

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, February 27, 1979 at 7:30 P.M.

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

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

RESOLVED, That the Minutes of the Special Town Board Meeting held on January 30, 1979, be approved as submitted.

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

The resolution was thereupon declared duly adopted.

BILLS

Bills submitted on Abstracts dated February 27, 1979 as follows:

General Town (1978 Enc.)	\$ 2,912.57
General Town	\$65,908.75
Ambulance	\$ 7.50
Special Districts	\$ 279.20
Capitol Projects	\$ 1,678.30
Community Development	\$ 263.50
Highway Item #1	\$ 2,776.89
Highway Item #3	\$ 1,912.69
Highway Item #4	\$ 318.60

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

The resolution was thereupon declared duly adopted.

Supervisor Smith: "We have present the various heads of departments. Should occasion arise during the evening that you have a question of them, we will attempt to get the answer for you. If it is impossible to answer this evening, we will get an answer and get back to you.

We have public hearings scheduled for 8:00, 8:15, and 8:30 and if any of you are here to testify or to listen to any of those, we ask that you hold your comments until the time when the hearing would be called and will give you ample opportunity to speak."

REPORTS

Wading River Fire District: Annual report for the year ending December 31, 1978. Filed.

Tax Receiver's - dated February 13, 1979 and February 21, 1979. Filed.

Recreation Department - 1978 Recreation Parking Permit Report. Filed.

OPEN BID REPORT - POLICE UNIFORMS - RIVERHEAD POLICE DEPT.

After being duly advertised the following bid for Police Uniforms for the Riverhead Police Department was opened by the Town Clerk on Monday, February 26, 1979 at 11:00 A.M.

CHARLES GREENBLATT, INC.
120 Main Street
Hempstead, New York 11550

Long Sleeve Shirts (62)	\$16.94@	\$1,050.28
Short Sleeve Shirts (55)	\$11.50@	\$ 632.50
Winter Pants (50)	\$29.50@	\$1,475.00

OPEN BID REPORT - POLICE UNIFORMS - continued

Summer Pants (62)	\$26.90@	\$1,667.80
Blouses (7)	\$81.50@	\$ 570.5
	TOTAL	\$5,396.08
		Filed.

COMMUNICATIONS

Suffolk County Charter Revision Comm. - advising of meeting on 3/1/79 & public hearing on 3/8/79. Filed.

Town of Southampton: re public hearing on proposed changes to zoning ordinance. Filed.

L.I. Reliable Corp: notification of price change. Filed.

Town of Brookhaven re: public hearing on proposed amendments to Chapter 85, Article IXD - PRC - 3. Filed.

Richard DePetris, 2/13/79 - requesting meeting with Board regarding application of Robert Mance. Filed.

Elmer Zeh, 2/8/79 - strongly urging Board to permit farmers to use tools of trade (labor camp) Filed.

Flora Hague, 2/7/79 - suggesting pros & cons of labor camp are valid, also that the name "labor camp" is suggestive and should be changed. Filed.

Wading River Civic Association, 2/1/79 - requesting designation of historic corridor in Wading River. Filed.

Eugene DeNicola, 2/14/79 - requesting any public hearing regarding sign amortization be held during April. Filed.

Riverhead Local Action Center, 2/21/79 - Board of Directors passed resolution urging Town Board to deny application for Labor Camp. Filed.

Environmental Quality Review Board, 2/26/79 - suggesting

COMMUNICATIONS - continued
 conditions to be applied to special permit application for
 pro-putt golf regarding drainage. Filed.

H2M Corp., 2/16/79 - re: Townwide Street Lighting,
 Certificate #9. Filed.

Department of Army, 2/26/79 - application of Town of
 Riverhead re: Peconic River. Filed.

Department of Army, 2/26/79 - application of Mr.
 Legendre re: catwalk in Peconic Bay. Filed.

H2M Corp., 2/16/79 - re: Townwide Street Lighting. Filed.

Town of Brookhaven, 2/26/79 re: Adoption of Amendment
 to Chapter 85, Article I, Agriculture. Filed.

UNFINISHED BUSINESS

Special Permit Application: Joseph Brush (airport)
 Special Permit Application: Joseph Picone (pre-cast
 concrete products)
 Special Permit Application: Phillip Schmitt (labor
 camp)
 Site Plan Application: Patrician Florists (Wading
 River)
 Request for drainage basin: Betty Mae Henninger
 Special Permit Application: Cohen, Rohm, Rohm &
 Briggs (pro-putt golf, Rte. 58)
 Special Permit Application: Segal Bros. Co. (non-
 nuisance industry)

Supervisor Smith: "We have under unfinished business
 the application of Mr. Brush which again rests with the
 State Department of Transportation. The special permit ap-
 plication of Mr. Picone which we will probably get to a week
 from today. The application of Mr. Schmitt which is the
 subject of a resolution later on this evening. The site plan
 of Patrician Florists is also the subject of a resolution
 later on this evening. The request of Mrs. Henninger, Mrs.
 Pendzick will be sending to H2M. The application of Cohen,
 Rohm, etc., will not be acted on this evening. Segal Brothers
 and Company is the subject to the Planning Board hearing which
 has not yet come and that will probably be on later in the
 month.

PERSONAL APPEARANCESSupervisor Smith continues:

We, therefore, come to that portion of the agenda where we will listen to anybody wishing to address the Town Board. If you wish to do so, would you kindly use the microphone here such that your comments can be recorded and transcribed in the minutes of the meeting. I ask that if you're here to testify or have any comments or even listen to the hearing which is an amendment to the peddler's ordinance, an amendment to the parking ordinance, or the application of Mr. O'Neill with reference to Meetinghouse Creek, would you wait until those hearings are called. We will now listen to anybody wishing to address the Town Board on any other subject?"

Dick Benedict, Fanning Blvd, Riverhead; "There are more communications that you should have received by now, but apparently didn't in regards to the pro-putt drainage problem and the landfill. I would ask that you delay that as long as possible or as long as it takes to get in touch with the county and try to do something with that disaster area down there. We had a nice area for about fifteen years. I'm here with about five of my neighbors who found again yesterday, three to four feet of water in their yards. Now for fifteen years, we never had that. That sump was built — it was allowed to cascade out onto Middle Road right into our back yards. I've talked with the County twice today. I have a message there now with Mr. Cass. He says there's nothing wrong with that. He says it's from the water coming up north. Fine, it's not draining out into the bay, it's dumping in our back yard. Fifteen years I was there. I used to be able to stand there and look down on police cars. Now I got water coming up in my yard. The sumps overflow right onto Middle Road. It's supposed to make a turn and go out to the bay. Yesterday we have three to four feet of water in our street. I went by the bowling alley and the viaduct was almost empty."

