

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead, at the Riverhead Town Hall on Tuesday August 19, 1986 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Victor Prusinowski, Councilman
Louis Boschetti, Councilman
Robert Pike, Councilman

Also Present: Richard Ehlers, Town Attorney

Supervisor Janoski called the meeting to order and invited a Boy Scout to the podium to recite the Pledge of Allegiance.

Eugene Kurin, "I'm a Boy Scout from Troop 10. We're from Baiting Hollow Scout Camp and we're here for Eagle Week which is a special week just to get Eagle awards."

Supervisor Janoski, "Thank you. The heads of the departments of government are present this evening should anyone have any question of them. There are no Reports. Applications."

APPLICATIONS

Parade Permit-Riverhead Clergy Council, parade and assembly on October 19, 1986. file

Wm. Giranda (Atlas Realty)-Revised Site Plan for Buiding to repair trailers. file

Frank Tommasini-Site Plan for warehouse, Route 58. file

Supervisor Janoski, "Correspondence."

CORRESPONDENCE

Planning Board, 8/14/86-Recommendation Re: Amendment to Code Business "A" Use District; Boardinghouse be deleted as a permitted use; copy of letter to Allen Smith Re: Major Subdivision, "Hilton Court". file

Brookhaven Town, 8/6/86-Notice of public hearings re: code amendment, Chapter 79-153, Water, Rules & Regulations. file

County Executive, 8/6/86-Acknowledging receipt of resolution #409. file

Thomas Milmoe, 8/11/86-Submits resignation as Ass't Sup't. to Recreation Department. file

CORRESPONDENCE, Continued

David Bogash, 8/19/86-Submits resignation as laborer to Highway Department.

file

Supervisor Janoski, "The time for the first scheduled public hearing has not yet arrived. Under Unfinished Business:

UNFINISHED BUSINESS

Dubois Smith-Site Plan for farm equipment sales building on East Main Street.

Atrium Group-Special Permit to use 2 residential homes in industrial area.

Rollin Hargis-Special Permit to add 23 units to existing park on River Road.

Justin Purchasing-Special Permit for 20 couple residence on Sound Avenue.

Robert Entenmann-Change of Zone and Special Permit for 222 units on 111.6 acres, Sound Avenue.

M.H. of L.I., Inc.-Special Permit for single-family residence, Sound Avenue.

John & Elaine Villano-Site Plan for warehouse and sales on Pulaski Street.

Baiting Hollow Corp.-Phase II of condominium units.

Joseph & Linda Sullivan-Special Permit for 32 mobile home lots, Wading River.

Peconic Ambulance-Site Plan for garage, Edgar Avenue.

Motel on the Bay-Special Permit to convert 20 motel units into condominiums.

Augusta Schneider-Special Permit for 162 condominium units on Middle Road and Northville Turnpike.

West Lane Properties-Site Plan for industrial building, West Lane.

Donald Denis-Site Plan for office building, Route 25, Aquebogue.

Alberta Young-Special Permit for subdivision in Ind. "B" and Ag. "A" zone."

Supervisor Janoski, "I would recognize anyone who wishes to be heard at this time on any subject. Mr. Eck."

PERSONAL APPEARANCES Continued

Ronald Eck, "Mr. Janoski, I'd like to speak to Mr. Lombardi if I could."

Irene Pendzick, "Mr. Eck, would you give your name for the record please?"

Ronald Eck, 632 Roanoke Avenue, "Ronald Eck, 632 Roanoke Avenue in Riverhead."

Supervisor Janoski, "Well Mr. Eck, I would..."

Ronald Eck, "It has something to do with..."

Supervisor Janoski, "Mr. Eck, just a minute. Mr. Lombardi I'm sure will be able to hear everything you say. However, the rules of the game are; is that you address the chair which is..."

Ronald Eck, "....Mr. Janoski. Ok. Mr. Janoski, I have something to say that happened six years ago and I'm going to put it to John this way when he said it to me. Do you like your job John? That's what you said to me when I got the job with the state. I got that on my own without any political action. Now, I will say some more."

RONALD ECK PLAYED A TAPE RECORDING INTO THE MICROPHONE WHICH WAS UNDECIPHERABLE.

Ronald Eck, "Oh. That's the men from outerspace. Please Mr. spaceman. You know how the song goes. Go back into space and stay there. Let me finish here."

THE TAPE RECORDING CONTINUED

Ronald Eck, "Now Mrs. Pendzick, I have a gift for you because you didn't believe me the other night, I am giving you a gift to either hand in your office or take home."

RONALD ECK PRESENTED IRENE PENDZICK WITH A PICTURE OF THE POPE.

Supervisor Janoski, "Well that's nice."

Irene Pendzick, "Thank you very much."

Supervisor Janoski, "Well I think that's very nice Irene. Thank you Mr. Eck. Steve."

Steve Haizlip, Calverton, "Mr. Janoski and the other members of the Board. I've noticed that you always, in this correspondence, that we have information from Brookhaven Town or Southold Town. Now what is the purpose of their information appearing in our priority sheet here?"

Supervisor Janoski, "They're required to advise neighboring townships of certain actions."

PERSONAL APPEARANCES Continued

Steve Haizlip, "Alright. And could I inquire on this here county executive knowledge receipt of resolution 409? What does that entail and what is the title of it?"

Irene Pendzick, "Adopted on July 4th and it seeks placement of signage within the traffic rotary on County Road 58. Number 409 was sent to the county executive and it was adopted on July 1st and it seeks placement of signage within the traffic rotary on County Road 58."

Steve Haizlip, "Oh, ok. I understand. Thank you."

Supervisor Janoski, "Thank you Steve. Is there anyone else present who wishes to be heard at this time? Ron, I'm sorry I can't recognize you again."

Ronald Eck, "You let Steve come up about six times at the last meeting. And if you let him come up, I think I can come up and finish."

Supervisor Janoski, "Ron, there's no.... Alright Ron. We are going to do some of the resolutions now. Before the meeting is over, I will recognize you again."

Ronald Eck, "Ok, fine."

RESOLUTIONS

#481 ACCEPTS RESIGNATION OF THOMAS MILMOE.

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

WHEREAS, by letter dated August 11, 1986, THOMAS MILMOE did submit his letter of resignation from his position of Assistant Superintendent with the Recreation Department.

NOW, THEREFORE, BE IT

RESOLVED, that the resignation of THOMAS MILMOE from his position of Assistant Superintendent with the Recreation Department be and is hereby accepted effective August 29, 1986.

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

The resolution was thereupon duly declared adopted.

#482 AUTHORIZES CHIEF OF POLICE TO ATTEND IACP 93RD ANNUAL CONFERENCE.

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

WHEREAS, an October 4 through 9, 1986 in Nashville, Tennessee, the International Association of Chiefs of Police shall be hosting their 93rd Annual Conference, and

RESOLUTIONS Continued

WHEREAS, Chief of Police Palmer has expressed an interest in attending said seminar.

NOW, THEREFORE, BE IT

RESOLVED, that Chief Roscoe Palmer be and is hereby authorized to attend the IACP 93rd Annual Conference, October 4-9, 1986 in Nashville, Tennessee, and

BE IT FURTHER RESOLVED, that Chief Palmer shall receive an advance of \$1,100 to cover the costs of registration, transportation, lodging and meals, and

BE IT FURTHER RESOLVED, that all necessary expenditures are to be fully receipted upon his return.

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

The resolution was thereupon duly declared adopted.

#483 APPOINTS PART-TIME SECRETARY - STREET LIGHTING DISTRICT.

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

RESOLVED, that SUSAN LOSEE be and is hereby appointed to the position of P/T Secretary for the Street Lighting District at the annual compensation of \$1,000.

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

The resolution was thereupon duly declared adopted.

#484 BUDGET ADOPTION - STOTSKY PARK AMBULANCE BARN.

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

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

<u>Stotsky Park Ambulance Barn</u>	<u>FROM</u>	<u>TO</u>
H48.5730 Bond Proceeds	\$120,000.00	
H48.4540.301 Construction		\$100,000.00
H48.4540.302 Engineering		11,000.00
H48.4540.303 Contingency		9,000.00

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

The resolution was thereupon duly declared adopted.

#485 ACCEPTS RESIGNATION OF DAVID BOGASH.

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

WHEREAS, DAVID BOGASH did submit to the Town Board his letter of resignation from his position of Part-Time Laborer with the Riverhead Highway Department.

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RESOLUTIONS Continued

NOW, THEREFORE, BE IT

RESOLVED, that the resignation of DAVID BOGASH from his position of Laborer with the Riverhead Highway Department be and is hereby accepted effective August 23, 1986.

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

The resolution was thereupon duly declared adopted.

#486 AUTHORIZES TOWN CLERK TO PUBLISH NOTICE OF PUBLIC HEARING.

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

WHEREAS, the Town of Riverhead has made application to the U.S. Department of Housing and Urban Development for \$100,000 for a project under the Jobs Bill Program, and

WHEREAS, the application was approved by the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town of Riverhead wishes to use Jobs Bill funds as a loan to be made to G. Miller Machine Co., Inc. to assist in a Riverhead Industrial Development Agency financing, and

WHEREAS, the Federal regulations require that citizens be given an opportunity to comment upon the use of Industrial Development Agency funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead authorize the Town Clerk to publish the attached Notice of Public Hearing in the August 21, 1986, edition of the Riverhead News Review.

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 2nd day of September, 1986, at 8:35 o'clock at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons with regard to the development of the Town of Riverhead's HUD Jobs Bill Application.

Jobs Bill funds are to be used by local units of government to complete community development activities which will create new employment opportunities for residents who are unemployed.

The total amount of funds for which the Town of Riverhead can make application is \$100,000. The activities which are eligible for Jobs Bill funding including:

1. Acquisition and disposition of property for certain purposes.
2. Construction of public facilities and improvements to same.
3. Clearance activities.
4. Provision of public services.
5. Interim assistance.
6. Payment of local share for matching grants.
7. Urban renewal completion.
8. Relocation and loss of rental income payments.

