agricultural worker housing shall be permitted as an accessory use in the Agriculture A Zoning Use District and by Special Permit in all other zoning use districts provided that the parcel of land upon which the agricultural worker housing is to be constructed consists of at least 5 acres and that the agricultural worker housing is located on the property which is actively engaged in agriculture.>"

Deputy Supervisor, Gablenz: "Thank you. Is there anyone who wishes to address the Board on this particular matter?"

Joseph Gergela, Farm Bureau: "Good Evening. For the record, my name is Joe Gergela and I'm the Executive Secretary of the Long Island Farm Bureau. The first thing I would like to do is to thank Monique, Denise, John and Rick Hanley and Pat Moore for your assistance in developing this legislation. We basically support the adoption of this legislation, however, there are several flaws which I would like to point out at this time. I have also made copies for you after we talk about it a little bit. Under the greenhouse legislation the definition, I would like to see amended, in my opinion, it should read <greenhouse temporary structure which regardless of its size shall be constructed with no permanent foundations and built in conformance with the National Greenhouse Manufacturers Association standards or equivalent.> I would like to add "or equivalent" because that will allow for the use of new materials such as milafilm, fiberglass, acrylics, poly-carbonates, and other materials as they become developed and available. Such materials may not be included in the Greenhouse Manufacturers Association Standards at this time and the greenhouse construction in the industry itself is ever changing and this will allow for potential change. Regarding the Agricultural Labor Housing - we oppose any provision that would disallow the rental of an existing ag. labor building as housing as use by another farmer within the Town of Riverhead. Labor housing is a problem and if there is a building in existence with the permits already inactive we would think

that it should be available to another farmer if necessary. Under permanent requirements Item #5 - we oppose the language that reads <plans and specifications for the Ag. labor building shall be subject to the approval of the building inspector>. We believe this language should be changed to <the approval of the Town Board>. Additionally language should be added requiring that plans and specifications be in compliance with the NYS Sanitary Code regarding the space requirements. That is the law that covers the labor camps for the State of New York. We oppose the language regarding both the yearly permit and the yearly fee. To invest a large amount of money to construct a building of this type and have the buildings use subject to a yearly permit is ludicrous. To inspect the building yearly is one thing, but to have the permit is unreasonable. As far as the ten dollar yearly inspection fee - we ask that this be waived as Suffolk County is already charging \$200.00 a year to inspect the labor housing monthly. We have confidence in the job that they do and believe that it is adequate to protect the towns interest. We believe that an additional fee of this type is more of a nuisance than practical. It is just a duplication of fees for a service done by another level of government and unnecessary. In addition, we request, that all preexisting, operating agricultural labor housing be exempt from any provision of this legislation.

Deputy Supervisor, if you don't mind there is one other matter that I would like to bring at this time as long as I have the podium. It's on another subject. Mr. Andrews from Wading River had an approved Special Permit for reconstruction of a preexisting farm stand. He got a site plan approved, got the special permit approved. The Building Department came to him and told him that he now needs to have an upgraded parking facility and bathroom in the farm stand. Now agricultural buildings of this type are exempt from NYS Fire Code and they have certain other exemptions and I would ask for the Town Board to intercede on this matter and expedite it so that he can continue the way he had intentioned which the Town Board already approved. Thank you."

Deputy Supervisor Gablenz: "Joe, we can take a look at that tomorrow. I don't quite understand what the Building Department is looking for because it was less than 10% and that's why he got the special permit approval. Ten per cent of his total site. That's why he got the special permit approval and the method that he got the special permit approval. We can certainly talk to the Building Department.

Joe Gergela: "Ok. I think the hang up is the that their considering it a retail business and it's a farm stand. It's an agricultural use and I do not know how they consider it in that manner.

Deputy Supervisor Gablenz: "We understand. Thank you Joe. Is there anybody else who wishes to address the Board on this particular matter? Peter?"

