

Minutes of the Town Board Meeting of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, May 17, 1977 at 7:30 P.M.

Present:

Allen M. Smith, Supervisor
Francis E. Menendez, Councilman
John Lombardi, Councilman
Jessie Tomlinson, Councilwoman

Absent: George G. Young, Councilman
Alex E. Horton, Supt. of Highways

Also present: Peter S. Danowski, Jr., 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, if I may, we have what promises to be a long evening on multiple matters and there is a matter that has been pending for sometime, that we think may be of importance to those of you who are here and we are going to take a resolution out of order.

You may or may not know what the Town Board has been through with it's employees in the PBA unit through compulsory arbitration as the same is provided in the laws of the State of New York and that has come to an end. And unfortunately, the provisions of the law permit a settlement or an arbitrated settlement for a two-year period which would cover the year 1976 and 1977.

We have been able with the CSEA employees that are commonly called the Blue Collar and White Collar Workers to execute a contract on a cost of living basis. In the year 1978 we feel that it is prudent for taxing purposes and budgetary purposes that we be at least one year ahead with reference to employees settlements. In that the CSEA unit settled its contract for a cost of living clause from three to six percent, we thought it prudent to make a similar offer to the Riverhead PBA.

Mr. Thomas Dorfer who is the President of the Riverhead PBA has polled his members with reference to such a settlement and Mr. Dorfer and I both are very happy to say that both the Town Board and the Riverhead PBA are prepared this evening to execute a contract for a cost of living settlement for the six percent for the year 1978. I would like to say that there has been a certain amount of hard-headedness on both my part and on the part of Mr. Dorfer and his negotiating team. It is expected that both of us will represent our respective interests. I on behalf of the Town Board and he on behalf of his men.

I think it is safe to say that Tom Dorfer and I are very happy that this kind of butting heads will be over for at least a

year and a half and that we can get to the business of policing the community and working together and see that the community is policed properly."

RESOLUTION

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

RESOLVED, That the Supervisor, be and he hereby is authorized to execute a contract with the Riverhead Police Benevolent Association, Inc., ratifying the terms of the arbitration report of Evelyn Brand as concurred in by Chester Walker further providing for a cost of living increase only in the contract year 1978 based upon the consumer price index not less than 4% nor more than 6%.

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

The resolution was thereupon declared duly adopted.

At this point of the meeting, Supervisor Smith, PBA President Thomas Dorfer and Secretary James Pleickhardt signed the approved agreement between the Town of Riverhead and the Riverhead Police Benevolent Association, Inc.

The Agreement was submitted to the Town Clerk for filing.

Supervisor Smith continued saying: "We have present the various Department Heads and hopefully if you have questions with reference to any matter that pertains to their Department, that they will be able to answer it, if not, we will attempt to find the answers and report back to you."

Councilman Menendez: "Mr. Supervisor I have two statements I would like to make. The first, I think the Town owes a vote of thanks to the Bartlett Tree Company who have graciously fed all the new trees along Main Street and they also fed the new Christmas Tree on Route 58.

And also, secondly, I wish to take this opportunity to commend the Riverhead Police Department under Chief Palmer and the Seventh Squad Detectives of the Suffolk County Police Department under Lt. Karl Grothe for the professional action taken at 821 on May 10th. It was most gratifying to me, for it proved to all the two Departments can and will work together. I'm very proud of our Police Department."

Supervisor Smith explained the absence of Councilman George G. Young saying his mother had died and the funeral was today and he is in a period of mourning.

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

BE IT RESOLVED, That the Minutes of the Meeting of the Town Board of the Town of Riverhead, held on May 3, 1977, be approved as submitted.

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

The resolution was thereupon declared duly adopted.

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined the following bills submitted on Abstract dated May 17, 1977:

General Town	\$59,334.58
Highway Item #1	\$22,239.91
Highway Item #2	\$ 4,197.55
Highway Item #3	\$ 1,164.60
Community Development	\$ 1,813.92
Special Districts	\$11,462.99
Capital Projects	\$ 2,545.25

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

BE IT RESOLVED, That the following bills submitted on Abstract dated May 17, 1977, be approved for payment, pending final audit:

General Town	\$59,334.58
Highway Item #1	\$22,239.91
Highway Item #2	\$ 4,197.55
Highway Item #3	\$ 1,164.60
Community Development	\$ 1,813.92
Special Districts	\$11,462.99
Capital Projects	\$ 2,545.25

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

The resolution was thereupon declared duly adopted.

REPORTS

Tax Receiver's dated: May 3, 1977 and May 11, 1977
 Recreation Department, month of April, 1977
 Supervisor's, month of February, 1977 Filed.

OPEN BID REPORT - PORTABLE RESUSCITATOR ASSEMBLY

After being duly advertised the following bids for Portable Resuscitator Assembly for the Police Department were opened by the Town Clerk on Monday, May 16, 1977 at 11:00 A.M.:

ACCURATE
 100 Merrick Road
 Lynbrook, New York 11563

OPEN BID REPORT - continued

Approximate date of delivery: 3 Weeks

Cost of resuscitators with all specifications: \$3,250.00

Filed.

FIREMATIC SUPPLY CO., INC.
Main Street
Yaphank, New York 11980

Approximate date of delivery: 4-6 Weeks f/date of order

Cost of resuscitators with all specifications: \$3,270.00

Filed.

G.E. PICKERING, INC.
263 Glen Cove Avenue
Sea Cliff, New York 11579

Approximate date of delivery: 2-6 Weeks after receipt of P.O.

Cost of resuscitators with all specifications: \$3 927.00**

** Terms: Less 3% (\$117.81) for 20 day payment.

Filed.

PETITIONS

Bruno Tarabocchia for Special Permit to change a Service Station to a Garage. Filed.
Referred to Planning Board for recommendation and report.

Petition - containing 84 signatures of Calverton taxpayers, opposing the proposed creation of a rifle range on the former Danielowich property on Deep Hole Road, Calverton. Filed.

CASE 28564 - Petition of Seashore Transit, Inc., for a temporary certificate of public convenience and necessity for the operation of a bus line between the Parr Meadows Quarter Horse Track at Yaphank (Town of Brookhaven) and the Towns of East Hampton, Riverhead and Southampton. Filed.

Tommie Smith, Chairman and Robert Gamble Co-Chairman of Mellbrook Gables Civic Association presented petition expressing gratitude and appreciation to the Town Board for

PETITIONS - continued

its cooperation in repairing roads and eliminating the problem of stray dogs. Stating further that a problem still exists as the road shoulders need grading. Also that a previous petition requested cooperation from the Police Department regarding new traffic signs and strict enforcement of the traffic laws in the area. Filed.

The Police Department matter was referred to Police Chief Palmer.

Supervisor Smith then stated: "We'll have Mr. Young, when he returns, to work on the matter of signs and the shoulders on Melene Street."

COMMUNCIATIONS

Henry Barczak, 742 Osborne Avenue, Riverhead, N.Y., dated May 9, 1977, stating there is a large dead maple tree in front of his property which is a Town tree and he would like to have it taken down. Filed.

The matter has been resolved.

Patricia S. Tormey, Chairman Zoning Board of Appeals, dated 5/5/77, notifying Town Board that the term of John Kobylenski as member of the Zoning Board of Appeals expires on June 1, 1977, and she whole heartedly requests his re-appointment for a five-year term. Filed.

Town of Riverhead Planning Board, dated 5/6/77, in reference to Open Development Application - Alexander E. Horton, Wading River property. Advising that the Clerk to the Planning Board has been directed to call a Public Hearing on the aforesaid application. Filed.

Rita Egert, Vice President of Riverhead CSEA, dated 5/5/77, advising that due to the resignation of Edward Gadzinski as President of the Riverhead Unit CSEA at a meeting on May 4, 1977, she as Vice President will assume the duties of President until the next election to fill vacancies. Filed.

Mary Lou Dreeben, 1018 Roanoke Avenue, Riverhead, dated 5/7/77, expressing disappointment that the Town Board

COMMUNICATIONS - continued

chose to ignore the Townscape's Committee recommendation to have Victorian-style lampposts along Main Street and for economic reasons 25 foot timber posts are now being considered. Also stating that she is thankful for the dedicated people involved in trying to make Riverhead a beautiful place. Filed.

Supervisor Smith then stated: "This is the first of several instances where we will be discussing the role of Advisory Committee with reference to some of the things that we will attempt to achieve for the community. We would have all the most ornate fixtures, the best lighting, the biggest parks and all of those things that we might all desire.

The fact of the matter is that we are taking the initial steps with reference to undergrounding and somewhat in a limited area where the transmission facilities of the three utilities involved are already underground and for some reason the overhead wiring was left up. We are in consultations with several of the Advisory Committee who have come off of the idea of using wood poles, we are not talking aluminum, we are talking about certain lighting types of fixtures that are a little closer together that the light isn't quite as harsh and all of that.

There is a simple matter of economics with such things and that comes into mind. I think we would all like to own a Cadillac. In the particular instance we're sort of starting out with a mercury and hopefully someday soon we'll be able to afford the Cadillac. But I would like to say that we don't mind the criticism, we take it in stride and we're going to do the best we can with the dollars available."

Long Island Railroad, Jamaica Station, Jamaica, N.Y. 11435, dated 5/4/77, relating to grade crossings in the Town of Riverhead. Outlining that the rehabilitation of two crossings are programmed for 1977, the first being Osborne Avenue, second - Sweezy Avenue. Adding that the present budget limits them to two crossings, but they would be happy to give preference to any other crossing such as Griffing Avenue over Sweezy Avenue. Further adding that because of the long delay in obtaining new rubber highway crossing material, that the work may not be completed by August. Further adding that it will be necessary to close the crossing being worked on for at least two days between 8 A.M. and 4 P.M. and to limit the crossing

COMMUNICATIONS - continued

to single lane traffic for at least two additional days to complete the work. The Police and Fire Departments will be notified one week before the work is started. Filed.

Councilman Menendez then stated: "In regard to the communication - the railroad crossings, I just want to put in a word. Anyone who lives in Riverhead knows how bad our crossings are. You can go across the Osborne Crossing and drop a transmission out. You go on the south side and everything is smooth as silk. Even where the traffic is very light. So at one time last year, I made some phone calls to Jamaica to the head man in there who's supposed to be in charge of crossing upkeep or something in railroad. They give all kinds of promises but no action.

This year John Lombardi composed and wrote a letter which was a master piece to the railroad to the same fellow, I presume, and he got results and you will have two crossings. There's money now and the railroad will fix two crossings shortly starting with Osborne Avenue which is the worst and then, hopefully next year they'll take on more of them. So if our railroad crossings get fixed, it's thanks to John Lombardi for doing it."

Joseph A. Anderson, Main Road, P.O. Box 344, Jamesport, N.Y., dated 5/11/77. Advising of existing sidewalk in front of home badly in need of repair. Location is on Route 25 opposite shopping center and is a busy one. Many elderly people walk to the plaza and children ride bicycles. Requesting consideration before the summer season when sidewalk traffic is at its heaviest. Filed.

Town Clerk directed to include aforesaid complaint in sidewalk repair program.

Anthony F. Gadzinski, Postmaster, dated 5/13/77. Requesting installation of a street light on N.Y. Telephone Pole #2, situated on the west side of Marcy Avenue behind the Postal Annex, due to problems of vandalism. Filed.

Referred to Councilwoman Tomlinson.

Supervisor Smith then stated: "The Long Island Lighting Company is going out of the street lighting business. If you will give it to Mrs. Tomlinson when such time as we either start putting in our own street lights, start maintaining our own street lights as Southold has done, etc., with the advice of our engineers we will include that one."

Bec Construction Company, dated 5/12/77. Relating to flooding problem on Northside Drive, 500 feet east of Sound

COMMUNCIATIONS - continued

Avenue in Wading River stating that Mr. Horton advises the solution would be to install a ketch basin in front of this property with a pipe running westerly to Sound Avenue at an estimated cost of \$25,000 and adding it would be agreeable to Mr. Edwin N. Codey d/b/a Bec Construction Co. to install this ketch basin.

Referred to Supervisor Smith.

Suffolk County Electrical Contractors Association, Inc., dated 5/14/77, stating that the S.C.E. Contractors Association passed a resolution to strongly request that the Town of Riverhead adopt the existing wording of the Suffolk County Department of Consumer Affairs guide line pertaining to the ban of aluminum wiring. Further stating that if Riverhead were to adopt a code regulation different than that of other Towns, it would create an unnecessary hardship and confusion for the electrical contractor. Filed.

Supervisor Smith recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 8:00 P.M.

Town Clerk submitted affidavits of posting and publishing Public Notice calling public hearing on the application of Arthur and Therese Southworth for a Special Permit to erect a residential building in a Industrial A Zoning Use District on land located at Wading River Manorville Road, Wading River, N.Y., to be held on May 17, 1977 at 8:00 P.M.

The affidavits were ordered to be placed on file.

Supervisor Smith: "Let me explain, if I may. This is a standard Special Permit hearing for you and I assume your husband, to erect a house in an Industrial area? Is there anything unusual about it?"

Therese Southworth: "No".

Supervisor Smith: "You don't have anything more to say other than what's in the application?"

Therese Southworth: "No".

Supervisor Smith: "Why don't you sit down for a moment and we'll see if anybody else wants to speak on it."

William Nohejl, Wading River; "I happen to be a neighbor of Southworth's. According to the maps and according to my recollection of zoning, they are not in an Industiral A Zoning."

Supervisor Smith: "What zone are they in, Bill?"

PUBLIC HEARING - continued

William Nohejl: "Residential".

Supervisor Smith: "Then if we grant the Special Permit as we usually do, it will confirm what you say.

Mrs. Southworth I assume you went to the Building Department and applied for a permit and it was their advice to you that you were in fact in an Industrial Zone?"

William Nohejl: "I have a map here."

Supervisor Smith: "All right. Why don't you state your position?"

William Nohejl: "I understand that these people have been held up for three or four months unnecessarily. And that is why I'm coming here and stating that they are in a Residential Zone. I have property adjoining it about 800 feet away and I'm industrial and the industrial line on the east side of Wading River Manor Road runs to the south boundary of the Boy Scout Camp.

Now her father has property south of the property that she expects to build on which is in industrial. These are two different parcels of land. The north parcel is in residential. Maybe Ray Wiwczar can verify it."

Supervisor Smith: "Is Mr. Wiwczar here?"

Raymond Wiwczar: "It's in Industrial property."

William Nohejl: "According to the maps it's not in Industrial property. When has the line been changed?"

Supervisor Smith: "Mr. Nohejl let's get to the substance of it. Do you object to the people having a house?"

William Nohejl: "Definitely not."

Supervisor Smith: "Then whether they get it because we will grant them a Special Permit or whether they get it as a matter of right under the ordinance, you want them to have a house, right?"

William Nohejl: "Definitely, but I'm against them having to wait three or four months unnecessarily."

Supervisor Smith: "I will attempt to straighten it out between what you say is law and between Mr. Wiwczar and his Department, who administer the ordinance on a day to day basis."

William Nohejl: "Would you care to look at this map?"

PUBLIC HEARING - continued

Supervisor Smith: "Mr. Nohejl if my employees are wrong, I will say so. You know that I will say so. I support them in their initial decision and we will go through with the hearing and we will more than likely grant these people the permit to put up their one-family house.

There maybe somebody else here that wants to object or support them. The administrative thing I will straighten out at the next meeting and if you want to beat me or Mr. Wiwczar over the head for that at the next meeting, please do so.

William Nohejl: "Okay, thank you."

Supervisor Smith: "Is there anybody else that wishes to address the Town Board with reference to this particular application?"

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the Hearing closed at 8:05 P.M., and re-opened the Meeting.

Personal Appearances

Supervisor Smith: "We have another six minutes or so before the next hearing on Historic Landmarks. Does anyone wish to address the Board with reference to a new matter."

Dr. Alfred Smith: "What's going on with Iron Pier?"

Supervisor Smith: "It's done as far as I know."