RESOLUTIONS Continued

9. Removal of architectural barriers to the handicapped.
10. Activities related to privately-owned utilities.
11. Rehabilitation of public residential structures.
12. Public housing modernization.
13. Rehabilitation of private properties.
14. Temporary relocation assistance.
15. Code enforcement.
16. Historic preservation.
17. Certain economic development activities.
18. Assistance to private non-profit entities, neighborhood based non-profit organizations, local development corporations, or small business investment companies.
19. Planning and urban environmental design costs.
20. Fair housing counseling services.
21. Provision of assistance to facilitate performance and payment bonding.
22. Property management.
23. Activities to facilitate the implementation of a Housing Assistance Plan.
24. Environmental studies.
25. Construction or rehabilitation of public facilities.

On Tuesday, September 2, 1986, the proposed application will be available at the:

Town of Riverhead Community Development Agency
200 Howell Avenue
Riverhead, New York 11901
(516) 727-3200 Ext. 39

Further information concerning the Small Cities Program can be obtained at the above address.

The Riverhead Community Development Agency urges the citizens of the Town of Riverhead and all interested parties to participate in this hearing.

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

The resolution was thereupon duly declared adopted.

#487 AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS - LIQUID CALCIUM CHLORIDE - HIGHWAY DEPARTMENT.

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

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids on Liquid Calcium Chloride requirements for use of the Town of Riverhead Highway Department for the year 1986-1987.

AND BE IT RESOLVED, that specifications and forms for bidding be prepared by the Superintendent of Highways, and bids be returnable up to 11:00 a.m. on September 3, 1986 and be it further

RESOLUTIONS Continued

RESOLVED, that the Town Clerk be and is hereby designated to open publicly and read aloud on September 3, 1986 at 11:00 a.m. at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York all sealed bids bearing the designation "Bid on Liquid Calcium Chloride".

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

The resolution was thereupon duly declared adopted.

#488 AUTHORIZES TOWN CLERK TO PUBLISH AND POST AUDITED FINANCIAL STATEMENTS REPORT.

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 following Public Notice.

TOWN OF RIVERHEAD
PUBLIC NOTICE
AUDITED FINANCIAL STATEMENTS
for the year 1985

PLEASE TAKE NOTICE, that the Audited Financial Statements Report for the year ending December 31, 1985 is filed in the Town Clerk's Office, Town of Riverhead, 200 Howell Avenue, Riverhead, New York and is available for public inspection.

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

The resolution was thereupon duly declared adopted.

#489 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: AMENDMENT TO RIVERHEAD TOWN CODE.

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to amending the Riverhead Town Code.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 2nd day of September, 1986, at 8:15 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to amending Chapter 108, Section 108-3(E) of the Riverhead Town Code by adding the following:

E. Application procedure.

The applicant must first apply to the Zoning Board of Appeals for any variance which may be necessary. Only after the applicant has obtained all necessary variances shall the application procedures listed below be followed:

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RESOLUTIONS Continued

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

The resolution was thereupon duly declared adopted.

#490 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: AMENDMENT TO RIVERHEAD TOWN CODE.

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to amending the Riverhead Town Code.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 2nd day of September, at 8:25 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to amending Chapter 108, Section 108-56(I) (1) as follows:

(1) One (1) freestanding, nonflashing, nonmoving, on-premises sign, not exceeding thirty-two (32) square feet in sign area and not exceeding ~~fifteen-(15)~~ ten (10) feet in vertical height from the mean land of the ground surrounding the sign. Said sign shall be located a minimum of twenty-five (25) feet from each side and located a minimum of fifteen (15) feet from the front and/or rear property line.

*broken line represents deletion

*underlining represents amendments

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

The resolution was thereupon duly declared adopted.

#491 ADOPTS RESOLUTION AMENDING SECTION 101-3(A) OF THE RIVERHEAD TOWN CODE.

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

WHEREAS, the Town Board held a public hearing on the 5th day of August, 1986, to amend Section 101-3(A) of the Riverhead Town Code to place a stop sign at the north and south intersections of Peconic Bay Boulevard and South Jamesport Avenue; and

WHEREAS, all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby adopts the amendment to the Riverhead Town Code, Section 101-3(A) to place a stop sign at the north and south intersections of Peconic Bay Boulevard and South Jamesport Avenue; and be it further

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RESOLUTIONS Continued

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post this resolution once in the Riverhead News Review; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Highway Department.

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

The resolution was thereupon duly declared adopted.

#492 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: LOCAL LAW CREATING CHAPTER 39 (GRAFFITI AND DEFACING OF PUBLIC OR PRIVATE PROPERTY).

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 Public Notice with regard to amending the Riverhead Town Code.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 2nd day of September, at 8:05 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to LOCAL LAW creating Chapter 39 (Graffiti and Defacing of Public Private Property) as follows:

CHAPTER 39

GRAFFITI AND DEFACING OF PUBLIC AND PRIVATE PROPERTY

39-1 TITLE

This Local Law shall be known as "Graffiti and Defacing of Public and Private Property Law."

39-2 DEFINITIONS

DEFACE - to mar the face or surface of, disfigure, injure, or spoil the appearance of.

GRAFFITI - An inscription, figure, mark, or design which is written, scratched, painted, or drawn on a wall, building, monument, statue, rock or any other surface.

COMMUNITY SERVICE - Any organization or program employed by the criminal courts or judiciary to provide for appropriate alternative sentences to fine or imprisonment.

39-3 LEGISLATIVE INTENT

The use of brad-tipped pens, aerosol spray paint cans, or other marking devices used in connection with writing graffiti on the walls, public and private buildings, statues, monuments

and other structures has become a problem in the Town of Riverhead requiring punishment of those responsible. The defacing of such public property and the use of foul language in graffiti writing is harmful to the general public and is violative of the good and welfare of the people of the Town of Riverhead. Therefore, Town Board intervention is necessary and advisable to regulate the distribution and sale of aerosol cans and similar products used in writing graffiti. Punishment be fine or imprisonment insofar as our youthful offenders are concerned has failed to stop this type of vandalism. It is the intent of the Town Board that any person guilty of writing graffiti on public or private buildings or structures should be punished so that the punishment shall fit the crime. The Town Board, accordingly, recommends to the judiciary, when an offender has been convicted of violating this local law that he be sentenced to remove graffiti under the supervision of those agencies designated by the judiciary to supervise offenders sentenced to community service.

39-4 GRAFFITI AND DEFACING OF PROPERTY PROHIBITED

A. No person shall write, paint or draw any word, inscription, design, figure or mark of any type without the consent and express permission of the owner or proprietor thereof, or in case of public property, of the person having charge, custody, or control thereof, any graffiti upon:

1. Any property, public or private, building, church, synagogue, statue, monument, office, public passenger vehicle, bridge, dwelling or structure of any kind including those in the course of erection; and

2. The doors, windows, steps, railing, fencing, balconies, balustrades, stairs, porches, halls, walls, sides of any enclosure thereof, or any movable property.

B. Nor shall any person disfigure, cut, cover or rub with or otherwise place filth or excrement of any kind of any property stated in subsection (A) (1) or (A) (2) thereof, or in the case of public property, of the person having charge, custody or control thereof.

39-5 PENALTIES FOR OFFENSES

Any person who violates this section shall be guilty of a class A misdemeanor punishable by a fine of not more than \$2,500, or imprisonment for not more than one (1) year, or both, and restore the property to the condition it was in prior to its destruction, damage or defacement or, agrees to and does in fact provide restitution for the restoration of the property to the

RESOLUTIONS Continued

condition it was in prior to its destruction, damage or defacement, whichever the court determines is appropriate under the circumstances. In the event the person found in violation of this section cannot make restitution due to indigency that they be required to perform twenty (20) hours of community service for each offence. In making this determination, the court shall also consider recommendations made by the victim.

39-6 SEVERABILITY

If any clause, sentence, paragraph, section or part of this local law shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy and in which such judgement shall have been rendered.

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD

IRENE J. PENDZICK
TOWN CLERK

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

#493 AUTHORIZES TOWN CLERK TO PUBLISH AND POST HELP WANTED AD
RE: CROSSING GUARD.

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below HELP WANTED AD for a Crossing Guard with the Town of Riverhead.

HELP WANTED AD

PLEASE TAKE NOTICE that the Town of Riverhead is now accepting applications for a Crossing Guard with the Town of Riverhead. Interested individuals must submit an application to the Accounting Department, 200 Howell Avenue, Riverhead, New York between the hours of 8:30 a.m. and 4:30 p.m. weekdays. No applications for this position shall be accepted after August 29,

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RESOLUTIONS Continued

1986. The Town of Riverhead, does not discriminate on the basis of race, color, national origin, sex, age and handicapped status in employment of the provision of services.

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

The resolution was thereupon duly declared adopted.

#494 BOND RESOLUTION - CURB IMPROVEMENTS.

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

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. For the class of objects or purposes of paving the cost of sidewalk and curb improvements located at various locations throughout the downtown Riverhead hamlet in and for the Town of Riverhead, Suffolk County, New York, there are hereby authorized to be issued \$237,500 serial bonds of the Town of Riverhead, Suffolk County, New York, and \$12,500 capital notes of said Town pursuant to the provisions of the Local Finance Law.

Section 2. The maximum estimated cost of the aforesaid class of objects or purposes is hereby determined to be \$250,000 and the plan for the financing thereof shall be as follows:

- a) By the issuance of the \$237,000 serial bonds of said Town authorized to be issued pursuant to this resolution. Further details concerning said bonds will be prescribed in a further resolution or resolutions of this Town Board; and
- b) By the issuance of the \$12,500 capital notes of said Town hereby authorized to be issued pursuant to this resolution. Such capital notes shall be sold at private sale and all further powers in connection with the details and the sale thereof are hereby delegated to the Supervisor, the chief fiscal officer, in accordance with the Local Finance Law. Pursuant to Section 107.00 of the Local Finance Law, the proceeds from the sale of such capital notes will be provided prior to the issuance of the bonds herein authorized or bond anticipation notes. Said capital notes shall constitute the down payment required by Section 107.00 of the Local Finance Law.

RESOLUTIONS Continued

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 24 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 6. The validity of such bonds, bond anticipation notes and capital notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same shall be published in full in The News-Review, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 8. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law.

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

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#495 BOND RESOLUTION - AMBULANCE STORAGE BARN.

