

Minutes of a Special Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, December 11, 1979 at 7:30 P.M.

Present: Allen M. Smith, Supervisor
Francis E. Menendez, Councilman
John Lombardi, Councilman
Antone J. Regula, Councilman

Absent: George G. Young, Councilman

Also present: Henry S. Saxtein, Town Attorney

Supervisor Smith called the meeting to order at 7:30 P.M. and the Pledge of Allegiance was recited

Supervisor Smith: "Ladies and gentlemen the hour is set. The record should reflect we're in the room and the clock has passed 7:30 to the hour of 7:35. We need the notice of public hearing."

PUBLIC HEARING - 7:30

The Town Clerk submitted affidavits of publishing and posting of a public notice that a public hearing will be held on Tuesday, December 11, 1979 at 7:30 P.M. at Town Hall to hear all interested persons regarding the proposed amendments or additions to Chapter 108 of the Zoning Code, establishment of Residence RC District, (Retirement Community). The affidavits were ordered to be placed on file.

Supervisor Smith: "Again this is an ordinance very similar to that enacted by the Town of Huntington. The Huntington ordinance has been litigated for a number of years and upheld. The technique that is being entertained by the Town Board in this particular instance is very similar to the enactment of the PB Use District that we are currently applying to Professional Business. This is an overlay type district which can be applied under the special permit provision of the Code of the Town of Riverhead to the specific properties within the Town. It is in for a retirement community for persons age 62 years or older and or handicapped. It includes the accessory facilities that such people need and desire.

PUBLIC HEARING - continuedSupervisor Smith continues:

Further the Master Plan of the Town calls for height and city uses such as the one that is here proposed to occur in the hamlet area of the Town of Riverhead and although we have in mind a specific parcel within the hamlet area for the first such project, the future of this particular use district could be made or applied anywhere within the hamlet. Is there anyone present who wishes to address the Town Board with reference to this particular zoning?"

Councilman Menendez: "You say this is only for hamlet area? Is this type of zoning enforced for outside of the hamlet?"

Supervisor Smith: "The Master Plan calls — and we have enacted, it's a quote "hamlet", Riverhead Hamlet is essentially the area of Town that can be reached by sewer. It's that dark line. To have a high density use such as is envisioned here or in similar types of housing outside the hamlet area where you could not get either sewer or water, you would be involved with the provision most specifically of a sewerage treatment plant which would probably make such projects undoable beyond the hamlet area, the Master Plan calls out for the high density uses within the hamlet and we have used that concept before."

Councilman Menendez: "I got you."

Supervisor Smith: "The record should reflect that there is ample discussions amongst various boards with the Town in our Joint Board Meetings with reference to the application of the high density uses within the hamlet area."

Further, the record should reflect the pendency of an application by a corporation formed by the United Methodist to provide senior citizen housing on a site on Middle Road which has been reviewed and discussed at length by the various boards of the Town. If there is no one else rising to speak, we will declare the hearing closed."

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 7:40 P.M.

Supervisor Smith: "This Town Board at its next meeting on Tuesday may be expected to act upon this public hearing and or

Supervisor Smith continues:
if that does not occur, the zoning will have to be put into place the first of the year unless there are special meetings of the Town Board other than those scheduled at this particular time. We have a second hearing at 8:00.

Does anyone wish to address the Town Board?"

No one wished to be heard at this time.

RESOLUTIONS

#593 AUTHORIZES SALE OF COLONIAL ARMS TO JOHN McNULTY,
ET AL., SUBJECT TO CONDITIONS

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

WHEREAS, this Board has heretofore acquired the Colonial Arms site at the corner of Riverside Drive and Main Street, pursuant to a Community Development Program, and

WHEREAS, this Town Board has held said property for the purposes of sale and improvement of the downtown area, and

WHEREAS, this Board offered said site for sale at public bid, and

WHEREAS, one bid was received from John McNulty, et al., for the sum of Twenty-five thousand six hundred thirty-three and 00/100 (\$25,633.00) Dollars, and