Supervisor Smith: "What you ask that we do is being done."

Dick Benedict: "Well could somebody from the Town Board intercede on our behalf and come down there with us and look at the lay of the land before this thing goes through."

Supervisor Smith: "Yes Sir."

PERSONAL APPEARANCES - continued

Dick Benedict: "And set up an appointment with the rest of the people on what used to be a nice residential street which now looks like a disaster area between the floods and the roads."

Supervisor Smith: "Yes."

Dick Benedict: "Well when could we get somebody down there to look at this thing."

Supervisor Smith: "If you'll — I know that you stay regularly. Either during the break or the end of the evening, I'll pick a time with you on my calendar and I'll do whatever you want me to."

Dick Benedict: "I appreciate it. Thank you very much."

Supervisor Smith: "Anyone else on any topic other than those that are the subject — Yes Sir."

Samuel Alberry, Oakland Drive, Riverhead; "Good evening. I have a flood condition and I think you know about it because I called you enough times. What I'd like to know is what is being done or what is proposed to be done about it. I've been taking some pictures the last few floods and I have them with me if you'd like to see them. It's terrible. I couldn't get out to go to work yesterday."

Supervisor Smith: "Mr. Alberry your problem is very much akin to Mr. Benedict's problem. The water that runs through your area eventually runs down on him. If you are interested in seeing it, we have spent some money already on engineering. I'd be willing to show you the results of that so far. Essentially what is being discussed is not only the two sumps that were created this fall, above you or dug deeper above you this fall, but additional sumps yet still above that."

Samuel Alberry: "But when are the sumps going to be put in?"

Supervisor Smith: "Mr. Alberry you will probably see

PERSONAL APPEARANCES - continuedSupervisor Smith continues:

a resolution before the Town Board. I had hoped quite frankly to have it here this evening, but I do not have it here this evening, calling for a bond issue necessary to get the requisite money a) to do the property and b) to do the work. What that requires is an estimate from the engineers of the overall cost. I do not have that estimate this evening."

Samuel Alberry: "Can you give me a tentative date. I can talk to the people in my area and tell them something is being done."

Supervisor Smith: "Yes Sir. I will read to you, if you wish to stay until the break, the correspondence that I have with the engineers at the last Town Board Meeting that we authorized specifically this area or Manor Lane, Horton Avenue — this area and Manor Lane for detailed examination. The reason that you must have the detailed examination, I'm going to start sounding like a lawyer, but you have to have an engineering estimate before you can do the bond issue. If you're willing to stay, I will read to you that correspondence and hopefully give you a date when I can do this."

Samuel Alberry: "Are you going to put in a sump? An additional sump?"

Supervisor Smith: "Sumps."

Samuel Alberry: "Sumps?"

Supervisor Smith: "Plural. It looks like a number of them."

Samuel Alberry: "Yes I hope they don't overflow."

Supervisor Smith: "Well Mr. Alberry, we are human like anybody else. We get engineers to help us as best we can and we do the best we can with the dollars that are available to us and we will do that."

Samuel Alberry: "Thank you."

PERSONAL APPEARANCES - continued

Supervisor Smith: "Yes Sir. All right is there anybody else with reference to any topic which is not the subject of a Town Board Hearing this evening?"

Tony Schwartz, Middle Road, Riverhead; "I live right near Mr. Benedict and I've had to get out of my house five times in a year because of the water problem. I'm here for the same reason he is. I'd like to find out what's going to be done about it?"

Supervisor Smith: "Like I said to Mr. Alberry, you will see a bond issue resolution for the acquisition of certain properties above you within the next thirty days, let's say. That requires, in this kind of a situation, that there be a notice in the paper and that thirty days pass before we begin spending any of that money. If there is nobody that objects to the bonding of these improvements, they will proceed at the direction of the consulting engineer. Anybody else?"

No one else wished to be heard at this time.

RESOLUTIONS

Before resolutions 70-74 were offered, Supervisor Smith stated: "For those of you that are regular attendees at these meetings, we have five resolutions authorizing overtime or recall pay for Police Officers, Sergeants or Detectives. Is anybody interested in hearing these read in detail?"

No one responded.

#70

AUTHORIZES RECALL PAY FOR SERGEANT

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

BE IT RESOLVED, That the following Sergeant be paid recall pay fro January 4, 1979 as per P.B.A. Contract at time and one-half his regular salary.

1. Grattan, J. 1-4-79 8 hrs. \$125.076

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

The resolution was thereupon declared duly adopted

RESOLUTIONS - continued

#71 AUTHORIZES RECALL/COURT PAY FOR POLICE OFFICER
Councilman Menendez offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the following Police Officer be paid recall/court pay for January 4, 1979, as per P.B.A. Contract at time and one-half his regular salary.

1. Zaleski, J. 1-4-79 4.42 hrs. \$60.12

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

The resolution was thereupon declared duly adopted.

#72 AUTHORIZES OVERTIME PAY FOR POLICE OFFICERS

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

BE IT RESOLVED, That the following Police Officers be paid overtime pay from January 1, 1979 to and including January 31, 1979, as per P.B.A. Contract at time and one-half their regular salary.

1.	Dorfer, T.	1-24-79	4.50 hrs.	\$ 60.53
2.	Dunleavy, J.	1-13-79 1-22-79	2.75 hrs. 2.50 hrs.	\$ 73.40
3.	Foote, F.	1-22-79	2.50 hrs.	\$ 33.63
4.	Gianni, V.	1-28-79	2.38 hrs.	\$ 32.01
5.	Hughes, J.	1-30-79	1.75 hrs.	\$ 23.54
6.	Kurpetski, Jr.	1-18-79 1-22-79	5.50 hrs. 8 hrs.	\$188.73
7.	Michalski, V.	1-13-79	3.67 hrs.	\$ 49.36
8.	Micholiger, L.	1-02-79	1 hr.	\$ 13.45
9.	Miller, D.	1-02-79 1-13-79 1-30-79	.50 hrs. 3.25 hrs. 1.75 hrs.	\$ 73.98
10.	Romaniello, F.	1-22-79	8 hrs.	\$107.60
11.	Zaleski	1-01-79	28 mins.	\$ 6.27
			TOTAL	\$662.50

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#73 AUTHORIZES OVERTIME PAY FOR POLICE OFFICERS TO BE PAID FROM FEDERAL REVENUE SHARING

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

BE IT RESOLVED, That the following Police Officers be paid overtime pay from January 1, 1979 to and including January 31, 1979, to be paid from Federal Revenue Sharing.