Dr. Alfred Smith: "It's done?"

Supervisor Smith: "It's in there under the high tide. Did you look?"

Dr. Alfred Smith: "I've been down there and I looked We have this plan (the rest was inaudible)."

Supervisor Smith: "I don't have Stanley here to know if it's finished but when I was up there the other day..."

Dr. Alfred Smith: "(inaudible)."

Supervisor Smith: "I will make a visit there with you and examine your criticisms. Is it an improvement Doctor, I would like to think we are gaining."

Dr. Alfred Smith: "I think it's an improvement over last year, but the people were waiting a long time for this and I thought we were going to have a pretty nice landing ramp, but

PERSONAL APPEARANCES - continued

this looks just like we had last year and we'll see what the first storm does to it "

Supervisor Smith: "We've had a 60 mile an hour storm already while it was in. I thought it was going to go out with the storm."

Supervisor Smith recessed the meeting to hold a Public Hearing.

PUBLIC HEARING - 8:15 P.M.

Town Clerk submitted affidavits of posting and publishing Public Notice calling Public Hearing for May 17, 1977 at 8:15 P.M.- on proposed designation of certain structures as Historic Landmarks namely; Don Swahn Insurance Building at 40 East Main Street, Riverhead, N.Y., The Crafts Building, 138 Roanoke Avenue, Riverhead, N.Y. and The Cobbler's Shop, 154-158 Roanoke Avenue, Riverhead, N.Y.

The affidavits were ordered to be placed on file.

Supervisor Smith: "Your timing is perfect, Mrs. Smith. Before we begin this particular hearing, if I may, I would like to pick up a theme that I mentioned earlier. The Board believes in and supports various and asundry Advisory Committees. We have Advisory Committees that deal with recreation. We have Advisory Committees that deal with Townscape and Polish Town. We seek as much Senior Citizens and we seek as much input as we can with reference to the concerns of the community. The Landmarks' Commission is one of those bodies.

They are charged with a responsibility to call our attention to some of the historic natures of what has happened in the Town of Riverhead. I would point out the Corwin and Benjamin Houses as examples of what can be done in preservation and cooperation between the private sector and the public sector. I think those of you who have been by lately see how nice the Corwin House has begun to look with sod, paint and things of tha nature. It is that kind of thing that the Landmarks' Commission addresses.

We are here this evening to debate with a common view in mind what is best for our community with reference to historic structures on this particular matter. I want Mrs. Smith to make a brief statement with reference to the opinion of the Landmarks' Commission. I intend to then ask for the representative of Mr. Rimland to step forward.

I would like to say that the Landmarks' Commission works hard and long, they are volunteers unpaid and I would also like to say Phil Rimland and his brother have been people and I enjoy their company, they pay a lot of tax dollars in this Town and provide a service to our shoppers in this area. There

PUBLIC HEARING - continued

are relative merits on both sides and the buck stops with the Town Board and we will take that responsibility and this is where the relative views get aired."

Shirley Smith, Chairperson of Landmarks' Preservation Commission, read the following letter addressed to the Town Board, Town Clerk and all Departments. "The Landmarks' Preservation Commission, on a motion made by Don Denis and seconded by Helen Hannah, has voted to disapprove the applications for designation as "Landmarks" for the following three structures:

1. Don Swahn Bldg. - 40 East Main Street
2. The Craft Shop - 138 Roanoke Avenue
3. The Cobbler Shop - 154 Roanoke Avenue

Notice hereby given to the Town Board, the Town Clerk and all departments that the proceedings with regard to the proposed landmarks shall terminate." (end).

Supervisor Smith: "Thank you Mrs. Smith. Now the mechanism that is provided for in the ordinance permits the Town Board at any point along the line while any building is being considered to provide a public form for discussion on such matters.

It is the advice of the Landmarks' Commission after examining the structures that we should not so designate them. That does not end the matter and we should proceed with the hearing to examine the relative merits and see if there are legitimate voices in support of this designation. But first Mr. Harding would you speak on behalf of Mr. Rimland."

Jacob Harding, Esq: "Mr. Supervisor, members of the Town Board, I represent the Mavin Realty Company and also myself as a property owner at 120 Roanoke Avenue. The gentleman on my direct right is Phil Rimland and the other gentleman is his brother Aaron. You give me a very difficult beginning, that is the Landmarks' Commission has given me a very difficult beginning but I will try to get some of this subject together.

The Town Board should hear about some of the things involved, some of the further things that have to be discussed. My subject will be landmark preservation, and I'll be turning many of the pages quickly because they'll be no need for a lot of the agreements that I had here.

I have been very much involved in the Town Government for many years. As Town Attorney I drew the first Zoning Ordinance. I not only drafted it, I believed in it. In my opinion it is still the main method of orderly survival for a municipality."

Jacob Harding -continued:

"In zoning, the three main categories are residential, business and industrial. There are others like farming and so forth, but they are the three main categories. Now from out of the blue, we have a fourth dimension. It is called landmark preservation. This can be an expression of historical sentimentality and nostalgia without injury or harm to anyone. It can also have an opposite effect. To a Town Board trying to bring to the Town a good tax base it can create a situation to try your very souls.

This fourth dimension called landmark preservation, beautiful sounding phrase can be an explosive bomb to destroy all our hopes for modern development and a sensible tax base. No matter how good the intentions are it can be and in this case it would have been interference. I had gone on to criticize what the landmark commission wanted to preserve. There is no use on my part now to go into that.

I had indicated that already in our business area on the south side of Main Street the activity of a local group has arranged for the preservation of the Benjamin Building and the Corwin Building to complete structures. Naturally, I criticize the taking of three separate parcels of one owners property and I was going to blast naturally. It's something I've never heard of before. I was going to criticize what was so special about these structures. I was going to read a section of the Town Law that sets up ordinances in which it is mentioned under Section 130. One of the purposes to promotion health, safety, morals and good welfare is for the benefit of trade that also happened to be in Section 130 of the Town Law.

I could have continued to indicate that the proceedings of the commission in this particular case were faulty and illegal but like you I want to get to the gist of the thing and I'm not going and I wasn't going to try to be a sly technical lawyer. I want to get to the gist of it the same as you do because you are the ultimate authority on this matter. I was going to furnish you with pictures. There certainly is no need for it now.

They would indicate these three separate parcels, how there were spaces in between, how unjust it was and our plans, of course, for the development - the Mavin Realty Company's plans for the development of this Mini-Mall. We'll leave this here on the desk and you can see the various structures involved.

I'm involved in a way because down the line toward Main Street I expect certain improvements and so forth in various structures that I'm dealing with at this certain time. We've been waiting many years to have a better Roanoke Avenue. Downtown beautification activities have taken place. I would like to compliment the civic minded people young and old who have been active in this wonderful work. It has helped Main Street but many more improvements have to be made like the ones Aaron and Phil have in mind."

Jacob Harding - continued

What they already have done and what they have in mind are the very things which have to be done to downtown Riverhead to save it. What would Main Street be without Woolworth, Swezey's, Lentins, Rose Jewelers, Barths, all of them without victorian ambience, Haven't you already had the experience of being sued in those over-assessment law suits.

Do you want me to tell you about the banks red-lining certain business property on Main Street for mortgages and loans? Join me at lunch sometime on me and I'll sight for you names and locations. A couple of businessmen are trying to build some stores and greatly add to the tax base, added to that would be the employment of another sixty to a hundred people. Come to a conclusion on this matter and let them build.

They are property owners who want to do something and I believe that they should be given the opportunity as quickly as possible. These notices came out, I have them here and I was going to dramatically read them and all the rest. Notices from the Landmarks' Commission that delay things for 120 days. That's four months, that's too much delay. I'm not going to read the notices, no more than I'm going to produce the pictures.

About thirty years ago the state legislature abolished for the Towns, all commissions and committees, and the one exception was the Recreation Committee. The theory was let the Town Board do their own work. And the last few years, however, a legislator has forgotten some of ills of the past. They've started with commissions again as advisory bodies with certain powers. But no salary. I say that under the law, however, a new legislator still cautions that these powers be strictly construed and limited and that's what I'm asking you to do.

After doing a little blasting, I was going to get down to something I think where I was going to insert a sincere bit of philosophy. The service of a commission member is a difficult one. Shirley Smith, Don Denis and all the rest you get no pay, you get no appreciation, you get no thanks. And in the words of a TV comic, Rodney Dangerfield, you get no respect. I can't do anything about the pay but I want to tell the commission they have my appreciation, they have my thanks, they have my respect. But as my friends in this particular case I believe them to be wrong. I'm very happy to see that they have waived the designations or the consideration of the designations for these landmarks.

There is just one matter that I would like to call to your attention. It is coming to the public forum, a gentleman who's name I shall not mention, has written a letter to the editor in which he refers to these - he belittles the architecture of the Lentins store. He calls the circle Lentins and then refers to it as a pox and pox mark. Here I was going to go as they say in the vernacular for the jugular. 𐄂

Jacob Harding, - continued;

These are the kinds of buildings that Lentins have been constructing. Here is an award certificate. This certificate is hereby awarded to P & R Lentins for design and general enhancement of the Nassau - Suffolk area in the category of rehabilitated buildings. This first prize Suffolk County awarded to P & R Lentins.

I was a little resentful of the fact these are the pox, these are the pox marks, I had inserted some notes at this particular point in which I said Jack don't get mad, don't loose your temper. And I'm not going to, but when I read of things like that and I know these gentlemen are men of high standards and have their plans to build a mini-mall to have to run into things like that is really of an insulating nature.

Here is a final look at the situation. This is what I really want to call your attention to. An owner plans to develop his business property in a business area - these owners - Mavin Realty Co., the financing can amount to \$500,000 or more.

A commission did come along and say we are thinking of asking the Town Board to designate three old buildings on the property as historical landmarks. Boom, boom, boom. One, two, three. That sure did wreck some plans. Now what happens? Their construction program is delayed 120 days, that's four months. Where money is to be borrowed, interest rates can easily change. They're going to go up. A lender, or a bank may be reluctant to grant a loan where there appears to be a dispute with the Township. Construction costs in a 120 days may go up. Time delays, brings along seasons of hardship, certain kinds of work, like excavation and foundation work can be done only at certain times of the year.

What has been done to these owners? I'm not going to blame anybody but there has been irreparable harm. You as a Board can partly remedy this situation perhaps by unanimously turning down any requests for a designation clearing the air here and promptly undesignate the land historical landmarks or so-called alleged historical landmarks. And now Aaron and Phil have a so-called goody for the Landmarks Preservation Commission. Just to show there are no hard feelings and the interest of good public relations here is their gift or goody. The Landmarks Commission can have all or any part of any building they are considering for "Landmark Preservation". They can have a front or rear, they can have all facade or part of the facade.

There is no catch. Just a few sensible provisions, of course. Arrange your taking to comply with and not interfere with the owners time plan for demolition. I'm sure the provisions for whatever they want can be worked out. And now I come to the part where I sincerely thank you for your attention and ask you on behalf of these property owners to please act promptly. Are there any questions?"

PUBLIC HEARING - continued

Supervisor Smith: "No, We'll give everybody an opportunity to speak if we may, Mr. Harding. Does anyone else choose to address the Town Board with reference to these designations either for or against."

Jacob Harding: "Mr. Supervisor, may I mention that the Chamber of Commerce, the Merchants Association, the Radio Station WRIV and many of the downtown folks have definitely shown that they are unanimously behing our group here."

Supervisor Smith: "I would add something else, Mr. Harding. What you left out is what Mr. Rimland knows is that he and I and some other people have crawled around, through, over and on top of these buildings. I have personally been in the basement with flashlights, etc. We are not unsympathetic to his building time schedule and that's why we throw on the public hearing. That is why in the ordinance the provision is that the buck stops here, and we hold the hearing tonight. Does anybody else want to address the Town Board with reference to this item."

Frances Vitolo, Wading River: "I would like to know who pays taxes on these old buildings that you want to save?"

Supervisor Smith: "If I may give you an example of a building that has not yet been designated but I might assume in the future might be. The former law firm that I was a member of is the Petty house. If it were to be designated as a historic landmark as is the Edwards house, the owner still does pay taxes, yes."

Frances Vitolo: "Okay, I just want to make sure that we're not paying more taxes than we have to."

Supervisor Smith: "On the Corwin and Benjamin houses we have rented those for certain municipal purposes and we pay the carrying expenses on those buildings. One of the carrying expenses is the taxes, but we will be using those buildings for certain municipally-oriented kinds of activities."

Frances Vitolo: "Just for a point of information, being from Wading River paying taxes and getting little or nothing from Riverhead, please fix our roads."

Supervisor Smith: "Anyone else with reference to historic structures, in particular these historic structures."

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the Hearing closed at 8:27 P.M

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PUBLIC HEARING - 8:30 P.M.

Town Clerk submitted affidavits of posting and publishing Public Notice calling Public Hearing for May 17, 1977 at 8:30 P.M., on the matter of adopting Local Law No. 3 of 1977 of the Town of Riverhead on Abridgements of publication of ordinances, amendments or supplements.

The affidavits were ordered to be placed on file.

COMMUNCIATION

William C. Haugaard, Esq., dated 5/8/77, stating opposition to proposed Local Law, adding suggestion that the Town Clerk mail copies of proposed ordinances to anyone requesting same and consideration be made to the creation of a mailing list where subscribers would automatically receive copies of all proposed laws and ordinances on payment of annual fee. Filed.

Helene M. Block: "I called Mr. Haugaard and gave him my opinion on his suggestion."

Supervisor Smith: "Miss Block in that you are the Town Clerk and you are the one most intimately involved with this kind of thing, do you want to take this rare opportunity and express your opinion on this one."

Helene M. Block: "No - what Mr. Haugaard proposed would be more costly than what the Town Board is proposing."

Supervisor Smith: "What we are talking about Ladies and Gentlemen is that when we do amendments to ordinances at the moment, what we are doing is printing them verbatim. Much of it is legalize, which means all too little to many people. What we propose is that we propose an ordinance for no parking on the east side of Ostrander Avenue, we say no parking on the east side of Ostrander Avenue and if you want to see the legalize on that, you can come in and Miss Block will show you the legalize."

Does anybody wish to address the Town Board with reference to this proposal?"

Marie Hoff, Wading River; "Section 3 of the notice says the Local Law shall be subject to referendum on petition pursuant to Section 24. Precisely what is Section 24 and what kind of petition would be required before there would be a referendum necessary?"

PUBLIC HEARING - continued

Supervisor Smith: "This would be a permissive referendum - It's a 5%"

Marie Hoff: "Of the assessed valuation population."

Supervisor Smith: "Voters I believe ma'am."

Marie Hoff: "I'm unhappy to disagree with Miss Block's position on this matter, but I feel very very strongly about it. In this meeting room on any given meeting evening most of the individuals present are and I applaud them for being here, Town employees, Councilmen, people who are members of committees.

There are possibly five or six individuals without connections of that sort who take the time to look over the material that is presented for a hearing and for those of us who do it is an extremely hard burden to ask us when we read a summary, to then get in our car, call Miss Block, come in, get a copy, waste another week to find out the material we have picked up is not something we are interested in precisely because the summary has not given us the information we need.

I do feel that if it is important enough for this Board to amend the law, to put a new one in, then it's worth the cost of writing the law - it's worth the cost of publishing."

Supervisor Smith: "Thank you Mrs. Hoff. I would point out what we're talking about is one of the recent changes that were proposed in the zoning ordinance - certain amendments in the zoning ordinance, the publication costs were \$700.00. That's the kind of thing we're talking about here. Does anybody else choose to address the Town Board on this particular matter?"

Robert Pekar, Calverton; "I disagree with the last speaker. I have thought to myself for quite a long time that it would be most beneficial to the average taxpayer, average citizen of the Town if there was a synopsis of proposed law, ordinance change, what have you, something that they could relate to, something that was in layman's terms, something that they could grasp and just maybe there would be more attendance and just maybe there would be more people showing up at the meetings than as the prior witness stated.