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

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. For the specific object or purposes of paving the cost of the construction of a three-bay ambulance storage barn on a parcel of Town-owned land on Columbus Avenue in and for the Town of Riverhead, Suffolk County, New York, there are hereby authorized to be issued \$114,000 serial bonds of the Town of Riverhead, Suffolk County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. The maximum estimated cost of the aforesaid specific object or purpose is hereby determined to be \$120,000 and the plan for the financing thereof shall be as follows:

- a) By the issuance of the \$114,000 serial bonds of said Town authorized to be issued pursuant to this resolution. Further details concerning said bonds will be prescribed in a further resolution or resolutions of this Town Board; and
- b) By the provision of \$6,000 current funds of said Town, which monies are hereby appropriated therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 11(a)1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer.

Section 5. The faith and credit of said Town of Riverhead, Suffolk County, New York are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

RESOLUTIONS Continued

Section 6. The validity of such bonds, bond anticipation notes and capital notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same shall be published in full in The News Review, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 8. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law.

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

The resolution was thereupon duly declared adopted.

#496 AUTHORIZES SUPERVISOR TO EXECUTE AGREEMENT FOR REMOVAL OF RUBBISH, TRASH AND DEBRIS.

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

WHEREAS, the Town Board of the Town of Riverhead has caused proceedings to be held concerning the accumulation of trash, rubbish and debris at 1035 West Street, Riverhead, New York; and

WHEREAS, pursuant to such proceedings, the Town Board has determined that the property must be cleaned up within a fixed time, which time has expired; and

WHEREAS, a trial was held before Honorable Justice Robert Leonard on the 13th day of August, 1986, after which trial the owner of the premises known as 1035 West Street, Riverhead, New York, James North, was ordered to remove all rubbish, debris and trash within 10 days, to wit, August 23, 1986; and

WHEREAS, this Board desires to retain an independent contractor to remove all rubbish, debris and trash in the event that Judge Leonard's order is not complied with.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to contract with Anton Densieski & Sons for the removal of all trash, rubbish and debris from property known as 1035 West Street Riverhead, New York, with the following machines:

RESOLUTIONS Continued

10-wheel dump truck	\$350.00 per day
6-wheel dump truck	300.00 per day
Bulldozer	450.00 per day

and be it further

RESOLVED, that upon completion of the work, a bill for the Town's expenses be presented to the property owner; and in the event such bill is not paid within the time prescribed by the Riverhead Town Code, that such charge become a lien upon the property; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Anton Densieski & Sons, Chief Roscoe Palmer, Justice Robert Leonard and the Riverhead Town Building Department.

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

The resolution was thereupon duly declared adopted.

#497 DENIES FIREWORKS APPLICATION OF RIVERHEAD RACEWAY.

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

WHEREAS, Riverhead Raceway has applied for a fireworks permit dated July 31, 1986, for fireworks to be held August 30, 1986, with a rain date of September 6, 1986; and

WHEREAS, the Town of Riverhead has reviewed the application and its attachments.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby finds:

1. That based on the photocopy of a portion of a survey, it appears that the display will be within 200 feet of existing structures in violation of New York Penal Law Section 405(3);

2. Although the use of the applicant's property predates zoning, there are numerous structures which had been erected since the adoption of the zoning ordinance including but not limited to additional grandstands, trailers, wooden indian, old West store front with storage area, lavatory and signage for which no building permits have been applied for nor certificates of occupancy issued.

3. The Board attaches to this resolution and makes reference to the attached portion of the survey supplied by the applicant to the Town of Riverhead Zoning Board of Appeals which shows the condition of their property as recently as November 26, 1985.

4. That the applicant's premises are located within the designated fire limits of the Town of Riverhead, which, pursuant to the New York State Uniform Fire Prevention and Building Code, prohibits the wood frame structures from being maintained at the premises.

*See file for survey

RESOLUTIONS Continued

5. That such wood frame structures constitute a fire hazard which, as an area of public assembly, would create an unreasonable risk to the safety of the public where a fireworks display were to be permitted.

and be it further

RESOLVED, the application made of Riverhead Raceway dated July 31, 1986, for a fireworks display be and hereby is denied; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Riverhead Raceway, Zoning Board of Appeals, Police Chief Roscoe Palmer and the Building Department.

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

The resolution was thereupon duly declared adopted.

#498 APPOINTMENT OF ACCOUNT CLERK TYPIST - ACCOUNTING DEPARTMENT.

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

WHEREAS, due to the transfer of personnel as per the CSEA Contract, and

WHEREAS, the newly created vacancy has been advertised and posted and all willing applicants were interviewed.

NOW, THEREFORE, BE IT

RESOLVED, that EILEEN ROMAN be and is hereby appointed provisionally to the position of Account Clerk Typist at the annual compensation of \$13,334.83 as set forth in Group 7, Step P of the 1986 Salary Schedule effective August 25, 1986, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Eileen Roman, Jack Hansen and the Accounting Office.

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

The resolution was thereupon duly declared adopted.

#499 AUTHORIZES TOWN CLERK TO PUBLISH AND POST HELP WANTED AD RE: ACCOUNT CLERK TYPIST.

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below HELP WANTED AD for an Account Clerk Typist in the Accounting Department.

HELP WANTED AD

PLEASE TAKE NOTICE that the Town of Riverhead is seeking qualified individuals to serve in the position of Account Clerk Typist in the Accounting Department. Applicants must possess

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RESOLUTIONS Continued

excellent typing skills and have at least two years of book-keeping experience. Interested individuals must submit an application to the Accounting Department, 200 Howell Avenue, Riverhead, New York between the hours of 8:30 a.m. and 4:30 p.m. weekdays. No applications for this position shall be accepted after August 29, 1986. The Town of Riverhead does not discriminate on the basis of race, color, national origin, sex, age or handicapped status in employment or the provision of services.

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

The resolution was thereupon duly declared adopted.

#500 APPOINTMENT OF ACCOUNT CLERK TYPIST - JUSTICE COURT

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

WHEREAS, the Town Justices have requested additional personnel and

WHEREAS, the position of Account Clerk Typist was advertised and posted,

NOW, THEREFORE, BE IT

RESOLVED, that Carol Ellis be and is hereby appointed provisionally to the position of Account Clerk Typist at the annual compensation of \$13,334.83 as set forth in Group 7, Step P of the 1986 Salary Schedule effective August 11, 1986

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Carol Ellis, Judge Leonard, Judge Manning and the Accounting Office.

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

The resolution was thereupon duly declared adopted.

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

PUBLIC HEARING - 7:55 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, August 19, 1986 at 7:55 p.m. to hear all interested persons regarding: The Proposed Amendment to the Town Code, Section 108-27(A) (3) by deleting "Boardinghouse".

CORRESPONDENCE:

August 14, 1986 - Planning Board

Recommends that "Boardinghouses" be deleted as a permitted use in the Business A District.

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PUBLIC HEARING Continued

Supervisor Janoski, "Mr. Town Attorney."

Richard Ehlers, "The Business "A" zoning is primarily in the area of South Jamesport as well as partially in the downtown area. The proposal is to eliminate boardinghouses as a permitted use. If you have a boardinghouse which is legally existing at the time of the adoption of this section if it is adopted, you may continue your boardinghouse. However, if you do not have a legal boardinghouse or you wish to propose one after it would be amended, it would be prohibited in the Business "A" section."

Supervisor Janoski, "Thank you. Is there anyone present who wishes to address the Town Board on the matter of deletion of boardinghouse as a special permitted use in Business "A"? That being the case and without objection, I declare the hearing closed."

7:55 PUBLIC HEARING CLOSED AT 7:57

Supervisor Janoski, "Well, is there anyone besides Mr. Eck who has not spoken who wishes to address the Board? Well Mr. Eck, if you wish to speak, it's your microphone."

Ronald Eck, "I believe you have my name already, so you don't need it again. First of all, I wish to apologize to Mr. Lombardi because he is my fraternal brother and I didn't wish to hurt him."

Councilman Lombardi, "You never hurt me."

Ronald Eck, "I know that John but you are a "yes" man. Now I look at Mr. Boschetti and Mr. Pike who wasn't trying to hurt me or do anything in 1978 and I know that Lou Boschetti can not be bought in any way from any political party. I look at Mr. Pike and I know Mr. Pike can't even be bought for \$2.25 for a part for his car even if I wanted to do it for him for nothing but he will accept gifts like maybe snowplowing his parking lot in back of his office and this year there is a snow plow on its way better than the piece of junk I was driving before. Also, I know Mr. Pike is honest but I look at Mr. Pike again and I say to Mr. Pike he wasn't involved in that yield that was made on July 22nd because I know he wasn't and I know who was but I won't say it at this time. But now I look at my brother Joe Janoski and I do have words. He is head of this thing here so whatever you want to call it."

RONALD ECK PLAYED A TAPE RECORDING

Ronald Eck, "Now I have a little funny for everybody to listen to because I know Rob Pike knows about this one. Everyone knows what that looks like don't you. Now this here is the son of that and lives here in Riverhead. This man has been making fun of my father for the past four years and my father is dead but his father is alive. And in the bible they talk about donkey or a--. Now we do have an a-- in Riverhead he is called PTA. He was

PERSONAL APPEARANCES ContinuedRonald Eck, Continued

bought as a birthday gift by his son and his son's wife and they called this donkey PTA, Pat Tuccio's a--."

RONALD ECK CONTINUED WITH A DIATRIBE AND IS INAPPROPRIATE TO BE CONTAINED IN THE PERMANENT RECORD OF THE MINUTES.

Supervisor Janoski, "Thank you."

Councilman Boschetti, "Well Joe, I'd just like to say that it is nice to be back."

Supervisor Janoski, "I have a few minutes before the next scheduled public hearing. For our visitors, the boyscouts, who are with us this evening, all meetings do not include individuals such as has just spoken at the Town Board but there is a first amendment and he does have the right to be recognized. So therefore, we give him the time to speak. The unfortunate thing is that everything he says has to be transcribed into a type written form and that costs us money. Well we have about a minute and a half remaining until the next scheduled public hearing. So we will just ride it out."

Councilman Pike, "Mind if I say something?"Supervisor Janoski, "Go right ahead."