1.	Cheshire, D.	1-21-79	3/4 hrs.		\$ 9.58	
2.	Swiatocha, J.	1-01-79	41 min.			
		1-14-79	1 hr. 10 min.			
		1-25-79	1/2 hr.			
		1-26-79	3/4 hr.		39.59	
3.	Weinand, D.	1-25-79	1/2 hr.		6.73	
					TOTAL	\$55.90

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

The resolution was thereupon declared duly adopted.

#74 AUTHORIZES RECALL PAY FOR DETECTIVES

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

BE IT RESOLVED, That the following Detectives be paid Recall pay from January 1, 1979 to and including January 31, 1979, as per P.B.A. Contract at time and one-half their regular salary.

1.	Boden, H.	1-24-79	4 hrs.		\$59.16	
2.	Summerville, A.	1-14-79	4 hrs.	\$59.80		
		1-14-79	4 hrs.	<u>59.80</u>	119.60	
3.	Underwood, R.	1-12-79	6 hrs.		97.62	
					TOTAL	\$276.38

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued#75 AMENDS STARTING DATE OF AUTOMOTIVE EQUIPMENT
OPERATOR - HIGHWAY DEPT.

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

WHEREAS, The Town Board has approved the starting date for commencement of payroll as of February 12, 1979, for Ronald Rambo,

BE IT FURTHER RESOLVED, That the Town Board does hereby amend this date to February 7, 1979.

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

The resolution was thereupon declared duly adopted.

#77 AUTHORIZES HIGHWAY SUPERINTENDENT TO PAY PART-TIME
EMPLOYEES

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

WHEREAS, There was an increase in the workload due to heavy snow conditions, and

WHEREAS, Five men were hired on a hourly basis for this purpose,

NOW, THEREFORE, BE IT

RESOLVED, That the Highway Superintendent be authorized to pay the following men at the rate of FIVE DOLLARS (\$5.00) per hour for 68 hours, for a total of THREE HUNDRED FORTY AND 00/100 (\$340.00).

Frank Danilouch	11 ½	hrs.	\$ 57.50
Robert Howard	10 ½	hrs	52.50
Andra Kasianowski	9	hrs.	45.00
William Hoden	31	hrs.	155.00
George McCaffery	6	hrs.	30.00

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

The resolution was thereupon declared duly adopted.

#78 AUTHORIZES OVERTIME FOR SNOW REMOVAL - HIGHWAY DEPT.

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

RESOLVED, That the Superintendent of Highways be and is hereby authorized to pay time and one-half compensation for snow overtime February 1, 1979 to February 15, 1979 for a total of 719 hours in the amount of SIX THOUSAND FOUR HUNDRED SEVENTY and 75/100 DOLLARS (\$6,470.75), in accordance with personal services abstract submitted and filed in the Office of the Town Clerk.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued#79 AUTHORIZES ADVERTISE FOR BIDS ON ROCK SALT -
HIGHWAY DEPARTMENT

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

RESOLVED, That the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids on Rock Salt requirements for use of the Town of Riverhead Highway Department, and be it

RESOLVED, That the specifications and forms for bidding be prepared by the Superintendent of Highways, and bids to be returnable up to 11:00 A.M. on Wednesday, March 14, 1979, and be it further

RESOLVED, That the Town Clerk of the Town of Riverhead be and is hereby designated to open publicly and read aloud on Wednesday, March 14, 1979, 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 Rock Salt".

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

The resolution was thereupon declared duly adopted.

#80 AUTHORIZES EIGHT (8) POLICE OFFICERS TO ATTEND
SEMINAR ON CHANGES OF NYSPIN TERMINAL (Teletype
System)

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

BE IT RESOLVED, That the Town Board authorizes the Riverhead Police Department to send eight (8) men to a remedial seminar on updating personnel on systems changes of the NYSPIN Terminal (Teletype system). Transportation, tolls, food and lodging to be paid for by the Town of Riverhead upon furnishing receipts for such expenses. Seminar will be held at New York State Police Headquarters "Troop K", Poughkeepsie, N.Y., during the month of March and each officer will be attending for three days.

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

The resolution was thereupon declared duly adopted.

#81 TRANSFER OF FUNDS

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

RESOLVED, That the Supervisor be, and he hereby is authorized to transfer the following funds:

A1330.400 Receiver of Taxes Contractual Exp. \$153.00

TO

A1330.200 Receiver of Taxes Equipment

\$153.00

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#82 AUTHORIZES OVERTIME COMPENSATION - SANITATION DEPARTMENT

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

RESOLVED, That the following employees, of the Sanitation Department, be compensated at time and one-half for overtime worked as listed below:

James Baldelli

2/21/79	10½ hrs.	@ \$ 8.39	\$ 88.10	Lincoln's Birthday
2/19/79	5 hrs.	@ \$ 8.39	41.95	Washington's Birthday
			<u>\$130.05</u>	

Frank Columbus

1/17/79	2 hrs.	@ \$9.49	\$ 18.98	Emergency repairs
2/12/79	10½ hrs.	@ \$9.49	\$ 99.65	Lincoln's Birthday
2/19/79	6 hrs.	@ \$9.49	\$ 56.94	Washington's Birthday
			<u>\$175.57</u>	

William Kelly

1/17/79	2 hrs.	@ \$8.11	\$ 16.22	Emergency repairs
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Edward Gadzinski

1/17/79	2 hrs.	@ \$10.27	\$ 20.54	Emergency repairs
1/27/79	6 hrs.	@ 10.27	\$ 61.62	Flood Emergency
2/10/79	4 hrs.	@ 10.27	\$ 41.08	Emergency repairs
2/19/79	13 hrs.	@ 10.27	\$133.51	Snow Emergency
			<u>\$256.75</u>	

TOTAL

\$578.59

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

The resolution was thereupon declared duly adopted.

#83 APPOINTS SPECIAL COUNSEL FOR CLAIM OF STEVE NANNA, INC.

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

WHEREAS, The Town Clerk has received a Notice of Claim from Steve Nanna, Inc., with reference to certain work performed on Main Street, and

WHEREAS, General Municipal Law provides for the examination of the claimant under oath,

NOW, THEREFORE, be it

RESOLVED, That Pierre G. Lundberg, Esq., is hereby

RESOLUTIONS - continued

appointed special counsel to the Town Board for the purpose of conducting an oral examination of the claimant under oath, and be it

FURTHER RESOLVED, That Pierre G. Lundberg's appointment shall continue for the purpose of defending the claims of Steve Nanna, Inc., and for the additional purpose of prosecuting any claims that the Town of Riverhead may have against said claimant, and be it

FURTHER RESOLVED, That Pierre G. Lundberg, Esq., shall be paid a reasonable fee for his services on sufficient claim.