Now I personally have no connection with anybody in this Town and I try to attend as many meetings as possible and there are many others in the audience. On the other hand for many people it's very difficult for them to grasp in total what one of these long legal notices is saying and in many cases it's absolutely unnecessary especially if it's \$700.00. If there is interest shown, I am sure that a synopsis can be

PUBLIC HEARING - continued

written to indicate in what areas there would be interest. And if you're interested I'm sure there are ways of getting the necessary material."

Supervisor Smith: "Thank you Mr. Pekar. Is there anyone else who wishes to address the Board on this particular item?"

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the Hearing closed at 8:44 P.M.

PUBLIC HEARING - 8:45 P.M.

Town Clerk submitted affidavits of posting and publishing Public Notice calling public hearing on proposed amendments to Zoning Ordinance #26 to be held on May 17, 1977 at 8:45 P.M.

The affidavits were ordered to be placed on file.

Supervisor Smith: "Does anybody choose to address the Town Board with reference to this one. This multiple change covers the Ball Park?"

Marcia Hefter Esq: "I'm an attorney in Riverhead and I would like to speak in favor of the amendment on behalf of the Timothy Hill Children's Ranch Inc. This is a non-profit corporation that was formed under the laws of the State of New York written the past year. The idea for the corporation was formulated approximately five years ago, as a memorial of a 13 year old boy named Timothy Hill.

The organization is interested in purchasing a parcel of property that's located in the agricultural "A" Use District in Riverhead. It's located on the northerly side of Middle Road and extends to Reeves Avenue and consists of 106 acres of property of agricultural property, cleared property and woodland.

I had hoped that I could come and say tonight that we were the contract vendee of this property but, unfortunately, because of circumstances beyond our control I can't say that. But I can say that we are very interested in purchasing the property and hope to be able to appear before the Town Board and the Planning Board at sometime within the next month to two months in order to ask that we be permitted to use this piece of property to build homes for homeless children.

We could hope to be able to construct about six or eight homes on the property to use some of the cleared property for agricultural use and at that time that I do appear, hopefully in the future, I can give you greater details at that time. But at this time I would just like to say that in order for us to purchase

PUBLIC HEARING - continued

the property and use it for the purpose that we envision, we would like to see this amendment to the zoning ordinance passed so that we could, at that time, come before the Town Board and the Planning Board and ask for a Special Permit to give us permission to use the property for a children's home to house both boys and girls.

And if anybody has any questions, about our specific use of the problem, at this time, I would be glad to answer them or give you any other information that you might desire."

Supervisor Smith: "I think Mrs. Hefter we'll let anyone else that chooses to address the Board do so and maybe some questions will arise."

Marcia Hefter: "Thank you very much."

William Nohejl: "Does this change of zoning ordinance - does this pertain to zoning change to residential?"

Supervisor Smith: "In which location Bill, I don't believe so."

William Nohejl: "You stated in one of the papers that you intend to change the industrial area to residential west of Edwards into Sound Avenue."

Supervisor Smith: "There is as you know a Joint Board that meets with the Planning, Zoning and Town Board etc., and we work on multiple different matters.

One of those different matters that we have considered are the recommendations of the Master Plan of 1974 which deal - is focused in part of late on the Johnson parcel which is South of Grumman where all of those woods and wetlands are currently designated industrial. It is similarly designated where the proposed Calverton Cemetery is to the extent that National Cemetery is added as a permitted use to industrial.

There is that change but there is no specific change in the map contemplated at this point. I would point out that in the Master Plan when, as, and if it occurs, the lands that you are talking about are designated for purposes other than industrial."

William Nohejl: "Before this is done there has to be a public hearing and there has to be people notified."

Supervisor Smith: "Yes, sir."

William Nohejl: "That's why I was wondering if. . ."

Supervisor Smith: "Public Notice."

PUBLIC HEARING - continued

William Nohejl: "A Public Notice. It has to be published in the paper and I haven't seen anything in the paper pertaining to it and I was wondering if this pertained to it."

Supervisor Smith: "To the extent that it affects cemeteries."

William Nohejl: "Right. I understand that part, but I mean in general rezoning of the industry."

Supervisor Smith: "I haven't drawn a line around your house. Anyone else on zoning tonight?"

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the Hearing closed at 8:50 P.M.

Supervisor Smith recessed the Meeting for seven minutes.

The meeting reconvened and Supervisor Smith recessed the meeting to hold a Public Hearing.

PUBLIC HEARING - 9:00 P.M.

Town Clerk submitted affidavits of posting and publishing Public Notice calling Public Hearing on application of Everett Enstine for Special Permit to operate a fuel oil depot, a non-nuisance industry on land located on Middle Country Road, Calverton, N.Y. to be held May 17, 1977 at 9:00 P.M.

The affidavits were ordered to be placed on file.

COMMUNICATION

Town of Riverhead Planning Board, dated 4/11/77, recommending that the Town Board grant the Special Permit on the application of Everett Enstine to operate a fuel oil depot. Filed.

Supervisor Smith: "Does anyone choose to address the Town Board with reference to this Public Hearing?"

Mr. Enstine can you tell us and the audience specifically where this location is?"

Everett Enstine: "It's on Route 25 approximately a quarter of a mile east of Edwards Avenue on the north side of the road."

PUBLIC HEARING - continued

Supervisor Smith: "You show some structures here, This would be opposite Smith's Pasture, is that about where it is?"

Everett Enstine: "Yes"

Supervisor Smith: "Then you propose two tanks?"

Everett Enstine: "Buried. You bury them in the ground."

Supervisor Smith: "Do you have anything to say to the Board other than what's in the application, Sir?"

Everett Enstine: "That's it."

Supervisor Smith: "All right. Why don't you sit down and we'll find out if anybody else has a comment. Does anybody have anything to say with reference to Mr. Enstine's proposed use?"

Dr. Alfred Smith: "What is the capacity of the tanks?"

Supervisor Smith: "One is 15,000 and the other is 12,000. They are 23 feet long. One is 10 feet in diameter and one is 8 feet in diameter. Buried tanks, is that correct Mr. Enstine?"

Everett Enstine: "Right, yes."

Supervisor Smith: "Anybody have any other questions, comments?"

William Nohejl: "What is this for - for a fuel oil delivery? What type of business?"

Supervisor Smith: "Fuel oil. Anyone else wish to address the Board with reference to this matter?"

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the Hearing closed at 9:09 P.M., and re-opened the Meeting.

PERSONAL APPEARANCES

Supervisor Smith: "I think some of you are here on signs. Does somebody want to say something about signs?"

Edward Purcell, Calverton; "I'd like to know what exactly tonight - what you are proposing to pass or not pass in concern to the signs? What are you directing at? Are they temporary signs or are they . . ."

PERSONAL APPEARANCES - continued

Supervisor Smith: "Again Mr. Purcell it is what we have handed to you before. We are trying to get out of the somewhat restrictive aspects of what we have and what we have proposed. You have been given a copy of the prior hearing on this one.

The additional sign that is proposed for consideration for this evening together with those we have not yet adopted - again giving you an opportunity to address it as the industry, is the time and temperature sign provision. That's the addition this evening, all right."

Edward Purcell: "What I have already given you before the meeting tonight is a proposal to which I think that most of the business in Riverhead it would help them out where your sign ordinance would not make them have undue cost in having to remove many of their signs and it would, still as I see what the people of Riverhead want, are to remove I'd say 90% of the road signs that really do cause the pollution. That is primarily what I've understood from the people that have come up here other than the Townscapes people and your other woman here dealing with the Landmarks' Preservation. . ."

Supervisor Smith: "Why don't you just talk to us and not at somebody else."

Edward Purcell: "Okay, anyway I feel that if you repeal the ordinance limiting the area of a sign to 25% of the one side of a wall does that - that would help out the businessmen in Riverhead.

Also I'd like for you to change the height limitation on the directory signs because many of the directory signs are ready right now all above the 35 feet height - such as the A & P one. That is above 35 feet to the top of the sign. And if you were to put - what they'd have to do is they'd have to shorten it up and lower it down and it would be very expensive because most of these signs do cost in excess of \$1,000.00. And where you have in your ordinance saying that you would allow \$100.00 per year depreciation, these signs would be up anyway another ten years. And if not, more depending on the cost of the sign which made the larger ones cost much more than \$1,000.00. So you'd still have the pollution around for the big businessmen for another ten, fifteen or twenty years. But for the little businessmen - you'd be hurting them."

Supervisor Smith: "Mr. Purcell, we are entering a new aged and municipal government where among other things the tax certioraries - we are entitled to audit the books and in this situation I invasion with a sign that is non-conforming and is subject to visual blight.

PERSONAL APPEARANCES - continued

Let's say the golden arches is one of my favorites. I don't think that McDonald's Corporation writes off that sign at \$100 a year and whatever they write it off at, I think that's what we should write it off at. And I don't know that that schedule will be exactly \$100 a year."

Edward Purcell: "But conceivably they could, to keep their sign up, they could write it off as \$100 a year even though they could change, to pursue the purposes of leaving the sign up."

Supervisor Smith: "That's what the courts are made for."

Edward Purcell: "Also another addition that I would like to see in the sign ordinance is if my sign is deemed an eyesore it could be removed and the owner has to pay for it because many of these signs in Riverhead, the people put them up, they'll be legal size, they'll be 4 x 8 sitting out in front of their property and they'll put them up and won't do a thing for them for twenty years and they do need maintenance now and then. And the people figure well there's nothing that says I have to maintain, it and it is a legal sign even though it looks like an eyesore, it looks worse than a larger sign that is well kept. And you have the other proposals that I propose."

Supervisor Smith: "Anyone else on signs?"

Richmond Corwin, Riverhead Savings Bank, resident of Mattituck; "Mr. Smith you mentioned time and temperature signs. Mr. Luce, one of the trustees of the bank, had come over requesting information concerning what was to be discussed this evening and no information of that nature was given to him, so if you could elucidate for me please."

Supervisor Smith: "There's a provision written in for a special exception permit of the Town Board for a time and temperature display in the Business "D" District which must be on premises attached to the building wall maximum 32 square feet total area, no more than two colors inclusive of background color of the building wall and minimum time interval of five seconds between flash readings of time and temperature, and three lineal feet from any existing time and temperature display."

RESOLUTIONS

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi,

RESOLVED, That a Public Hearing be held on May 17, 1977, at 9:15 P.M., on the following proposed Local Law of the Town of Riverhead:

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

The resolution was thereupon declared duly adopted.

Supervisor Smith then recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 9:15 P.M.

Town Clerk submitted affidavits of posting and publishing Public Notice calling Public Hearing on a Local Law to Reduce the Percentum otherwise allowed pursuant to Section 485-b of the Real Property Tax Law (Business Investment Exemption), to be held on May 17, 1977 at 9:15 P.M.

The affidavits were ordered to be placed on file.

Supervisor Smith: " This is a matter that has been previously been before the Town Board. Some of you have been here to consider this matter. We have previously had a hearing with reference to this matter and we bring it on again by Local Law provision and I'll state what I stated last week before the School Board. We are considering as a Town Board, action pursuant to a specific state statute which was designed by the governing staff and passed by the state legislature to encourage industrial and commercial development in what the state believed and we might all concur in is a depressed economy in the State of New York.

What it provides for is any commercial or industrial property where construction has begun in the year 1976 and the construction improvement is more than \$10,000 that the exemption similar to the veterans exemption or the aged exemption can be granted by the taxing authority to reduce the tax payments on a declining basis from 50% to 5% for ten years or it can be reduced to a lesser percentage by Local Law.

We bring it up again because, in fact, the big problem in the Town of Riverhead has been and continues to be the consequences of this law on the proposed construction by the Long Island Lighting Company of the power plants at Jamesport. In an attempt to reconcile the legitimate interests of the small businessman for this kind of investment tax credit in the large utility, we have been working with our specialists in Cornell University in attempting to find a figure of that on exemption, were it granted, would result in defraying the difference in cost between overhead and underground lines for the Jamesport proposed facility.

If that agreement could have been struck, the possibility is that this community could assure the undergrounding of the overhead transmission lines and although Mr. Nohejl and I differ our routes could lessen. I would hope the impact of the same upon farming.

The long and short of it is, it's a very complex formula in that we have to deal with an enormous rateable meaning the power plants which cost of construction is now in excess of two billion dollars. We have to make certain projections about what the tax bills of the School District and the Town would be five and six years from now. We have to extrapolate 1977 dollars to 1987 dollars and come up with some

PUBLIC HEARING - continued

good ideas of exactly what we are doing.

We have very fancy lawyers in New York City and we have equally fancy experts at Cornell University on this. The long and short of about six months of work is that our experts say that a 30% tax exemption would be sufficient and the Long Island Lighting experts say that 50% would be what was required. There are further complications not quite as severe as were reported in interpreting the law on whether or not it is up to the Town Board to grant the exemption on behalf of the School District or anybody else or whether they in fact grant or not grant the exemption themselves.

So with all that being said is there anyone with reference to this matter that chooses to address the Town Board? I would say this, there is, in fact, an old agreement between the Long Island Lighting Company and the Town Board which can be offered to you this evening that would guarantee the undergrounding of these lines. It really boils down to whether or not the taxpayer, the future taxpayer sees the worth of undergrounding as a dollar item in the future and that's really what the whole hearing is about tonight."

Kenneth Ross, Pine Street, Aquebogue; "Mr. Smith I've heard so many lawyers give so many interpretations of this law, perhaps you can answer a legal question for me this evening. In the event that the Town Board does not pass the resolution tonight, not granting the exemption - is not the way the law is written that they automatically have it if you do not pass the resolution it's prohibiting the exemption?"

Supervisor Smith: "That is correct. This is a double negative kind of a thing, the state has granted it. If it is going to be reduced to 40, 30, 25, 10 or nothing the Board has to act and will act this evening."

Kenneth Ross: "That was my second question. Will the Board act on this this evening?"

Supervisor Smith: "We certainly will. I would also add something that I did not say - that I did say before the School Board, which is all of us that have been working on this thing anticipated a lawsuit very quickly, and that it will come.

We think the legislation was poorly drawn and did not address itself to the taxing municipalities in Suffolk County and the way the lawsuit it going to come is that the Shoreham - Wading River School District has said nothing - they say reduce the exemption to zero and the Township of Brookhaven has granted it and that affects taxpayers in the Town of Riverhead, in Wading River - Shoreham School District and there will probably be a lawsuit very quickly after the first of June."

PUBLIC HEARING - continued

William Nohejl: "If the Town does grant say a 30, 25 or 50% tax relief for the proposed Jamesport plant what tax benefits will there be coming from the plant eventually? I mean you will be cutting them in half or a third already and all the municipality, all the roads, the Police Departments, everything else that goes along with it and the schools. I think we will be deeper in hot water that we are now."

Supervisor Smith: "That is one half of the argument. We've had, as you know, various debates between ourselves and various experts representing the Farm Bureau and other interest with reference to this matter. We see the debate, for instance, with reference to Plymouth was whether or not you let your tax base - your rates drop dramatically and thereby harvest large numbers of single-family homes.

There is, for instance, an equasion - this is a very difficult topic and we can't verbalize tonight everything that goes through our minds, but I will give you a for instance. One of the concerns of the Farm Bureaus and everyone else's is whether or not the Long Island Lighting Company might attempt to escape by one reason or another from the tax roll.

If within an agreement, that would say, that the Long Island Lighting Company would underground at their cost differential - we'll use round figures at the moment of 30 million dollars over the proposed costs of overhead lines, and they were to install those lines in Years I, II, and III of the course of construction and then that they would hope to get back that investment of 30 million dollars over the next ten years beyond that. They would be getting the tax break after they have undergrounds.

You assure to some degree that they will not attempt to get off the tax roll because they will kiss off the 30 million dollars that they front end. Do you understand that?"

William Nohejl: "Yes, but there's one thing I don't understand. At the beginning if the permit is ever granted for LILCO, our cost to the Town starts then?"

