

12/4/73

446.

Minutes of a Regular Meeting of the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York, on Tuesday, December 4th, 1973 at 10:30 A. M.

Present:

John H. Leonard, Supervisor
Thomas R. Costello, Town Justice
Robert G. Leonard, Town Justice
Vincent B. Grodski, Councilman
George G. Young, Councilman

Also present: Francis J. Yakaboski, Town Attorney
Alex E. Horton, Supt. of Highways

Supervisor Leonard called the Meeting to Order at 10:30 A. M.

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

RESOLVED, That the Town Board Meeting held on November 20, 1973, be approved as submitted.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, 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 following bills submitted on Abstracts dated December 4, 1973:

| | |
|-------------------|--------------|
| Special Districts | \$ 7,412.92 |
| General Town | \$ 9,473.20 |
| Highway Item #1 | \$ 3,768.06 |
| Highway Item #4 | \$ 10,088.99 |
| Highway Item #3 | \$ 2,709.53 |

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

BE IT RESOLVED, That the following bills be approved for payment:

| | |
|-------------------|--------------|
| Special Districts | \$ 7,412.92 |
| General Town | \$ 9,473.20 |
| Highway Item #1 | \$ 3,768.06 |
| Highway Item #4 | \$ 10,088.99 |
| Highway Item #3 | \$ 2,709.53 |

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

REPORTS

Fire Inspector's, month of November, 1973. Filed.

Police Department, month of November, 1973. Filed.

Building Department, month of November, 1973. Filed.

PERSONAL APPEARANCES

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

ROBERT DONNELLY, President of the Wading River Civic Association, spoke to the Board about the problem involving two ponds in Wading River. Early last week he had heard that the Town had come to some decision and they were going to put in a concrete bulkhead or concrete blocks.

MR. DONNELLY said he had asked Mr. Horton not to take any action until it is determined just what will be done. He said that the people in Wading River are not interested in concrete. There are a great many people in Wading River who spend a great deal of time putting in shrubs and fences and would like to keep the area a nice rustic atmosphere and a concrete bulkhead does not fit into the central village area.

COUNCILMAN YOUNG: Explained that he and Mr. Horton had been working on a plan. At this point Councilman Young went over to the blackboard and drew diagrams of plans which were being contemplated. He drew a curbing and inserted drain and catch basins which he said would stop all the water and there would not be much erosion. He said there is also a problem with the ducks.

COUNCILMAN YOUNG asked if they would rather have a bulkhead or a beach. It could be made into a beach at a cost of \$100 per year. They priced bulkheading and received an estimate of \$4,000.

MR. DONNELLY: Esthetically, the people of Wading River would not care for a sand beach there. The area is grass and trees now. The Town of Brookhaven has already done extensive work on their side of the pond. They cleaned out the woods, removed trees, replanted grass and will replant shrubs next spring. We have a great deal of donations from people in the community to replant on the other side. We want to do everything possible to keep it a nice looking area. A sand beach does not appeal to us. We are not interested in concrete - that is okay for New York City and Miller Place perhaps. We realize \$4,000. is a great deal of money. We have done all we can. You are our Town Leaders and we are asking you to help us.

Mr. Donnelly continued saying that the idea of catch basins to catch road off doesn't appeal to the people of Wading River. We will take care of the duck problem in the Spring, we have done it once before.

Mr. Donnelly asked the Board to keep this portion of Wading River/beautiful place to look at and visit.

JUDGE LEONARD: "Is the other side bulkheaded?"

MR. DONNELLY: "No, it is just grass and dirt. The Town of Brookhaven offered to put in concrete benches and picnic equipment on the other side but we refused the offer. We don't want people traipsing around-that is the reason for some of the erosion. On the roadside of the pond when you go down there on a Sunday the people are there feeding the ducks that causes the erosion. Granted, Alex is interested in the west pond because the road is about to fall into it. We are interested in the east pond because the people are about to fall into it. It is a very dangerous place."

PERSONAL APPEARANCES CONTINUED:
Relating to Stop Sign:

Mr. Donnelly said he has another problem in the junction of Sound Road and North Country Road. There is one stop sign on North Country Road facing to the west (displayed two diagrams to the Supervisor). Said it is a dangerous intersection because when one gets to it there is really no way to tell who has the right of way.

MR. DONNELLY: Suggested that possibly if the stop sign was removed from facing west on North Country Road to face southward it would alleviate the problems.

The matter was referred to Police Chief Grodski for investigation.

JIM FRITSCH: Tidewoods, Wading River, told the Board that he owns lot #50 which sits in front of a sump. The catch basin which is located in the front corner and there is a pipe that runs from the catch basin through an easement in his property to the sump. This causes and everytime there is a moderate rain fall a depth of water and the street will rise between 2-1/2 to 3 feet until it is high enough to go around the curb around my house and into the back yard and eventually into the sump.

MR. FRITSCH: continued saying that he has been trying unsuccessfully since he has lived on this property to get this catch basin cleaned out which the Town has been kind enough to do. However, they have not cleaned out the pipe that runs to the catch basin into the sump.

MR. FRITSCH asked the Town Board how he could alleviate this situation.