Peter Danowski, Riverhead: "Pete Danowski just on two comments. I would like to see a Grandfather Clause added to those agricultural housing worker special permits that have been granted perhaps a building has not been erected yet. I think of Mr. Lebkuecher who got an approval and his engineer died and I think he wrote a letter to the Town Board saying "my engineer died," if you pass new legislation that affects him, I think would be unfair. Specifically with him or anyone else that might have gotten approval has not yet built would certainly like to be exempted. On Mr. Andrews matter, he is in the audience, and you know the history on this one. Over a year ago he came in and found out the town rezoned him out of agriculture into residence. We all thought, at least many of us thought, that that was a mistake so I went to the Planning Board and said "geez you made some recommendations here for Residence "A", you've got these grandiose plans that you claim are to protect agriculture. I'm sure you made a mistake but not including in the Residence "A" Zone as a permitted use agriculture--- didn't you make a mistake. And they said no we didn't. So he got an existing farm, which he farms himself, which he has a farm stand there already, taken out of agricultural use and made nonconforming. He was made, therefore, to have to go to either the Zoning Board for a use variance which he prepared or to go to the Town Board for the Special Permit. But as Mr. Gergela mentioned, now that we've gotten through the special permit provision for expansion for a now nonconforming use, even though it used to be conforming, is now told that he is selling whether it be flowers or whatever else he raises on the farm, he's in a retail use. As Mr. Gergela mentioned, he is outside the fire limits, specifically agriculture is exempt from the State Fire and Building Code, as far as agricultural uses are concerned. Of course, as you know, the Town exempts from site plan approval, agricultural use. So I would think that he would be able to put up his farm stand. He took his Building Permit Plans and submitted them to Building Department and has been rejected. He was told he has to put in a bathroom. This is a man who already has a farm and he already has a farm stand. The farm stand was in a little dangerous location at Hulse Landing Road and 25A. So he's only asking that he move the location of the farm stand put up a new one next to existing greenhouses. So I think its only fair, we sometimes get into this between the Building Department, Town Board, The Planning Board and we're only saying Geez, we've only got a farmer wanting to put up a farm stand, give me a break."

Deputy Supervisor Gablenz: "We'll take a look at it Peter. Thank you. Is there anybody else who wishes to address the Board on this matter? The hour for the next Public Hearing has not yet arrived. I apologize The Agenda reads that there is one Public Hearing at 7:45 and the next to begin at 8:05 but it was advertised that there would be another Public Hearing at 7:55 with regard to Amending the Permitted Uses within a Residence "D" District. And so let the record show that the hour of 7:58 has arrived. Would the Town Clerk please read the Notice of public Hearing."

Town Clerk, Irene Pendzick: "I have affidavits of publishing and posting for a public hearing to be held in the Riverhead Town Hall on Tuesday, February 20, 1990 at 7:55 P.M. to hear all interested persons who wish to be heard regarding: Amendment to Sections 108.64.3 Temporary Greenhouses, Section 108.20.1 Residential "D" Permitted Uses
Section 108.15 Residence "C" Permitted Uses
Section 108.11 Residence "B" Permitted Uses

Town Attorney, Patricia Moore: "The first one is 108.64.3 and this is the legislation regarding temporary greenhouses. Joe, if you don't mind I'll just incorporate the comments you made into this Public Hearing, since they pertain mostly to this. The temporary greenhouse, we legislate the location of the greenhouses. What has been a reoccurring problem was the location of greenhouses that are closer than ten feet apart. The typical distance between structures is 10 feet. The greenhouses according to the agricultural community can be located closer and our code did not allow for that. Therefore the code amendments will allow for greenhouses which can be located closer than the ten foot distance. We have specific set backs that are regulated depending on the zoning district that its in. Again, there is also a fee. Did you understand that? No. Ok. Residents "B" Zoning District allows for minimum front yard of fifty feet, minimum side yard of thirty feet and minimum rear yard of fifty feet. Residence "C" allows for forty front, thirty side yard and forty rear yard. Residence "C" minimum front yard is forty feet, side yard is 30 feet and rear yard is forty feet. Those are the set backs that are being required in the particular zoning districts. Also would be building permit fees that will be changed to allow for five temporary greenhouses for \$30.00 and an additional fee of \$5.00 for every additional greenhouse. That's different than the square footage that is now required or the fee per square foot which is required now. Can you hear me out there. You let me know if you didn't. Under 108.20.1 we are amending the code to allow in the Residence "D" Zoning District that temporary greenhouses are provided as a permitted use with a minimum of 5 acres and are subject to site plan review. Residence 108.15 which is the next code amendment also allows temporary greenhouses as a permitted use but again has a minimum of 5 acres and is subject to site plan review. Finally, 108.11 does the same thing. It allows temporary greenhouses in Residence "B" Zoning District with 5 acres and site plan review. Did I cover all of them? Yes. Ok."

Deputy Supervisor Gablenz: "Thank you Pat. Is there anyone who wishes to address the Board on these particular amendments? I recognize that most of the public hearings that we have on for this evening are these amendments to the Town Codes in various sections of the Town Code with regard to temporary greenhouses and agricultural worker housing. So, Joe, I'm sure your comments will read through the record of the entire Public Hearings. Did you have an additional?"-----

Joe Gergela: "I just want to make sure on one thing. On the fees for the greenhouses, you say \$30.00 per greenhouse flat fee no additional charge per square foot. Is that correct?"

Deputy Supervisor Gablenz: "That's it. It's a flat fee of \$30.00 per five greenhouses."

Joe Gergela: "Ok. Now say that a guy does part of the 6 greenhouses in one application. Will he have to come back and pay \$30.00 again if he adds on or will it be \$5.00 for anything more than five?"

