

9/17/74

Minutes of a Regular Meeting of the Town Board of the  
Town of Riverhead held in the Town Hall, Riverhead, New York, on  
Tuesday, September 17, 1974, at 7:30 P.M.

## Present:

John H. Leonard, Supervisor  
Robert G. Leonard, Town Justice  
Gregory R. Manning, Town Justice  
George G. Young, Councilman  
Francis E. Menendez, Councilman

Also present: Allen M. Smith, Town Attorney

EXECUTIVE SESSION

9:45 A.M. - William Nohejl re: Renewal on Drainage Lease  
10:00 A.M. - Robert L. Tooker, Esq. re: Photocircuits  
This matter has been taped by the Town Clerk and is on  
file in her Office and will remain filed for one year.

Supervisor Leonard called the Meeting to Order at 7:30 P.M.

Town Justice Leonard offered the following resolution  
which was seconded by Councilman Young.  
BE IT RESOLVED, That the Minutes of the Town Board Meeting  
held on September 3rd, 1974, be approved as submitted.  
The vote, Councilman Menendez, Yes, Town Justice Manning,  
Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor  
Leonard, Yes.  
The resolution was thereupon declared duly adopted.

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined  
the bills submitted on Abstracts, dated September 17th, 1974, as follows:

General Town	\$9,647.04
Highway Item #1	\$1,679.68
Highway Item #3	\$3,170.53
Highway Item #4	\$1,536.26
Special Districts	\$8,177.62
Senior Nutrition Prog.	\$ 201.65
Drug Abuse Prog.	\$ 400.18
Federal Revenue	\$ 54.60

Town Justice Manning offered the following resolution  
which was seconded by Councilman Menendez.  
BE IT RESOLVED, That the following bills be and are here-  
by approved for payment:

RESOLUTION - continued:

General Town	\$9,647.04
Highway Item #1	\$1,679.68
Highway Item #3	\$3,170.53
Highway Item #4	\$1,536.26
Special Districts	\$8,177.62
Senior Nutrition Prog.	\$ 201.65
Drug Abuse Prog.	\$ 400.18
Federal Revenue	\$ 54.60

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

PETITIONS

- a) Amended plans on Petition of Staker and Neilans (Dentists)
- b) Fourteen (14) Taxpayers submit Petition for establishment of Extension to Water District for the area on Harrison Avenue between the northerly boundary of Water District and Middle Road and the area on Middle Road between the westerly line of Water District and Harrison Avenue. (Town Clerk was directed to advise the Petitioners to contact Pierre Lundberg, Esq.)

COMMUNICATIONS

Suffolk County Department of Planning, dated 9/4/74 re Amended Building Zone Ordinance #26, Section 211, (Multiple Dwelling), Town of Riverhead, stating that after notifying the neighboring towns and receiving no adverse response, the Commission will take no further action. Filed.

Copies to all Town Agencies.

N.Y.S. Department of Transportation, dated 9/3/74, stating "Chapter 760 of the Laws of 1974, effective October 1, allows motorists to turn on red traffic signal indications when a sign is in place permitting such turn. That law also delegates to the Department of Transportation, cities, villages and towns the power to authorize such turns on red at signals under their respective jurisdictions."

Explanations and copy of "Special Authorization 74-5" were also attached. Filed.

Copies to Town Board, Town Attorney, Police Chief Grodski and Mr. Horton, Supt. of Highways.

Riverhead Town Planning Board, dated 8/26/74, re Aquebogue Woods approving the final plat when certain conditions are complied with regarding performance bond, etc. Filed.

Copies to Town Board, Town Attorney, and Charles Cuddy Esq.

Miss Julia A. Booker, 10 Fanning Street, Riverhead, dated 9/8/74, requesting street light on Pole #F101 in front of her home, due to extreme darkness of surrounding area. Filed.

Copies to Town Board, Town Attorney and Lighting Comm.

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COMMUNICATIONS - continued:

Sound Avenue Day Care Center, dated 9/6/74, stating:

"It is our desire that you (Town Board) would honor our organization by appointing a standing member of the Town Board to serve on our Board of Directors. It is our belief that by having a representative of the Town Board that your appointee will advise us how we may better serve and improve our standards for day care."

The center is a community sponsored, non-profit, tax exempt organization. Filed.

Copies to Town Board and Town Attorney.

Supervisor Leonard announced that Judge Manning has volunteered to serve on the Board.

Sister Mary Leonie, Social Studies Department, Mercy High School, dated 9/13/74, requesting Town Board hold their first November Meeting in the Mercy High School Auditorium. Filed.

State of N.Y. Department of Environmental Conservation, dated 9/12/74 re Public Hearing on application of Northville Industries Corp. to construct a new well for fire protection only to be held in Building 40, SUNY Campus, Stony Brook, New York, on October 25th, 1974 at 2:00 P.M.