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

The resolution was thereupon declared duly adopted.

#84 AUTHORIZES THE CLOSING OF OSTRANDER AVENUE FROM
ELTON AVENUE TO COUNTY ROAD 58

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

WHEREAS, The Town Board, acting in its capacity as the governing body of the Riverhead Sewer District, has undertaken certain construction on Ostrander Avenue, and

WHEREAS, The Town Board has been advised by its consulting engineers and special counsel, and the Highway Superintendent, to close Ostrander Avenue from Elton Avenue to County Road 58 for all but local traffic,

NOW, THEREFORE, be it

RESOLVED, That, pursuant to the powers granted to the Town Board under the Town Law and other statutes being provided, Ostrander Avenue, from Elton Avenue to County Road 58 be closed to all traffic but that of the residents on the said street until further notice.

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

The resolution was thereupon declared duly adopted.

#86 AUTHORIZES ACQUISITION OF PARCEL FOR SHED FOR
VOLUNTEER AMBULANCE SERVICE

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

WHEREAS, The Town Board has undertaken the establishment of a volunteer ambulance service for the Town of Riverhead, and

WHEREAS, The Town Board believes that the acquisition of a parcel of real property in Jamesport is desirable for the future erection and maintenance of an ambulance shed, and

WHEREAS, The Town Board has discussed this matter with the Commissioners of the Jamesport Fire Department and has identified a parcel of real property on Manor Lane, immediately

RESOLUTIONS - continued

opposite the Jamesport Fire Station, as being desirable for the purposes set forth above.

NOW, THEREFORE, be it

RESOLVED, That the Town Supervisor, Town Clerk, Town Attorney, and Young & Young are hereby authorized to take those steps necessary to acquire said parcel, including, but not limited to, the negotiation of a contract, the preparation of surveys or taking maps, the retaining of appraisers, and the publishing of notices.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, 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 public notice of a public hearing to be held on Tuesday, February 27, 1979 at 8:00 P.M., regarding the proposed amendments to the Riverhead Town Code, which pertain to Chapter 84, Peddling & Soliciting.

The affidavits were ordered to be placed on file.

Supervisor Smith: "Ladies and gentlemen the purpose of this public hearing is to consider certain amendments that are sponsored by Doctor Menendez relative to the sale of home-grown produce within the Town of Riverhead such that the same is not in violation of our peddler's ordinance. Does anyone wish to testify in this hearing relative to what is proposed?"

Bill Nohejl, Wading River; "Have you got the full details of it or just a rough sketch?"

Supervisor Smith: "I gave you a rough sketch."

Bill Nohejl: "Give me a full detail."

Councilman Menendez: "It's kind of a long story, but I'll shorten it up. Just take, for an example, we have a woman here in Town who for twenty-seven years has been selling strawberries at one location."

PUBLIC HEARING - continued

Bill Nohejl: "I know who you're talking about."

Councilman Menendez: "Last summer she got chased out of her usual spot and it caused her a lot of trouble and it caused the Town a lot of trouble. And we can see no reason why this woman and others like her, shouldn't be allowed to sell their produce in the Town of Riverhead if they grow it here. So what we're trying to do is help people like her and others who grow their own things and depend on this little bit of income in the summertime, so they can sell their things in town without being chased like a peddler from position to position or keep moving."

Bill Nohejl: "Now I read the legal notice. You say fruit and vegetables. Is that the full extent of it?"

Councilman Menendez: "No it includes seafood too Bill."

Bill Nohejl: "Does it include honey? Does it include home made bread? Does it include pies? Does it include azaleas or . . ."

Councilman Menendez: "No."

Bill Nohejl: "Why not? Why I'm saying why not, now you got flowers. Women grow flowers. They sell them by the road, home-grown flowers. That's agriculture."

Supervisor Smith: "May I interject while Doc reviews what he has Bill?"

Bill Nohejl: "Okay."

Supervisor Smith: "What we've always been cautious of, and which I think you've heard us address in prior meetings, was the thing that's occurring in Brookhaven Township . . ."

Bill Nohejl: "And Riverhead to a certain extent."

Supervisor Smith: "And Riverhead to a certain extent,

PUBLIC HEARING - continuedSupervisor Smith continues:

where as you come off the expressway, I forget the particular exit that it is in Brookhaven, you can buy anything from jeans to a five-course meal on the side of the road."

Bill Nohejl: "I'm not arguing that, I'm just clarifying agriculture. I'm not arguing that point."

Councilman Menendez: "It says, Bill, exemptions such prohibitions shall not apply to the peddling of fruit or farm produce grown in the Town of Riverhead by farmers or persons who are residents, tenants or taxpayers in the Town of Riverhead. Now if that includes flowers, so be it."

Bill Nohejl: "That's what I'm asking. Does it include flowers. Does it include — some people like to grow shrubbery like azaleas in their backyard. That's agriculture, which is farming."

Councilman Menendez: "If it's farm produce, yes."

Supervisor Smith: "I don't know the term produce would mean — I think produce, if I can guess what Webster says, talks in terms of consumables, not necessarily shrubs and flowers, but you have a suggestion for us Sir?"

Bill Nohejl: "Yes I have a suggestion."

Supervisor Smith: "Well why don't you make the suggestion."

Bill Nohejl: "I have a suggestion because I know up on Sound Avenue there where women grow flowers and sell them on the road side and they make a living out of that. You have to include that because it's growing from the soil."

Councilman Menendez: "There probably will be no trouble with that, but that never has been a problem."

Bill Nohejl: "Now I would like to — in the past

PUBLIC HEARING - continuedBill Nohejl continues:

years, there have been some people, I'll say on Route 25, who have been selling produce who are not problems."

Councilman Menendez: "Those are the ones we want to chase. If they don't grow it themselves in the Town of Riverhead and they don't live here, they can't sell it here."

Bill Nohejl: "Like some people, if they have a backyard and if they have extra tomatoes and they want to stand in front of their house, you have no objection to that?"

Councilman Menendez: "No, if they grow it themselves."

Bill Nohejl: "I don't think that's the problem."

Councilman Menendez: "If they're bringing in truck loads of watermelon from Georgia, for instance, and selling up here across from Harrows and going into competition with A & P . . ."

Bill Nohejl: "Or buying from another farmer and selling in front of the house. . ."

Councilman Menendez: "Yes if they don't raise it, that's right."