Deputy Supervisor Gablenz: "It would be \$5.00 for anything more than five. What we are trying to do is to encourage him to come in with a number of them at once rather than coming in piecemeal one at a time."

Joe Gergela: "Ok. I just wanted to make sure that it is allowed for expansion. Thanks."

Deputy Supervisor Gablenz: "Yes, Betty."

Betty Brown, Aquebogue: "My name is Betty Brown and I'm representing the North Fork Environmental Council. I'm also or have been a representative on the Agricultural Task Force of the Town and these are the kinds of changes and benefits that we've been discussing over the past year and that we have all agreed, I can only speak for the Environmental Council now on that Board, but we encourage and promote these kinds of changes for the agricultural community because agriculture is our environment and will benefit us. We keep agriculture going in Riverhead Town. Thank you."

Deputy Supervisor Gablenz: "Thank you. Yes Sir."

Bob Andrews, Wading River: "I'm the one that they were just talking about. On this greenhouse situation. I happen to be a farmer and I'm farming right now and on the zoning change I am now Residential "A". I would like to know what kind of position I'm going to be in. Your talking about Residential "B".

Deputy Supervisor Gablenz: "Well, Residential "A", does it now contain provision for temporary greenhouses Pat? Are you asking-----

Bob Andrews: "Well actually, you're going to talk about this tomorrow anyway with them. What it is, why the zoning change, you put me out of business as a farmer! And actually I can't put up these greenhouses unless I go for this special permit. And I would like to know where I stand. I came out to Riverhead to farm. I make my living off this farm and you put me out of business. Peter is doing very good on it because he keeps working. But I think this situation has been created by the town for me which has put me to an expense that I think is unjustified

and I think I should be helped out here. Because I want to go on with business. I have a twenty-two year old son who is interested in farming. How many people are interested in farming? So I'd like to know where I stand.

Councilman Prusinowski: "How big is your farm?"

Bob Andrews: "My farm is 30 acres."

Deputy Supervisor Gablenz: "Mr. Andrews all I can say right now is that we'll certainly - - I don't think we've concluded on these amendments to the town code."

Bob Andrews: "I understand, but I put in for this permit for what I wanted to do, February 6th of last year. It's now over one year and we're still going back and forth on it. It was ok'd by the town, the special permit, now it goes further, it was approved by the Planning Board, by everybody. Then I go to the Building Department, they knock me back down. If that's the case, why didn't they tell me a year ago what was going to be happening. But I'd like to get it straightened out. I really would."

Deputy Supervisor Gablenz: "We'll meet with the Planning--- the personnel of the Planning Department and the Town Attorney and I think that Joe will tell you that this Town Board recognizes that they would like to see farming as a continuing presence in the Town of Riverhead and that's why we've been trying to work with the Farm Bureau in making certain amendments that meet the concerns of the farmers as well as still providing the control for the town that the town wishes to keep in protecting neighboring property owners of the farm. What we will do is - we will talk to the Planning Department, specifically about your problems, Mr. Andrews and see if we can't find some resolution to them."

Bob Andrews: "I appreciate it. And also on these greenhouses, just to say a word about it. These greenhouses we are talking about are actually a temporary structure and they are just a cold frame, where the old cold frames had windows, they just put plastic on top of them. And when they come down there is nothing in the ground. The ground will be just the same. Within a matter of days they are down. It's not a permanent structure."

Deputy Supervisor Gablenz: "And that's what the Farm Bureau has asked the Town Board to recognize and that's what we are trying to do with these code amendments."

Bob Andrews: "Ok. But I would appreciate it if I could have some help."

Deputy Supervisor Gablenz: "Certainly. Thank you. Is there anybody else? Yes."

Lyle Wells: "The one thing I think we object to in the amendment of the Code is the five acre stipulation for the size lot necessary for greenhouse structures. An acre or two acres of greenhouses is enough to keep a grower very busy and there are several instances where deed changes in the name in the deed between properties aren't the same so you may have a residence with an acre or two attached where a greenhouse structure would want to be put whereas the rest of the farm is in another deeded name so in essence you really only have two or three acres that you can work with."

Deputy Supervisor, Gablenz: "I think that we had tried to address that, hadn't we Pat?"

Town Attorney, Patricia Moore: "Yes"

Deputy Supervisor, Gablenz: "Where contiguous parcels were -----"

Lyle Wells: "Is it worded into the amendment though?"

Deputy Supervisor, Gablenz: "were being farmed. Joe or yourself had made that comment when we were developing these code amendments."

Lyle Wells: "I just wanted to make sure it was in there, thats all."

Deputy Supervisor, Gablenz: "I think in that fact it is."

Lyle Wells: "Very good. Thank you."

Deputy Supervisor, Gablenz: "You're welcome. Yes. Cathy."