MR. HORTON: "We were asked by the Town Board to clean out the pipe once and we did it".

MR. FRITSCH: "You cleaned out the catch basin and not the pipe. I believe I brought this to your attention in July and August of 1972 and your Town Engineer Mr. Young said that the pipe was adequate."

MR. HORTON: "That was his opinion from the day it was laid out and I disagreed with him and I do yet. We haven't taken those roads over."

MR. FRITSCH: "But I believe you have released the performance bond and when you do that I believe the Town accepts a certain amount of responsibility."

Supervisor Leonard said he had received a call saying the bond was released and the people were worried about the snow being plowed in that area.

MR. HORTON: "There won't be any problem about the snow being plowed in that area."

MR. FRITSCH: "I have been communicating with you gentlemen and also through my attorneys since 1972 saying the bond has been released and now we have no claim against the contractor."

MR. HORTON: "There is about 100 foot of pipe and it would have to be taken out in sections."

The Town Board directed Mr. Horton to clean out the pipes.

PERSONAL APPEARANCES continued:

RE: PETITIONS OF G. K. ASSOCIATES (ZONE, WATER AND SEWER)

Robert L. Tooker, Esq., representing G. K. Associates, owners of property on Middle Road, appeared before the Board and stated that on Nov. 14th, they had met with the Planning Board in regard to the subdivision of the property and submitted a sketch plan. They approved and told them to come to the Town Board for the purpose of extending the Water District and the Sewer District and arrange for street lighting and for possible amendment to the Zoning Ordinance.

1. The developer plans to put in at his own expense, water and sewer systems there, which includes the pumping station.

2. The plans of the developer have met with the Planning Board.

MR. TOOKER: Further stated that he thinks the best way to proceed is to meet with the water and sewer committees about this project hopefully sometimes before the next meeting of the Board and we can describe to them what it is we intend to do. We don't have to ask for a change of Zone. The subdivision comes in 5 sections and 4 sections are properly zoned. There is a little bit in the end which is in Agricultural A, and our proposal is to amend the text of the Ordinance to give people treatment in Residence C.

MR. TOOKER continued: Essentially we are asking for an extension to the water and sewer districts. We have already talked to Mr. Williamson, Mr. Weller, Mr. Reuter, the Lighting Company and to the Town Attorney. This is middle class housing and we are talking about \$45,000 houses.

Miss Block has the Petitions, the disclosures, the resolutions which I asked the Board to pass, which I hope will be done at your next meeting.

JUDGE COSTELLO: "Mr. Tooker how many units do you plan to build up there?"

MR. TOOKER: "The parcel is 138 acres, divided into 5 sections, first section has 64 houses, full development will have 286 houses. It is the Walter McKay Farm, the Kaminski Farm and the Mackno Farm."

Mr. Tooker left pictures with the Town Board of the type of houses proposed to be built.

MR. TOOKER Said they would be delighted to take the Town Board and the Planning Board up in that area. Also this type of housing is needed desperately in Riverhead. Middle Class houses which will be right for the industries coming to Riverhead, and in an area which the Master Plan sets aside for this kind of development.

JUDGE LEONARD Asked if this property is next to Tom McKay's property.

MR. TOOKER: "Yes, there is the Roanoke Development and then Tom McKay's farm and then this property. We asked Mr. McKay if he wanted to join in and he said he was not certain, so we didn't include him."

PERSONAL APPEARANCES - continued:

MR. TOOKER Further stated that what work is done, is done at the expense of his clients. The Sewers will cost \$300,000.00 and the Water will cost \$60,000.00. We don't want any Bond Issue - the only thing the Town has to do is hire an Engineer, hire a special Attorney to make up the papers and we pay the bill. This is something like Riverside Drive.

BUILDING DEPARTMENT

JUDGE COSTELLO Called attention to the fact that Edward R. Munson, Building Inspector, is celebrating his 30th Wedding Anniversary today.

The Judge asked Mr. Munson to stand up and take a bow and Mr. Munson was applauded vigorously.

POLICE MATTERS

POLICE CHIEF GRODSKI Spoke about the traffic circle, saying he doesn't know who issued the permit - but Riverhead Motors has an entrance and exit right to the circle and right next to it is the new A & P entrance and exit and on the north east corner the Central Suffolk Hospital. We have too many entrances and exits right on top of the circle, and he doesn't think they should be there for the sake of safety.

MR. MUNSON: "Mr. Horton will agree with me that the County actually issues a permit on Town Roads. We have gotten together on these matters and discussed entry onto a Town Road when it was also connected with a County Road. And we agreed both verbally and on paper that Mr. Horton would agree on our plans as long as they met requirements of the County for the curbing and the entry way."

MR. MUNSON continued: "Along 58 it was granted by the County, a bond is posted and a permit is granted, and a map and plans are shown. As a matter of fact, they gave a 17 foot frontage to the County, on a promise and/or covenant for the 17 feet frontage along Route 58. So did J. J. Hart, Mac Donalds, etc. Each and everyone of them went to the County. J. J. Hart did the same thing on Osborne Avenue, and Mr. Horton approved of the type of entry on Osborne Avenue. The County approved the entry on 58. We also have the same thing with Mac Donalds. Martin's Paint did not have 17 feet taken by the County. I don't know why, but it's a terrible mess and a disgrace."