Bill Nohejl: "Well this is what I want to clarify because I do know some people who grow flowers and they do grow some shrubbery. And shrubbery — growing shrubbery in a residential area is permitted under the zoning and if the man has azaleas or some ornamental shrubbery he wishes to sell, I don't feel as though he should be held from selling it. As long as he grows it."

Supervisor Smith: "Let's see if anybody else has. . ."

Councilman Menendez: "We're trying to help the local people Bill."

PUBLIC HEARING - continued

Bill Nohejl: "I'm in agreement with that Doc, but I want to clarify . . ."

Councilman Menendez: "And anybody who does set up a strawberry stand like this woman that I'm speaking of, she has to have written permission of the owner of the land with her in the truck."

Bill Nohejl: "Unless she's doing it on her own property, she doesn't need it."

Councilman Menendez: "That's right. On her own property, she doesn't need it. But if she's on somebody else's property, she does."

Peter S. Danowski, Jr., Assistant Town Attorney; "Agricultural products and especially fresh fruits and vegetables as distinguished from grain and other staple crops. That leaves it open."

Supervisor Smith: "It will make lawyers a fortune."

Bill Nohejl: "I believe that flowers and shrubbery should be included."

Supervisor Smith: "You'd like us to amend it to specifically include flowers and shrubbery right?"

Bill Nohejl: "It's grown from the soil."

Supervisor Smith: "Anybody else on this particular item?"

Walter Flanagan, Riverhead; "Allen may I just ask a question, in essence anybody who comes along and whether is a farmer here can go on State Route 25 or County Route 58 and park along side a road and sell a produce and we're going to be the one to police this?"

Supervisor Smith: "I don't know that we've approved this yet. We're holding it for a hearing. You and I both

PUBLIC HEARING - continued
Supervisor Smith continues:

realize there's certain difficulties with the state law again, obviously, violate certain . . ."

Walter Flanagan: "We've extended this before and a farmer can have a truck and he can move all over and we're not regulating — we can say every farmer can go along 58 and 25 and put a truck every 500 feet. We can have them all on there. You don't have no regulations on how many we're going to have or anything else like this. Even though they're a farmer — one time our ordinance said they must have a stand or sell from their private property, if I'm not mistaken. And that is the one we always abided by in the Police Department. Now we're extending this to the point that we're saying yes because you live here, you can put a truck out there or you can put a stand out there and we don't really know yet, Doc."

Councilman Menendez: "The point you're missing Walter is that they can't go anywhere and do this. They have to have permission of the owner of that property. In other words, I don't know who owns Harrows, but that piece of property right on front of it there, is a favorite spot."

Walter Flanagan: "Right."

Councilman Menendez: "You have to have written permission before they can go in there and sell their strawberries or sell their flowers or whatever they want to sell."

Walter Flanagan: "Well I don't know if that's so true. Because we've seen them on 58 Doc and we've seen them on Route 25 in Calverton and I know there's no permission."

Councilman Menendez: "If the cops were doing their job, they would chase them out of there. Yes, what this thing is set up for is to protect their own people."

Walter Flanagan: "Well I see you're getting very technical in point, we'll chase them out, but once again, we're talking about protecting the farmers and the growers in our own community and, of course, if you're a policeman in this Town, you didn't chase them out."

PUBLIC HEARING - continued

Councilman Menendez: "These people are growers in the community."

Walter Flanagan: "True, but they weren't on their property."

Supervisor Smith: "What Walter is trying to suggest is that there is another view to it and there may be some real practical difficulties with enforcement with what we propose."

Walter Flanagan: "Thank you."

Supervisor Smith: "Yes Sir. Anyone else on peddlers and local produce or things of that nature?"

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 8:10 P.M.

RESOLUTIONS

#87

TRANSFER OF FUNDS - TOWN HISTORIAN

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

RESOLVED, That the Supervisor be, and he hereby is authorized to transfer the following funds:

<u>TOWN HISTORIAN</u>	<u>TO</u>	<u>FROM</u>
A7510.410 - Contractual Expenses	\$130.00	
A7510.00 - Equipment		\$130.00

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

The resolution was thereupon declared duly adopted.

#88

TRANSFER OF FUNDS - TAX ASSESSORS

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

RESOLVED, That the Supervisor be, and he hereby is authorized to transfer the following funds:

RESOLUTIONS - continued

<u>TAX ASSESSORS</u>	<u>TO</u>	<u>FROM</u>
A1355.410 - Contractual Expenses	\$10.00	
A1355.200 - Equipment		\$10.00

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

The resolution was thereupon declared duly adopted.

#89 RETURN OF PERFORMANCE BOND TO BERTSAND PLUMBING
AND HEATING

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

WHEREAS, Robert Bertorello has requested that a Performance Bond in the name of Bertsand Plumbing and Heating, Inc., held by the Town Clerk of the Town of Riverhead in the form of a certified check no. 1499, drawn on the account of Bertsand Plumbing and Heating, Inc., be released, and

WHEREAS, Gordon K. Ahlers, P.E., the consulting engineer for the Town of Riverhead for this project, has found that Bertsand Plumbing and Heating has satisfactorily completed their contractual obligations under the terms of their contract,

NOW, THEREFORE, BE IT

RESOLVED, That Bertsand Plumbing and Heating be released from the performance bond, and be it

FURTHER RESOLVED, That the Town Clerk be directed to return Check No. 1499 drawn on the account of Bertsand Plumbing and Heating, Inc., to Bertsand Plumbing and Heating, Inc.

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

The resolution was thereupon declared duly adopted.

#90 DESIGNATED WEEK OF MARCH 4 THROUGH MARCH 10, 1979,
AS JUVENILE CRIME AWARENESS WEEK

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

WHEREAS, It is the opinion of this Town Board that there is no more serious issue facing this Town and Nation than that of juvenile crime, and

WHEREAS, WNEW-TV will feature this issue with a special program to be seen on March 8th

NOW, THEREFORE, BE IT

RESOLVED, That the week of March 4 through 10, 1979, be, and it is hereby, designated "Juvenile Crime Awareness

RESOLUTIONS - continued

Week" in the Town of Riverhead, and all citizens are encouraged to take special notice of this issue during those days with a view toward correcting the basic causes of juvenile crime.

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

The resolution was thereupon declared duly adopted.

After the vote, Supervisor Smith stated: "This particular issue has been brought to our attention by the two Town Justices. They, unlike most of us, see juvenile crime on a daily basis and they see it unfortunately amongst the young people of the Town. Anybody who's taking mental note of this resolution and as it may be reported in the paper, that particular program that is on March 8th is what I would call a very very tough film. If you're a little screamish, I would suggest it may not be for you. But it, however, very accurately portrays some of the things that are going on with reference to juvenile crime."