Cathy Casey, Wading River: "As President of the Wading River Civic Association I would simply like to say to Mr. Andrews, who I think has left, that we support him and we would also plead with the town to keep trying to assist this man. While we do like residential zoning or the agricultural. We do not want to see the poor man put out of business or things made difficult. Yes, please support him and give him the assistance which sounds pretty simple that it could easily be resolved. He's got more than enough acres to continue in this and we would urge you to please do it as expeditiously as you can. Thank you very much."

Deputy Supervisor Gablenz: "Thank you Cathy. Is there anybody else who wishes to address the Board? Peter."

Peter Danowski: "Every comment deserves another one I think. I think most of the farmers would prefer that if they have a nonconforming use and are in a Residential Zone, because you made them Residential, why do you have to put them through the special permit process. You've got an existing form, they're

in operation, why can't you say as a matter of right they can put up greenhouses. As long as they have an existing acting form. Why put us through the paper work? Mr. Andrews quite correctly said, although he didn't make me rich, why should he have to pay me any money at all! I mean, if he is a farmer, he's got a farm, you presume that all right, but he is still farming, why can't he put up greenhouses. Make a determination that that's an agricultural right. So that he doesn't have to bother with the Town Board, doesn't have to hire a surveyor, doesn't have to go through site plan. Just because you've made him Residential now. I think it would be a lot easier, it would save on paper work, would save cost and he would have it as a matter of right. So why not make it simple in the ordinance. Why make him go through a special permit process. The second thing that I've heard is that some zoning districts may make him in addition go through site plan review. You know your site plan review process and how unwieldy it might be. I am are you going to make him go through paved parking lot. Almost every farm stand that ever came into existence that was told that he had to go through site plan review for whatever reason, has had to then go to the Zoning Board for relief. So I say, make it a permit as a right without the need to come to the Town Board, don't make him go through site plan. If you are going to make him do both, have some special rules set up so you don't go to the Zoning Board to get relief from your normal site plan requirements. Thank you."

Deputy Supervisor Gablenz: "Thank you. Peter, what we were trying to do with these code amendments is in fact make it an easier process for the farmers. And that's what we tried to do and that's why we worked with Lyle Wells and Joe Gergela in developing these code amendments."

Peter Danowski: "Believe me these aren't political statements and when Joe stands up here or Lyle or someone and is supportive of your work I recognize as better than what we now have. So I give you credit for making the stuff. All I'm saying is lets cut out the paper work, instead of creating more laws for the farmers, lets just give them some rights."

Deputy Supervisor Gablenz: "Well we are certainly trying to cut down the money that you can make because of the fact that the agricultural housing would no longer require the public hearing. We recognize that as a real problem for the farmers and that's what we tried to address in the code amendments."

Peter Danowski: "I'm for it to. I don't say as a matter of criticism for the work you've done. All I'm saying is we look to help people out. In this case I believe all of you want to help the farmer out. The easiest way to help him out is to say, he's got a right to do something without coming to this Town Board."

Deputy Supervisor Gablenz: "That's what in fact we are recognizing with this. And Mr. Andrews, I can promise to you

that you will probably be the hottest topic in Town Hall tomorrow. Is there anybody else who wishes to address the Board on this particular Public Hearing? That being the case and without objection I declare the hearing closed. Let the record show that the hour of 8:13 has arrived. Would the Town Clerk please read the notice of Public Hearing."

Town Clerk, Irene Pendzick: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, on Tuesday, February 20th, 1990, at 8:05 P.M. to hear all interested persons who wish to be heard regarding an amendment to Section 108.21 Agricultural "A" District Accessory Use."

Town Attorney, Patricia Moore: "This code amendment speaks specifically to the Agricultural Worker Housing permit requirements. What we have done here is codify what has been a general Town Board Policy in the Special Permit applications that have come in for ag. worker housing. We have included in the code now that the ag. worker housing has to be occupied by employees of the farm during the agricultural production period. It is subject to site plan review. The owner of the property has to be actively engaged in commercial agricultural production in the Town of Riverhead. The specific requirements of the camp buildings with bedrooms, kitchens and dining areas are all consistent with State and County requirements. The site plan review would allow for plantings and buffers to mitigate whatever impact this use would have on adjacent properties. The one comment was made about the yearly permit to operate, we have incorporated that the Building Department would have a yearly inspection of the building to make sure it is in conformance with our standards and that it is kept up properly. Finally there will be a permit fee of \$10.00 which the Town would impose for these inspections."

Deputy Supervisor Gablenz: "Pat I think that you just went through the Amendments on the 8:15 Public Hearing. We still haven't done the 8:05. If you could just quickly run through what we are seeking to do at the 8:05."

Town Attorney, Patricia Moore: "I'm sorry. I apologize for that. What we have done is put a reference in the Town Code that in Agricultural "A" Zoning District that Ag. Worker Housing would be an accessory use and it would be subject to the specific requirements I was just describing which are in a different section of the code. This is just really pointing the finger to the right section of the code that you want to look at when you are trying to make an application for Ag. Worker Housing."