Councilman Pike, "While we're filling this next two minutes here, I wanted to first of all, welcome the boyscouts. I managed to make it through first class with a couple of merit badges before I discovered rock and roll and moved on from there. But one of the things many of you are probably in the process of local government, merit badge or the other civic ones, and what you're seeing here among other things is the price of living in a democratic society which is that mike is there particularly at the town level for absolutely anybody to say absolutely anything about whatever they want. And it has its advantageous because even from people as a versus, people you've been hearing tonight, you'll occasionally pick up a good idea. Very occasionally. I do recall that the Long Island Railroad and the older trains that we use to have use to have a thing on the front called a cow catcher or a bull catcher. My only problem is that the microphone over here isn't similiarly equipped."

Unidentified Man, "He left his machine. I don't know if it's on or not."

Supervisor Janoski, "Thank you Dick for that last thirty seconds. Let the record show that the hour of 8:05 p.m. has arrived. The Town Clerk will please read a notice of public hearing."

PUBLIC HEARING

PUBLIC HEARING - 8:05 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, August 19, 1986 at 8:05 p.m. to hear all interested persons regarding: The Proposed Amendment to the Town Code, Section 108-96 (D)(2), RE: Fees for Subdivision."

Supervisor Janoski, "Mr. Town Attorney."

Richard Ehlers, "The Planning Board had requested that the Town Board considering amending the fees for minor subdivisions to provide that those fees would be \$25 dollars per lot instead of \$10 per lot. In the event that a major subdivision results from a minor subdivision, the fee would be \$100 per lot to put them in line with the other subdivision fees."

Supervisor Janoski, "Thank you. Is there anyone present who wishes to address the Board on the matter of the changes and fees for minor subdivision? Well if that's the case, I, without objection, hereby declare the hearing closed."

8:05 PUBLIC HEARING CLOSED AT 8:06

Supervisor Janoski, "The next scheduled public hearing is at 8:15 and I will (unless anyone wishes to address the Board) recess this hearing until 8:15. Now we must get started at 8:15."

TOWN BOARD MEETING RECESSED AT 8:07
TOWN BOARD MEETING RECONVENED AT 8:15

Supervisor Janoski, "Ok Eric. Let the record show that the hour of 8:15 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:15 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, August 19, 1986 at 8:15 p.m. to hear all interested persons regarding: The Proposed Amendment to the Town Code Amending Height Requirement in Business "PB" Zone Districts to a Maximum of 35 Feet.

Supervisor Janoski, "Mr. Town Attorney."

Richard Ehlers, I received a letter from Donald Denis explaining that he could not design a building under 15 feet as dictated in the zoning use district of the code and recommended that the height requirement be amended to read 35 feet.

Supervisor Janoski, "Thank you. Is there anyone present who wishes to address the matter of the height requirement? That being the case and without objection, I declare the hearing closed."

PUBLIC HEARING Continued

8:15 PUBLIC HEARING IS NOT VERBATUM DUE TO MALFUNCTION OF RECORDER.

8:15 PUBLIC HEARING CLOSED AT 8:17

Supervisor Janoski, "Let the record show that the hour of 8:20 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:20 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, August 19, 1986 at 8:20 p.m. to hear all interested persons regarding: Amending the Town Code, Section 101-3 entitled "Stop and Yield Intersections"; Railroad Crossings" by adding a stop sign at the easement to Sewer Plant on Riverside Drive.

Richard Ehlers, "Can't add too much to that except that is where the Scavenger Waste Plant is also located so there is more traffic there and it's been recommended that a stop sign be placed."

Supervisor Janoski, "Is there anyone present who wishes to address the Board on the installation of a stop and yield sign at the railroad crossing? I'm sorry. At the sewer plant? That being the case and without objection, I declare the hearing closed."

8:20 PUBLIC HEARING CLOSED AT 8:21

Supervisor Janoski, "I understand that there is an individual who wishes to present a petition to the Town Board. I would recognize him at this time."

Allen Wicklund, Pres. Northville Beach Assoc., "Good evening gentlemen. As you gentlemen are aware, the boat launching facility at Iron Pier is in very bad disrepair. Persons that wish to use their boat in that area don't have the availability except for the hazardous use of using the temporary ramp that we have. The Northville Beach Civic Association has sponsored a petition in the general area of Iron Pier and we'd like to present it to the Board with the hope that the Board will establish a bond to construct a permanent launching ramp into Long Island Sound. I don't think it's pertinent for me to address the issue in length at this time. I would just like to present the petition and we'll discuss it later. Ok? Approximately around 120."

Supervisor Janoski, "Mr. Pfeiffer. Would you like to be recognized? It's only a two minute space that you have to fill."

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PERSONAL APPEARANCES Continued

Henry Pfeiffer, Wading River, "If you insist. I was watching on National Geographics special the other night, wherein the theme of it was the fact that eagles were being desipated, that they were being lost and so forth. And coming tonight it gives me a feeling of great warmth to know that that is no longer so. Although I do note that there is an absence of bald eagles here. I can see not one of them here. What I would like to say in regard to the operation of the town, we seniors of Wading River, Calverton, Baiting Hollow etc., have for the past five or six years used facilities of the Wading River community park at Bayberry and we found a great deal of satisfaction there. There's only one thing; the bocci court that you have erected there and maintained so well; each time we have a storm such that we had over the weekend, we find it converted very very rapidly into a swimming pool with insufficient depth to get any appreciable benefit from it. We would wonder if it's possible for you to have a possible a yard or a half of yard of sand placed down in the immediate vicinity so that on such days as this morning when I find water in there I can take my shovel and put sand in there and be able to play a game of bocci. Thank you."

Supervisor Janoski, "Thank you Henry. You're about thirty seconds shy but I appreciate it nonetheless. Let the record show that the hour of 8:25 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:25 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, August 19, 1986 at 8:25 p.m. to hear all interested persons regarding: The Increase and Improvement of the Facilities of the Riverhead Water District for Ext. #35, Wading River.

(See Water District Minutes)

8:25 PUBLIC HEARING CLOSED AT 8:35

Supervisor Janoski, "Let the record show that the hour of 8:35 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:35 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, August 19, 1986 at 8:25 p.m. to hear all interested persons regarding: The Establishment of Ex-teniosn #35 in Wading River to the Riverhead Water District.

(See Water District Minutes)

8:35 PUBLIC HEARING CLOSED AT 8:42

PUBLIC HEARING

Supervisor Janoski, "The next scheduled hearing is at 8:45 which gives us about two minutes. Is there anyone who wishes to address the Board on any matter? Let the record show that the hour of 8:46 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:45 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, August 19, 1986 at 8:45 p.m. to hear all interested persons regarding: Amendment to the Town Code Section 108-110 Determination of Yield of Residential Units by Planning Board.

Richard Ehlers, "Under the town law, the Town Planning Board is empowered to cluster or permit cluster development of subdivisions. We also have sections of the town code that permit other forms of cluster developments, semi-attached or attached housing. And during a recent application by Kimbrooke Enterprises, it was apparent that the preparation of yield maps would make it easier for a determination of the proper yield to be made and that then the proper body to make that determination would be the Planning Board who work with the yield of properties generally. So this amendment alters the Town Code to provide that in all cases, the number of units of dwelling units to be placed on a parcel of property shall be determined by the Planning Board after the submission of a yield map."

Supervisor Janoski, "Thank you Mr. Town Attorney. Is there anyone present who wishes to address the Board on the matter of determination of yield by the Planning Board? It's actually a pretty good idea. Ok. That being the case, after you."

Councilman Pike, "One of the things that I just wanted to address publicly is that there are a number of considerations that go into yield. The first is that in my opinion, the Town Board itself should be (generally speaking) providing the determination of yield by the legislative act of zoning and providing for the exact yield in any one district. There are a number of districts in this town that do not have specific yield numbers and often, this one particular zone which has arguably three different yield calculations. Secondly, we discriminate, and I think unfortunately, between forms of ownership as it applies to yield. There are zones in this town where if you build a building and own it in the condominium form of ownership, you can get a higher density than if you own it in regular fee title form of ownership. That to me, seems to be at least unaddressed and perhaps possibly unwarranted advantage to the developers of condominiums in the town and that that ought to be addressed in whatever we do with yield. Thirdly; there are subdivisions being approved in this town which do not take into account the extent which there are wetlands on the property which should not be included in the yield maps and we ought to clearly legislate in that area as opposed to delegating that responsibility to the Planning Board. That was properly in my opinion along with the topographical problems with the Kimbrooke site, taking into account by this Board and the Conservation Advisory Council in taking a look at the so called Seawatch, the

07/15/86
PUBLIC HEARING Continued

Councilman Pike, Continued

Kimbrooke application. It is not currently being fully addressed by the Planning Board in the calculations for subdivisions. I think in addition to making the Planning Board the final decider of what yield is on projects, that this Town Board ought to address all three of those areas legislatively so that the range of discretion that the Planning Board has, in determining yield, is standards for that discretion are prescribed by the Town Board in addition to doing this."

Supervisor Janoski, "Is there anyone else present who wishes to address the Board on the matter of the determination of yield? That being the case and without objection, I declare the hearing closed."

8:45 PUBLIC HEARING CLOSED AT 8:51

Supervisor Janoski, "There are about four minutes until the next scheduled... Nine minutes. I think we will recess for those."

TOWN BOARD MEETING RECESSED AT 8:51

TOWN BOARD MEETING RECONVENED AT 9:02

Supervisor Janoski, "The meeting will return to order. Let the record show that the hour of 9:02 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 9:00 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, August 19, 1986 at 9:00 p.m. to hear all interested persons regarding: The Proposed Change of Zone at West Lane, Aquebogue, from Industrial "A" to Residential "A".

Supervisor Janoski, "Thank you. Mr. Town Attorney would you like to explain?"

Richard Ehlers, "Some time ago the Town Board proposed to the Planning Board pursuant to the town law, an amendment to the zoning use classification of the industrial zoned area in the vicinity of West Lane in Aquebogue from industrial "A" zoning to residential "A" zoning. The Planning Board met and has referred back to this Board, a resolution recommending that the zoning be amended to provide for residential "A" zoning in place of the existing current industrial "A" zoning. At the last meeting the Town Board passed a moratorium under which the property is currently controlled for ninety days limiting any applications. And during that period, the Board will hold this hearing and any other hearings that may be necessary to hear the proposed rezoning."