#91 AUTHORIZES SITE PLAN ON PATRICIAN FLORISTS, SUBJECT TO CONDITIONS

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

WHEREAS, Chapter 108 of the Code of the Town of Riverhead provides for site plan review of any business establishment or expansion, and

WHEREAS, Patrician Florists has applied for permission to erect a building, approximately fifty (5) feet by one Hundred (100) feet on the southside of Route 25-A, approximately one thousand two hundred forty (1,240) feet west of Wading River-Manorville Road in the Town of Riverhead, on property owned by them,

NOW, THEREFORE, BE IT

RESOLVED, That the site plan, as shown on a survey prepared by Howard W. Young and last dated, January 2, 1979, be approved, subject to the following conditions:

1. The building and plan shall be altered to comply substantially with an overlay sketch which has been signed and dated by the Town Supervisor, together with a copy of the above-described survey.

2. In accordance with the sketch, the building will be moved westward, the westerly parking will be diagonal, traffic lanes and directions shall provide a counterclockwise flow of traffic around the building, the front yard buffer will be at least fifteen (15) feet wide at all points, and the per-

RESOLUTIONS - continued

imeter areas shall be landscaped at the direction of the Building and Zoning Administrator.

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

The resolution was thereupon declared duly adopted.

Supervisor Smith recessed the meeting to hold a public hearing.

PUBLIC HEARING - 8:15 P.M.

The Town Clerk submitted affidavits of publishing and posting of public notice of a public hearing to be held on Tuesday, February 27, 1979 at 8:15 P.M. regarding the proposed amendments to the Riverhead Town Code, pertaining to the addition to Chapter 101, Article V, Parking, and new Section 101-10 (A); parking, standing and stopping prohibited.

The affidavits were ordered to be placed on file.

Supervisor Smith: "This hearing is occasioned by some very ingenious people who park, well I'll use the word park their cars in places like outside the A & P and block the fire lane. A police officer comes along and he says if you don't move, I'm going to give you a ticket, and they say well I'm not parked, I'm standing and I'm in the car and, therefore, you cannot give me the ticket. So rather than having to fight that out before the Town Justices every time the police officers give out a ticket and that kind of aggravation, we are adding standing a violation in certain areas. Does anyone wish to testify to this momentous change in this parking ordinance? Does anyone have a fondness of standing in fire lanes?"

No one wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 8:18 P.M.

RESOLUTIONS

#92

ESTABLISHES PETTY CASH FUND

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

RESOLVED, That the Supervisor be, and he hereby is, authorized to establish a Petty Cash Fund for Fifty and 00/100

RESOLUTIONS - continued
 (\$50.00) Dollars, to be under the control of the Town Accountant.

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

The resolution was thereupon declared duly adopted.

#93 GRANTS SPECIAL PERMIT FOR TYPE 6 CAMP SUBJECT TO
CONDITIONS

WHEREAS, Philip A. Schmitt has applied to this Town Board for a special permit to build and maintain a Type 6 Camp, pursuant to the provisions of §108-21(b) (5) of the Code of the Town of Riverhead, and

WHEREAS, This application was referred to the Planning Board for its recommendations, which recommendations and dissenting vote have been received, and

WHEREAS, A public hearing was held on this special permit application at which hearing all persons wishing to give testimony for and against the application were heard, and

WHEREAS, Numerous petitions and correspondence have been received by the Town Board both for and against the application, and

WHEREAS, The Town Board has considered the above and has further considered the facts and circumstances relating to this application by investigation and through their own knowledge of the lands and uses subject to the application,

NOW, THEREFORE, The Town Board does make the following findings:

FIRST: The real property which is the subject of this application is zoned Agricultural A. A Type 6 Camp (as defined in Section 108-3 of the Code of the Town of Riverhead), is a special permitted use in the Agricultural A Zone. The granting of such a special permit is governed by the further provisions of Section 108-3.

SECOND: The land, which is the subject of this application, is prime farmland. This designation has been made by various State, County and Federal Agencies. These Agencies have declared the preservation of these lands as farmland to be a matter of public policy and priority. The use of this land for farming is dependent upon its economic viability to the farmer. By reasons of certain changes in the farm economy, the subject land can and will be used more profitably for the production of green crops than the production of potatoes. Green crops cannot be produced without a reliable source of hand labor. Experience in the production of green crops demonstrates that the required labor force is best sup-

RESOLUTIONS - continued

plied by a resident building under the immediate supervision of a resident farmer. Denial of the subject application might preclude the economic use of the subject land as farmland and, therefore, its eventual loss as open space.

THIRD: The building proposed by the applicant is inadequate in terms of size, construction and amenities. Any such camp, whether the subject of this application or future applications and/or whether the same complies with County or State standards should meet certain standards with regard to type of construction, screening, minimum living areas, etc. Bedrooms should house no more than three men and should be no smaller than two hundred (200) square feet in size. The building should be of masonry construction. A camp building, less than three thousand (3,000) square feet, may have a roof of wooden construction. Any future camp building greater than three thousand (3,000) square feet shall comply in all respects with the New York State Building Code B. All plumbing and electrical work must conform to the New York State Building Code B.

FOURTH: Certain controls and conditions are necessary because of the special nature of this type of structure. The applicant has stipulated that he will build a family residence on the subject land. The camp building or future camp buildings should only be occupied during the farming season and only by persons employed on the farm where the camp is situated. Annual inspections should be made of the camp building by Town Inspectors.

FIFTH: The Town Board finds that there are valid public interests in support of the application and that there are valid interests in opposition to the application, such as, but not limited to the on-going effort by the Town to improve housing conditions generally for the population relative to density, quality, etc. The Town Board finds that the best interests of the public, as a whole, can be satisfied by granting the application of Philip A. Schmitt, subject to certain conditions.