Supervisor Smith: "We have been attempting in separate and distinct from this issue in finding out whether or not the Long Island Lighting Company - not necessarily to you or to me - we don't know that we're going to be around when these things happen.

Whether they would advance, they would make advance payments on taxes so that when we have to make improvements during the course of construction when the tax bill would not, in fact, be high, but when the cost of improvements would be high for the community that they would advance payments of taxes so we could pay for these improvements that would be credited towards taxes as a subsequent date."

PUBLIC HEARING - continued

William Nohejl: "That doesn't sound like LILCO doing that."

Supervisor Smith: "Ok. It doesn't sound like LILCO, but my job is to ask for it."

William Nohejl: "You could ask, but what you're going to receive is a different thing."

Supervisor Smith: "Well it's better to ask before they get the permit than to wait for them to get the permit and ask later."

William Nohejl: "What do you have to say about it?"

Supervisor Smith: "What do we have to say about it? We're in there, we're asking, we're looking, we're working."

William Nohejl: "They could tell you to go some place too. If they got the permit, they don't need you."

Supervisor Smith: "That's why I ask before they get the permit."

William Nohejl: "But what are you going to do to stop it? What can you do to stop it? What can the Town Board do to stop it? If they say no what are you going to do at this time to stop it?"

Supervisor Smith: "Mr. Nohejl, there is no law on that particular item. Not if they choose to tell us to kiss off on that particular item maybe, you are right other than whatever public pressure we can bring to bear to see that it happens. This Town Board has spent a lot of money with reference to LILCO and you know it."

William Nohejl: "Could have spent a lot more too."

Supervisor Smith: "We were told to in the affirmative case in Article 8 and you've heard it before - \$400,000."

William Nohejl: "I've heard \$125,000. Where did the other \$275,000 come from."

Supervisor Smith: "\$125,000 is what, in fact, we have spent. And we're about to get another \$25,000 bill on this thing. And there's more coming."

William Nohejl: "What bothers me on the main subject, you renege, the Town Board reneged on the health and safety of the plants. This is where I feel a little bitter about the Town Board not acting because we are living here, we are the people who are involved and this is where I feel as though the

PUBLIC HEARING - continued
Town Board has let us down."

Supervisor Smith: "You and I will debate that for decades, I'm sure."

William Nohejl: "But getting back to these taxes, I don't believe personally that Riverhead will ever catch up with LILCO to keep pace with LILCO because they are as shrewd as can be. And look at the reneging on the taxes that they propose for the Shoreham plant - how they keep going to court to keep knocking down the amount of taxes to be paid. And I am quite sure if they ever are granted a permit here, they will be doing the same thing because they have some of the best lawyers in the country as you and I know.

And Riverhead I feel is going to be in one hell of a bind if those plants are certified from the beginning until the plant is in operation. I don't think it will ever catch up. You might talk about taxes now they're being rough. But I think in that period of time it's going to be unbearable."

Supervisor Smith: "Thank you Mr. Nohejl. Anyone else?"

Robert Pekar: "In reference to this proposed 30% that you speak of, is there any guarantee or can there be any qualitative guarantee from LILCO that if they are granted a 30% right off so to speak that they will underground them. Or if you grant it tonight and they haven't made an agreement, they don't have to."

Supervisor Smith: "That is one of the factors, you've hit the nail right on the head. We do not have it in writing tonight and that might tell you something - how some of us are going to vote."

Robert Pekar: "And then personally from my standpoint as one individual, I say they get nothing."

Supervisor Smith: "We do, of course, realize the consequences to the other individual commercial entities in the community. That's our dilemma. Anyone else on this particular item?"

Rueben Ryan, Wading River; "Now I've heard from time to time there's been a little discussion about this theory of eliminating taxes on utilities for the simple reason that it ends up rather unfairly. Now you see how we're affected by the Shoreham Plant. There's a multi-billion dollar operation and I guess we get little or nothing out of that one.

We're exposed to the plant - if that's any hardship. We will buy electricity from the plant which makes it equal to the people in Brookhaven that will fully benefit and if we have one in Jamesport along the same basis the people in other

PUBLIC HEARING - continued

Towns around and maybe Upstate or wherever they spread all this electricity. They will be buying and supporting the plant and in all fairness to all persons, it would make sense if the state came along and said well let's eliminate real estate taxes on utilities for the simple reason they simply take it and put it into tax bills or rather in the fuel bill or electric bill or whatever they're producing.

And it isn't fair they would say and this argument has been given and I'm going to ask you if you've heard any more about it and what the possibilities are of this developing because it isn't fair. Technically it could be argued that - say people in Nassau would have to pay high electric bills to make up for our benefits here but we get a low tax bill. Then if this thing should come about and the way our State and Country is developing they're becoming so very conscious of equalizing everything throughout the Country.

It's not totally improbable that we could find utilities being exempt simply because it would lower immediately, theoretically all your electric bills. Now if that happened, my fear is that Towns, and all the districts in the Towns, Schools, Libraries or whatever they are - pending and looking forward to all this extra money and building up to it might extremely embarrassed. So my question would then be to you - are you taking it easy and holding the horses back right now. You're not pre-spending planning upon extra monies in and, of course, you haven't gotten them yet. I realize that's advance, but what's the prospect of losing out on the taxes entirely."

Supervisor Smith: "All of the questions you pose have no immediate answers. With reference to bonded indebtedness the Town of Riverhead is at about half a percent of it's spending money. So we do not have any large bonded indebtedness as a general Town expense. I don't know the figure off the top of my head, but I think Mr. Ross might - I think the Shoreham power plant is paying like 60% of the tax bill - the Shoreham - Wading River School Tax Bill. It's a big piece of change. So when you say they're paying nothing in the sense that they pay nothing to the Town of Riverhead that is correct. But to the extent that those citizens of the Town of Riverhead who are in the Shoreham - Wading River School District benefit, they do benefit."

Rueben Ryan: "Would you know off hand how they affected the Shoreham - Wading River School - student body there? Have they brought additional people? Have you heard if they brought in a lot of extra people in those schools?"

Supervisor Smith: "I don't believe so, Sir. Is there anyone else with reference to this particular item?"

PUBLIC HEARING - continued

Dr. Alfred Smith: "Tonight you have to make the decision whether you're going to give a zero percentage, ten percentage or what? Is that true? If you don't give it, what does it amount to 50%?"

Supervisor Smith: "You can't ignore that this potential exists. I mean if the legislation were better written - I'm worried about the small businessman that appeared here at the last meeting and says - the Tuthill-Funeral Home people - they had the wrong guy speak. They had Fred senior speak. I don't care about Fred senior, he's going to go to Florida and cash in his chips. The guy who should have been up there talking was Eric and Dean who want to continue in the family business and build a very nice parlor in Wading River. And that guy has a real hard time getting into business at the moment, in the State of New York. We can ignore the fate of LILCO's presence on the horizon. The legislation is poorly written. There can be - you can read into that legislation that we can act tonight and effect only those improvements. They come on the tax roll in the year 1976 up to taxable status day which is May 1, 1977."

William Nohejl: "Supposing, just take for instance there's a 30% reduction and LILCO would not be satisfied, could they go to court and demand the 50%?"

Supervisor Smith: "I don't think that's the posture of where we are. I think the posture of where we are is if we had a firm writing that said - when, as, and if this Town Board granted an exemption - whether it was 30%, 35% or 40% which we could lay before you this evening and say these are the consequences, how do you feel about it.

It may be if remedial legislation comes about and this statute, which is poorly written, I think everybody agrees, is cleaned up, that we may yet have another opportunity to discuss this and talk about whether or not the lines will, in fact, go through over or under farmland. We may get another bite at it. I can't promise that."

William Nohejl: (inaudible).

Supervisor Smith: "Anyone else on this particular topic?"

Judge Manning: "With reference to Rimland, he's talking about a \$500,000 mini-mall. If you grant a 30, 20, or whatever percentage he's affected by that as well. He puts in a little drugstore, a little newspaper shop, clothing store and so forth, it affects every other merchant in Town that's in existence now without the benefit of a break."

PUBLIC HEARING - continued

Supervisor Smith: "The statute provides for a declining balance for a period of ten years. If you grant thirty, it would reduce 3% per annum till there was no exemption whatsoever. What you say is a correct statement of one of the positions against this kind of legislation.

The corollary of that is if you can encourage Mr. Rimland to build - right now he proposes in that scheme that he had there and we've all seen before the removal of the Don Swahn store in placing four small shops along Meyer Park in that location. He has future plans for the balance of the parcel along Roanoke Avenue etc., quite possibly because he could see that he was going to get an exemption to take the gamble, he might grant the additional stores.

Now with every tax dollar that Mr. Rimland might be assessed, you get in theory half of that dollar but that's a new dollar. That's a dollar that was never on the tax rolls before. It's like half of something is better than all of nothing. And that's one of the arguments here. Is there anybody else?"

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 9:44 P.M., and re-opened the Meeting.

PERSONAL APPEARANCES

Supervisor Smith: "We come to that portion of the agenda where I will recognize anyone else who chooses to address the Board on any particular matter, on new matter or old matter. Now's your time. Anybody else want to get up?"

Robert Pekar: "I have two subjects. One I want to throw at Doc Menendez. About a year ago Doc, at a Board meeting a gentleman came up and asked a question pertaining to beach stickers and you personally said to him, "Sir, I'll take care of that." Right now it's required if I own two cars, three cars whatever I have to go to the Recreation Department and buy a sticker for each."

Supervisor Smith: "Is this with reference to the clerk that we ran into trouble with last . . ."

Robert Pekar: "A gentleman came here very annoyed. He had been down there tying his boat up and so forth. I remember it very distinctly and the only reason I bring it up is because I haven't heard anything and you did make the comment, Doc, at that meeting that you personally would look into this. That - Islip had something like this and you would take care of it."

PERSONAL APPEARANCES - continued

Councilman Menendez: "Well if a man had a complaint, I sure took care of it."

Robert Pekar: "You didn't take care of it, Doc. There's a notice in this week's paper saying there will be a \$3 permit for each car if you want to park on the beach etc., etc."

Now the reason I bring this up is that many of us don't use the Town beaches per say during the summertime. I don't go there. I use them in the winter time. I take my kids for walks and so forth along the beach in the middle of February and as it's written now, I have to have a permit written on my car or my car will get hauled away, taken to the Town area.

Councilman Lombardi: "Is that the one that had three cars he wanted to pay for one?"

Robert Pekar: "He made a statement - Islip has a family pass."

Supervisor Smith: "I think he got his permits."

Robert Pekar: "The premise left at that meeting was that something was going to be done to amend Riverhead's procedure of requiring every individual to go down and get a separate pass for every vehicle. And that's what I bring up."

Supervisor Smith: "The beach season starts on the 25th of June, we got a few days."

Robert Pekar: "It's not a big thing Mr. Smith. You made a statement, it's just a couple of dollars and the gentleman rebuttaled you - the money wasn't the issue."

Supervisor Smith: "We'll pick it up again."

Councilman Menendez: "Mr. Pekar, if you went down there in January to walk on the beach, I'm sure nobody would bother you."

Robert Pekar: "Well I was waiting for them this year Doc, because I was going to come and get you."

In reference to some petitions that were handed in pertaining to a rifle range over on Deephole Road, I just wonder exactly what's going on there. It seems about every spring we have another gimmick coming up in that area of the Town where somebody wants to move in. First it was a trap range, then it was a motorcycle track, now it's a rifle range."

PERSONAL APPEARANCES - continued

Supervisor Smith: "This isn't the same property as we went round and round with the motorcycle."

Robert Pekar: "No Sir, this property is on Deephole Road. The motorcycle track in being planted in cucumbers as of today. There has been instances at this area with police and a farmer and land and so forth."

Supervisor Smith: "There's a history - the police qualifying at that range, is that what we're talking about? Rocky is that where you qualify your men?"

Chief Palmer: "That's right."

Robert Pekar: "Now there are rumors and I find that I have to listen to these rumors because the motorcycle track started at a very distant rumble, a little rumor and it multiplied very fast. And that's why I'm here now. I want to know what's going on?"

The Town itself has granted numerous permits and there are many new homes within a three-quarter radius of this proposed shooting range. Riley Avenue School is within three-quarter miles of this area. People are building their homes in a fashion surrounding farmland with perimeter type housing. And then everytime we turn around when there's a piece of land, somebody is coming in there with some type - what I'll call nuisance. And it just gets a little old after a while.

Everytime you turn around an area that obviously the Town Board and the Planning Board has seen fit to say this is a residential area I am granting building permits for these homes, I have put up x number of new homes last year and more going up this year and yet constantly the people are being badgered. And I just find it very distasteful. I wish there was some way we could get some answers."

Councilman Menendez: "Mr. Pekar, as I understand it this is an application for a rifle range that they want there now? We have no formal application as far as I know. Would there be any great objection to keeping the police there as a pistol range. The police are running it the way it should be run. They're not running around firing wildly all over the place."

Robert Pekar: "Doctor, there was an incident involving the police. That is what I'm getting at. The range is in close proximity to used fields and there was an incident involving a farmer on a tractor and police shooting."

Councilman Menendez: "Well this I'm not aware of."

Robert Pekar: "Well I'm sure you're not."

PERSONAL APPEARANCES - continued

Supervisor Smith: "When was it?"

Robert Pekar: "Sir, I will let other people speak in specifics because I don't have them. I'm only talking third hand information."

Councilman Menendez: "Well I can understand where they might be a little upset over a rifle range because a rifle bullet will carry a long ways but a pistol is something else."

Robert Pekar: "Well pistols with police you know that's one thing. I'm not going to say yes or no, but I'm just saying it is a little disturbing whether we say it's a pistol range, a rifle range to constantly have these nuisances in an area. In other words are we designating an area as a Town - go ahead and build your homes and then we're going to turn around and say okay, but we're going to allow anything else in this area."

Councilman Menendez: "In this particular area we seem to have a nuisance of the month up there."

Robert Pekar: "Isn't it. That's the case."

Councilman Menendez: "If it isn't motorcycles, it's some other damn thing."

Supervisor Smith: "I think it's a very simple thing to say Mr. Pekar. There is not application pending for an amendment to the zoning ordinance or the zoning map for the particular type of use at this time. There has been talk about such a proposal. It has not been submitted and if it were to be submitted it would be subject to a Public Hearing."

Mr. Kart: "Perhaps I could clarify some points - if it's time for it?"

Supervisor Smith: "Well until such time, Mr. Kart, if somebody submits an application for an amendment to the zoning ordinance to permit that kind of a use you can talk all you want in this point of the program. We'll listen to anybody on anything, but I would submit to you that I would imagine that it requires an application."

Joseph Danielowich, Calverton; "I would like to know if that property down there is zoned for a pistol range, rifle range or shotgun range? Is it zoned for that use?"

Supervisor Smith: "I don't believe so Sir."

PERSONAL APPEARANCES - continued

Ray Wiwczar: "Agriculture."

Supervisor Smith: "It's agriculture."

Joseph Danielowich: "In other words if that's zoned for that purpose, if it's a pistol range, a rifle range, or shotgun range than somebody's violating the law - using that for that purpose."

Supervisor Smith: "Mr. Danielowich the Police Department as I understand it so far in the discussion is who is involved."

Dumps are not permitted. Sanitary landfills are not permitted as a use anywhere in any Town but I give you this as an example. The Town runs sanitary landfills. Every Town does in various sundry places."

Joseph Danielowich: "Was that land rezoned?"

Supervisor Smith: "No Sir."

Joseph Danielowich: "It wasn't?"

Supervisor Smith: "No."

Joseph Danielowich: "In other words that shouldn't be permitted there, should it?"

Supervisor Smith: "You want us as a matter of policy to tell the police to qualify someplace else, is that . . ."

Joseph Danielowich: "I'm not telling you to tell the Police to do anything. I just want to know if they have the right - if they got a permit to go there and use that for that purpose? If the land wasn't rezoned?"