Deputy Supervisor Gablenz: "Since Pat has described both of these, Irene, I don't think you would have a problem if we took comment on both of them at the same time. Is there anybody who wishes to address the Board on either of these Public Hearing matters? Yes sir."

Ernest Lewin, Calverton: "Most of our farm workers, of course most of them are migrant workers but very few. Most of our workers today are seasonal workers who live in Riverhead, but we have to supply houses. I noticed in that code that one kitchen-----most of our folks today on our farm have their own kitchen, their own apartment and that's at home. What is the town going to do with that? This is for what I'll so call migrant laborers. But we don't have those as mentioned. We have mostly permanent workers. Most of them live in Riverhead, they move to our farms and we supply housing. They've got their own apartments. It's their own children, it's their home. Now what provision are we going to make for that?"

Deputy Supervisor Gablenz: "Are you saying that it doesn't meet the requirements that are contained in this?"

Ernest Lewin, Calverton: "I don't see why we need any requirements. If they have an apartment, why do we have to go through this? They are permanent citizens, residents of the Town, most of them. What's the commotion? Why do we have to go through all this, permits, to have permanent housing for Riverhead, when we are short of housing for Riverhead Citizens? It doesn't make sense."

Councilwoman Denise Civiletti: "I don't believe that this would apply to the situation that you are describing."

Ernest Lewin: "Well, it would seem so. Your talking about housing for farm workers. That's what the-----"

Councilwoman Civiletti: "This is if you want to construct a new home."

Ernest Lewin: "We might have to construct a new home."

Councilwoman Civiletti: "Then it has to meet certain minimum requirements under this code."

Ernest Lewin: "Yes, but the minimum requirements as I understand it is not for apartments. This is for a camp. Am I right or wrong?"

Councilwoman Civiletti: "It's sort of like a multiple dwelling."

Ernest Lewin: "All right, you have nothing about apartments. This is my question."

Councilwoman Civiletti: "So you think the question for apartments should be provided for in the amendment."

Ernest Lewin: "Apartments for farm workers. That's their own home."

Deputy Supervisor Gablenz: "Thank you Mr. Lewin. Is there anybody else who wishes to address the Board on these particular matters? That being the case and without objection I now declare the hearing closed. We have not reached the time of 8:25 which is the next public hearing. Is there anybody else who wishes to address the Board on any matter? Mrs. Graff.

Alice Graff, Riverhead: "At the last public meeting I asked about the dirt that was being carted off of the farm in Calverton. I did go past there, a week ago Monday, and I noticed that some of the gullies that had been created at the edge of the town highway have been filled. They weren't working on that Monday because of Lincoln's Birthday. I haven't been up there since. But I do have the concern about the soil being carted off and it has nematode in it, had nematode and I wonder what is the situation on that score. Has anyone an answer for me at this time?"

Councilwoman Civiletti: "Is that the Manors Subdivision?"

Alice Graff: "Village Greens?"

Deputy Supervisor Gablenz: "Village Green at Baiting Hollow?"

Alice Graff: "Its Edwards Avenue next to Karlins Farm. I'm very concerned with our soil being carted off. I don't know where. To me suppose that man goes into bankruptcy. What are we going to have a sand pit? Sand and gravel place or what. I don't like the idea of our soil being carted away for someones profit and going to leave us with garbage. Also the violations on 58 of the Warsaw project that mess has been there for years and Dr. Georgeson's garbage junk yard down in Baiting Hollow. How long will these take to resolve? Does anybody have any idea? Can you give me any estimate as to how much time these horror sites will be taken care of?"

Councilman Lombardi: "Alice I spoke to the Chief last week. Those trucks and vehicles and cars were supposed to be removed as of last week."

Alice Graff: "Which situation? Dr. Georgeson?"

Councilman Lombardi: "No, no, Warsaw. Right. I haven't seen the Chief to find out if they have been removed."

Alice Graff: "They weren't removed as of yesterday."

Councilman Lombardi: "They were supposed to be removed last week. He got an ok from the owner of the property to remove them. We are looking to tear down those two buildings which I believe is in the site plan. Pat, they have to be removed. I will check with the Chief to find out why they have not been removed."

Alice Graff: "As of yesterday, they were not and what Dr. Georgeson's junk yard in Baiting Hollow?"

Deputy Supervisor Gablenz: "Alice I'm not familiar with that site at all."

Councilman Stark: "Whereabouts in Baiting Hollow?"

Alice Graff: "In back of his house!"

Councilman Stark: "I don't know where his house is."

Alice Graff: "Next to Austin Warner. On the north side of Sound Avenue-----"

Deputy Supervisor Gablenz: "And your saying there are junk vehicles?"

Alice Graff: "It's a junk yard. Tons of cars and trucks out there. Junk."