NOW, THEREFORE, BE IT

RESOLVED, That the application of Philip A. Schmitt to erect a Type 6 Camp on certain land owned by him on the easterly side of Roanoke Avenue, Riverhead, New York, be granted, subject to the following conditions that:

1. The camp building be set back from Roanoke Avenue two hundred fifty (250) feet, as is shown on the survey of Howard W. Young, dated October 30, 1978:

RESOLUTIONS - continued

2. The camp building have a separate bedroom for every three (3) men. Each bedroom shall have a minimum floor area of two hundred (200) square feet. The camp building be occupied by no more than twelve (12) residents. The camp building shall have four (4) separate bedrooms, with a total floor area of eight hundred (800) square feet, a hallway, lavatory, shower and recreation area, no smaller than a total area of seven hundred seventy-five (775) square feet, a dining room and kitchen area, no smaller than a total area of four hundred twenty-five (425) square feet, and a utility and laundry room, no smaller than a total area of two hundred (200) square feet. The building will be of masonry construction. All electrical and plumbing work will comply with the New York State Building Code B. Plans and specifications for the camp building will be subject to the approval of the Building and Zoning Administrator. The applicant shall have the option to add one (1) additional bedroom to this camp building at the time of construction, in which event these minimum specifications will be amended upward by the Building and Zoning Administrator. In no event shall the subject building be occupied by more than fifteen (15) persons without a further public hearing before the Town Board;

3. The camp building shall be screened with plantings at the direction of the Building and Zoning Administrator, who shall designate size, variety, location, etc.;

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

5. Pursuant to stipulation, Philip A. Schmitt, or his successors, shall reside on the farm described in the application. Said residence shall be established no later than the end of the 1980 building season.

Before the vote, Supervisor Smith stated: "Those of you who have followed this particular matter through its course of public debate, through the Planning Board, eventually to a public hearing before the Town Board at our last meeting,

RESOLUTIONS - continuedSupervisor Smith continues:

realize, although the resolution is long, it is but a fraction of the effort that has gone into attempting, as the resolution says, to reconcile various competing interests with reference to this type of facility in our particular community. We do the best we can to judge the relative merits of each side of this issue. In doing that judging, we have spoken to some of the homeowners that are concerned. We have spoken with members of the farming community about their perception of what they see for the future of this particular farm and other farms in our area and we realize that being in this job that we cannot be all things to all people. We obviously cannot at the same time, satisfy those people who are vehemently opposed to this application or at the same time, satisfying those who are vehemently in favor of it. We hope that the mid-course that we have taken will be acceptable to the responsibility which we have to the majority of those people who elect us. Mr. Nohejl?"

Bill Nohejl: "Could I ask a question before you vote?"

Supervisor Smith: "Sure."

Bill Nohejl: "What is the total square footage of this building?"

Supervisor Smith: "Just slightly over 2,000 square feet."

Bill Nohejl: "Under the residential zoning of the Town of Riverhead, if I was to build a house, what is the total footage that I must have?"

Supervisor Smith: "Not less than 900."

Bill Nohejl: "And if I have a family of twelve people, will you restrict me from having twelve people in that house?"

Supervisor Smith: "Probably not."

RESOLUTIONS - continued

Bill Nohejl: "So I think you're going a little bit too far on the total square footage of this building."

Supervisor Smith: "You're welcome to that opinion."

Bill Nohejl: "See now you're making two different moves. One you have to be 900 feet, the other one has to be 2200 feet."

Supervisor Smith: "And very similar to public debate, I'm sure that there are people possibly in the audience that would consider 4,000 square feet for fifteen men, not to be enough."

Bill Nohejl: "I understand that, but I'm telling you your playing with two sides of the stone here, now you're making a 900 foot minimum in residential and you're making a 2200 foot here."

Supervisor Smith: "Well I think there's some distinctions that can be drawn between a one-family house of 900 square feet and a house in which you put twelve or fifteen men and we'll consider this debate at another time. But at the moment, we've come to that time where we must vote on this thing."

Bill Nohejl: "I don't think you're right."

Supervisor Smith: "You're welcome to your opinion Sir."

Unidentified woman in the audience: "May I have a word?"

Supervisor Smith: "Yes."

Edith Griffiths, Riverhead: "I understand that Mr. Schmitt is to build a home out here and live here. Will he be living here when the men are here or will they be here without supervision?"

RESOLUTIONS - continued

Supervisor Smith: "The stipulation in the special permit is that he will build his home before the end of the building season '80. Now he tells us that he would like to get his house done this building season, this season 1979. Hopefully he will. But it seems some what unreasonable, at this point, to say that a one-family house starting at almost the month of March, will be completed this building season."

Edith Griffiths: "What I meant is will the farm labor camp be built ahead of that and will the men be here without his supervision?"

Supervisor Smith: "I dont' know what his specific timetable is Ma'am. What we're saying is that he will complete the residence before the end of the building season next year."

Edith Griffiths: "Well I think it would be in the interest of everybody in Riverhead to see that he did live in his home and be here to supervise these men when they're here."

Supervisor Smith: "We have tried to emphasize to the farm bureau and to Mr. Schmitt that what happens in this particular location may and will influence the Town Board and the public generally with reference to this kind of facility both here and in future locations and I think that both the farm bureau and Mr. Schmitt are going to make every effort to see that there's no trouble here."

Edith Griffiths: "We hope so."

Supervisor Smith: "Yes Ma'am."

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

The resolution was thereupon declared duly adopted.

Supervisor Smith recessed the meeting to hold a public hearing.

PUBLIC HEARING - 8:30 P.M.

The Town Clerk submitted affidavits of publishing and posting of public notice of a public hearing to be held on Tuesday, February 27, 1979 at 8:30 P.M., regarding the special permit application of John O'Neill and Charles & Carol Klein for the operation of a boat yard and marina on Meetinghouse Creek Road, Aquebogue, New York.

The affidavits were ordered to be placed on file.

Supervisor Smith: "Is there someone down here that would like to introduce this matter? Sir would you please use this microphone."

John O'Neill: "Contract vendee."

Supervisor Smith: "Mr. O'Neill if you tip the microphone up a little bit, and please from my prior hearings, I add the descriptive word, briefly describe what you propose and where it's intended to go."

John O'Neill: "At present I intend to place a storage building for my own personal use, but I also have a sea plane operation which my sea plane would be stored on these premises and also a boat, and I would also like to have the approval for the boat yard marina to have slips for other people to off-set the costs of the construction."

Supervisor Smith: "Mr. O'Neill where is this specifically?"

John O'Neill: "It's located on Meeting House Creek next to the Lighthouse Restaraunt there."

Supervisor Smith: "Lighthouse Marina."

John O'Neill: "The Lighthouse Marina."

Supervisor Smith: "I don't want to be doing your job for you. You're on the east side Meeting House Creek immediately north of the facility of Mr. Galasso — south. How big is your building?"