Any persons wishing to be heard either in favor of or opposed to such plans, must file a notice of such desire in writing and in duplicate in the office of the Department of Conservation on or before October 15th, 1974. Filed.

Copies to Town Board and Town Attorney.

Thirteen (13) letters voicing approval of proposed "Dry Dock Restaurant" on Oliver Street, received 9/16/74, from the following: Mr. & Mrs. Darrell Carrick, Patricia Watts, Beverly Chew, Carol Baecker, Anna L. Fox, Mrs. Merry L. Minnick, Nadia Young, Sharon J. Titcomb, Kathy Hasslinger, John Hudson, Mrs. William DeWall, David Rosenthal, and Hull S. Chew. Filed.

Copies to Town Board and Town Attorney.

State of New York Public Service Commission, dated 9/12/74, re Public Hearing on application of LILCO to construct (2) double circuit steel pole transmission lines from existing substations to future locations.

Hearing will be held before Examiner Thomas R. Matias at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, on Friday, October 11, 1974, at 10:00 A.M., for the purposes of receiving statements from members of the public. Filed.

Copies to Town Board and Town Attorney.

Board of Assessors, dated 9/4/74, requesting purchase of an office desk for \$79.95. Filed.

Copies to Town Board and Town Attorney.

The matter was discussed with Thomas McKay, Chairman of the Board of Assessors and it was decided that the purchase be deferred for the time being.

COMMUNICATIONS - continued:

Timothy J. Drawbridge, Linda Lane East, Riverhead, dated 8/28/74, re referendum vote for site of New Town Hall, stating five (5) merits of the proposed Town Hall Site on Route 58, which override any master plan.

Also suggest that the downtown businessmen give a "face-lift" to their buildings to increase business rather than force taxpayers to come downtown or using the taxpayer's money to improve the area. Filed.

UNFINISHED BUSINESS

a) Appointment of Lawyer as Member of Narcotics Guidance Council - Supervisor Leonard replied that he has been in contact with two lawyers and is awaiting their response.

b) Anthony Garzina - Drainage Problem, Wading River - Councilman Menendez reported that both he and Town Justice Manning have been to the site in question and there is a definite problem with flooding every time it rains.

He further stated that Mr. Horton has been directed to clean out a piece of Town Property, adjacent to Mr. Garzina's and make it a sump to alleviate this problem which has been going on too long.

c) Jamesport School Matter - Supervisor Leonard reported that he had been in error at the last meeting when he announced that the Jamesport Committee would have a report by this meeting. He then stated that their report would be in by the 30th of September.

d) Acquisition of Land, Hulse Landing Road, Wading River - Mrs. Marie Hoff reported that the Committees are working on their evaluations, etc. of the land in question and in due course will have their answer for the Board.

e) Bike Path Committee - Supervisor Leonard reported that he had received a "bundle" of information that afternoon, from the County on this matter, but he has not had a chance to go over the material with the Board yet.

f) Decision on Staker and Neilans, Dentists - Supervisor Leonard replied that the Board discussed this matter at length in the Executive Session and the Board recommended that the Petitioners go directly to the Building Department and get their permit there.

He further stated that as far as the Town Board is concerned, it is a permitted use.

g) Continuation of Open Development Area - Mr. Horton - Supervisor Leonard reported that there will be a resolution on this matter at the next meeting.

PERSONAL APPEARANCES

Supervisor Leonard asked if anyone wished to be heard and the following persons responded:

PERSONAL APPEARANCES - continued:

Olin Warner, Calverton, representing County Parks Commission, appeared in reference to the letter from Miss Block stating the Town Board's opposition to the County taking over the Baiting Hollow Country Club, stating that the Park Commission has taken no action either for or against for the simple reason that the subject was never brought up.

He further stated that at the next Trustee's Meeting of the Parks Commission he will report back that the Town Board is on record as opposing it and therefore he is sure there will be no affirmative action taken on it.

Supervisor Leonard replied that after looking in the paper and then at the club house at Baiting Hollow, maybe the Town could get somebody up there for \$75.00 a month.

Judge Leonard asked Mr. Warner about the status of a matter of property by Grumman called "Wading River Estates".

Mr. Warner replied that that matter was brought up several years ago and it was reported that the Town Board of Riverhead was opposed to the County acquiring that property for park purposes and the Parks Commission did not recommend the purchase.

Supervisor Leonard recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 8:00 P.M.

Town Clerk submitted affidavit of publishing and posting Public Notice Calling Public Hearing on Hallock Luce 3rd and Arlene D. Luce for Special Permit to erect two single family residences in Industrial A Use District in South Jamesport, New York.

The affidavit was ordered filed.