07/15/00
PUBLIC HEARING Continued

Supervisor Janoski, "I would just say that the Town Board asked the Planning Board to consider residential "A" zoning. Their recommendation was agricultural "A" zoning. Who wants to go first? I would recognize anyone who wishes to address the Board on the proposal for change of zone on West Lane from industrial "A" to agricultural "A". Residential "A". Yes sir."

Ed Worth, West Lane, "I strongly urge the Board to do this. Number one; there are 14 proposed new houses on West Lane which in fact, will be very consistant with that. I think we have enough commercial traffic going east of Riverhead at this point. To create any more would be a little unnecessary. I think that this is basically a cheap way to build industrial buildings outside of town rather than pay the higher price closer to the expressway. That's it."

Supervisor Janoski, "Thank you. Is there anyone else present who wishes to address the Board on the matter of this change of zone? Yes sir."

Emil Breitenbach, "I own 35 acres on West Lane. I propose you leave the zoning as it is. At a time when this Board, the Planning Board is deluged with subdivisions coming in, we don't need anymore houses on West Lane either."

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

Ruth Levine, Sound Avenue, "I live on Sound Avenue approximately one mile east of West Lane and I think it's highly inappropriate that there would be industrial zoning on West Lane. I feel that it does not belong in this area of Riverhead. We have to look at the overall plan of Riverhead and I know this Town Board is very involved in that and I think it's to your credit that you have taken this under consideration and we just must realize that industrial planning does not belong in this area of Riverhead. There are other areas of Riverhead where it's much more appropriate. This area is being developed as a residential area. It is presently highly agricultural and I am in favor of the agricultural zoning of this area of West Lane and I think it would be a gross error to see this particular plot of land be developed industrial."

Supervisor Janoski, "How do you feel about the residential proposal?"

Ruth Levine, "I'm even more in favor of residential zoning but I would be happy with the agricultural zoning of the area."

Supervisor Janoski, "Thank you. Yes."

John Lynch, Attorney, "I represent West Lane Properties which obviously have been in the paper and filed the application for the building permit. One of the people involved tonight, said that (quote) we started it. I don't think we started it. It started when... I think we started probably back in the 50's 60's when they

PUBLIC HEARING ContinuedJohn Lynch, Continued

changed the zone to industrial. My understanding as limited as it may be of your zoning here, is that in 1969 this zoning was enacted. So effectively, the prior owners of the property, Mr. Stakey, had paid taxes on industrial zoning for some 17 years. If the current taxes are like 8 thousand dollars, you add that up. It's a lot of money over a period of time. We recently closed title in April and we had been on this contract to purchase this property from August 30th of 1986. My clients are involved and I think Mr. Andrea is an architect, a planner. He checked the whole town. Went through. We were told this was industrial "A". We even went before your Planning Board for a partitioning before closed title. Mr. Stakey retained a portion of the property and there was a partitioning. So to walk in and file a building permit and start this where we are all of a sudden in the middle of a moratorium after some very careful planning, some careful investigation, it comes as a great shock. This property has been sitting south of Northville. And to my understanding, that at one time maybe this area was called Northville. It was a school district. To now say that that wasn't something that was logical with these tanks to extend down, I think you're dealing with a heavy industry for them, lighter industry for where we are. There is a business zone and there's another industrial zone. Obviously, somebody made some plans to do this. People sat for 17, 18 years holding these properties for an investment. We paid good sound dollars to buy industrial property. We came before the Building Department with a set of plans that meets all your requirements then we're told that we're not doing something right. They talked about going to the west. I was involved with these same clients outside the Grumman area. We were going to buy a piece of property and develop there. By the time we got done with the Navy regulations, I think you couldn't even put a pea shooter plant there. The high tech and the rest of it, they're not going to have. They don't want any interference with that area there. So when you talk about areas that are available, this is a large area that was zoned this way. You have Photocircuits which is there and a large plant. I think the natural development of this area going back to Northville and we are only a half of mile from Sound Avenue, is with the industrial. You know, I think a lot of people that will stand up here tonight will say; we're residents, we're residential. Ask them when they purchased their property. It's like buying on the right-of-way to the Long Island Expressway and it's not built and they want to build the expressway then you want to stop it. You know this has been zoned this way. This isn't a johnny came lately situation where it was zoned two years ago or whatever. This is vested interest. We've paid good dollars. Mr. Stakey was involved in selling this property as industrial, represented in the contract it was industrial and when we closed title on it, it was. We paid good and valuable dollars. These people have been sitting. The town has been sitting back collecting the taxes on industrial for a lot of years. I wonder now at this particular point, whether some of the large property owners here are going to turn around and say if they considered this residential, are you not taking something away from everybody. I ask you not to go against the zoning. The zoning has been set. You're dealing with large gas

PUBLIC HEARING ContinuedJohn Lynch, Continued

tanks. Now if you make this residential, are we going to turn around and have residential looking at the tanks? And everyone else down at the other end will say; oh fine, as long as we're not next to the tanks. This has been industrial and that's the way it's going to stay. Thank you."

Supervisor Janoski, "Thank you. I'm going to recess this public hearing because I have one scheduled for 9:05 and the time of 9:11 has arrived. Let the record indicate that and the Town Clerk will please read the notice of public hearing."

9:00 PUBLIC HEARING RECESSED AT 9:11

PUBLIC HEARING - 9:05 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, August 19, 1986 at 9:05 p.m. to hear all interested persons regarding: The Amendment of the Town Code Section 108-67.1 "The Merger of Lots".

Supervisor Janoski, "Ok. I'm going to recess that public hearing and re-open the hearing on the change of zone at West Lane. Yes."

9:00 PUBLIC HEARING RE-OPENED AT 9:12

Dick Benedict, Fanning Boulevard, "I've been coming here for a lot of years and I keep seeing homes being built, more homes being built and I sometimes wonder where these people are going to work. Now to me, that's an ideal area for light industry. There is nothing wrong with an electronic plant or something of that nature, light industry. As I say, there seems to be a lack of jobs in the Town of Riverhead to fill all these new homes that they want to build. And like the gentleman said, there's 14 new homes going up there. Well they haven't done their research very well if they don't know they're moving into an industrial area. And as a taxpayer, I would hate to see us lose anybody that's willing to come into this town and set up a light industry. I think it should stay. Thank you."

Supervisor Janoski, "Thank you Dick. Yes."

Joan Rogers, West Lane, "If you will indulge me a little bit, I would like to read an editorial from the News Review if you don't mind."

Supervisor Janoski, "Well I do but...."

Joan Rogers, "Otherwise I would say what I have to say and it would be the same thing but I think he's put it better."

Supervisor Janoski, "No, I'm only kidding."

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PUBLIC HEARING Continued

Joan Rogers, "Alright. It's entitled "Go West" and he starts out: what a dilemma for the Janoski administration. Along comes a tangy industrial proposal but it's chartered for West Lane in Aquebogue instead of the desired industrial part sector out west on Route 58. We expected to see some bartering to shift the applicant's eyes westward but instead the Town Board acted decisively enacting a moratorium to block the West Lane project until the Lane's zoning can be changed from industrial. Actually decisively is a bit strong. West Lane residents have been calling for such action for some time. An editorial in this space called for upzoning last year after the windfarm proposal was aimed at West Lane. And the Planning Board's recent recommendation for a change to farm zoning is the same one the planners made a year ago. We sympathize with the applicants. Like Mr. Hope with the windmills, they saw industrial land and pounced. As we said back then, the Town Board should upzone for two reasons. To encourage a more fitting use for the residential agricultural community and to stop luring unsuspecting applicants down a dead end. It took another project to make it happen but at least the Board is on the right track now. If any relations with the applicants are still possible, their project would indeed be fitting out west. They are promising clean high tech industry. Those are magic words in these days of worry for the environment and tax base. And what I would like to say in my own words, is that I would like to speak for the rural quality that we have. We know that rural quality does not support itself and we understand that industrial development does support rural quality or it can. And so we would like to see industrial industry encouraged but we would like it to be elsewhere because we do live on that street and we do care about what happens to our lifestyle and we do enjoy what we have. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present who wishes to address the Board on the matter of the proposed zone change?"

Steve Barnett, "I'm about to begin construction of a house on West Lane. One of the things that disturbs me about industrial development on West Lane is that where I am is not right next to where there would be development. I'm in the agricultural "A" area. But I understand that during lunch hours, people from Photocircuits decide to make the most out of their half hour and they come down the street very fast. I'm concerned about that because I have two young children. So there's a traffic problem that will be increased by leaving the zone like it is and I think that should be considered. Thank you."

Supervisor Janoski, "Thank you. Mr. Tooker."

Robert Tooker, Attorney, "I had a friend who worked for the town for many years who used to own the JPX garage and I brought my bicycle in every Saturday to work on it when I was the age of the scouts."

Supervisor Janoski, "You were never that young."

Robert Tooker, "I was but it was before you were born. And one day I was fixing my bicycle and Johnny Rysdorf said to me; what are you doing? You fixed it last week. I said; but I'm in the garage and I wanted to fix it again. And he told me; if it's not broken, don't fix it and I don't think that the zoning on West Lane needs fixing. West Lane has been zoned for industrial purposes. First it is farm one and then it's industrial "A" since the memory of man. In fact, I think since 1969. My client, who is the Additive Products Division of the Kollmorgan Corporation, bought their property that they own on West Lane in 1966. Twenty years ago. Ten years ago, they opened a factory there. In 1982 they added to that. They have done just what the Town Board says they want for Riverhead. Since they have been here, they have paid one million forty-five thousand eight hundred and sixty-two dollars worth of taxes. They employ today, three hundred and forty-one people of which one hundred and fifty-three live in the Riverhead School district. And I have brought a computer print out of their employees and I've marked in yello those that live within the Riverhead School District which is either Riverhead or Flanders."

Supervisor Janoski, "Bob do you want that to be part of the record of this proceeding?"