JUDGE COSTELLO: "Isn't there a road that runs parallel with Route 58 that runs east to Roanoke Avenue so there can be an exit?"

MR. MUNSON: "Yes, that's the one that was granted as okay with the County and Mr. Horton."

POLICE CHIEF GRODSKI: "It is possible that it can be resolved by one way - entrance only - no exit into the traffic circle."

MR. MUNSON: "We can meet with them and make this a part and parcel of the whole situation."

POLICE MATTERS - continued:

DR. CARYL GRANTTHAM: "In as much as you are talking about traffic on Route 58, I have spoken so many times about the desperate need for a traffic light at Northville Turnpike. The accidents continue to happen. It's a terrible hazard. I was informed by the County Executive's Office that if the Town Board took some initiative and asked for a temporary light to be put up there, you could have it. The Commack light was at a school and youngsters and parents appeared at the County Legislature in numbers and that light was pulled out and a temporary one was put up. I would like to know why the initiative couldn't be taken by this Board to do the same thing at Northville Turnpike and 58. "

SUPERVISOR LEONARD: "I have contacted Commissioner Kammerer and Mr. Halsey and I received a letter saying that the Commission has had a meeting (two weeks ago) and that they have appropriated 4 lights on the west end and we would have to wait our turn. "

DR. GRANTTHAM: "When I talked to the members of the Legislature about this light just recently, most of them didn't know this light was approved, at least now they know it. "

JOHN P. RIESDORPH : "Didn't the Town Board apply for a light on Osborne Avenue and Northville Turnpike?"

SUPERVISOR LEONARD: "Yes, a contract has been signed with the Town Board. "

JOHN P. RIESDORPH: "In other words this is a question of waiting. "

DR. GRANTTHAM: "But we can get a temporary one if the Town Board will take the initiative. "

SUPERVISOR LEONARD: "The Town Board took the initiative two weeks ago. "

COMMUNICATIONS

B. Arthur Thurm, petition for street lighting needs on Fresh Pond Avenue.
Copy to Lighting Committee. Filed.

R. M. Kammerer, Commissioner of Public Works, dated 11/19/73, stating he has been requested by the N. Y. S. Dept. of Transportation to coordinate the efforts of all the towns in Suffolk County to effect the change over from the statutory 55MPH maximum speed limit to a 50MPH speed limit. Enclosing the appropriate forms and information sheets in this regard. Filed.

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

N. Y. S. Public Service Commission, dated 11/19/73, Public Notices re Case #26478 - Rate change in Telex and Teletypewriter Computer Service and Case # 26509 - Rate Change in Public Message Telegram Service -

COMMUNICATIONS - continued:

Hearings to be held in the Public Service Commission Office, 44 Holland Avenue, Albany, New York, on Tuesday, December 11, 1973, at 10:00 A. M. to be continued from day to day as required. Filed.

Town of Riverhead Planning Board, dated 11/21/73, report on Petitioning West Riverhead Corp. and James Kulesa - Amendment to Zoning Ordinance - to permit a billiard parlor as an additional use in the Business D Use District.

"NOW, THEREFORE, BE IT RESOLVED, That this Board does recognize that billiard parlors would provide for recreation and entertainment, but does not consider that a permitted use should be granted without restrictions and for these reasons recommends to the Town Board not to amend the ordinance to allow billiard parlors as set forth in the aforesaid petition, but does recommend to the Town Board that they consider amending the Zoning Ordinance to allow this use as a special permitted use with a proviso that the permit be granted when an agreement has been entered into between the Town Board and the applicant for the special use of billiard parlors, whereby it is mutually agreed that the use be terminated for just causes and for any other conditions which the Town Board would wish to impose." (End) Filed.

Copies to Town Board, Town Attorney, Zoning Board and Building Inspector.

Suffolk County Dept. of Planning, dated 11/20/73, report on West Riverhead Corp. and James Kulesa to amend Zoning Ordinance - stating the matter is considered to be a matter for the local determination. The decision of local determination should not be construed as either an approval or disapproval. Filed.

Copies to Town Board, Town Attorney, Zoning Board and Building Inspector.

Suffolk County Dept. of Planning, dated 11/20/73, report on Leonard Realty Investment Co. to amend Zoning Ordinance No. 26, relating to Cluster Development - stating it is considered to be a matter for local determination. The decision of local determination should not be construed as either an approval or a disapproval.

Copies to Town Board, Town Attorney, Zoning Board and Building Inspector. Filed.

Dept. of the Army, N. Y. District, Corps of Engineers, dated 11/20/73, relating to Public Notice No. 7450, submitting list of 16 Department of the Army permits issued during the month of October, 1973, for work in navigable waters of the United States. Filed.

Copies to Town Board, Town Attorney and Police Chief.

Town of Southampton, dated 11/26/73, relating to public hearing on proposed amendment to Zoning Ordinance No. 26 - relating to fence. Adding new paragraph to read (d) Any fence or wall having a height four feet or less shall be exempt from building permit requirements provided that it shall be constructed of standard materials used for such purposes. Filed.