PUBLIC HEARING - continuedJohn O'Neill: "Forty by sixty."Supervisor Smith: "And how much frontage do you have there?"John O'Neill: "There's 70 feet on the water and I believe it's 209 feet deep."Councilman Menendez: "Mr. O'Neill, how big a boat can you accommodate there in renting out slips?"John O'Neill: "More than likely small, up to 25 feet or so."Supervisor Smith: "Similar to what Mr. Galasso has Sir?"John O'Neill: "Yes, smaller though. It doesn't warrant it though. There's not enough room."Councilman Menendez: "In other words, you couldn't handle a 35 footer or something like that?"John O'Neill: "No I don't think so."Councilman Menendez: "Thank you."Supervisor Smith: "Do you have anything that you would like to add Sir? You, of course, realize that you have Corp, DEC and please don't forget the Coast Guard, that's what I got into trouble with the last time. Would anyone else choose to address this application?"Sandy Shydo, Meeting House Creek Road, Aquebogue;
"I live in a double wide mobile home which is right adjacent to the lot that Mr. O'Neill plans his boat storage and marina. I don't know how many people are aware that only a small amount of gasoline left in boats that are stored, is very volatile and subject to an explosion even with a small amount of gas. And my biggest fear, living so close to this lot and it is

PUBLIC HEARING - continuedSandy Shydo continues:

close, is fear of an explosion from gas and I'm very close and since I live in a structure that I do, I'm sure that it wouldn't take much that it would be ruined in such an episode.

And I'm also concerned about that corner there. The Poop Deck Lounge that is there in the summer, generates a lot of traffic and the people going around the corner on Meeting House Creek Blvd, in many instances, go around and when they're going around, are half in the other lane. And it's just very congested in the summer time and I feel that any more congestion would be a hazard to anyone living in the area or as a matter of fact, going around the corner.

I'm also worried about the pollution of the creek which was increasing and has increased. It certainly won't get any better with any more boats there. Now a storage building isn't a pleasant sight either for the people living nearby. I've voiced my opinion and I've also gone to see my neighbors today and I have gotten approximately 53 people who agree with me and who object to Mr. O'Neill's proposal and I'd like to give them to you and know that they do object."

PETITION

53 Residents objecting to the marina and facility for storage of boats on the property to the east side of Meeting House Creek and the south of the Lighthouse Marina. Filed.

Supervisor Smith: "Is there anyone else that would choose to address Mr. O'Neill's application either for or against."

Fran Snell, Meeting House Creek Road, Aquebogue; "I live directly across the street from where my daughter lives and I would like to know if Mr. O'Neill had more information because I am not quite aware of what he really is going to do. He is not specific enough. So do you think it's possible that I could get more information from him?"

Supervisor Smith: "Yes ma'am. The way we run hearings here, you ask us the questions and we'll get the information out of him."

Fran Snell: "Well he wasn't very specific. Has he been here before to apply?"

Supervisor Smith: "No Ma'am."

PUBLIC HEARING - continued

Fran Snell: "Do you think he could come up here and give us more specifics exactly what he's going to build there? How many boats he's going to store? And how much property there would be left to walk on, perhaps? I would appreciate it."

Supervisor Smith: "Mr. O'Neill, do you have a site plan Sir?"

John O'Neill: "Yes I do."

At this time Mr. O'Neill submitted his site plan.

Supervisor Smith: "Let's put that up."

Councilman Menendez: "Mr. O'Neill is there an operation planned for the site where Herb Gloss used to have boat slips? Is that north or south of it?"

John O'Neill: "I really can't say. I don't know."

Councilman Menendez: "It's south of it, all right."

Supervisor Smith: "Mrs. Snell asked several questions and the way I have them is that she was asking about the building, number of boats, parking and landscaping. I believe that what you've given the Town Board shows a building of 40 by 60 is set back 55 feet from Meeting House Creek Road, is set back with a side yard of 25 feet between Mrs. Shydo's property and the building shows parking spaces for eight vehicles. It does not show landscaping and or the number of boats. Mr. O'Neill do you have an idea of the number of boats you wish to store?"

John O'Neill: "Well since we're not really operating a full marina and we haven't requested for any gasoline storage permits, it just would probably be for some local person who would be interested in having a boat slip. The reason for the boat slips would be to off-set the cost of the land and the building. I would say maybe seven or eight boats."

PUBLIC HEARING - continued

Supervisor Smith: "Now, one of the things it doesn't show is how from the slip area you would get up to the building. Are you going to use a travel lift?"

John O'Neill: "They'll be a skid to pull out the boats. There's a slip there, it shows the slip for a cut and that will be a ramp to pull out on the trailer."

Supervisor Smith: "A ramp. Okay. I think that amplifies — as you see it from the special permit on the farm, we do require and for instance, and Patrician Florists, we do require landscaping in such manners and those we can designate. Why don't you have a seat again."

Mrs. Robert Tormey, Environmental Quality Review Board for the Town of Riverhead; "Mr. O'Neill kindly came out and met with Mr. Fairley and with me in regard to this application. At that time, he did not say that there was any question of boat slips. The discussion was entirely of storage for sailboats that he owns, that are racing boats and he wished to have in this locality in the summer time. We inquired specifically as to what he would be doing to the land at the edge of Meeting House Creek and he said he would be bulkheading it and he would be using, obviously, some sort of lift to get his boats in. There was no question what-so-ever of slips being built. We also inquired as to the sea plane which was of some concern to us since Meeting House Creek is not the widest creek in the Town. He said he would be landing in the bay and under the FAA regulations or whatever the appropriate regulations are, once he lands it becomes a boat as any other boat. We were somewhat concerned about the width of the sea plane coming up Meeting House Creek if other people are going out this is not, however, a factor that the Environmental Quality Review Board can be concerned with. I want to bring it up so that you know it first and secondly so that you know the Type II action determination that was made, was not made on boat slips. It was based on storage and storage alone."

Supervisor Smith: "Anybody else that wishes to speak on this particular application?"

Dwayne Lewin, lives across from the creek; "My only question is, are there going to be any boat rentals? Because, obviously, we wouldn't want it to turn out like Southold fishing station. And if he does get a permit, will

PUBLIC HEARING - continuedDwayne Lewin continues:

there be some protection of him furthering? In other words, having boat rentals at a further date?"

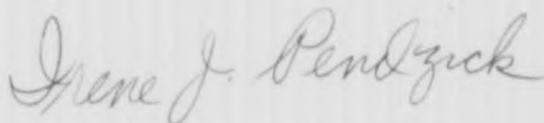
Supervisor Smith: "All right. The record will reflect your concern about boat rentals. Anybody else on this particular application?"

No one else wishing to be heard and no communications, having been received thereto, Supervisor Smith declared the hearing closed at 8:45 P.M.

Supervisor Smith: "Is there anyone that wishes to address the Town Board on any other matter that hasn't had the opportunity to speak?"

No one wished to be heard at this time.

There being no further business on motion and vote, the meeting adjourned at 8:50 P.M.



Irene J. Pendzick, Town Clerk

IJP/vlv