Robert Tooker, "Please. Photocircuits is high tech. Mr. Gullo who is the President of Photocircuits, wanted to be here tonight but he couldn't come because he's talking to twelve people from Hitachi who licenses from the Additive Products Division of Kollmorgan. Their average employee salaries with benefits is 26 thousand dollars for each employee. They have an annual payroll of nine million dollars which is injected into our community. They now pay 116 thousand dollars a year in taxes. They haven't asked for any utilities. They haven't asked for sewer or water. They don't put anything in the ground. They do just what the Town Board of Riverhead said they want. And they were there a long time ago. They bought their land twenty years ago and they relied on what the town told them it was to be industrial land. Now I have a lot next door to my house which I have been trying to buy for twenty years and I couldn't buy it because I couldn't afford it. And the man has left it vacant. My neighbor across the street has been more successful than I that he has bought the other side of the street and that's the way he wants it. If an industry came down our street and said let's have a gas station here or let's have a glider flight off the cliffs of the Sound, he would be upset and I would be upset and there isn't a darn thing we can do about it. The fact there we were there first, the fact that it's a residential area, make no never mind. If enough people came storming in and said we want gliders going off that lot across the Sound, now what is it that we say we want in industry. The first thing we say is that we want employment and Photocircuits through thick and through thin, have provided employment to the residents of our community. They have been anywhere between two hundred and twenty-three and four hundred and eighty-nine employees since they opened their factory. We say we want our young people trained. Well a walk through the factory shows young people.

Robert Tooker, Continued

They're perhaps not the kind of people who wear a white shirt and tie to work but they're good people being trained and being promoted from within. One of Photocircuits big inducements to get people to come and work for them is; we'll move you up and almost all of their promotions are within. That means that Riverhead people can start at an entry level and move up with it. What else do we say. We want to broaden our industrial base. We have had some trouble in Riverhead with industries. A lot of industry that we put great stock in, have disappeared. When I was the age of these boy scouts, the RCA corporation was Riverhead's big employer. They finally gave away their land for a tax loss to the New York State D.E.C. We use to have a big fishing industry in Riverhead. It's disappeared. We had cauliflower. It turned out to be labor intensive and we had to cut back on the amount. We're all familiar with the trouble with the potato industry in Riverhead. We had Press Wireless and Press Wireless was done in by the satellites. And many many years ago we had cranberry bogs. And as Vic will tell you, we use to have duck farms here. All those things are gone. We need a mix of industry. We need recreation, we need to appeal to the tourist. We need industrial factories. We need boaters. We need store keepers, we need bankers, we need department stores. All of the different industries that are developing. We need the horses. We need the grapes. We need a mix. And it's that mix of industrial uses just as the mix of people in this community that makes for our strength. We have black and we have old people and we have young people. We have people who are college educated and we have people who haven't been able to afford a college education. We have Irish. We have Polish. We have some English. We have some Italians. We have a wonderful mix of people and that's our strength. A mix of industrial uses and our mix of residents. When I talked to Mr. Gullo and I said, you know, they're trying to do you out of business on West Lane. He said; why? Nobody has ever complained to us. And I said I truly don't know why. But there's a moratorium on and it looks to me that if you ever want to expand your factory, you're not going to be able to do it with ease. He said; but the economics of our business require that we expand. We have not made money here since we started this factory ten years ago but we now see we can make money that we can get a little bigger. He seeks fifty employees that he wants employees from right here and they don't have to be trained specially. They're people who live within our community to take entry level jobs there. If we're serious about wanting industry, then I think we should encourage those people who in reliance on our zoning and our reliance on our public utterances, find that we have a receptive place for them to have their businesses to conduct their work and to turn out the products that are required. I'm not sure who should have the say. You have said and I heard you speak a week ago that the thing to do is the people in Riverhead want to put up a bridge, it's fine but they have got to know what the price is. The price ..."

TAPE ENDED

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PUBLIC HEARING, Continued

Robert Tooker, "... to be here and retire. Right now people with lower level jobs are frequently bused into our community. At least they're bused in for the seasonal work. Here are industries. There's one on West Lane and there's others proposed for West Lane who offer permanence, who offer tax help, who offer employment. And it seems to me and I understood, that we were encouraging them to come here. I asked the people at Additive Products who complains. They sited to me two complaints. One was that it was noisy and he said after several forays into the night, we discovered that what was noisy was a turbine outside of the president's office. He said, you mean that was the noise. He said yes. That was it. Then the other was the outside p.a. system which they immediately shut off. Those were the essences of complaints of ten years of operation. I'm sure that there have been a few others that didn't get to the president's office but it has not been a big problem for our community. And we have received them and at least we have received their taxes with welcome. I think what the people who proposed this change are saying or at least the people who spoke in favor of it tonight is that they're saying; great but not next door to me. Well I think that is where it belongs. I think that is an appropriate place for industry. For twenty years we said it was appropriate. Why in August of 1986 it suddenly becomes inappropriate. I can't understand it. If the Town Board says alright, the loudest voices will prevail, then I ask you to seriously consider leaving the Additive Products Division alone. To rezone them after they have given you a million and forty-five thousand dollars, after they employ our residents and then make them a non-conforming user and not the person who wants to build a house next month on West Lane, is inappropriate. Let the house next door be the non-conforming user and let them be a conforming user. So if they are able to expand as they'd like to, they will have the ground on which to do it and they won't be surrounded by houses who are saying that we don't want anymore industry on our street. I have prepared for you... You might be interested. This is the product that comes out of there. A couple of pick-up trucks a week take all of these products and distributes to the people that they manufacture it for. Among their customers are IBM, Chrysler, Ford and Hewlett Packer. They're so much state of the art that even Hitachi comes to them for permission to use their procedures in order to make similiar products overseas. They want to grow. They want to hire 50 more of our residents right today and I hope that the decision of the Town Board does not make that impossible. I'm a lawyer. I talk too long. I apologize."

Supervisor Janoski, "If I got paid by the word, I would too."

Robert Tooker, "I also write a lot. We've written a lot of stuff and put it in blue covers then you know it came from a lawyers office. We also prepared a few maps which is (first of all) scenario if you should decide to zone this particular area for residential uses."

Supervisor Janoski, "Is this to be part of the record too Bob?"

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PUBLIC HEARING Continued

Robert Tooker, "Please. And I'd like our memorandum to be part of the record. I have some maps which I've shown in blue of what I propose if you decide to rezone part of West Lane but that part leave zoned industrial "A". I thank you very much for your patience. I think we live in a wonderful community. I think that our town fathers (in general) are responsive to our requests and I hope that you will be responsive to those people that have spoken today who said; if it's not busted, don't fix it."

Supervisor Janoski, "Bob, Robert, I'm sorry. Mr. Pike asked to be recognized for the purpose of a question or two."

Councilman Pike, "Bob, just a couple points of clarification. I haven't had a chance to look at your map. Does the map include any areas outside of the property for which Additive Products or Kollmorgan is in fee title?"

Robert Tooker, "I drew straight lines and I eliminated some land from their request for industrial "A" designation which fringes off on either side and there's little bits and pieces. I took it from the high tension line which is the theoretical side of the Long Island Expressway which included some bits and pieces of Mr. Breitenbach's land and two or three other people."

Councilman Pike, "In your presentation you indicate some desire of A.P.D. to expand. Was any of that expansion intended for the east side of the road on the site being proposed by the..."

Robert Tooker, "No. Additive Products thinks a long time ahead. The same way that a family does when they buy their own home. Additive Products bought this property ten years before they started to build on it. They only know that the economics of the circuit board industry require that they get bigger if they're going to make a profit. And in ten years they have not made a profit."

Councilman Pike, "My point being though do they anticipate expanding beyond the property to which they currently own fee title?"

Robert Tooker, "No."

Councilman Pike, "You had indicated the number of jobs and the tax base being created by and the taxes being paid by the particular client. You're not suggesting that should we rezone the property even including the property to which they own fee, that they would stop paying taxes or the people would be fired. You're not trying to say that people would be fired because of this rezoning?"

Robert Tooker, "Certainly not in the next year or two. The economics of the business are (however) that you have to get bigger. Now you can get bigger by get bigger and starting up fresh in another site and getting bigger. Or you can have another site plus this site. And I discussed this with Mr. Gullo and he said really our plans are not firm enough. The only thing I can tell

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PUBLIC HEARING Continued

Robert Tooker, Continued

is that we do plan to get bigger. We want 50 more employees now and we foresee in the next few years, that we may need additional space for them in which to work. They now have eighty thousand square feet."

Councilman Pike, "How large is the property that they currently own?"

Robert Tooker, "One hundred and ten acres."

Councilman Pike, "I have no further questions."

Councilman Boschetti, "I have one. Mr. Tooker, are you suggesting then if the rezoning were to take place, that Additive Products could not expand?"

Robert Tooker, "That depends on whether the golden tongue of some attorney who speaks when Mrs. Rogers is speaking for the other side, is successful or not. If they are three or four years from now, 50 or 100 houses on West Lane because you rechanged the zoning and you've made houses no longer non-conforming uses but conforming uses, there are that many more potential people to come and say, don't let Additive Products expand. Whether or not those people would prevail or Additive Products would prevail, I really don't know. They could expand on the property that they have today. But if they want to expand, then people are going to say not next door to me. Not on our street. Have them do it someplace else. And if those people are convincing in their argument, then Photocircuits would not be able to expand there. They have enough ground. They don't begin to use the ground that they own. I think they're now operating on 25 acres and they own 110. They're trying, as all good businessmen, to look ahead of what their needs will be five, ten, fifteen years down the road. They feel that if their isolated industry on a street of residences, it's going to be difficult to get those approvals whenever they come forth."

Councilman Boschetti, "But they would have the opportunity to seek expansion?"

Robert Tooker, "Certainly."

Supervisor Janoski, "Thank you Mr. Tooker. Mary Beth."

Mary Beth Andresen, Church Lane, "I live beyond the proposed property in question and much of my property goes up to the development that is now starting to take place on West Lane. It's very difficult to follow Mr. Tooker sometimes and I was a little bit lost because I thought that once you had 110 acres and it was an industry, that in fact stayed as it was even if only part of that land was being used, they held title to it and they were grandfathered in no matter what the rest of the property that's not being used as industry does. So I was a little bit lost because I figure if they are only using eighty thousand square feet, they certainly have a heck of a lot of room for expansion and the growth is going to happen there anyway because there is property to the West of them off...