Copies to Town Board, Town Attorney, Planning Board, Zoning Board and Building Inspector.

Town of Brookhaven, dated 11/30/73, advising that amendment to Chapter 85 of the Code of Brookhaven relating to Cluster Zoning has been adopted. Filed.

Copies to all Town Agencies.

COMMUNICATIONS - continued:

Anthony Leanza, dated 11/29/73, relating to Parking, north side of Court Street, Meter C-36:

"Gentlemen: "I would like to call your attention to a recurring problem with the Town parking meter #c-36 on the north side of Court Street in front of the office building at 216 Court Street, Riverhead.

There are two parking meters between the curb cuts and driveways in front of 216 and the Courtland House, but there is barely room between them for one full-sized car. The parking problem here has become increasingly difficult lately, and residents (mostly transients at the Courtland House) will park trucks, cars, etc., in the vicinity of parking meter C-36, blocking all or most of the driveway to 216. Sometimes this is done by all-day parkers, whose only punishment results in \$1.00 parking meter fines, but who effectively block off driveway access, compelling frequent and unnecessary appeals to the Town Police for relief.

The situation is no better when Part 4 of the County Court is in session during the day, with parking of Sheriff's cars, etc.

All but a mini-sized car will effectively block the driveway at 216, even under normal parking positions; any variance therefrom will effectively block access. Moreover, the area adjoins the Town parking area district and normally adequate parking service.

It is suggested that parking meter C-36 be removed. The loss of revenue to the Town, if any, would be minimal, as official cars generally use the area for County Court parking.

I would appreciate some relief at your next meeting. " (end)
Referred to Chief Grodski for investigation and report.

Chamber of Commerce, dated 11/27/73, asking permission of the Town Board to place decorations in the hamlet of Riverhead. Procedure will be the same as in the past, however, this year there will not be lighting used or put on. This program is necessary to the yearly history of the Town and as monies have been progressively difficult to raise, may we have your public endorsement of our efforts. It will be appreciated. Filed.

Copies to Town Board and Town Attorney.

Town Board grants permission to place decorations in the hamlet of Riverhead and will donate \$300.00 towards costs of same.

Frank Firth, dated Dec. 1, 1973, tenders letter of resignation as Assessor of the Town of Riverhead, effective as of December 31, 1973. Filed.

Supt. of Highways to Alden W. Young, P. E., dated 11/28/73, relating to Preliminary Map of Subdivision for Edward Carrera, stating Mr. Horton approves the lay out of the map, although he is not in favor of the dead-end roads.

The location of the sump in the Charles Goldman property depreciates his property and does not show very good neighbor relations and looks like a sore thumb. Mr. Horton believes this is very poor planning. He has inspected the sump and feels he cannot go along with a small deep sump. This sump would have to be at least twice the size to be practical and to be economical to keep clean. Filed.

Copies to Town Board, Town Attorney, Building Inspector and Planning Board.

Supervisor Leonard recessed the meeting to hold a Public Hearing.

PUBLIC HEARING - 11:00 A. M.

Calling Public Hearing to amend Town Ordinance No. 3.
The Affidavits were ordered filed.

The Town Clerk read the following proposed amendments to Town Ordinance No. 3:

"That Section 5 shall be amended to read as follows:

1. That subdivision No. 11, with respect to the installation of traffic control signals at certain new intersections by a resolution of the Town Board, shall be deleted and the following new subdivisions shall be added:

"11. Route 58 (Old Country Road and Northville Turnpike. "

"12. Route 58 (Old Country Road and Osborne Avenue. "

"That Section 3 shall be amended to read as follows:

1. That subdivision (a) with respect to designated "STOP" intersections, Osborne Avenue and Northville Turnpike intersecting with Route 58 (Old Country Road) shall be deleted from said subdivision. " (End)

COMMUNICATION

From the Suffolk County Planning Board: "Not within the purview of jurisdiction of the Suffolk County Planning Commission as regards Sections 1323 to 1333 of the Suffolk County Charter. "

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

Police Chief Grodski suggested that this amendment not be adopted until the traffic control light is installed for the reason that the Full Stop sign would be removed from Section 3. This Full Stop should not be removed until the traffic light is installed.

Town Attorney suggested the Supervisor advise the County Powers that the Public Hearing has been held on these amendments to Town Ordinance No. 3 and the adoption of such amendments will be deferred until such time when a temporary or a permanent traffic control signal is installed.

Judge Costello suggested that a copy also be sent to the County Committee in charge of Lighting.

No one else wishing to be heard and no communications having been received thereto, Supervisor Leonard declared the Hearing closed at 11:07 A. M. and reopened the Meeting.

Town Board decided to delay adopting these amendments until such time when a temporary or permanent traffic light is installed.

RESOLUTION (COUNCILMANIC)

Councilman Grodski made the following statement: "Quite sometime ago this past year I offered a resolution concerning the change of government in the Town of Riverhead. It was an Election issue, the resolution was lost in the efforts of the Town Clerk to try to clarify the posting and publishing of the resolutions. The Election is over, the dust has settled and I again offer this resolution."