Supervisor Smith: "The Police may, Sir, yes. Private citizens. . ."

Joseph Danielowich: "On what grounds?"

Supervisor Smith: "Because the municipality, the Town of Riverhead, in the exercise of it's governmental function can do certain things that private people cannot do for whatever historic reason. Rocky, how long have you been qualifying at the. . ."

Chief Palmer: "Eight or nine years."

Supervisor Smith: "Apparently the Police have been qualifying at that location for a long time."

PERSONAL APPEARANCES - continued

Joseph Danielowich: "The way that range is situated there now, somebody is going to get killed or get hurt because it's within about 50 feet of where farmers work their land. They're shooting a little distance from where the farmers are working. Should that be permissible?"

Supervisor Smith: "We'll pick it up - we will discuss that with Chief Palmer and if we have another location we shall consider it, Sir."

Rita Hodun, Calverton: "We rent the land next to that, we farm it. Now I have three young children. That's my father's property and we rent it. To run there is no fence or nothing. They can go right in there and I feel it's very dangerous and should not be permitted because you cannot say that a kid is going to be right there. You can say stay here, but it's an open area."

Supervisor Smith: "Your suggestion to us is to ask the police to qualify someplace else."

Rita Hodun: "Right. It's an open area and it's close to where we're working and I feel it's dangerous."

Supervisor Smith: "Anybody else on this or any other topic?"

Supervisor Smith recessed the Meeting at 9:56 P.M.

The Meeting reconvened at 10:15 P.M.

RESOLUTIONS

Supervisor Smith: "What I would like to do before we phrase any resolutions with reference to two of the items which were subject to Public Hearings, I would like the members of the Town Board to state what their feelings are with reference to the investment credit and the Rimland thing. Let's begin with the investment credit."

Councilman Lombardi: "Well on the taxes I thought this out on both sides and the conclusion I came to is a "No" vote. The reason for this is LILCO will be getting a 50% tax break. The main and only reason I was for the LILCO plant was because of the money we would be receiving from them. By a yes vote this would be defeating the purpose of the LILCO plant and also my obligation is to the people of Riverhead. How can we give a tax break to new business and overlook those businesses that have been in operation for years. So in representing the people in our Town I vote "No."

RESOLUTIONS - continued

Councilwoman Tomlinson: "Just like the other members of the Board I've spent a lot of time talking about this, reading about it, and thinking about it and I hope I can make my position clear, at least easier to understand than the proposed law we're supposed to act upon. It seems strange that the ink on the law is not even dry and all we hear are different legal interpretations as to the Town Board's authority to grant the exemption or the School Board's authority, etc. We cannot even be sure if we allow the exemption this year whether or not we can rescind it in future years. It's really inconceivable to me that there was no consideration regarding the impact of the exemption such as the one proposed on a municipality with a proposed or existing nuclear plant.

If the Governor and the State Legislature is really interested in stimulating the economy and encouraging industrial growth, then I suggest they enact legislation that will allow that to happen, without lawsuits, lawyers, and endless confusion. I cannot support a law that has a net effect of stimulating nothing, but lawyers pocketbooks. As far as LILCO and the burying of the transmission lines, I think it would be a shame to reward LILCO to something that they shall do without being told something that they may be forced to do.

Also if we were to allow something like this, the taxpayers of Riverhead would absorb all the cost of undergrounding and I think this should be really a state wide cost and I'd also like to mention that the Suffolk Life article wherein Allen proposed what was taking place to the Riverhead School Board and no way, at least in my interpretation of what took place that evening, were we suggesting that the School Board go along with us on this proposal. All we were doing was informing them of what was taking place and speaking for myself that was never my intention. I have to vote "No."

Councilman Menendez: "Well I, like the rest of the Town Board, have wrestled with this tax incentive concept for a long time and I have asked taxpayers from all walks of life, wherever I might meet them, in the markets, or the gas station or wherever, for their opinions. We are supposed to be representing the people and I would say that 95% of them that I talked to have expressed the views that I shall cover here briefly.

First LILCO asks for a 50% tax reduction and said that they will put their lines underground if the Town gives up 30 to 40 million dollars over ten years in taxes. Now this rubs me the wrong way. For it smells of - for the lack of a better word which I don't want to use let's say it smells of pressure. The PFC may order them to underground the lines any how. And if we want agreement with them which would be one agreement too much, we would be locking ourselves into a bad situation.

RESOLUTIONS - continuedCouncilman Menendez - continued saying:

"Secondly this plant would also hurt the long-time merchant who's been paying taxes here for 30, 40 years and then to have a competitor come in and move in right along side of him and only pay half as much taxes would be a pretty bitter pill for the old timer to swallow.

Now some of the old merchants here have spoken to me and they are really hot on this and I don't blame them a bit. If I was still in business and somebody moved in along side and paid half the taxes I'd be mad too. There are good aspects to it too and a present merchant could expand like the funeral home would like to do in Wading River and get some help there. But I think if a new business perhaps, just perhaps might come in and locate here anyhow, with or without this tax incentive.

So in following my own conscience and also trying to follow the will of the people as I have found it to be in talking to them, I have to vote No, which means zero percent."

Supervisor Smith: "I like to think that on any issue that we've faced in the past year and five months, that I can fully understand and fully appreciate all the ramifications of a particular action.

I have traveled to Cornell twice to be briefed by our experts. I have spoken with and worked with on various different occasions our attorneys with reference to this particular item. It is complex beyond belief. The legalistic aspects of it, the economic aspects of it, the sociological aspects of it, the planning aspects of the thing, it's just enormous. I would like to see some - I believe in our position in Article 7, the transmission line case. I would like to see that our community is not bisected by the transmission lines.

There is pending a proceeding called Article 7 where we're spending a lot of money to achieve that result. What the proposed, offered agreement does is it puts a price tag through the Town, people of the Town of Riverhead on whether or not we are willing to put our money where our mouth is on this particular issue. That would be one aspect of the entire picture.

We don't have that agreement today. We are faced with the deadline of June 1st on this particular thing and with all that sophistication, I'm not one that buys a pig in a poke.

I would hope that by reason of the lawsuits that we all anticipate and have every expectation that occurs that there will be remedial legislation. That the problems with the existing law are clarified and quite possibly we can consider the thing again next year. Of course, in the interim we will be spending goodly sums of money to prove our case in Article 7 and hopefully we will win and then will become academic. And I'm going to vote to reduce the amount of the exemption to nothing - zero."

RESOLUTIONS - continued

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

PUBLIC NOTICE

I, HELENE M. BLOCK, TOWN CLERK, TOWN OF RIVERHEAD, NEW YORK, HEREBY CERTIFY that the Local Law annexed hereto, designated as Local Law NO. 2 of 1977 of the Town of Riverhead, was duly passed by the Town Board on May 17, 1977.

Be it enacted by the Town Board of the Town of Riverhead as follows:

A Local Law to reduce the Percentum Exemption otherwise allowed pursuant to Section 485-b of the Real Property Tax Law (Business Investment Exemption added L. 1976, c. 278, Section 2, effective June 8, 1976, pursuant to L. 1976, c. 278, Section 2).

1. Pursuant to the authority stated in Real Property Tax Law §485-b(7) and any other applicable provision of law, it is the intent of this local law to supersede and reduce the percentum of exemption otherwise allowed pursuant to section 485-b of the Real Property Tax Law.

2. Real Property Tax Law. Section 485-b "Business investment exemption" Subdivision 2(a) which currently states:

"2. (a) Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction, alteration, installation or improvement and for an additional period of nine years provided, however, that the extent of such exemption shall be decreased by five per centum each year during such additional period of nine years. The following table shall illustrate the computation of the tax exemption:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5"

shall be superseded by the following:

"2. (a) Such real property shall be exempt for a period of one year to the extent of zero per centum of the increase in assessed value thereof attributable to such construction, alteration, installation or improvement and for an additional period of nine years provided, however, that the

RESOLUTIONS - continued

extent of such exemption shall be decreased by zero per centum each year during such additional period of nine years. The following table shall illustrate the computation of the tax exemption:

Year of exemption	Percentage of exemption
1	0
2	0
3	0
4	0
5	0
6	0
7	0
8	0
9	0
10	0

Said local law is subject to all applicable provisions of law, including the Municipal Home Rule Law.

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

The resolution was thereupon declared duly adopted.

Supervisor Smith stated as follows: "We have not been able to achieve by negotiation the undergrounding of transmission lines which means through the summer we will be litigating that particular issue and attempting to finish that one for all time. In the preparation of our case last year it was very helpful for us to have Jeffrey Carey and another young man work on the case with us as part of their education as planners. We have established a similar program this year. We have interviewed numerous young men and women from Stony Brook and we have selected one of these young men to be a summer intern with us."

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That Richard Hanley be and he hereby is appointed provisionally to the position of summer planning intern at a wage rate of \$100.00 per week.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

BE IT RESOLVED, That John Kobylenski, be and is hereby re-appointed as a member of the Riverhead Zoning Board of Appeals, effective June 1, 1977 and terminating May 31, 1982.

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

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

BE IT RESOLVED, That the following Police Officers be paid overtime from April 1, 1977 to and including April 30, 1977 as per P.B.A. Contract at time and one-half their regular salary.

1. D. Cheshire	4-2-77	½ hr.	\$ 4.47	
2. T. Dorfer	4-30-77	1 hr. 45 min.	19.51	
3. J. Hughes	4-2-77	2 hrs.	22.23	
4. L. Mickoliger	4-14-77	2½ hrs.	27.79	
5. P. Paasch	4-14-77	1 hr.	11.12	
6. F. Romaniello	4-30-77	1 hr. 30 min.	16.67	
7. J. Swiatocha	4-5-77	1 hr. 20 min.	16.39	
8. J. Zaleski	4-22-77	1 hr.	<u>11.12</u>	
		Total		\$129.30

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

The resolution was thereupon declared duly adopted.

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

BE IT RESOLVED, That the following Police Officers be paid recall and/or court pay from April 1, 1977 to and including April 30, 1977, as per P. B. A. Contract:

1. A. Densieski	4-14-77	4 hrs.	\$44.46	
	4-18-77	4 hrs.	<u>44.46</u>	\$88.92
2. W. Palmer	4-1-77	4 hrs.	50.10	
	4-4-77	4 hrs.	50.10	
	4-16-77	4 ¾ hrs.	59.56	
	4-19-77	4 hrs.	<u>50.10</u>	209.86
3. J. Pleickhardt	4-11-77	4 hrs.		42.18
4. A. Summerville	4-27-77	4 hrs.		50.10
5. R. Underwood	4-13-77	5 hrs.	69.23	
	4-14-77	4 hrs.	<u>55.38</u>	<u>124.61</u>
		Total		\$515.67

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS

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

RESOLVED, that the Town Clerk is hereby authorized to publish and post the annexed Notice to Bidders re: Police Department uniforms.

NOTICE TO BIDDERS

Sealed bids for Riverhead Police Department uniforms 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 11:00 A. M., on June 6, 1977, 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 "POLICE DEPARTMENT UNIFORMS."

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

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk is hereby authorized to publish and post the annexed notice of public hearing:

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on Thursday, June 9, 1977, at 8:00 P. M. o'clock, at the Wading River Elementary School, Wading River-Manorville Road, Wading River, New York, to hear all interested persons regarding the application of the Shorewood Water Corporation for a franchise in the Wading River area of the Town of Riverhead to use the streets, highways and public places for the construction of water conduits, lines and mains, and to engage in the business of a water works corporation in that area.

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

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That Robert Woodson be appointed Park Laborer effective May 16, 1977 to and including September 9, 1977, to be paid bi-weekly at the hourly rate of \$2.50 and to serve at the pleasure of the Town Board,

FURTHER RESOLVED, That Lawrence S. Penny be appointed Park Laborer effective May 23, 1977 to and including September 9, 1977, to be paid bi-weekly at the hourly rate of \$2.75 and to serve at the pleasure of the Town Board, and

BE IT FURTHER RESOLVED, That Gregory W. Gallagher be appointed Park Laborer effective May 31, 1977 to and including September 9, 1977, to be paid bi-weekly at the hourly rate of \$2.50 and to serve at the pleasure of the Town Board, and

BE IT FURTHER RESOLVED, That Andrew West be appointed Park Laborer effective June 20, 1977 to and including September 9, 1977, to be paid bi-weekly at the hourly rate of \$2.50 and to serve at the pleasure of the Town Board, and

RESOLUTIONS continued:

BE IT FURTHER RESOLVED, That the following be and are hereby appointed Park Laborers effective June 27, 1977 to and including September 9, 1977, to be paid bi-weekly at the hourly rate of \$2.50 and to serve at the pleasure of the Town Board:

William E. Wegener
Jayson L. Crump

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

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That the Supervisor be and he hereby is authorized to transfer the sum of Five thousand and 00/100 (\$5,000) Dollars from the Federal Revenue Sharing Account into the Town Attorney Capital Project Account.

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

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That the Supervisor be and he hereby is authorized to transfer the sum of Ten thousand and 00/100 (\$10,000) Dollars from the General Town Contingent Account No. A1990.400, into the Community Development Fund.

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

The resolution was thereupon declared duly adopted.

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

WHEREAS, Pursuant to a resolution dated April 19, 1977, a public hearing was held on May 17, 1977, to consider proposed Local Law No. 3 of 1977 of the Town of Riverhead,

NOW THEREFORE, BE IT RESOLVED, That Local Law No. 3 of 1977 of the Town of Riverhead be enacted by the Town Board of the Town of Riverhead, as follows:

PUBLIC NOTICE

I, Helene M. Block, Town Clerk, Town of Riverhead, New York, hereby certify that the Local Law annexed hereto, designated as Local Law No. 3 of 1977 of the Town of Riverhead, was duly passed by the Town Board on May 17, 1977.

LOCAL LAW No. 3 - 1977
TOWN OF RIVERHEAD, NEW YORK

"A LOCAL LAW PROVIDING FOR THE PUBLICATION OF A NOTICE AND A BRIEF DESCRIPTION OF ORDINANCES OF THE TOWN OF RIVERHEAD."

Be it enacted by the Town Board of the Town of Riverhead, as follows:

Section 1. Every ordinance and every amendment or supplement to an ordinance hereafter adopted or approved by the Town Board of the Town of Riverhead which is or may be required to be published in one or more newspapers in order to make such ordinance, amendment or supplement effectual shall be so published in full, but it shall be sufficient to publish in such newspaper or newspapers a notice setting forth the title thereof, a brief description of the provisions thereof and a statement that the full text is on file and may be inspected in the Office of the Town Clerk.

RESOLUTIONS continued:

Section 2. This local law shall supersede in their application to the Town of Riverhead, the provisions of Sections 133.264 and 265 of the Town Law relating to publication only of an ordinance, amendment or a supplement to an ordinance adopted or approved by the Town Board.

Section 3. This local law shall be subject to referendum on petition pursuant to Section 24 of the municipal home rule law and shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of such law.

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

The resolution was thereupon declared duly adopted.

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

RESOLVED, That the Justice Department personnel be and are hereby authorized to attend a Motor Vehicle Traffic School to be conducted in Smithtown, N. Y., on May 20th, 1977 and that expenses not to exceed \$150.00 be paid.

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

The resolution was thereupon declared duly adopted.

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

RESOLVED, That the fiberglass boat and outboard motor of the Police Department be declared surplus and that the same be advertised for bid.

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

The resolution was thereupon declared duly adopted.

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

RESOLVED, That the application of Everett Enstine for a Special Permit to install two (2) tanks underground for the storage of fuel oil, be granted in accordance with the plans and specifications filed with the Building Department and the Town Clerk, on the additional condition that in undergrounding said tanks that the same be contained within a PCV liner.