Supervisor Leonard thereupon declared the Hearing open and asked if anyone wished to be heard.

Hallock Luce 3rd spoke on his own behalf and described the location of the parcel of property and stated that it had been in his wife's family for over 50 years and now they wanted to erect two single family dwellings.

Judge Leonard asked if these dwellings were for personal use or for renting and Mr. Luce replied that they were for personal use only.

Further discussion ensued pertaining to location, etc.

No one else wishing to be heard and no communications having been received thereto, Supervisor Leonard declared the Hearing closed and re-opened the Meeting at 8:07 P.M.

PERSONAL APPEARANCES - continued:

Jeanette Hallock, Oliver Street, Riverhead, complained about the approval of the proposed restaurant and bar on Oliver Street stating she felt it was uncalled for.

She further stated concern over the possibility of the safety of their children if the restaurant expands their business to include the dinner trade.

She also mentioned the fact that there is no public sewerage on Oliver Street, which is needed by the restaurant, as required by the Board of Health, and no public water tie-up.

She further commented on the fact that she didn't like the idea of another place in Town where businessmen had to have a "couple of shots" before they went back to their businesses.

Henry Danowski, Oliver Street, Riverhead, complained about the insufficiency of the septic tanks for the proposed restaurant stating he does not think they are enough to handle a restaurant.

He further complained about the lack of parking facilities and the poor location for a business of this type.

Helen Berezny, Oliver Street, Riverhead, appeared in opposition to the proposed restaurant and bar on Oliver Street.

Margaret Edwards asked how they could have a restaurant on that location when the building is listed a "Professional Building For Sale".

She further asked how this application could be approved and if the building was sold and already established as a restaurant or was it just a false front?

Councilman Young responded by saying: "It is a permitted use in Business B and that area is Business B. One of the permitted uses in Business B is a restaurant. Now what we have to do according to the Zoning Ordinance is approve the plot plan and that's pretty much all we have to say as a Town Board."

Rudolph Bruer, Attorney for Restaurant Owners, appeared on behalf of his clients stating he feels the restaurant would be some place the Community would be proud of.

When asked about permission from the Board of Health, Mr. Bruer stated that when they are ready to install the facilities required by the Board of Health, and a Certificate of Occupancy has been granted, the Board of Health will come in to check the facilities. (Sewer, Water, etc.)

Jeanette Hallock replied that as of a week ago, no one had even been to the Board of Health to ask how, what, why or anything.

Supervisor Leonard explained that all the Board can do is approve the plot plan, according to the Zoning Ordinance. If the Board of Health does not think the building and sewer and water facilities are adequate for a restaurant, they will not approve the application and the Building Department will not issue the Special Permit to operate.

PERSONAL APPEARANCES - continued:

Mr. Carroll Harvey, Co-Owner of Dry Dock Restaurant approached the Board saying: "I approached the Board of Health in the last week of April, 1974 and they recommended 874 cubic feet of leaching."

Henry Danowski asked how many cubic feet were there now?

Mr. Harvey answered Mr. Danowski by saying that there were about 200 feet there now.

Reba Melvin complained about the excessive speed of the motorists on Oliver Street.

Mrs. Berezny asked the Supervisor how far from each border of property and road frontage do the buildings have to be?

Edward Munson, Zoning Inspector said that he didn't have those facts committed to memory and could not quote them without his book.

Town Attorney, Allen M. Smith replied that the only issue here today is where the existing building is located on the property and that is all the Town Board can approve, the plot plan.

Judge Leonard asked Mr. Bruer if all the papers and applications have been properly executed and submitted to the Building Department and Mr. Bruer answered: "Yes."

Supervisor Leonard spoke on the upcoming referendum vote for the new Town Hall Site saying he would appreciate everyone taking a little of their time to go and vote "Yes" or "No" and make a good showing.

He further commented that he did not wish to influence anyone's vote, but that he and the Board did feel that this site had the most merits and was the most economical.

RESOLUTIONS

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That HELEN GUYER or a SUBSTITUTE be and is hereby authorized to attend a training school for Fiscal Officers, to be held October 1st through the 4th, 1974, at the Town's expense.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued:

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

BE IT RESOLVED, That pursuant to Section 108 of the Agriculture and Markets Law, the following be and are hereby appointed Dog Enumerators, effective October 1, 1974, for the purpose of preparing a list for the year 1975, of persons owning or harboring dogs in the Town of Riverhead, and to be compensated on a fee basis pursuant to Section 1 (a) of Chapter 447 of aforesaid Law:

Paul J. Rumpel	Claudia Edwards	Joan Edwards
Barbara Amerson	Joseph J. Weber	Lynn Mueller
	Janet Mersereau	

and,

BE IT FURTHER RESOLVED, That the aforementioned Dog Enumerators be paid a mileage allowance of 15¢ per mile by the Town of Riverhead.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