Councilman Grodski offered the following resolution:

RESOLVED, that pursuant to the provisions of Section 60-a of the Town Law, the Town Board of the Town of Riverhead hereby determines that henceforth Town Justices shall not be members of the Town Board and that the members of the Town Board shall consist of a Supervisor and four Councilmen. Said additional councilmen shall be elected at the next succeeding biennial election in conformity with the provisions of Section 60-a of the Town Law.

This resolution is adopted subject to permissive referendum and the Town Clerk is hereby directed to publish and post notice of adoption as required by law.

Councilman Young: "I will vote for that one resolution on one condition."

Town Clerk: "A resolution must be seconded before any discussion may be held."

Judge Costello: "Are you going to second it?"

Councilman Young: "No, I am not going to second it."

Judge Costello: "I'll second it because I believe this is what the Town Board at one time wanted and I guess the people of the Town of Riverhead want it."

Councilman Young: "I would like to have added to the resolution "after a public hearing."

Councilman Grodski: "I don't think it is necessary to add anything further to this resolution. We can have all the public hearings you want - you have plenty of time to do it."

Councilman Young: "A referendum is an expensive and a complicated procedure. I introduced a resolution twice last Spring asking for a hearing so the people can be informed. My position at that time was that I don't want anything like this adopted until after the people have had a chance at no expense or effort to them to come in and express their feelings to the Town Board, and therefore I cannot vote for this resolution as it is. I approve of the change, I would like to see this Board separated. We have a whole year, we have plenty of time for public hearings."

Councilman Grodski: "This resolution is subject to a referendum, but who said this would be a referendum - so there won't be any costs involved if nobody challenges it."

RESOLUTION continued:

Judge Costello asked the Town Attorney when this would become effective.

Town Attorney: "In 1975".

Judge Costello: "If we pass this resolution and the new Board comes in in January, may they have a Public Hearing on it?"

Town Attorney: "Certainly, it would not in a sense be a public hearing. It would be an informational hearing. A public hearing connotes prior to action."

Judge Costello: "Well, what would be the difference in putting the public hearing in the resolution - it would be mandatory right?"

Town Attorney: "Right now it is subject to a permissive referendum, but then it would be a double subject, subject to a hearing and a referendum - that would be confusing because it might have a dilatorious affect of lulling those persons who may be opposed to the proposition into not taking any action with respect to circulating a petition to call a referendum. Thinking they might have 30 days after a public hearing or after further discussion went into effect. The effective date of adoption would be 30 days from the State. So that if you schedule a public hearing say two weeks from now and people are lulled into thinking they have plenty of time to oppose it if they want to, that could be misleading."

Supervisor Leonard called for a Roll Call Vote:

Councilman Young, No, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, Supervisor Leonard, No, I vote No, for the reason I would rather have a Public Hearing first.

The resolution was thereupon declared duly adopted.

Supervisor Leonard recessed the meeting to hold a Public Hearing.

PUBLIC HEARING - 11:15 A. M.

Town Clerk submitted affidavits of publishing and posting Public Notice calling Public Hearing to amend Zoning Ordinance #26 relating to family dwellings. The affidavits were ordered filed.

Town Clerk read the proposed amendments to Zoning Ordinance No. 26:

"1. That section 203A-1(h) be deleted and a new section 203A-1(h) be added to read as follows:

"One-family dwelling erected prior to January 1, 1966, may be converted to a two-family dwelling provided that the required minimum lot area and living area equals that established in this district."

"2. That a new section 203C(2) be added to read as follows:

No dwelling shall be converted to a two-family dwelling unless there exists a lot area of not less than 40,000 square feet and a minimum lot width not less than 150 feet, except that a single family dwelling constructed prior to June 1, 1959, may be

PUBLIC HEARING continued: 11:15 A. M.
 converted to a two-family dwelling if the lot on which it is situate contains 15,000 square feet and has a lot width of 100 feet. "

'3. That section 203E (2) shall be deleted and a new section 203E(2) added to read as follows:

"A single family dwelling converted to a two-family dwelling shall provide a minimum living area per family equal to that set forth in paragraph 1 above. "

"4. That section 204A-1(1) shall be deleted and a new section 204A-1(1) added to read as follows:

One family dwelling erected prior to January 1, 1966, may be converted to a two-family dwelling provided that the required minimum lot area and living area equals that established in this district. " (End).

COMMUNICATION

Town of Riverhead Planning Board, dated 11/26/73:

"WHEREAS, the Town Clerk of the Town of Riverhead did forward to this Board a copy of notice of Public Hearing to be held December 4, 1973, on a proposal to amend Zoning Ordinance #26, relating to two family dwellings,

NOW THEREFORE BE IT RESOLVED, that the Clerk to the Planning Board acknowledges receipt of the notice of Public Hearing, and

BE IT FURTHER RESOLVED that the Planning Board is in agreement as the changes are of a technical nature. " (End)

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

WICKHAM TYTE asked the following questions: "If this becomes an amendment to the Zoning Ordinance in what respect is it subject to going before the Board of Appeals on hardship cases or on Special Permits? In other words is this merely the pattern they merely go subject to adjustment on particular cases or is it arbitrarily applicable without any exceptions if it goes through?"