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

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That John Donahue be compensated for labors performed for the Highway Department for 64 hours at \$4.837 per hour for \$309.57.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS

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

WHEREAS, A Special Permit application of Arthur and Therese Southworth for erecting a single dwelling on land located at Wading River-Manorville Road, Wading River, N. Y., pursuant to Town Ordinance No. 26 of the Town of Riverhead, was filed on March 1, 1977, and a Hearing was held by the Planning Board on April 1, 1977, and

WHEREAS, Upon recommendation of the Planning Board, a Hearing was held by the Town Board of the Town of Riverhead on May 17, 1977,

NOW, THEREFORE BE IT RESOLVED, That the Town Board of the Town of Riverhead grants the Special Permit to Arthur and Therese Southworth to erect a single family dwelling in accordance with plans and specifications filed with the Town Clerk.

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

The resolution was thereupon declared duly adopted.

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

WHEREAS, A program exists for the funding of the requisite work for the upgrading of all traffic signals, devices, and signs in the Town of Riverhead, and

WHEREAS, It is necessary in applying for said aid to obtain technical and engineering submissions,

BE IT RESOLVED, That the firm of Greenman-Pedersen, Associates, P/C., 100 West Main Street, Babylon, N. Y. 11702, be and are hereby retained for the purpose of preparation of said application and that they be paid a reasonable sum for the services in accordance with claims submitted therefore.

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

The resolution was thereupon declared duly adopted.

Re: Don Swahn, The Crafts and Cobbler's Shop structures:

Supervisor Smith asked for opinions from the Board members on the Rimland matter, and the following statements were made:

Councilman Lombardi: "I cannot see a building like that staying up there when we can get a mall with smaller stores. Mr. Rimland will charge a cheaper rent so people can lease these stores. It will bring more employment to the Town plus more taxes. I want to see this building come down."

Councilwoman Tomlinson: "I toured that Don Swahn building one Saturday and I don't know how anybody could think it is worth saving, except maybe the facade. I think that the problem with Mr. Rimland is that he was not really approached diplomatically. I know if it was my property and somebody told me they were going to declare it of an historic significance without even checking with me, I think I'd be kind of annoyed, and if anybody wrote a letter like that about me in the newspapers, I don't think I'd be willing to cooperate, so I have a feeling that perhaps the Landmarks' Commission may be overstepping its authority in this particular case by being so interested in preserving buildings.

I think number one, you have to deal with people in a better fashion and I think Mr. Rimland is interested in, number two, making money and he's not going to want anybody telling him he's got to retain buildings that he thinks are not worth saving. So I think that we should not declare those buildings historically significant."

(Rimland matter continued):

Councilman Menendez: "As you walk along Main Street, you'll notice there are many, many empty buildings - empty stores. We have rented one particular store for our Nutrition Program and the money that they want for a monthly rental runs anywhere from \$700 to \$900 a month.

Now take a small storeowner coming in here or a small businessman - they can't afford it. I was talking to a real estate agent here in Town and he told me that if they had available, a small store that would rent for about \$150 a month maybe a place for like a cheese store or some small project that he could rent any number of them tomorrow. And I think that's what Mr. Rimland has in mind and is trying to provide a lot of small stores for small operators and I'm all for it."

Supervisor Smith: "As I said before I've been through them from top to bottom. I don't believe my taste or judgment is different than anybody else's in this room in reference to historic structures. I think that the Town Board and many of us have shown that we can recognize the historic structures such as the Corwin and Benjamin houses. I don't see anything with reference to the buildings other than the facade on the Don Swahn building that is worth saving there.

I further point out that Mr. Denis and I climbed up on the roof of the Swahn building and pulled part of the facade to look underneath. There isn't anything worth saving there. Even the rendering that the Landmarks' Commission proposed they were going to take the facade and put it some place else. It's just not there in this instance. The consensus is that it not be designated."

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, A public hearing was called and duly held on May 17, 1977, on the proposed designation of certain structures as historic landmarks, namely; Don Swahn Insurance Building, The Crafts Building and the Cobbler Shop, and

WHEREAS, The Landmarks' Preservation Commission has voted to disapprove the applications for designations as landmarks, the aforesaid three structures, and has given notice to the Town Board that the proceedings with regard to the proposed landmarks shall terminate,

NOW, THEREFORE, BE IT RESOLVED, That the three structures namely; Don Swahn Insurance Building, The Crafts Building and the Cobbler's Shop, BE NOT designated as Historic Landmarks pursuant to the Landmarks' Preservation Ordinance.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

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

WHEREAS, This Town Board on May 17, 1977 passed a resolution enacting and ordaining all amendments as contained in a Notice of Publication dated March 3, 1977, with certain minor corrections as to Sections 108-73 subsection F, and Section 108-98 subdivision d (previously incorrectly labeled 108-97 d) and

WHEREAS, Said resolution called for summary publication, and

WHEREAS, Said recently enacted summary publication statute is subject to a 45 day waiting period reference a possible referendum on petition, and

WHEREAS, This Town Board deems it necessary to publish the aforementioned amendments as soon as possible.

NOW, THEREFORE, BE IT RESOLVED, That the Town Clerk is hereby authorized to publish and post the annexed public notice in its entirety.

RESOLUTIONS - continued

PUBLIC NOTICE OF ADOPTION OF AMENDMENTS TO
THE CODE OF THE TOWN OF RIVERHEAD

PLEASE TAKE NOTICE that, a public hearing having been held on March 15, 1977 the following amendments to the Code of the Town of Riverhead, were duly adopted by the Town Board at a regular meeting on the 17th day of May, 1977, and entered in its Minutes:

With respect to Section 108-56. SIGNS

1. By adding the following underscored wording, to read as follows:
 - "A. The following signs are permitted in any use district without a permit.
 - "(1) One (1) real estate sign not exceeding eight (8) square feet in area, advertising the sale or lease of the premises on which it is erected and set back not less than twenty-five (25) feet from any side line and fifteen (15) feet from the front and rear property line.
 - "(2) One (1) nameplate or professional sign not exceeding two (2) square feet in area, bearing only the name and profession and/or occupation of the resident and set back not less than twenty-five (25) feet from any side line and fifteen (15) feet from the front and rear property.

RESOLUTIONS - continued

"(3) Temporary signs not exceeding eight (8) square feet in area, bearing only the name and occupation of the contractor or architect and set back not less than twenty-five (25) feet from any side line and fifteen (15) feet from the front and rear property line. Such signs are permitted only during the period of construction of a building or structure."

2. By repealing and deleting Paragraph B in its entirety.
3. By repealing and deleting Paragraph C. (1) in its entirety, and adding new underscored subsections (1), (2) and (3), to read as follows:

"B. The following signs are permitted in any business or industrial use district without a permit:

"(1) One (1) sign, per building displayed, attached to, or incorporated, in a building wall, which shall project not more than eight (8) inches beyond the face of the wall, which shall not exceed the height of said building wall, that being the vertical distance from the mean level of the ground surrounding the building to the lowest point of the roof, and said sign area not to exceed twenty-five percent (25%) of the total area of the building wall; or, one (1) sign, per building displayed, attached to or incorporated on a window, and said sign area not to exceed twenty-five percent (25%) of the total area of the window.

"(2) Specifically permitted, and exempt from (1) above, are all signs displayed attached to or incorporated on a window, which are of a temporary nature, not exceeding a time period of two (2) weeks.

RESOLUTIONS - continued

- "(3) The area of a sign shall be determined by the smallest rectangle that encompasses all of the letters or symbols that make up the sign, together with the area outside of the rectangle of a different color or material other than the general finish of the building or window, whether painted or applied." (Sign are defined for subsections (1) and (2) above, only.)
4. By deleting and repealing Subsections G and H in their entirety.
5. By repealing and deleting Subsection I in its entirety, and creating new underscored Subsection I to read as follows:
- "I. The following signs are permitted in any non-resident use district (upon the issuance of a permit) thereof:
- "(1) One (1) free standing non-flashing, non-moving on premise sign, not exceeding thirty-two (32) square feet in sign area; not exceeding fifteen (15) feet in vertical height from the mean land of the ground surrounding the sign. Said sign shall be twenty-five (25) feet from each side line, and fifteen (15) feet from the front and/or rear property line.
- "(2) For the purpose of this section, double-sided signs shall be treated as one sign."
6. By adding additional underscored Subsections L., M., and N. to read as follows:
- "L. Any sign, not included in J. above, but violative of any section of this ordinance, wherever located shall become an unlawful structure on June 20, 1977, and shall thereupon be removed.

RESOLUTIONS - continued

- "M. If any sign described in J. or L. above is not removed, in accordance with the above provisions, the Town of Riverhead is empowered to remove said sign, and bill and collect the expense of removal from the appropriate parties, including, but not limited to the owner of the sign, the owner of the real property upon which sign is located, the lessee of the real property upon which the sign is located, the lessee of the sign owner, or any other interest holder.
- "N. Each 'shopping center' shall, as a whole, be allowed one (1) free standing 'directory sign' on premises, to be used for the exclusive purpose of notifying the public of the names of the various business establishments located within the shopping center. No advertising of any sort shall be allowed on such sign. Said sign shall not exceed thirty-five (35) feet in height, measured from the top of said sign to the ground surrounding the support of said sign. Said sign shall comply with all other applicable sections of this article as well as any other applicable sections of this Code.

A permit issued by the building inspector shall be required for each shopping center directory sign erected or maintained pursuant to this section. The application for said permit must contain an architect's drawing of said directory sign as well as a survey indicating the dimensions of said sign, its location, and setbacks. The building inspector shall refer said applications, drawing(s) and survey(s) and other supporting papers to the Town Board for its approval and recommendations. No such permit shall be issued until the Town Board has reviewed and approved said plans.

The term 'shopping center', means premises having four (4) or more stores or business establishments in connection with which there is provided on privately-owned property near or contiguous thereto an area, or areas, of land totalling at least one (1) acre in area used by the public as the means of access to and egress from the stores and business

RESOLUTIONS - continued

establishments on such premises and for the free parking of motor vehicles or customers and patrons of such stores and business establishments on such premises.

The term 'directory sign' shall mean any sign containing a list of names of business establishments located within a shopping center."

With respect to Section 108-3. DEFINITIONS

By repealing and deleting in its entirety the definition of "Sign", and creating new underscored definition, as follows:

"SIGN - A name identification, description display, illustration or device which is affixed to or painted or represented directly or indirectly upon a building or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a 'sign' shall not include any display of official court or public office notices, nor shall include the flag, emblem or insignia of a nation, political unit, school or religious group. A 'sign' shall not include one which is located completely within an enclosed building, and not being visible and/or viewable from any area outside the enclosed building."

With respect to Section 108-3. DEFINITIONS

By inserting the following new underscored words, to read as follows:

"UNOCCUPIED AREA - The area of a front yard, measured from a street line, open and unoccupied at all times by a building, structure or by the storage or display of anything, whether movable or immovable, except for hedges, shrubs or solid fencing which do not exceed two and one-half (2½) feet in height, or trees."

RESOLUTIONS - continuedWith respect to Section 108-31. RESIDENTIAL USE

By inserting the following underscored new Section, to read as follows:

"§. 108-31. Residential Use

"Any residential use in the Business A Use District, shall conform to all requirements for a residential use in the agricultural use district."

With respect to Section 108-73. ADDITIONAL REQUIREMENTS

Delete in its entirety, Subsections F. and G.

With respect to Section 108-60. OFF-STREET PARKING

By amending Subsection E(1), as to aisle width, with the following new underscored figures:

<u>"Parking Angle (degrees)</u>	<u>Aisle Width (feet)</u>
90	<u>24</u>
60	<u>18</u>
45	<u>12</u>

With respect to Section 108-60. OFF-STREET PARKING

Delete last sentence of Subdivison F, and insert following new underscored sentenct to read as follows:

"Minimum acceptable surfacing shall be two (2) inches of bituminous plant mix (after compaction), with wearing course of two (2) inches (after compaction) of New York State Mix, Type 'A' or four (4) inches of reinforced concrete surface."

RESOLUTIONS - continuedWith respect to Section 108-73. PERMITS

Add the following underscored new Subsection J to read as follows:

"J. No building permit shall be issued for the construction or alteration of any structure located on a freshwater or tidal wetland as defined by the Wetlands Law of the Town of Riverhead, until the applicant has complied with all the provisions of said Wetlands Law and has obtained a permit pursuant to said Wetlands Law when necessary.

With respect to Section 108-73. PERMITS

Delete the following words: " . . . except that upon good cause shown and the payment of the proper fee, a building permit may be renewed for an additional period of six (6) months."

With respect to Section 108-74. CERTIFICATE OF OCCUPANCY

Add the following underscored new Subsection D to read as follows:

"D. In case of undue hardship, the Building and Zoning Department official may issue a temporary certificate of occupancy valid for a period of six (6) months for any building, structure or use, provided that he shall find that:

RESOLUTIONS - continued

- (a) Such building or structure is in itself in conformance with the New York State Building Code and all other applicable ordinances or regulations.
- (b) All site development requirements are essentially completed, but that due to unavoidable delays they cannot be entirely completed as required in a reasonable time.
- (c) On investigation, the Building and Zoning Department official and the Riverhead Town Planning Board shall approve of such temporary certificate of occupancy.
- (d) A cash deposit in escrow in an amount established by the Building and Zoning Department official and the Riverhead Town Planning Board shall be provided to ensure satisfactory completion of all required improvements within a period of six (6) months. Failure to comply with this time limitation shall render such escrow in default and the Town may utilize the deposited money in the Town of Riverhead trust account set up for this purpose. The

RESOLUTIONS - continued

actual work completing the improvements may
be performed by one of the Town's departments
or a private contractor selected by public bid.

"Fees

"Fees for building permit applications and for issuance
of building permits and certificates of occupancy shall
be determined by the Town's Building and Zoning Department.

With respect to Section 108-76. BOARD OF APPEALS POWERS

Add the following underscored new Subsection E to
read as follows:

"E. The applicant shall erect a sign giving notice
that an application for an appeal or special
exception is pending and giving the date, time
and place where the public hearing will be held.
The sign will be furnished by the Town of
Riverhead. It shall not be set back more than
ten (10) feet from the property line and shall be
not less than two (2) or more than six (6) feet
above the grade at the property line. It shall be

RESOLUTIONS - continued

displayed for a period of not less than seven (7)
days immediately preceding the public hear-
ing date or any adjourned date. The applicant
shall file with the board of appeals an affi-
davit that he has complied with the provisions
of this section. No public hearing shall be
held unless such affidavit has been filed."

With respect to Article XXX. SUBDIVISION REGULATIONS

By adding new Article XXX. SUBDIVISION REGULATIONS,
to Chapter 108. ZONING, by incorporating in toto Chapter
A-115. SUBDIVISION REGULATIONS, with the following
underscored changes:

"ARTICLE XXX

SUBDIVISION REGULATIONS

"Section 108-95. General Provisions

Subsection 108-95(a). Declaration of policy.

Subsection 108-95(b). Definitions.

"Section 108-96. Minor Subdivision

Subsection 108-96(a). Procedure

RESOLUTIONS - continued

Subsection 108-96 (b). Sketch plan

Subsection 108-96 (c). Minor subdivision plan

Subsection 108-96 (d). Application and fee

"Section 108-97. Major Subdivision

Subsection 108-97 (a). Procedure

Subsection 108-97 (b). General requirements

Subsection 108-97 (c). Sketch plan

Subsection 108-97 (d). Preliminary plat

Subsection 108-97 (e). Final plat

Subsection 108-97 (f). Application and fee

"Section 108-98. Variances and Waivers; Amendments

Subsection 108-98 (a). Variation in case of hardship

Subsection 108-98 (b). Waiver of required improvements

Subsection 108-98 (c). Board to impose conditions

Subsection 108-98 (d). Amendments and changes

RESOLUTIONS - continuedARTICLE XXX
SUBDIVISION REGULATIONS

Section 108-95. General Provisions

Subsection 108-95 (a) Declaration of policy

By the authority of the resolution of the Town Board of the Town of Riverhead adopted on January 28, 1948, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Riverhead is authorized and empowered to approve plats showing lots, blocks or sites, and with or without streets or highways, within that part of the Town of Riverhead outside the limits of any incorporated city or village. It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Master Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire fighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds. In order that land subdivisions may be made in accordance with this policy, these regulations, which shall be known as and which may be cited as the "Town of Riverhead Land Subdivision Regulations", have been adopted by the Planning Board and approved by the Town Board.