Deputy Supervisor Gablenz: "It's certainly something we can check into Alice."

Alice Graff: "Thank you."

Deputy Supervisor Gablenz: "Your welcome. Yes."

Henry Pfeiffer, Wading River: "Some while ago I called to the attention of a previous Town Board a situation that exists at the intersection of 25A north and Wading River Manor Road. There are two lanes, just barely two lanes going north and the same coming south. When a vehicle comes into the intersection waiting the change of the light he is going to make a left turn there is no room to go around it right unless that vehicle is with its left wheels directly on the double line. This has been a source of considerable annoyance to me over years and just yesterday I was in a position of being about 3 feet to the right of that line. Some woman came by in her vehicle, her face was red and grim and it seemed to be steam come about her eyes, I don't know if she was a resident or not. I think probably she came from Florida because there was some reference to the sun and the beach as she went past. But the situation still exists where if the double line were moved three or four feet to the left and a single broken line put in the middle it would tell us to go. I would like you to look into that."

Deputy Supervisor Gablenz: "Thank you. Let the record show that the hour of 8:25 has arrived would the Town Clerk please read the notice of Public Hearing."

Town Clerk, Irene Pendzick: "I have affidavits of publishing and posting for a Public Hearing to be held at the Riverhead Town Hall on Tuesday, February 20th, 1990 at 8:25 P.M."

to hear all interested persons who wish to be heard regarding a proposed amendment to Section 108.130 Site Plan Review."

Town Attorney, Patricia Moore: "This is simply a provision where since we have in the agriculture code amendments that they would be subject to site plan review. We have to make a provision for it in our site plan section. So that is what we have done. It is as simple as that."

Deputy Supervisor Gablenz: "Thank you. Is there anyone who wishes to address the Board on this matter? That being the case and without objection I declare the hearing closed. The hour for the next public hearing has not yet arrived. I would ask that we start the resolutions."

RESOLUTIONS #116 THROUGH 151

SEE PAGE 161 THROUGH 204 IN RESOLUTION BOOK OF 1990

Resolution #150 Introduced by Councilman Lombardi:

I'd like to read this before I present it. This is an open communication to seek ownership of the United States Navy Grumman Land. Where we have been hearing that Grumman or I have been hearing that Grumman maybe closing in 3 to 5 years I felt that maybe something should be done in that area. We do have a zoning implement in that area but the Federal Government can go ahead and do whatever they want, if they want to override the Town of Riverhead. So I just brought this up and I don't know what's going to happen with it I'll be truthful with you.

Mr. Lombardi now reads resolution #150.

Moved by Mr. Lombardi and Seconded by Denise Civiletti

Councilman Prusinowski: "I would like to make a motion to table this resolution until the next Town Board Meeting."

Councilman Stark: "Seconded."

Deputy Supervisor, Gablenz: "I have a motion to table, Moved and Seconded.

Town Clerk, Irene Pendzick: "On the motion to table: Prusinowski----

Councilman Prusinowski: "I don't essentially disagree with the intent of the resolution at all, but apparently some Board Members including the Supervisor had some questions after rereading the resolution on the language only of the proposal. So we just want to clarify that and we will be ready for a vote at the next Town Board Meeting. Yes.

Councilman Lombardi: "Excuse me. You don't have to be a professor to read this Vic. It's communication with the Federal

Government which does have a right to overrule us at any time and I think it's about time we sat down and communicate with the people not play politics. So moved."

Councilman Prusinowski: "I vote yes on the motion on the table."

Town Clerk, Irene Pendzick: "Stark, yes; Civiletti, I think we should discuss this more, yes; Lombardi, No;
3 yes 1 no 1 absent The Table is carried.

Deputy Supervisor, Gablenz: "Let the record show that the hour of the final public hearing has not yet arrived is there anybody who wishes to address the Board on any matter. Yes sir."

Dick Benedict, Riverhead: "As you probably already know, I work for Grumman and I don't think right now is a very good time for Grumman. I don't think anything like this going into the newspaper at this time would do anybody in the Town of Riverhead any good. I understand what John's trying to do, but I think it's very bad timing on the Town of Riverhead's part if this were to be put into the newspaper. That Riverhead Town is going to negotiate with Grumman to take over land because they may be leaving. Because that is everything that Grumman's president is trying to keep from getting in the papers. The stock is down, we're borrowing money, times aren't good but I don't think this will help. Thank you."

Councilman Lombardi: "Dick, I have no problem with Grumman. I want to keep Grumman here. What we need is communication at this time and later on. Right now, the State, the County can override us on anything and put things in place without even talking to us."

Dick Benedict: "I understand that. But with the stock down to 13, and Grumman borrowing money, I don't think it's a good time to put it in the paper that the town is negotiating for their property."

Councilman Lombardi: "Very good Richard. I appreciate it."