TOWN ATTORNEY: "Any person has a right to make an application to the Board of Appeals. "

WICKHAM TYTE: "For instance let us take something specific. In Section 2 it says the lot must be a certain size and have a lot width of 100 feet. Let us assume that a house that would qualify that was built prior to 1966 or prior to 1959 but had a width of 90 feet. Definitely it would not qualify according to this thing, yet it might be a logical reason for it to be done as it does no particular harm to the community, in fact, it may mean prosperity to certain people if it was allowed. Nevertheless, if this thing is arbitrary and cannot be waived by the Board of Appeals, then it could be a definite hardship. Is it subject to any other thing in Zoning?"

TOWN ATTORNEY: "It is subject to all rules of Zoning. Prosperity is not the test. "

12/4/73

458.

PUBLIC HEARING - 11:15 A. M. -Continued:

WICKHAM TYTE: "A learned attorney was just up here and talked about having you change zoning and water district, etc., in regard to ultimately putting up 286 houses. If we are worrying about population control, etc., the amount of homes that would be involved in changing a one family home to a multiple or two family home would be negligible compared to his one thing. If you approve any apartments you are allowing one particular person we assume to make a very sizeable profit as a developer of a concentration home -site.

It would seem you are favoring the man who wants to put in a condominium, the high priced apartment, the mobile park, yet you bar the person that happens to have a lot that exists of a certain size. He has a house that would be logical to be converted and this thing cancels it out."

JUDGE COSTELLO: "No, No, the key wordage in this is if that lot has been there since 1959 and 1966-----"

TOWN ATTORNEY: "I think you are confusing the purpose for which this Ordinance is being amended. We removed multiple family dwellings from that provision of the Zoning Ordinance that used to read "if the house existed prior to January 1, 1966 -could be converted into a two family or a multiple family dwelling"

We have many structures in the community which are older and which were susceptible to conversion to multiple dwellings and which according to the fire and building inspectors and the fire department were dangerous.

However, there are homes that were constructed prior to 1959 and the lot is smaller, the conversion to a 2 family is still permitted. If you are in an area or community where the character of the neighborhood is say 85 ft. or 90 ft. and the house exists and has existed prior to 1959 and there are other factors which the Board of Appeals may consider, they may well grant variances to permit the conversion."

WICKHAM TYTE: "Have you made a survey in the Town of Riverhead of the number of very large terrible conditioned houses? How many of them are there? We have to have a safety valve and allow the construction or development if it's by new house remodeling or what have you, to take care of a normal healthy growth, and I can only see a very small handfull of people who could be affected by this law, and it might very well mean exactly the opposite to what you are trying to do.

I think this could be a blessing to a scattered few, would have no terrible affect, in other words, what you are doing is declaring war on a segment of our population who actually need a helping hand. It would make a difference between living. On one hand you would help the rich and let them make a lot of money but the ones who are trying to hold on, this law as written and as applicable would be very detrimental to these people. I think you should leave it alone."

EDWARD R. MUNSON, BUILDING INSPECTOR: "This thing started a year ago, because originally we called a moratorium on multiple dwellings, garden apartments, condominiums, town houses, whatever you want to call them. Because we were in the throes of a study by McCrosky and Reuter to upzone or control our growth and bring our Master Plan up to date.

Inadvertently, these multiple dwellings were not deleted and the wish to make a composite complete for the whole area in all respects that no multiple dwellings would be permitted- until - and I believe this was the intent and that's a dirty word because who can decide what the intent is."

PUBLIC HEARING -11:15 P. M. -Continued:

"The intent was - let's see what comes out of the survey and what we will do in the future. It may be that when we get working on the Master Plan that this then can be resolved. But you don't wash it out in one area and not wash it out in the other area.

So the whole crux of the situation is that no multiple dwellings are permitted in the Town of Riverhead in any Use District at the present time, excepting Resort Business A.

Multiple residence is three or more families living independently. All well and good that you say one might change the zone to one, two or three apartments, -- he doesn't come to the building department. He makes mama and papa, son and daughter and he's got himself a pack of people there. We don't know about it, because I can't go into everybody's house and find out what is going on."

No one else wishing to be heard and no further communications having been received thereto, Supervisor Leonard declared the Hearing closed at 11:25 A. M., and re-opened the meeting.