WHEREAS, Mr. McNulty has appeared before the Board and stated that he intends to build on said site an owner-occupied business building, and the Board finds the said development of the site consistent with the general development of this building, and Mr. McNulty has agreed to offer the Town Board the option to re-acquire the property at the price stated in the event that he does not complete his plans for an office building within two (2) years from receipt of the deed for this parcel,

NOW, THEREFORE, be it

RESOLVED, that the Town Supervisor and Town Attorney are authorized to take those steps necessary to transfer said parcel of real property to John McNulty, pursuant to the documents on file with the Town Clerk, and be it

FURTHER RESOLVED, that the referenced transfer shall be subject to the receipt by the Town Board of an opinion letter from Gerald D. Snover stating that the price bid is reasonable and appropriate under the circumstances.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Absent, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued
 #594 AUTHORIZING PUBLISHING AND POSTING OF FOLLOWING
 NOTICE

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

WHEREAS, a contract of sale has been negotiated with M. Franklin Benjamin for the purchase of land for drainage facilities as set forth in the following notice,

NOW, THEREFORE, be it

RESOLVED, that the Town Supervisor, Town Clerk and Town Attorney be and they hereby are authorized to publish and post the following notice and further are authorized to execute said contract of sale upon the passage of the requisite period of time.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that pursuant to section 64(11)(a) of the Town Law, the Town Board of the Town of Riverhead by resolution adopted December 11, 1979 authorized the execution of a contract of sale which is subject to a permissive referendum upon petition as is provided by section 90, et seq., of the Town Law. The aforesaid resolution authorized an agreement between the Town of Riverhead and M. Franklin Benjamin for the purchase of a lot located on the south side of Northville Turnpike between Union and Maple Avenues in the Town of Riverhead, County of Suffolk and State of New York. The purchase price is \$150.00 to be paid for from drainage bonds funds.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Absent, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#595 AUTHORIZES TOWN SUPERVISOR AND TOWN ATTORNEYS TO
 INSTITUTE LEGAL PROCEEDINGS RE COUNTY OF SUFFOLK'S
 ADOPTION OF THE STATE EQUALIZATION AND ASSESSMENT
 RATE

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

RESOLVED, that the Town Supervisor and the Town Attorneys are hereby authorized to institute whatever legal proceedings are determined necessary to seek a review of the County of Suffolk's adoption dated November 16, 1979 of the State Board of Equalization and Assessment's rate, dated August 3, 1979, which determination did set the state equalization rate for the 1979-1980 tax year.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Absent, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#596

TOWN CLERK AUTHORIZED TO PUBLISH AND POST PUBLIC NOTICE

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

NOW, THEREFORE, be it

RESOLVED, that the Town Clerk be and she hereby is authorized to publish and post the following public notice.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on Wednesday, January 2, 1980, at 8:00 o'clock P.M. to hear all persons concerning the application of Concrete Products Corporation for a special permit pursuant to section 108-45(B)(5) of the Town Code to operate a non-nuisance industry of land currently zoned Industrial A. The proposed non-nuisance industry of making concrete products is to be located on an unimproved parcel of property on the northwest side of Middle Road adjacent to Suffolk Cement Products, Inc., in the Hamlet of Calverton, Town of Riverhead, County of Suffolk and State of New York.

Any person wishing information on this application may examine it at the Office of the Town Clerk during normal business hours.

Any person wishing to address the Town Board with reference to this matter should appear at the above stated time and place and they will be heard.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Absent, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#597

AUTHORIZES APPRAISAL OF PROPERTY FOR DRAINAGE PURPOSES IN CALVERTON ESTATES

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

WHEREAS, the Town of Riverhead has planned drainage improvements in the area of Kay Road in the Hamlet of Calverton,

NOW, THEREFORE, be it

RESOLVED, that Mortimer Barr is hereby authorized to give an appraisal to the Town of Riverhead for a parcel of property located by the Nassau County Council of the Boy Scouts of America, and adjacent to a Town of Riverhead sump near Kay Road, Calverton, New York.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Absent, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#598 RESOLUTIONS - continued
TOWN CLERK AUTHORIZED TO PUBLISH NOTICE FOR BIDS
FOR PERSONNEL COMMUNICATIONS EQUIPMENT FOR THE
RIVERHEAD VOLUNTEER AMBULANCE CORPS

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

RESOLVED, that the Town Clerk of the Town of Riverhead be and she is hereby authorized to publish and post the following notice for bids for Personnel Communications Equipment for the Riverhead Volunteer Ambulance Corps.