SKETCH PLAN — A sketch of a proposed subdivision showing the information specified in these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

STREET — A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

STREET WIDTH — The width of the right-of-way measured at right angles to the center line of the street.

SUBDIVIDER — Any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof, as defined herein, either for himself or others.

SUBDIVISION — The division of any parcel of land into two (2) or more lots, blocks or sites, with or without streets or highways, and includes resubdivision.

SURVEYOR — A person licensed as a land surveyor by the State of New York.

Section 108-96. Minor Subdivision

Subsection 108-96 (a). Procedure

- A. Sketch plan. A sketch plan prepared in accordance with ~~§108-96~~ may be submitted. The subdivider shall submit seven (7) copies of the sketch plan, clearly marked "Sketch Plan of a Minor Subdivision." The subdivider will be advised of the time and place of the meeting when the Planning Board will consider the sketch plan, and the subdivider or his agents shall be present at this meeting or request an adjournment thereof. The Planning Board shall determine that the proposed minor subdivision does not create traffic, safety or drainage problems and does not significantly affect the development of surrounding properties. The Planning Board must be satisfied that the subdivision is not a plan to circumvent the subdivision regulations of the Planning Board of the Town of Riverhead for a larger parcel of property. If the Planning Board finds that the sketch plan, or sketch plan as modified, meets the purposes of these regulations, the subdivider or his agents may proceed with the preparation of a minor subdivision plan.

B. Minor subdivision plan.

- (1) The subdivider shall submit ten (10) copies of a map clearly marked "Minor Subdivision Plan" in accordance with the requirements herein set forth. If the subdivider has not submitted a sketch plan, the Planning Board shall determine that the proposed subdivision does not create traffic, safety or drainage problems and does not significantly affect the development of surrounding properties, and the Planning Board must be satisfied that the subdivision is not a plan to circumvent the subdivision regulations of the Planning Board of the Town of Riverhead for a larger parcel of property.
- (2) If the Planning Board finds that the minor subdivision plan meets the purposes of these regulations, the Planning Board will adopt a resolution approving the minor subdivision plan and cause a copy of the resolution, together with a copy of the minor subdivision plan, to be filed with the Building Inspector.
- (3) If the lots shown on the minor subdivision plan are not conveyed or devised by will prior to a change or amendment to the Zoning Ordinance of the Town of Riverhead' which would make the lots nonconforming to the Zoning Ordinance, the approval shall be deemed null and void.
- (4) Before granting final approval to a minor subdivision plan, the Planning Board of the Town of Riverhead shall require a covenant restricting the subdivision of any lot or remaining parcel of land which could be further subdivided into lots meeting the area and width requirements of the Zoning Ordinance of the Town of Riverhead' until a major or minor subdivision plan is submitted to the Planning Board complying with the Rules and Regulations of the Planning Board for the Subdivision and Platting of Land. The instrument containing the hereinafter set forth covenant, above referred to, must be recorded in the Suffolk County Clerk's office at the expense of the subdivider, and a certified copy of the filed covenant shall be submitted to the Clerk of the Planning Board of the Town of Riverhead. The covenant shall be executed by the owner of the entire parcel of land being subdivided and/or shall be executed by the purchaser of a parcel of land, designated as a lot.
[Added 9-17-75, approved 10-7-75]

Subsection 108.96 (b). Sketch plan

The sketch plan shall show the following information:

- A. The name of the owner or identifying title and the name of the hamlet, town and county in which the land is located.
- B. Names and addresses of record owner, subdivider and engineer or surveyor of design of sketch plan.
- C. Location of property lines, existing easements, watercourses, buildings and other essential existing features.
- D. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
- E. The location of any existing sewers and water mains, culverts and drains on the property to be subdivided.
- F. Location, names and present widths of existing streets, highways, easements, alleys, parks and other public open spaces and similar facts regarding the property and the width of abutting streets.
- G. Date, North point and scale.
- H. The proposed lot lines with approximate dimensions.
- I. Easements.
- J. Approximate area of lots.

Subsection 108.96 (c). Minor subdivision plan

The minor subdivision plan shall show the following information:

- A. The name of the owner or identifying title and the name of the hamlet, town and county in which the land is located.
- B. Names and addresses of record owner, subdivider and engineer or surveyor of design of minor subdivision plan.
- C. Location of property lines, existing easements, watercourses, buildings and other essential existing features.
- D. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
- E. The location of any existing sewers and water mains, culverts and drains on the property to be subdivided.
- F. Location, names and present widths of existing streets, highways, easements, alleys, parks and other public open spaces and similar facts regarding the property and the width of abutting streets.

G. Date, North point and scale.

H. Easements.

I. Contours, when required by the Planning Board, and the contour intervals as set forth by the Planning Board; and elevations of existing roads, when required by the Planning Board, at points of change in grade and at one-hundred-foot intervals.

J. Key map at a scale of one (1) inch equals six hundred (600) feet.

K. An actual survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances.

L. The bearings and dimensions of the lines of each lot.

M. Area of each lot in square feet (may be in tabular form).

N. The approval of the Suffolk County Department of Health, when required by the Planning Board, for the method of water supply and sewage disposal.

Subsection 108.96 (d). Application and fee

A. A letter of application, together with the requisite number of copies of the sketch plan for minor subdivision or the subdivision plan of minor subdivision, shall be submitted to the Planning Board at least ten (10) days prior to a regular meeting for consideration at that meeting. [Amended 12-19-74, approved 2-19-75]

B. All applications for the consideration of a minor subdivision shall be accompanied by a fee of ten dollars (\$10.) per lot.

C. The applicant shall erect a sign giving notice that an application to the planning board is pending and giving the date, time and place where the regular meeting for consideration of the application, or adjourned date, will be held. The sign will be furnished by the Town of Riverhead. It shall not be set back more than ten (10) feet from the property line and shall not be less than two (2) or more than six (6) feet above the grade at the property line. It shall be displayed for a period of not less than seven (7) days immediately preceding a regular meeting for consideration of the application or any adjourned date. The applicant shall file with the planning board an affidavit that he has complied with the provisions of this section. No application shall be considered unless such affidavit has been filed.

RESOLUTIONS - continued**Section 108-97. Major Subdivision****Subsection 108-97 (a). Procedure**

A. Sketch plan. A sketch plan prepared in accordance with §108.96(b) may be submitted. The subdivider shall submit seven (7) copies of the sketch plan, clearly marked "Sketch Plan." The subdivider will be advised of the time and place of the meeting when the Planning Board will consider the sketch plan, and the subdivider or his agents shall be present at this meeting or request an adjournment thereof. The Planning Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations so that the subdivider or his agents may proceed with the preparation of a preliminary plat. [Amended 12-19-74, approved 2-19-75]

B. Preliminary plat. The subdivider shall submit twelve (12) copies of the preliminary plat, clearly marked "Preliminary Plat," in accordance with the requirements herein set forth, and the Planning Board will hold a public hearing in accordance with Subdivision 3 of Section 276 of the Town Law.

C. Final plat. The subdivider shall submit one (1) linen print and seven (7) paper prints and shall submit the copies required for filing in the County Clerk's office, and may submit the linen tracing to the Planning Board within the time and in accordance with the requirements set forth in Section 276 of the Town Law and in accordance with the requirements herein set forth and in accordance with any other applicable state law or local law or ordinance, rule, regulation or resolution.

D. Improvements. The subdivider shall complete, in accordance with the Board's decision, to the satisfaction of the Board and any other official or body authorized by law to act, all the improvements specified in Section 277 of the Town Law and not specifically waived by the Board, or, alternatively, shall file with the Town Board a performance bond complying with Section 277 of the Town Law, satisfactory to the Town Board as to form, sufficiency, manner of execution and surety, for the completion of such improvements as are not constructed.

- E. Filing. Upon the approval of the final plat, signed by a duly authorized officer of the Planning Board, the subdivider shall file the plat in the office of the County Clerk within the time specified in Subdivision 7 of Section 276 of the Town Law.

Subsection 108-97 (b). General requirements.

The subdivider shall observe the following general requirements and principles of land subdivision:

- A. In general, the proposed subdivision shall conform to the Master Plan, if any, affecting the area.
- B. The arrangement of streets in the subdivision shall provide for the continuation of principal streets in adjoining subdivisions or for their proper projection when adjoining property is not subdivided, and such streets shall be of a width at least as great as that of such existing connecting streets.
- C. In general, main highways and secondary highways shall be of adequate width as may be designated by the Board. The width of minor streets shall not be less than fifty-five (55) feet.
- D. Dead-end or cul-de-sac streets shall not in general exceed four hundred (400) feet in length and shall be equipped with a turnaround roadway having a minimum radius equal to the width of the street.
- E. Block lengths generally shall not exceed one thousand two hundred (1,200) feet in length.
- F. Pedestrian walks or easements for underground utilities not less than ten (10) feet in width may be required near the center of all blocks over eight hundred (800) feet in length.
- G. Each normal block shall be planned to provide two (2) rows of lots, but irregularly shaped blocks indented by cul-de-sac streets and containing interior parks will be acceptable when properly designed.
- H. Curb radii at intersections shall be not less than twenty (20) feet and property lines shall be adjusted accordingly.
- I. Side lines of lots, so far as practicable, shall be at right angles or radial to street lines.
- J. Reversed frontage of lots at street intersections shall be avoided where possible.
- K. Grades of all streets shall be the reasonable minimum, but shall not be less than twenty-five percent (25%) nor more than five percent (5%) for main thoroughfares nor more than ten percent (10%) for minor streets.

RESOLUTIONS - continued

L. In case a tract is subdivided into larger parcels than normal building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.

M. Reserve strips. In general, no reserve strips controlling access to land dedicated to public use will be permitted.

N. Park and playground sites.

(1) The Planning Board may require that land be reserved for park, playground or other recreational purposes. The Planning Board may require that a cash payment be deposited with the Town Board in a special fund, as required by Section 277 of the Town Law, where the Planning Board deems that land would be inadequate and unsuitable for use as a park, playground or other recreational purposes.

(2) Land reserved for recreational purposes shall have an area of five (5) acres for each one hundred (100) lots shown on the plan, or proportional thereto. Any parcel

of land reserved for recreational purposes shall have an area of at least one (1) acre. In meeting these requirements the Planning Board may require, or the developer may reserve, more than one (1) acre within the subdivision for park, playground or recreational purposes, but in no case shall any reserved area be of less than one (1) acre.

(3) Where the Planning Board deems it to be in the best interest to require the developer to deposit a cash payment or where the developer proposes to make a deposit of cash, the amount to be paid shall be at the rate of one hundred fifty dollars (\$150.) per each lot in the subdivision on or after July 1, 1974, except that for a realty subdivision where the preliminary plat has been approved by the Planning Board after a public hearing held in accordance with Paragraph 3 of Section 276 of the Town Law, the amount to be paid shall be at the rate of sixty dollars (\$60.) per each lot in the subdivision. [Amended 5-8-74, approved 6-18-74]

RESOLUTIONS - continued

- (4) Where land is to be reserved for park, playground or other recreational purposes, the developer shall submit a proposed plan for the development of this area in line with the proposed recreational use, which plan shall be reviewed by the Planning Board. The Planning Board may approve same or require amendments or changes thereto before granting its approval. The developer shall also submit an estimate of cost to construct the improvements shown on the plan. The Planning Board will review the estimate and approve or revise the amount of the estimate, and if the construction is not completed prior to the approval of the final subdivision plan, will require a performance bond to ensure that the improvements will be completed.
- (5) If the Planning Board shall require that certain land be reserved for park, playground or other recreational purposes and a cash deposit be made, the cash deposit shall be equal to the amount hereinbefore set forth, e.g., one hundred fifty dollars (\$150.) for each lot in the subdivision, less the cost of land reserved at the rate of two thousand dollars (\$2,000.) per acre and less the cost of the amount approved for the construction of the improvements in the recreational area. [Amended 5-8-74, approved 6-18-74]
- (6) The developer shall present a proposal in the form of covenants and restrictions, which will be set forth in the deed of conveyance for lots within the subdivision, to adequately ensure a proper maintenance of the recreational area. The Planning Board shall approve such covenants and restrictions or require amendments or changes thereto before granting its approval. Upon approval of the covenants and restrictions, the developer shall, prior to the approval of the final subdivision plat, file a declaration with the Town Board of the Town of Riverhead that the covenants and restrictions will be a part of each deed for the lots shown on the subdivision plat.
- O. All required improvements shall be constructed or installed to conform to the specifications of departments or districts of the Town of Riverhead.
- P. Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall be avoided.
- Q. In general, all streets shall join each other so that for a distance of at least one hundred (100) feet the street is approximately at right angles to the street it joins.

RESOLUTIONS - continued

- R. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.
- S. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- T. The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.
- U. Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width shall be otherwise provided, with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.
- V. In general, street lines within a block, deflecting from each other at any one point by more than ten degrees (10°), shall be connected with a curve, the radius of which for the center line of street shall not be less than two hundred (200) feet.
- W. [Added 4-16-75, approved 5-6-75] Streets from a realty subdivision opening into highways or that portion hereinafter enumerated shall be, in general, five hundred (500) feet apart:
- (1) Wading River-Manorville Road (from Hulse Avenue to the Peconic River).
 - (2) Hulse Landing Road (that portion in the Suffolk county highway system).
 - (3) Fresh Pond Avenue.

RESOLUTIONS - continued

- (4) Edwards Avenue (from Sound Avenue to the Long Island Railroad).
- (5) Twomey Avenue (from Sound Avenue to Manor Road).
- (6) Osborne Avenue (from Sound Avenue to Middle Road).
- (7) Horton Avenue (from Sound Avenue to Middle Road).
- (8) Roanoke Avenue (from Sound Avenue to Middle Road).
- (9) Doctor's Path (from Sound Avenue to Middle Road).
- (10) Northville Turnpike (from Sound Avenue to Doctor's Path).
- (11) Union Avenue (from Sound Avenue to Main Road).
- (12) West Lane (from Sound Avenue to Main Road).
- (13) Phillips Lane (from Sound Avenue to Church Lane).
- (14) Church Lane (from Sound Avenue to Phillips Lane).
- (15) Tuthill Avenue.
- (16) Manor Lane.
- (17) Herricks Lane.
- (18) Hulse Avenue (from the westerly boundary of the Town of Riverhead to Parker Road).
- (19) Sound Avenue (from Parker Road to the easterly boundary of the Town of Riverhead).
- (20) Parker Road (from Sound Avenue to Middle Country Road).
- (21) Riley Avenue.
- (22) Youngs Avenue.
- (23) Reeve Avenue.
- (24) Deep Hole Road.
- (25) Middle Road (from Manor Road to Harrison Avenue).
- (26) Middle Country Road (from the westerly line of the Town of Riverhead to Manor Road).
- (27) Main Road (from Doctor's Path to the easterly line of the Town of Riverhead).
- (28) Peconic Bay Boulevard.
- (29) Bay Avenue (from Main Road to Peconic Bay Boulevard).

The Board will require marginal access streets to the streets opening onto the hereinabove set forth highways with appropriate lot arrangements providing ingress and

RESOLUTIONS - continued

Subsection 108-97 (c). Sketch plan

The sketch plan shall show the following information:

- A. Proposed subdivision name or identifying title and the name of the town and county in which the subdivision is located.
- B. Names and addresses of record owner, subdivider and engineer or surveyor of design of sketch plan.
- C. Location of property lines, existing easements, water-courses, buildings and other essential existing features.
- D. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
- E. The location of any existing sewers and water mains, culverts and drains on the property to be subdivided.
- F. Location, names and present widths of existing and proposed streets, highways, easements, alleys, parks and other public open spaces and similar facts regarding the property and the width of abutting streets.
- G. Date, North point and scale.
- H. The proposed lot lines with approximate dimensions.
- I. Street names, which shall be subject to approval by the Board.
- J. Easements.
- K. Approximate area of lots.
- L. Contours, if required by the Planning Board, and at intervals as specified by the Planning Board.
- M. Key map at a scale of one (1) inch equals six hundred (600) feet.