RESOLUTIONS

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

WHEREAS, the New York State Department of Mental Hygiene has advised the Town Board of the Town of Riverhead that it intends to contract with the Suffolk County Association for Retarded Children to operate and conduct a residence for retarded persons on Roanoke Avenue known as the Sandberg property:

NOW, THEREFORE, BE IT RESOLVED, that this Board approves the concept of the community residence program for mentally retarded persons and approves the operation of the community residence at the Sandberg property on Roanoke Avenue under the guidance of the New York State Department of Mental Hygiene and the Suffolk County Association of Retarded Children.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

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

BE IT RESOLVED, That the Long Island Lighting Company be and is hereby authorized to make a survey for the installation of street lights on Fresh Pond Avenue on the following Poles:

| | | | |
|------------|-----|------------|---------|
| LILCO | #10 | N. Y. TEL. | #20 |
| LILCO | #13 | LILCO | #7 |
| N. Y. TEL. | #15 | LILCO | #16-1/2 |
| Unknown | #18 | N. Y. TEL. | #22 |
| N. Y. TEL. | #24 | | |

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS

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

RESOLVED, That Highway bills submitted on abstract dated December 4, 1973, as follows:

Machinery Item #3 - Municipal Machinery Co., Inc., bills dated 11/13 and 11/20/73 in the total amount of \$502.00; be and the same are hereby approved for payment.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

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

WHEREAS, The Superintendent of Highways has employed Stanley Udell as Temporary Laborer in the Highway Department effective November 14, 1973,

NOW, THEREFORE, BE IT RESOLVED, That Stanley Udell be and is hereby employed by the Town of Riverhead as a Temporary Laborer in the Highway Department at the rate of \$3.00 per hour, effective November 14, 1973.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

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

RESOLVED, That the Town Clerk be and is hereby authorized to advertise for sealed bids for Two (2) New 1974 Pickup Trucks for use of the Town of Riverhead Highway Department, and be it

RESOLVED, That specifications be prepared by the Superintendent of Highways, and bids to be returnable up to 7:45 P.M. on Tuesday, December 18, 1973, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Tuesday, December 18, 1973, at 7:45 P.M., at the Town Board Meeting Room, Town Hall, 220 Roanoke Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Pickup Trucks".

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

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

BE IT RESOLVED, That this Town Board ratifies the action of the Supervisor in purchasing the following Time Certificate of Deposit on November 20, 1973:

| | | | | |
|--------------------|---------------------|----------|--------|-------|
| General Town Funds | Franklin Nat'l. Bk. | \$53,000 | 30Days | 9.40% |
|--------------------|---------------------|----------|--------|-------|

RESOLUTION - continued:

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.
The resolution was thereupon declared duly adopted.

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

RESOLVED, That the Town Clerk be and is hereby authorized to advertise for sealed bids on Liquid Asphalt requirements for use of the Town of Riverhead Highway Department for the year 1974, and be it

RESOLVED, That specifications and forms for bidding be prepared by the Superintendent of Highways, and bids to be returnable up to 7:45 P. M. on Tuesday, December 18, 1973, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Tuesday, December 18, 1973, at 7:45 P. M., at the Town Board Meeting Room, Town Hall, 220 Roanoke Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Liquid Asphalt".

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.
The resolution was thereupon declared duly adopted.

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

RESOLVED, That the Town Clerk be and is hereby authorized to advertise for sealed bids on Ready-Mix Concrete for use of the Town of Riverhead Highway Department for the year 1974, and be it

RESOLVED, That specifications be prepared by the Superintendent of Highways, and bids to be returnable up to 7:45 P. M. on Tuesday, December 18, 1973, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Tuesday, December 18, 1973, at 7:45 P. M., at the Town Board Meeting Room, Town Hall, 220 Roanoke Avenue, Riverhead, New York, all sealed bids bearing the designation "Bid on Ready-Mix Concrete".

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.
The resolution was thereupon declared duly adopted.

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

RESOLVED, That the Town Clerk be and is hereby authorized to advertise for sealed bids on Grit requirements for use of the Town of Riverhead Highway Department for the year 1974, and be it

RESOLVED, That specifications be prepared by the Superintendent of Highways, and bids to be returnable up to 7:45 P. M. on Tuesday, December 18, 1973, and be it further

RESOLUTION - continued:

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Tuesday, December 18, 1973, at 7:45 P. M. , at the Town Board Meeting Room, Town Hall, 220 Roanoke Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Grit".

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

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

WHEREAS, The President of the United States has requested the adoption of a fifty mile per hour maximum speed limit, and

WHEREAS, Governor Rockefeller has requested the State and its municipalities to cooperate in lowering the maximum speed limit to fifty miles per hour,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Riverhead hereby requests the Department of Transportation to reduce the maximum speed limit for all town roads, not having a speed limit lower than fifty miles per hour, to fifty miles per hour.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

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

RESOLVED, That Receiver of Taxes, Irene J. Pendzick, shall furnish an official undertaking in the amount of Twenty-five Thousand (\$25,000) Dollars, conditioned upon the faithful performance of her duties, shall be further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Receiver of Taxes and assessments, including all School District Taxes and Water Rents of the Riverhead Water District as Receiver of Taxes of the Town of Riverhead, and it is further

RESOLVED, That the Town Board approve the undertaking #2394311 Irene J. Pendzick, Receiver of Taxes, Principal, and the Fireman's Fund Insurance Companies, in the sum of \$25,000, and

BE IT FURTHER RESOLVED, That copies of this undertaking be filed in the Office of the Suffolk County Clerk and the Town Clerk's Office, Town of Riverhead.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

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

RESOLVED, That a Public Hearing will be held on the 18th day of December, 1973, at 8:00 P. M. , at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, to hear all interested persons in connection with amendments to Zoning Ordinance #26 of the Town of Riverhead, and be it

RESOLUTION-Continued:

FURTHER RESOLVED, That the Town Clerk is hereby directed to publish the annexed public notice in the official newspaper of the Town of Riverhead:

NOTICE OF PUBLIC HEARING
ON PROPOSAL TO AMEND TOWN OF
RIVERHEAD ZONING ORDINANCE NO. 26.