NOTICE TO BIDDERS

SEALED BIDS FOR:

Personnel Communications Equipment for the Riverhead Volunteer Ambulance Corps. for the Town of Riverhead, will be received by the Town Board of the Town of Riverhead at the direction of the Town Clerk, at 200 Howell Avenue, Riverhead, New York until 11:15 A.M., on Thursday, December 27, 1979, at which time and place they will be opened and read.

Instructions for bidders, specifications, bid forms, and forms of contract may be obtained at the office of the Town Clerk, 200 Howell Avenue, Riverhead, New York. Bids shall be on the form as prepared by the Town of Riverhead.

The Town Board of the Town of Riverhead reserves the right to reject any and all bids or to waive any informalities. It also reserves the right to hold any and all bids open for a period of thirty (30) days from the date of opening. All bids must be in a sealed envelope clearly marked to show the item or items bid.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Absent and Smith, Yes.

The resolution was thereupon declared duly adopted

Supervisor Smith recessed the meeting to hold a public hearing.

PUBLIC HEARING - 8:00 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public notice that a public hearing will be held on Tuesday, December 11, 1979 at 8:00 P.M. regarding the special permit application of Rose Mary Stakey and Sharon Washick to establish a body fitness center in an existing structure at 865 Old Country Road, Riverhead.

The affidavits were ordered to be placed on file.

PUBLIC HEARING - continuedCOMMUNICATIONS

Environmental Quality Review Board, 11/28/79 -
that recommendation is made that the aforementioned application
is a Type II action which will not have a significant impact
upon the environment. Filed.

Planning Board, 12/07/79 - recommending approval of
application. Filed.

RESOLUTION

#599 RATIFICATION OF FINDINGS RE: ROSE MARY STAKEY &
SHARON WASHICK

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

RESOLVED, with the instruction of the Town Attorney
a motion is in order to confirm the finding of the Environmental
Quality Review Board stating the fact that we designate ourself
as lead agency, and

FURTHER RESOLVED, as lead agency finds that the appli-
cation of Rose Mary Stakey and Sharon Washick does not require
an Environmental Impact Statement.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes,
Young, Absent, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith: "Is there anyone present who wishes
to address the Town Board with reference to the application of
theses ladies for the operation of a body fitness center in an
existing structure behind the Neptune Diner?"

There being no one rising to speak, the record should
reflect that the Board had knowledge of this particular site,
it is familiar with the application and documents on file."

No one else wishing to be heard and no further
communications having been received thereto, Supervisor
Smith declared the hearing closed at 8:06 P.M.

RESOLUTION

#600 GRANTS SPECIAL PERMIT OF ROSE MARY STAKEY & SHARON
WASHICK - BODY FITNESS CENTER

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

RESOLVED, that the application of Rose Mary Stakey and
Sharon Washick for a special permit, pursuant to section 108-39
(B)(4) of the Town Code to ooperate a body fitness center in an

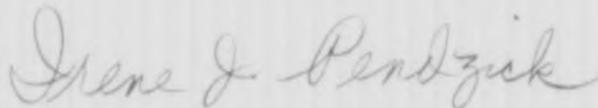
RESOLUTIONS - continued

existing structure at 865 Old Country Road (County Route 58) directly behind the Neputne Diner, be granted in conformity with the documents on file with the Building Department, Planning Board, Town Clerk, and other agencies of the Town of Riverhead.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Absent, and Smith, Yes.

The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, the meeting adjourned at 8:10 P.M.



Irene J. Pendzick, Town Clerk

IJP/vlv