WHEREAS, Raymond Wiwczar, Building Inspector, of the Town of Riverhead has satisfactorily completed the six month probationary period, be it therefore

RESOLVED, That Raymond Wiwczar be appointed Building Inspector, of the Town of Riverhead, on a permanent basis, effective September 5, 1974.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

RESOLVED, That the Chairman and Members of the Zoning Board of Appeals be and are hereby authorized to attend the New York State Planning Federation at Grossinger's on October 20, 21 and 22, 1974 and that related expenses incurred thereto be paid from Zoning Board Funds.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

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RESOLUTIONS - continued:

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the Chairman and Members of the Planning Board be and are hereby authorized to attend the New York State Planning Federation at Grossinger's on October 20, 21 and 22, 1974 and that related expenses incurred thereto be paid from Planning Board Funds.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the Long Island Lighting Company be and is hereby authorized to make a survey for the installation of a street light on Pole #F101, near 10 Fanning Street, Riverhead.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That Highway bills submitted on abstracts dated September 17, 1974, as follows:

Machinery Item #1 - Municipal Machinery Co., Inc., bills dated August 27, and September 4, 1974 totalling \$656.45, and Van Dyck and Yousik, Inc., bill dated September 3, 1974 in the amount of \$916.90; Miscellaneous Item #4 - Capitol Highway Materials, Inc., bills dated August 29 and September 4, 1974 totalling \$1,240.00; be and the same are hereby approved for payment.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That the employment of James Slater, Temporary Laborer in the Highway Department, be and is hereby terminated, effective August 23, 1974.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

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RESOLUTIONS - continued:

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

WHEREAS, John Kalinowski, Laborer in the Highway Department has retired effective August 30, 1974,

NOW, THEREFORE, BE IT RESOLVED, That the employment of John Kalinowski be and is hereby terminated effective August 30, 1974.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

RESOLVED, That four (4) currently Town owned Police Vehicles bearing the following VIN numbers: PK41P3F217988 - PK41P3F217989 - PK41P2D313813 and PK41P3F272930 be declared surplus and the Town Clerk be and is hereby authorized to advertise for Sealed Bids for such Surplus Vehicles, and be it

RESOLVED, That the Police Chief prepare Bid Forms, and BE IT FURTHER RESOLVED, That such Bids be returnable on October 1, 1974 at 10:00 A.M. at which time all such Bids will be publicly opened and read aloud.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by councilman Young.

RESOLVED, That the Supervisor be and is hereby authorized to transfer the sum of \$5,000.00 from General Town Fund Balance A909 to Riverhead Town Nutritional Program to meet program expenses for lunches for the aging until such time as the County of Suffolk reimburses monies for said expenditures, and be it

FURTHER RESOLVED, That the said sum of \$5,000.00 be refunded to General Town Fund Balance A909 when monies are received from the County of Suffolk.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the application of Roy Schoenhaar and Carroll J. Harvey, Jr., for site plan approval pursuant to the provisions of Section 206E of Ordinance 26 be approved in accordance with the plans and specifications filed with the Building Department.

The vote, Councilman Menendez stated that under the circumstances the Board can do nothing but go along with this decision and it will have to be up to the Board of Health to determine whether this situation is proper or not, and voted, Yes, Town Justice Manning, Yes,

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RESOLUTION - continued:

Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

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In the Matter x  
of x  
The Application of Early Times Furniture, Inc. x  
special permit pursuant to Section 209A (2)(F) x CALLS PUBLIC HEARING  
of Zoning Ordinance No. 26 of the Town of River- x  
Head, New York x  
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WHEREAS, The Town Board of the Town of Riverhead, County of Suffolk, New York, has before it an application made by EARLY TIMES FURNITURE, INC., for a special permit pursuant to Section 209A (2)(F) of Zoning Ordinance No. 26 of the Town of Riverhead, to permit in an industrial A district the operation of a furniture manufacturing place as a non-nuisance industry.

NOW, THEREFORE, BE IT RESOLVED, That the Town Clerk is hereby directed to publish the following:

PUBLIC NOTICE

RESOLVED, That a public hearing be held on October 1, 1974 at 11:15 A.M., before the Town Board on the application of EARLY TIMES FURNITURE, INC., for a special permit, pursuant to Section 209A (2)(F), as a non-nuisance industry that would permit in an industrial A zone the use of the premises known as No. 190 Mill Road, being the premises at the northeasterly corner of Hinda Blvd. and Mill Road, as a furniture manufacturing place.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, the meeting adjourned at 8:45 P.M., to meet on Tuesday, October 1st, 1974, at 10:30 A.M.

*Helene M. Block*

HMB:mhj

Helene M. Block, Town Clerk