Pursuant to the New York Town Law, Section 265 and Town of Riverhead Zoning Ordinance No. 26, Article V, Section 501, a public hearing will be held by the Town Board of the Town of Riverhead at 220 Roanoke Avenue, Riverhead, New York, on the 18th day of December, 1973 at 8:00 P. M., prevailing time, on the following proposal to amend the Riverhead Town Zoning Ordinance No. 26 on the Petition of RIVERHEAD ASSOCIATES:

By changing Article III, Parking Schedule, Section 301 (I) (q) to read:

"(q) Retail stores in Business "B" District. *

One (1) per one hundred twenty (120) square feet of floor area.

* Excluding square feet of floor areas used for stairwells, elevators and rest rooms of buildings."

Any person desiring to be heard on the proposed amendment should appear at the time and place specified.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

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

WHEREAS, Sam Gershowitz of Gershow Auto Wreckers, has made application for a special permit to conduct a salvage operation to crush vehicles and various items of metal and to conduct the general business of buying and selling and dealing with all combinations and kinds of steel and other metals and their by-products, and to generally conduct a metal salvage operation at premises situate on what is now town property off Youngs Avenue, Riverhead, New York, more particularly described in the petition, and has simultaneously made application to the town to purchase six acres of real property from the Town of Riverhead as a site for the conduct of the salvage operation, and

WHEREAS, a public hearing has been duly had in connection with the special permit application of Gershow Auto Wreckers for such special permit, and

WHEREAS, the Town Board, has after due deliberation, determined that it would not be in the best public interest of the Town of Riverhead to sell town property off Youngs Avenue in the Town of Riverhead:

NOW, THEREFORE, BE IT RESOLVED, that the application of Gershow Auto Wreckers for a special permit to conduct a salvage operation, as heretofore set forth on said premises, is hereby denied.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS

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

WHEREAS, due to the fact that there is currently an energy crisis, and
WHEREAS, much energy is expended in the operation of the office of

Town Hall, and

WHEREAS, Monday, December 24th, being Christmas Eve, is traditionally a "slow" business day, and

WHEREAS, the closing of the business offices on Monday, December 24th would conform with the Presidential request to conserve energy,

I HEREBY RESOLVED, that these offices be closed on Monday, December 24th, 1973.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Costello offered the following resolution which was seconded by Town Justice Leonard:

WHEREAS, The Town Board of the Town of Riverhead, Suffolk County, New York, has caused all matters and things to be done which are required by the Town Law and other statutes made and provided in connection with the amendments of the Town Zoning Ordinance No. 26, of the Town of Riverhead, as Amended,

NOW, THEREFORE, BE IT RESOLVED, That this Town Board hereby ordains and enacts the following amendments:

1. That Section 203A-1 (h) be deleted and a new Section 203A- 1 (h) be added to read as follows:

"One-family dwelling erected prior to January 1, 1966, may be converted to a two-family dwelling provided that the required minimum lot area and living area equals that established in this district. "

2. That a new Section 203C(2) be added to read as follows:

"No dwelling shall be converted to a two-family dwelling unless there exists a lot area of not less than 40,000 square feet and a minimum lot width not less than 150 feet, except that a single family dwelling constructed prior to June 1, 1959, may be converted to a two-family dwelling if the lot on which it is situate contains 15,000 square feet and has a lot width of 100 feet. "

3. That Section 203E(2) shall be deleted and a new Section 203E (2) added to read as follows:

"A single family dwelling converted to a two-family dwelling shall provide a minimum living area per family equal to that set forth in paragraph 1 above. "

4. That Section 204A-1(1) shall be deleted and a new Section 204A-1(1) added to read as follows:

RESOLUTION continued:

"One family dwelling erected prior to January 1, 1966, may be converted to a two-family dwelling provided that the required minimum lot area and living area equals that established in this district."

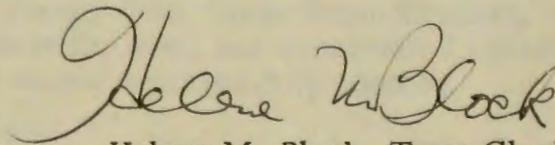
BE IT FURTHER RESOLVED, That the Town Clerk be and is hereby authorized and directed to enter said change in the minutes of the Town Board and to publish a copy thereof in the News-Review the official newspaper of the Town for such purposes, and to post a copy of said change on the sign board and insert said copy in the Town Ordinance Book as maintained by the Town Clerk, all pursuant to the New York Town Law, Section 265.

The adoption of the aforesaid amendments to Zoning Ordinance No. 26, of the Town of Riverhead as Amended, shall take effect ten (10) days after such publication and posting.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard Yes, Town Justice Costello, 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 12:15 P. M., to meet on Tuesday, December 18, 1973 at 7:30 P. M.



Helene M. Block, Town Clerk

HMB/mhj