Subsection 108-97 (d). Preliminary plat

The preliminary plat shall show the following information:

- A. Proposed subdivision name or identifying title and the name of the town and county in which the subdivision is located.
- B. Names and addresses of record owner, subdivider and engineer or surveyor of design of preliminary plat.
- C. Location of property lines, existing easements, water-courses, buildings and other essential existing features.
- D. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.

RESOLUTIONS - continued

- E. The location of any existing sewers and water mains, culverts and drains on the property to be subdivided.
- F. Location, names and present widths of existing and proposed streets, highways, easements, alleys, parks and other public open spaces and similar facts regarding the property and the width of abutting streets.
- G. Date, North point and scale.
- H. The proposed lot lines with approximate dimensions.
- I. Street names, which shall be subject to approval by the Board.
- J. Easements.
- K. Approximate area of lots.
- L. Contours at intervals of two (2) feet, or less if required by the Planning Board, or at a greater interval when approved by the Planning Board, and elevations of existing roads at points of change in grade and at one-hundred-foot intervals. The datum shall be designated and the elevation of two (2) monuments or other permanent objects shall be set forth on the plat.
- M. Grading plan by showing proposed contours where natural contours are to be changed more than three (3) feet.
- N. All data that would enable the Superintendent of Highways to determine that the rules and regulations for the dedication of a public highway in the Town of Riverhead, Suffolk County, New York, are complied with, including but not limited to cross section of highway, profile of streets, drainage facilities and storm sewers. (This data or any part thereof may be shown on the preliminary plat or on a plan made a part of the preliminary plat.)
- O. Detail plan of any other improvements required by the Planning Board.
- P. Scale of map, not more than one hundred (100) feet to the inch.
- Q. Key map at a scale of one (1) inch equals six hundred (600) feet.
- R. An actual survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances. The bearings shall be referenced to the North as established in the New York State coordinate system, and a coordinate referenced to the New York State coordinate system shall be set forth for a definite angle point in the perimeter.
- S. A letter of intent or designated stamp from the Suffolk County Department of Health and/or the Suffolk County Department of Environmental Control, approving the methods of water supply and sewage disposal.

RESOLUTIONS - continued

Subsection 108-97 (e). Final plat

- A. The final plat shall be prepared in accordance with Section 335 of the Real Property Law.
- B. The final plat shall show the following information:
- (1) Proposed subdivision name or identifying title and the name of the town and county in which the subdivision is located.
 - (2) Names and addresses of record owner, subdivider and engineer or surveyor of design of final plat.
 - (3) The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
 - (4) Street lines, pedestrian walks, lots, reservations and easements.
 - (5) Date, North point and scale.
 - (6) Scale of map, not more than one hundred (100) feet to the inch.
 - (7) Key map at a scale of one (1) inch equals six hundred (600) feet.
 - (8) An actual survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances. The bearings shall be referenced to the North as established in the New York State coordinate system, and a coordinate referenced to the New York State coordinate system shall be set forth for a definite angle point in the perimeter.
 - (9) The length of all straight lines and radii and length of curves for each street.
 - (10) The length of all lot lines.
 - (11) Area of each lot in square feet (may be in tabular form).
 - (12) Lots within the subdivision numbered in numerical order.
 - (13) The stamp of approval from all required governmental agencies, including but not limited to the Suffolk County Department of Health and the Suffolk County Department of Environmental Control.

RESOLUTIONS - continued

(14) A certificate, for the use of the Secretary of the Board, on the plat as follows:

"THIS IS TO CERTIFY that this subdivision map has been approved as provided by Article 16 of the Town Law.

Date of Approval

_____ 19____

Town of Riverhead Planning Board

By _____ Secretary

"The approval of this map does not constitute the acceptance of highways shown hereon as public roads."

Subsection 108-97 (f). Application and fee

- A. Sketch plan. A letter of application, together with the requisite number of copies of the sketch plan, shall be submitted to the Planning Board at least ten (10) days prior to a regular meeting for consideration at that meeting. All applications for the consideration of the sketch plan shall be accompanied by a fee of fifty dollars (\$50.).
- B. Preliminary plat. A letter of application, together with the requisite number of copies of the preliminary plat, shall be submitted to the Planning Board at least ten (10) days prior to a regular meeting for consideration at that meeting. All applications for the consideration of a preliminary plat shall be accompanied by a fee of five dollars (\$5.) per acre or part thereof in the proposed subdivision if a sketch plan has been submitted, or shall be accompanied by a fee of fifty dollars (\$50.) plus five dollars (\$5.) per acre or part thereof in the proposed subdivision if a sketch plan has not been submitted.
- C. Final plat. A letter of application, together with the requisite number of copies of the final plat, shall be submitted to the Planning Board at least ten (10) days prior to a regular meeting for consideration at that meeting. The fee for final subdivision shall be waived unless a subdivider submits the final plat together with data required for preliminary plat, in which case the application shall be accompanied by a fee of fifty dollars (\$50.) plus five dollars (\$5.) per acre or part thereof in the proposed subdivision.

RESOLUTIONS - continued

D. The applicant shall erect a sign giving notice that an application to the planning board is pending and giving the date, time and place where the regular meeting for consideration of the application, or adjourned date, will be held. The sign will be furnished by the Town of Riverhead. It shall not be set back more than ten (10) feet from the property line and shall not be less than two (2) or more than six (6) feet about the grade at the property line. It shall be displayed for a period of not less than seven (7) days immediately preceding a regular meeting for consideration of the application or any adjourned date. The applicant shall file with the planning board an affidavit that he has complied with the provisions of this section. No application shall be considered unless such affidavit has been filed.

Section 108-98. Variances and Waivers; Amendments

Subsection 108-98 (a). Variation in case of hardship

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Master Plan or the Zoning Ordinance,³ if such exist.

³Editor's Note:
See Ch. 108,
Zoning

Subsection 198-98 (b). Waiver of required improvements

Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

RESOLUTIONS - continued

Subsection 198-98 (c). Board to impose conditions

In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Delete in its entirety
 Subsection 108-98 (d). Amendments and changes

The Town of Riverhead Planning Board may from time to time amend, supplement, change, modify or repeal any of the rules and regulations above set forth.

Upon the aforementioned new Article XXX becoming effective, the present Subdivision Regulations contained in Chapter A-115 of the Code of the Town of Riverhead shall be deleted.

By amending the Zoning District Use Schedule at page 10893 of the Code of the Town of Riverhead, by deleting the following words "See § 108-30, See § 108-31, See § 108-31, See § 108-31" under the headings listed below, so as corrected the schedule in pertinent part appears as follows:

	Minimum Front Yard Depth (feet)	Minimum Either Side Yard Width (feet)	Minimum Both Side Yards, Total Width (feet)	Minimum S Yard Width Abutting Side Street (feet)
Bus. A (Article VII)	25	15	30	25

Zoning District Use Schedule

Use District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Maximum Building Area ⁷ (%)	Maximum Height (feet)	Minimum Front Yard Depth (feet)	Minimum Either Side Yard Width (feet)	Minimum Both Side Yards, Total Width (feet)	Minimum Side Yard Width Abutting Side Street (feet)	Minimum Rear Yard Depth (feet)
Res. A (Article III)	40,000*	100	20	35	80	30	60	50	60
Res. B (Article IV)	22,000	125	20	35	50	20	45	50	60
Res. C (Article V)	See § 108-17	100	30	35	40	10	25	25	40
Agric. A (Article VI)	20,000	100	30 ¹	35 ¹	40	10	25	25	40
Bus. A (Article VII)	See § 108-29	See § 108-29	30 ¹	35 ¹	See § 108-30	See § 108-31	See § 108-31	See § 108-31	25
Bus. B ² (Article VIII)	None	None	15 ¹	50 ¹ / 35 ¹	50 ⁴	25	50	50	50 ¹
Bus. C (Article IX)	None	None	30 ¹	50 ¹ / 35 ¹	25 ⁴	25	25	25	50 ¹
Bus. D (Article X)	None	None	80 ¹ / See § 108-09	50 ¹ / 35 ¹	12	None	None	2	None
Ind. A (Article XI)	40,000	200	40	35 ¹	50	25	50	50	25
Ind. B (Article XII)	None	None	30 ¹	35 ¹	50	50	100	100	50

NOTE 1: Except where otherwise authorized by Board of Appeals as provided in this chapter.

NOTE 2: Where public water system has been installed with a hydrant located within one thousand (1,000) feet of the building capable of delivering seven hundred (700) gallons per minute at twenty (20) pounds per square inch.

NOTE 3: For residential requirements, see Agriculture A District, Article VI.

NOTE 4: Fifteen (15) feet of total required shall be unoccupied area.

NOTE 5: If lot is a through lot, fifteen (15) feet of total required shall be unoccupied area.

NOTE 6: Also, see § 108-07.

NOTE 7: The maximum building area in percent in the Business B District may exceed the stated amount by special permit of the Town Board, but not beyond the requirements of the parking schedule. [Added 3-2-76]

RESOLUTIONS - continued

10893

4-25-78

5/17/77

By adding the following to the Parking Schedule, pages 10895 and 10896 of the Code:

All Business and Industrial Use Districts must conform to the following:

Screen Planting.

- (1) There shall be provided a landscaped area of at least twenty-five (25) feet in depth wherever any district other than a residence district shall adjoin land owned or maintained by New York State, Suffolk County, Riverhead Town or any of their commissions, subdivisions of departments, and such land owned or maintained by New York State, Suffolk County, Riverhead Town or any of their commissions, subdivisions or departments is used or contemplated for use as parkland or recreational land.
- (2) Wherever a residence district adjoins any business district or industrial district, there shall be provided a landscaped buffer area of at least twenty-five (25) feet in width in each such abutting business or industrial districts. Such buffer zone shall be restricted to residential uses; and no structure, storage, parking or other similar accessory uses shall be permitted within such area unless specifically relaxed by the Town Board after public hearing.
- (3) Trees. Trees every twenty (20) feet shall be required along street frontages, unless specifically excepted by the Town Board when granting a change of zone application. The distance between trees shall be computed without taking into account that footage devoted to driveways, and in no instance shall trees be planted within five (5) feet of a driveway or edge of a driveway.

- (4) Fencing and/or screen planting. Unless specifically waived or otherwise amended by the Town Board, wherever the ordinance requires a buffer zone to protect residential properties, a six-foot-high chainlink fence with stockade attached shall be required and the buffer area seeded and/or planted with appropriate ground cover.
- (5) Screen planting, and/or fencing, where required, shall begin at ground level fifteen (15) feet back from the front property line and taper to full height at a distance twenty (20) feet back from the front property line.
- (6) Where the applicant's building or buildings are retail in nature and where the aggregate square footage is twenty-five thousand (25,000) square feet or more, the applicant must provide landscaped raised islands within the parking area at the rate of twenty (20) square feet of landscaped islands per each parking space required. Such islands shall be at least eight (8) feet wide, measured on the shortest side, and surrounded by curbing that conforms to the town standard specifications. Wherever possible, such islands shall be installed so as to separate parked vehicles. Such islands shall be landscaped with one (1) tree every twenty (20) feet and with appropriate shrubbery, which landscaping shall be maintained.

(7) Maintenance of screening-buffer facilities.

- (a) Any land that is or has been designated or required to be a screening area or buffer area pursuant to an approval by the Town Board, Planning Board or Zoning Board of Appeals of any grant of an application for a change of zone, variance, site plan approval, or which is required by ordinance or local law, must be maintained by the owner of the property or any of the owners, successors in interest, or assignees.
- (b) When it is determined by the Town Board that any land is not maintained pursuant to such grant or ordinance, the Building and Zoning Department shall notify the owner of record of such land by registered mail to the address shown on the last preceding assessment roll to erect, replace, repair or maintain fences, trees, plantings, shrubbery or other screening pursuant to the plan or ordinance.
- (c) In the event the owner of record does not comply with the notice within thirty (30) days of the date of said mailing the Building and Zoning Department may take the appropriate action to erect, replace, repair or maintain fences, trees, plantings, shrubbery or other screening on the designated land. The Building and Zoning Department shall certify by affidavit the costs incurred either by his Department or otherwise to the Town Board. The Town Board shall by resolution instruct the Town Clerk to publish a public notice that a public hearing will be held for the purpose of adding to the assessment roll of the described lot or parcel the costs incurred and that at the public hearing the Town Board will hear and

RESOLUTIONS - continued

The publication of such notice shall not be less than ten (10) days before the time specified for such hearing.

The Town Board, after public hearing, may then cause such assessment to become a lien and may direct the Town Assessor to place it on the assessment roll.

By amending the Parking Schedule, "Use: "Retail Stores in Business "B" District" by deleting the following:

"1 per 120 square feet of floor area"

and adding the following:

"1 per 150 square feet of floor area"

PLEASE TAKE FURTHER NOTICE, That public hearing having been held on May 17, 1977, the following amendments to the Code of the Town of Riverhead, were duly adopted on May 17, 1977, and entered in the Town Clerk's Minutes.

1. By adding new subsection 6 to Chapter 108, Section 21 (B), as follows:

"(6) Non-profit, year-round, resident child care institutions with attendant open space or agricultural uses on a parcel of no less than fifty (50) acres by special permit of the Town Board."

RESOLUTIONS - continued

2. By adding new Section 108-45 B, as follows:

"(13) National cemetery, by special permit
of the Town Board."

3. By deleting Section 108-23 "Lot Area" in its entirety.

4. By amending the Zoning District Use Schedule in pertinent part, which currently reads as follows:

" Use District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Maximum Building Area? (%)	Maximum Height (feet)	Minimum Front Yard Depth (feet)	Minimum Either Side Yard Width (feet)	Minimum Both Side Yards, Total Width (feet)	Minimum Side Yard Width Abutting Side Street (feet)	Minimum Rear Yard Depth (feet)
* * *									
Res. B (Article IV)	22,000	125	20	35	50	20	45	50	50
* * *									
Agric. A (Article VI)	20,000	100	30'	35'	40	10	25	25	40 "

and, change it to read as follows:

Res. B (Article IV)	30,000	125	20	35	50	20	45	50	50
* * *									
Agric. A (Article VI)	140,000	150	30'	35'	40	10	25	25	40 "

RESOLUTIONS - continued

5. By amending Section 108-56. J. to read as follows:

"J. Anything to the contrary in this chapter notwithstanding, any non-conforming billboard or flashing or moving sign, other than a time and temperature display permitted by the Town Board of the Town of Riverhead, in accordance with the further provisions of this chapter, wherever located, shall become an unlawful structure on January 20, 1979, and shall thereupon be removed."

6. By adding a new subsection to Section 108-56; to read as follows:

"L. A time-temperature display may be permitted in Business D. District (General Business) only by special permit of the Town Board if it meets the following conditions:

- "1. On premises.
- "2. Attached to the building wall.
- "3. No More than Thirty-two (32) square feet in total area.
- "4. No more than two (2) colors, inclusive of background color of building wall.

RESOLUTIONS - continued

"5. A minimum time interval of five (5) seconds between flashed readings of time and temperature.

"6. Three hundred (300) lineal feet from any existing time and temperature display."

7. By adding to Section 108-34, the following new subsection:

"A. Permitted Uses

* * *

"(16) Vehicle repair."

8. By adding to Section 108-39, the following new subsection:

"A". Permitted Uses

* * *

"(17) Vehicle repair."

The adoption of the aforesaid Amendments of the Code of the Town of Riverhead, as amended, shall take effect ten (10) days after such publication and posting.

The vote, Lombardi, Yes, Tomlinson, 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 10:55 P.M. to meet June 7, 1977 at 7:30 P.M.

Helene M. Block, Town Clerk