Deputy Supervisor Gablenz: "Yes. Nora"

Nora Durska, Reeves Park: "Madam Deputy and the Town Board. Steve referred to the parking lots and the shopping area and so forth. Now they are well marked as far as the handicap parking and so forth is concerned. They are well marked. I can tell you that there is not a car from morning until night, I don't know what happens after 5 P.M. that has a handicap permit in those handicap parking areas. I've seen people walking from away back that can't even walk. They walk with walkers, they walk with canes, they walk with this and I know you can't have the police---

Councilman Prusinowski: "Nora, if you ever see somebody park in the handicap spot without a sticker you can take there license plate like I have done on many occasions and give it to the police and they'll give them a summons. I'm a salesman, it's very tempting for me to come and be lazy and park in front of Havils Jewelers with the handicap parking so I don't have to walk from the parking lot, like a lot of people do. I don't park there. People that you see. You have to help the police. The police can't be there 24 hours a day. Take their license plate down and give it to the police."

Nora Durska: "I understand that. I just wanted to know if there is anything that can be done."

Councilman Prusinowski: "Yes, anything can be done. Nora what you have to do is help us by taking the license plates and turn them in. The handicap parking is for the handicap."

Nora Durska: "Ok. Thank you."

Deputy Supervisor, Gablenz: "Thank you. Betty."

Betty Brown, Aquebogue: "I was just wanting Vic if he would bring me up to speed on the Agricultural Task Force and when its going to meet, on their appointments, etc."

Councilman Vic Prusinowski: "Right now Diane Koroleski is contacting the membership of the Agricultural Task Force. Rick and I are getting together next week to spend about a half a day to review the entire file. I am going to reread the proposed legislation that Rob has left on the table for us to consider. I would like to have a meeting of the task force within about three weeks and I would like to have, within 2 months, have a solid proposal ready for a public hearing for the Town Board to consider."

Betty Brown: "So we will be hearing."

Councilman Prusinowski: "Yes."

Betty Brown: "Thank you."

Deputy Supervisor Gablenz: "Steve."

Steve Haizlip, Calverton: "Mr. Benedict just stated about Grumman working for Grumman. Well I worked for them for 34 years and am retired now. I think to get the point across, what John is trying to do and what he wants to do is you never know. I hope they stay too because I'm depending on my pension from them and I hope they stay there. But you never know. Now did anybody have any idea that Fairchild Camera or some of the other manufacturers up west were going to pull up and go. Nobody had any idea. They just pulled up and went. Drexel, Burman and

Landers suddenly closed the door. General Motors closed up the plant, didn't tell them. Just went. At the last minute when this will happen, if it does happen, then there will be confusion. All John is trying to do, his intent, is just to lay the ground work and say if it ever does occur, I asked for it. That's the man's intent."

Councilman Lombardi: "Thank you Steve."

Steve Haizlip: "Right."

Deputy Supervisor, Gablenz: "Let the record show that the hour of 8:46 has arrived would the Town Clerk please read the notice of public hearing."

Town Clerk, Irene Pendzick: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, February 20th, 1990 at 8:45 P.M. to hear all interested persons who wish to be heard regarding an Amendment to Section 101.10.2"

Town Attorney, Patricia Moore: "We are proposing to include the location of the County Seat Plaza, Waldbaums parking field designated as fire zone prohibiting parking, standing or stopping. This is at Route 58 in Riverhead."

Deputy Supervisor Gablenz: "Is there anybody who wishes to address the Board on this matter."

Steve Haizlip: "I'm sorry I have to admit that I did not understand what is going on here. Could it be explained just a little bit clearly?"

Town Attorney, Patricia Moore: "In the parking regulations in our Town Code we have a section that states that your not allowed to park in certain areas, one of these areas that we want to include in the code is the Waldbaums Parking Field. The areas that are designated Fire Zones. So in order to have the Police enforce it, we have to put into the code. That's what we are doing today."

Steve Haizlip: "I think I understand what you're saying there. Since that's a new building and all new buildings you have to have a Town Public Hearing so they can go up there to mark the lines to say Fire Code and handicap spots."

Town Attorney, Patricia Moore: "What we have to do before we change the code, before we include anything into the code and what we want to include is the Waldbaums Parking Field. We want that area that's called the Fire Zone. We want to make that as a no parking, standing or stopping and in order to do that we have to have a Public Hearing so that we can advise everyone here and in the paper, through the paper, that that area is going to be designated as no parking."

Town Attorney, P. Moore, continued: That's what we want to take whatever comments that you or anyone else has before we adopt it into the code."

Steve Haizlip: "I'm in favor of all curbs and the drives along the front of the stores. In the event of a fire you have to evacuate people so forth you've got to have access. You just can't allow cars to be parked up there. I'm in favor of it. Since you brought up the subject about handicap. I noticed that some of the handicap spots, especially the ones that are in the middle of the lot. Take Newmark and Lewis. All along the curb you might have a straight, vertical sign indicating that it is a handicap spot. But now since the other spots I think I'm going to be in direct conflict with the statement I made before. The handicap areas are marked, but they are marked around the perimeter. Now on a rainy night, I mean a dark rainy night, these things can't be designated as handicap parking."