PUBLIC HEARING ContinuedMary Beth Andresen, Continued

Union Avenue that abutts to the back of this property and there's a lot of voices heard (I'm sure) from that end. Years before zoning was established out here, there was not a lot of growth in eastern Long Island. In fact we were facing a real recession of sorts. The Nassau/Suffolk Regional Planning Commission started to establish what was eventually for the southwest sewer district a big book, a bible as to where the growth was going to be. And in that book, Riverhead was slated to be the heavy industrial center of the east. And going along with that heavy industrial center, quite a lot of the area was (in 1969) listed as industry areas. Many of the roads, Manor Lane and Herricks Lane and West Lane and Sound Avenue and a lot of areas were then slated for growth, industry growth. And I think it was to encourage some sort of growth of any type in eastern Long Island. Well we didn't see any of that growth. It didn't come and things took a back seat and John Klein came through with the farmland preservation program and quite a lot of people wanted to buy this property to re-establish farmland preservation and possibly get a lesser tax base and possibly use the growth in a different way. This town was (at that time) faced with a big dilemma because there were quite a few people that wanted to purchase property that at that time was industrial labelled and they wanted to run farms on it but we had a problem. Because in our code as it stated then, to raise any animals for on a commercial basis, you had to do it on industrially zoned land. So that was in direct contradiction to the John Klein proposal so people were stuck. They wanted to (you know) raise horses or they wanted to raise sheep and they couldn't do it because they couldn't do it on a farmland preservation. They could only do it on industrial property. And this town then turned around and changed many of those areas back to agricultural. Of course at this time, Photocircuits was there, Products Additive and whatever its name is this week was there and was being used. And it's a neighbor. And when this first proposal came up for this West Lane, I actually had to think twice. Do I want to have 50 or 60 more homes back there or do I want an industry back there. Well, I thought back and I've lived next to Photocircuits since just about since I've been there which have been eleven years and I moved from Calverton to Aquebogue and Additive Products does have some problems that are associated with industry and they do have a heavy traffic problem necessitating a policeman at the end of the four o'clock shift or three thirty shift at the end of the Main Road to get the excess exit out to the Main Road. They do have some odors emitting from the place. It is a smell similiar to baker light or plastic burning. I don't really know what it is. I know people have complained about it in the area. They do emit smoke at night in large clouds which is usually not easily seen because it's done under the darkness but it has been noticed at the time that we're about to change the daylight savings time and all of sudden smoke appeared because I did call the fire department one day. I thought the whole woods were on fire and there was black smoke emitting from the industry. By the time we got there it was disipating off but it had been.... There was a loud sound as if something had been opened and this came through. There is an awful sound at night of a turbine. I don't know if that's a turbine. I wouldn't know a turbine sound from a non-turbine sound but it is a very loud sound penetrating through the night as probably as disruptive a noise that's a continual noise as possible.

PUBLIC HEARING ContinuedMary Beth Andresen, Continued

That was the one reason, we, the residents of the area went to fight the proposed windmill on that piece then. If it was also a noise factor. To be real honest with you, I gave it a lot of thought and I can't pick my neighbors but I think I would almost rather have neighbors on agricultural land because they can build residences quite nicely on agricultural land then to take a chance of an industry that I have very very little power as to what goes in there or how they run their place or what kind of traffic they are going to create and I think I'd rather take people on agricultural land because they could still raise crops or vegetables. And who knows, maybe we will go back to that in the future too. I mean, we've lost a lot of agriculture but we may be developing some new in the future. Thank you."

Supervisor Janoski, "Alright. The boyscouts are leaving. Let's give them a minute. Thank you. I understand that Dick Green wishes to address the Board."

Richard Green, Westwood Acres Property Owners, "I'm from Westwood Acres property owners off West Lane in Aquebogue."

Supervisor Janoski, "What did you say?"

Richard Green, "I don't know. My name is Richard Green. Westwood Acres."

Supervisor Janoski, "Did you say you were the president of something?"

Richard Green, "Well, self-appointed. Anyhow I was the first home owner in there. I purchased my property ten years ago off West Lane, Westwood Acres. The gentleman that Mr. Tooker referred to with the hearing problems about an eighty year old man and he's got very good ears. In fact the problem still does exist. The sound is there. It's a constant hum. You can spend the evening with me sometime, Mr. Tooker, Mr. Lynch and you can hear that. What I'm referring to is actually the Town Board and the zoning down to agricultural "A". The Planning Board has decided and the Town Board has decided on and I think it's all well good. I don't know why you cleared the boy scouts because I came up. At any rate, if they do change this, if they do change this back to agricultural, it's going to be a lot for use residential home owners. In the beginning when we purchased our land ten years ago, my wife and I, we purchased it at 16 thousand 5 hundred dollars at that time and that was ten years ago. It's now up to fifty-four thousand dollars an acre right now. That's without the home. It's going up from very low to quite high. I think it's assessed now, I think I can sell my home for about 225 thousand and I purchased it all together for sixty with the land. My point is this. My children are small and so are the home owners and Mr. Barnett is here also who is building his home next month also is in agreement with us as all the residential people there. I don't like to see any more buildings that are larger than mine that are there. I don't want to see

PUBLIC HEARING ContinuedRichard Green, Continued

my children hit by a car. The traffic situation is unbearable. With the half hour lunch situation, that's what they get. If we could get a policeman down there and we get the amount of tickets that the man issues during the twenty-four period with radar, we could have some facts. We could tell if we had any more cars on that road it's going to be a detriment to us and I don't think it's necessary. My seven year old boy asked me if he could take his bike today to the Post Office. I said; no way. You can not ride on that West Lane. West Lane is a lane. Church Lane is a lane. There's a certain distance from one side of that road to the other. If you see the people coming down at you over those rises on West Lane, they sit right in the middle of that road and you don't know if you're coming. I always tend to the side of the road as far as I can at all times because it's not marked properly. It's too narrow of a road and we don't need any more cars. If this goes through, it's going to create a lot of problems. I don't know how it could be resolved. But I, as a homeowner, want to keep it as such and more homes should be in there. That's the way to do it. The poor farmer was there since the beginning of time, the Mayflower. These guys work their buns off there and they're losing it by other reasons that you mentioned earlier. To see more business come in there, it's against their grain. It's against their hard work through all those years. It's the only thing I can say. I just go along in full support of the Town Board, the Planning Board to turn it down to agricultural "A".

Supervisor Janoski, "Actually Dick, the hearing is on residential. How do you feel about that?"

Richard Green, "Residential, residential, that's ok. That's fine. Just get it out of what it is now. It was obviously a mistake years back in '69 or whatever the dates were. I think it's time to get it resolved. I think it's fine time to take a look at what it is. It's agricultural my gosh. It's farm fields. It's not an industry. I'm all for industry. I'm all for it. Put it in land that's undeveloped, Wading River. Certain places like that. Just to mention the name alone is a great factor. I just want to thank you very much for your time."

Supervisor Janoski, "Thank you. Mrs. Miloski."

Ann Miloski, Calverton, "I own business property as well as residential. Not near West Lane but we also have a moratorium on our business property as they put on this industrial property and I'd like to commend Mr. Tooker. I think he spoke very well on what he said. It was zoned industrial for twenty years. And if a person buys a piece of property and it's zoned industrial and makes plans on doing things on this property and all of a sudden somebody pulls the rug from under him and says we don't want it zoned, we want to change the zoning. And I think the reason we made the master plan years ago was to protect all the people; the residents plus the business people plus the people who are buying these pieces of property. And the other thing I

PUBLIC HEARING CONTINUEDAnn Miloski, Continued

wanted to tell these new residents who have just bought property there is that it's zoned agricultural. Well if it's zoned agricultural, it can be a pig farm. So they better think about that too."

Supervisor Janoski, "Ok. Thank you Mrs. Miloski, Yes sir."

Gerome Rogers, West Lane, "I think to some extent, the Town Board is responsible for the problems that happened. In January, they brought up the idea of rezoning the area and we all sort of relaxed and sat back and this is now August and this is just now coming up. And in the mean time, an action has happened that should have been avoided by a moratorium put on at that time when the idea was first brought up. I think that would have avoided this impass. I also think that if the people who intend to build a factory there had done their homework thoroughly, they would have known that the Town Board had come up with this resolution or this idea and sent it to the Planning Board in January. Their purchase (I believe) was made in May or April and that action had already taken place."

Supervisor Janoski, "Are you in favor or opposed? That's the purpose of this hearing."

Gerome Rogers, "I'm in favor of rezoning the area."

Supervisor Janoski, "Thank you. I accept full responsibility for that mistake that was made. Is there anyone else? Yes sir."

Joe Schriver, West Lane, "I live right across the street from the property in question. Now, industry is alright but here we got the Photocircuits which is noisy at night, the fumes and also the traffic that goes through there at night from that three o'clock shift is like a racetrack through there in the middle of the night. Now what's going to happen there with this other place? What is this going to be? My property is four foot from the black-top on the road. Where my property lays, that's where the marker is. Not that it bothers me, but the noise and the traffic and everything else through the middle of the night on that three o'clock shift."

Supervisor Janoski, "Are you in favor of the change of zone sir?"

Joe Schriver, "Why certainly. Why wouldn't I be?"

Supervisor Janoski, "Well that's what I need to get on the record."

Joe Schriver, "Do I want my finger cut off?"

Supervisor Janoski, "Thank you. Wally."