Councilman Prusinowski: "Steve, are you talking about handicap spots that are designated without a post and a sign?"

Steve Haizlip: "Yes."

Councilman Prusinowski: "Well that can be done. A lot of shopping areas in the west when they designate because most places don't allow parking in front of the stores and they shouldn't because they are fire zones. You go to King Kullen. They have designated markings. First of all that whole shopping center, we keep referring to it all night. I know for a fact that they are going to be applying very shortly, they want to expand the center slightly. That is the time we will discuss this in site plan review. That's the purpose of site plan review. Most of the new centers, the Waldbaum Center, the renovated King Kullen Center. There are new provisions in the site plan codes that we can enforce. We can go there and make guys do things if they are not following the rules. Newmark and Lewis is a preexisting center. They are coming in for an expansion. And all this testimony time will be brought up to those discussions with the property owner."

Steve Haizlip: "Ok, so at that time I can bring up-----"

Vic Prusinowski: "It is a legitimate concern because you are right. The handicap parking stalls should be properly marked so that at night or when it's raining the handicap can easily find their spots. Also so other people don't accidentally park in them. Because they tend to be the best spots."

Deputy Supervisor, Gablenz: "Yes, Mr. Benedict."

Dick Benedict: "This Town Board must be psychic. I was in that parking lot last Thursday and between Rite-Aid and where Waldbaums puts there carts under that awning like, I counted 8 cars parked there and I said why are these people allowed to park

here. I looked up on the stanches and there were no signs. I couldn't believe it. I thought all the parking areas had the signs on them. But by the same token, when we put the signs up on, I believe it was Grants at the time, it only had No Parking. We took them all down and changed it to No Parking - No Standing and the people still parked there. So I asked a police officer why do you allow all of these people to park here and he says that I intimidate them when I ride by. I said they are still here. He said, well, if you don't like the way I do my job you see Roscoe and that was the end of that. So if we are going to pass an ordinance, we had better enforce it. Thank you."

Larry Grattan, Chief of Police: "I'll give my statistics on parking tickets in the Caldor Parking Center to anyone. There are hundreds of tickets issued there every year. We cannot have a police officer parked there every minute. This is the second time in two years I have heard the same story from Mr. Benedict that's one occasion that he was there and the parking was not being enforced. That is not the general case. The parking is enforced. I call cars up there regularly to issue tickets in that area. I can vouch for you there are hundreds of people, local and not local who have received tickets for parking in those areas. It is a concern but not a priority. Thank you."

Councilman Lombardi: "Larry while you are there. What's happening with Warsaw, where we were supposed to move the cars?"

Police Chief, Grattan: "We have not received any authorization from the attorney for the property. I was guaranteed that I would get it. He has not corresponded with me in any way."

Councilman Lombardi: "Can we get in touch with him tomorrow?"

Police Chief, Grattan: "I'll ask again that he send it to me. I said I'll either take it by fax or by mail and he has not corresponded with me."

Councilman Lombardi: "Ok."

Deputy Supervisor, Gablenz: "Mr. Benedict just to let you know that this particular Notice of Public Hearing was done at the request of the Police Department so they would have the ability to enforce those parking violations."

Dick Benedict: "I understand all that. I'll repeat again. If we don't enforce them, don't hang the signs up. Thank you."

Deputy Supervisor, Gablenz: "Is there anybody else who wishes to address the Board on this particular matter? That being the case and without objection I declare the hearing closed and-----Mrs. Graff."

Alice Graff: "That Warsaw, the Chief just said that he has not been able to get any response. What further situations can the Town take in order to enforce these horror situations?"

Councilman Lombardi: "He did speak to the attorney and the attorney did say to him he was going to send him a notice to remove the vehicles."

Alice Graff: "Yes, but he hasn't gotten any word."

John Lombardi: "We will get in touch with this person tomorrow."

Deputy Supervisor Gablenz: "I think certainly we can enter into litigation with the property owner, but for the sake of saving time the Chief was hoping that he would be able to negotiate this with the property owner or the attorney for the property owner and to speed things along. I think that contact can be tomorrow and then the decision by the Board will have to be whether they want to take further action. If they are not getting cooperation from the attorney for the property."

Alice Graff: "Will there be fines levied over these days?"

Deputy Supervisor Gablenz: "I'm not a Town Justice and the Town Justice would need to make this decision. I thank everybody very much and adjourn the meeting at 8:55 P.M."

There being no further business on motion or vote, the meeting adjourned at 8:55 P.M.

IJP:ch


Irene J. Pendzick
Town Clerk