PUBLIC HEARING Continued

Walter Binger, Main Road, Aquebogue, "Good evening gentlemen. I also have property that abutts the back of Photocircuits. I basically am in favor of changing the zoning to residence "A". I believe that we should remember what we tried to do on the Northfork in Aquebogue, what this Town Board has tried to do. You've taken heavy business away from the Main Road. We have made it a country rural type atmosphere. And then as a double standard, it would only be a double standard to allow industrial property to exist in the middle of what we're trying to do away with. Now we all understand that the industrial property has been there for a number of years. The back of Photocircuits though is not too attractive. I can see that from the back of my farm. I don't see it from my house thank God. But it is not attractive to look at. I doubt that the new industries would be any more attractive. I basically feel that the Town Board should go with the way they planned to go a year ago with changing it to residence "A". I basically believe that the person who bought this industrial property (and I understood it to be June) got sold by a real estate agent a piece of damaged goods. That they should now resale it for the same price they paid for it for residence "A" property. There will be no loss incurred by this company. And just to finish up, this is the first time I've seen Mr. Tooker. I'm just happy to see... I wanted to find out a man who could put 500 boats on 100 foot of shorefront. But I think golden tongue lawyers are what put that industrial property there twenty years ago. It is basically, was a few farmers and residences being in the neighborhood of probably 100 acres. We're talking about five or six people being neighbors and it was allowed to happen. It shouldn't be allowed to be expanded further. It should be slowed down. Additive Products included. It does not belong in that area of the town. Mr. Tooker himself mentioned, they don't have sewage, they don't have water, they don't have the facilities necessary for industry. We do have it on the western side of town. That is the master plan. I've heard the master plan thrown around here. The master plan has put industry in the western side of town. That's what we're trying to do in this town. We put the industry in the west. We put the houses on the east. We put the businesses in the middle and everybody can live together here and I just hope that the Town Board sees the way to do what should have been done a year ago. When we stopped the industry that they were trying to put in there. It should have been changed immediately. We find these old zonings all over town and they should all be straightened out. And this one is foremost. Thank you."

Supervisor Janoski, "Thank you Wally. Before I recognize you again Bob, did you have your hand up in the back. I have to recognize some people who haven't been heard yet. Just tell us who you are and where you live and then you say whatever you want."

Kristen Andresen, Church Lane, "I live in back of where the new industry is going to be put. I live on agricultural land and I have a garden and I'm able to sell my plants and I like selling my plants alongside of the road and I'm in favor of making this property agricultural zoned because it's better to have farms and stuff rather than industry. Because people that live around there,

PUBLIC HEARING ContinuedKristen Andresen, Continued

you don't understand what it's like. Photocircuits at night time isn't pleasant to listen to. I have horses and you can look out in the field and you can see them looking towards Photocircuits and the noise; Additive Products or whatever it is now. The noise isn't pleasant. If there's a new industry, whatever it is, I don't feel that it would be good for the residents around the area. Thank you."

Supervisor Janoski, "Thank you."

TAPE ENDED

Neil Fenton, Sound Avenue, "It should be rezoned residential and I think it's a real mistake to put an industrial plant there. I think just about anybody that's lived in the area complained about the plant that's there already and I think to open up another one would be a real mistake. I heard years ago from somebody who dredged that area, that you wouldn't want to see what's behind Photocircuits when he dredged it. I think it's a real serious mistake to open up another industrial plant in the area. I don't think one single resident who lives in that area was in favor of it other than the person who owns that property. And I think if you look at a Newsday article in Sunday which talks about the issue of waterfront property, it seems to indict and attack Riverhead for what's been done already. At least that's what I read. I think this is another, if we allow an industrial plant to go in this area not far from Sound Avenue, (an historic corridor, Shirley Hallock was back there a little while ago and I'm a former president of Hallockville) I think to see that plant, you can see it from Sound Avenue, it would be a real mistake. And I think to preserve the orguarium kind of historic sense to the area, we should allow it to be residential and not to allow it to become industry. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else who has not yet spoken who wishes to address the Board on the matter of the proposed rezoning? Mr. Tooker."

Robert Tooker, "I have two very brief comments. I've never met Mr. Binger before but I can assure Mr. Binger that I don't own 100 feet on the river and there is not 500 boats in a marina recently built on the Peconic River. So be it. Thank you. I wish there were 500 boats there. My second comment is that this is a very highly charged hearing. People really care and I compliment the people who have spoken tonight and I compliment you Mr. Supervisor and the Town Board for the orderly way we've listened to the input of the people in the community for an hour and I'm sure you'll take in advisement what everybody had to say. And I thank you people for seeing that it wasn't a yelling screaming match. That it was a thoughtful presentation by a lot of people and their feelings about our community."

PUBLIC HEARING Continued

Supervisor Janoski, "Thank you Robert. I think the whole meeting has been a variety which was a good demonstration of town government for the boy scouts that were here. We ran the gambit tonight from this type of proposal which involves a number of businesses and residences in the community to a run of the mill business. And of course, one of our town characters. Is there anyone else who wishes to address the Board on the matter of the proposed rezoning? Yes sir."

Jim Stakey, Sound Avenue, "I guess me and my dad are the black sheep. What I do have to say is that he has been trying to sell the property for a number of years. He went and finally came up with somebody, now you guys want to shut him down but you don't... Everybody who has built a house and stuff like that, you don't buy a car without looking to see what's under the hood. They knew it was industrial. We don't need agricultural. I don't want it. Who's going to farm the land. Breitenbach's are out. I'm doing a little bit of farming and you have the Wells. And with the state of the economy, I don't believe that the Wells have too much longer. As far as the residents, there will be enough building lots in the town that will come on the market in a short amount of time. The industrial is the only thing that I can say. We've paid taxes on industrial and I think it should stay. I wish my father could have been here tonight. He didn't really feel up to coming but I don't know if I'm representing him in the way or the words that he would like. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else who wishes to address the Board on the matter of the proposed rezoning? Mary Beth."

Mary Beth Andresen, "I just have a question and this came up a long time ago. When you have industrial property and you're not using it as industry per say, are you taxed at a higher rate? Are you paying a higher tax? I thought that came through when we were discussing some property on the Main Road. If it wasn't being utilized as such, that you did not pay the increased taxes until you then built an industry and then use it. That's just a question. Can you answer that?"

Supervisor Janoski, "Yes but I'm going to let the Town Attorney answer it."

Richard Ehlers, "Property is supposed to be assessed based on the highest and best use for the property. Customarily, industrial property having a use for industry as a more valuable higher and best use than common residence. In this particular case, I don't know if the land was farmed and if it was in the individual commitment program. That would be irrelevant to the commitment program whether the land is zoned industrial or not. So it would be up to someone to check the assessor's records to see if they did have it committed and whether or not at the closing that occurred recently, the commitment was broken or if the land is still in the commitment program."

PUBLIC HEARING Continued

Ann Miloski, "This is one of my favorite subjects and I've done a lot of research on this because recently we had to file for a subdivision because they told us that our lot abutted (is that how you say it?) because we were in common ownership. Now when you say that you wanted a corrected amendment, does that apply to a filed subdivision?"

Richard Ehlers, "You and I have discussed this in my office at some length. I've explained to you that there are approved files of subdivision. If you have an approved filed subdivision, there is an exception which provides that since it's been given an approval by the Planning Board, it does not merge. However, if it is an old filed map which I believe your property was a filed map, it would merge."

Ann Miloski, "Well this isn't the day for us to discuss that but I just want to tell you as long as you brought that up, that I looked it up and it was filed by the Riverhead Town Board in 1948 and it was signed by Mr. Kratoville and it is an approved subdivision. I just researched that today. But that isn't why I came. I came just to clarify this and I want to know; does the other part still stand about the merger of subdivisions?"

Richard Ehlers, "You're referring to the merger of approved lot on an approved filed map?"

Ann Miloski, "Of an approved subdivision that's in our zoning book."

Richard Ehlers, "It would continue to follow unless the property was upzoned subsequent to the approval. It would make the lot a non-conforming use."

Ann Miloski, "Ok. And the rest of the merger on lots that is in the zoning book will remain the same?"

Richard Ehlers, "Yes. As well as the provisions that permit the Planning Board with the permission of the Zoning Board to unmerge undersized lots where they could arguably not be merged due to the unavoidable error of the purchasers."

Ann Miloski, "Ok. Thank you."

Supervisor Janoski, "Thank you Mrs. Miloski. Steve."

Steve Haizlip, "My question was answered."

Supervisor Janoski, "Thank you Steve. Is there anyone else who wishes to address the Board on this matter? That being the case and without objection, I declare the hearing closed."

9:05 PUBLIC HEARING CLOSED AT 10:00

PUBLIC HEARING Continued

Mary Beth Andresen, "I can understand the assessed as being as such. But I didn't feel that if it was not actively being used as industry, you were not paying that higher rate. I mean that's what we were told relating to somebody else's property who asked that specific question and he was definitely told; if he maintained a residence on industrial property as long as he didn't use it for industry, he would be paying a different tax assessment."

Richard Ehlers, "As I said, the theory is that the highest and best use is what the assessors use. Whether that would bear out in an actual case by case analysis probably would vary from case to case."

Mary Beth Andresen, "Ok. That was the one question. The other question and the other thing that I wanted to reiterate is that everybody says yes, go for residential. And my feeling is go for agricultural. You can always put a house on an agricultural residence and I don't see.... You know when you go through the town code, an agricultural stand is still an area that is acceptable. I know that we're not going to see the farming that we've seen in the past but possibly there is a situation that might occur with fruit trees or horticulture or possibly more green houses or something that could be maintained in this area and would still have an agricultural base to it in this area. And I don't believe anybody that's been speculative in buying property in this past year is going to lose by turning around and possibly reselling it at a later date. Especially to a developer who would be then turning around and making a lot more money on it. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else who wishes to add to the record of this particular hearing? That being the case and without objection, I declare the hearing closed."

9:00 PUBLIC HEARING CLOSED AT 10:00

Supervisor Janoski, "I will re-open the hearing on the amendment to the code, section 108-67.1; merger of lots."

9:05 PUBLIC HEARING RE-OPENED AT 10:00

Richard Ehlers, "The purpose of this hearing is to particularly describe the existing merger of lot provision in the town code. If you own two lots that abutt common line, they are deemed merged. This is a plain english statement of that fact so that it will be easier for people to understand the Riverhead Town Code and interpret it."

Supervisor Janoski, "Is there anyone present who wishes to address the Board on this proposal? Well let's let Mrs. Miloski go first."

8/19/86
Supervisor Janoski, "Do you want to move the 15 footer or do you want to wait until next time? What do you want to do?"

Councilman Prusinowski, "John says let's wait until next time."

BILLS

Bills submitted on abstract dated August 19, 1986 as follows:

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

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

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

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Ok. Without objection, I declare this meeting adjourned."

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



Irene J. Pendzick
Town Clerk

IJP:nm