

Minutes of a Meeting of the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York, on Tuesday, May 5th, 1970 at 10:30 A.M.

Present:

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

Also present: Alex E. Horton, Supt. of Highways  
 John J. Munzel, Town Attorney.

The Meeting was called to order at 10:30 A.M. by Supervisor Zaloga.

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

BE IT RESOLVED, That the Minutes of a Special Meeting of the Town Board held in the Town Hall on April 20, 1970, be approved as submitted.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Zaloga, 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 Minutes of a Town Board Meeting held in the Town Hall on April 21st, 1970, be approved as submitted.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Zaloga, 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 May 5th, 1970:

General Town	\$ 14,588.33 *
Highway Item No. 1	\$ 639.09
Highway Item No. 3	\$ 7,972.45
Highway Item No. 4	\$ 928.01

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

RESOLVED, That General Town bills submitted in the amount of \$ 14,588.33, be approved for payment, and

RESOLUTION continued:

FURTHER RESOLVED, That the following Highway bills be approved for payment.

Highway Item No. 1	\$ 639.09
Highway Item No. 3	\$7,972.45
Highway Item No. 4	\$ 928.01

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

APPLICATION FOR SIDEWALKS

Wesley J. Tyska, 326 Fishel Avenue, Riverhead, N. Y. Filed.  
Referred to Highway Committee.

REPORTS

Tax Receiver's, dated May 1, 1970. Filed.  
Fire Inspector's, month of April, 1970. Filed.  
Police Department, month of April, 1970. Filed.  
Building Department, month of April, 1970. Filed.

OPEN BID REPORT-3/4 Ton Pick-Up Truck-Recreation Department

After being duly advertised the following bids for One (1) Four Wheel Drive 3/4 Ton Pick-up Truck for use of the Riverhead Recreation Department were opened by the Town Clerk on Monday, May 4th, 1970 at 10:14 A. M:

OTIS FORD, Montauk Highway, Quogue, N. Y. 11959.

One 1970 Ford Pick-Up Truck	\$3,265.80
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MANHASSET MOTORS, INC., 1225 Northern Blvd., Manhasset, N. Y. 11030

One 1970 Pick-Up Truck	\$3,273.00
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O'KEEFE CHEVROLET-OLDS, INC., East Main Street, Rte 25, Riverhead, N. Y. 11901

One 1970 Pick-Up Truck	\$3,379.52
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TRYAC TRUCK & EQUIPMENT CO., INC., Box 98, Riverhead, N. Y. 11901

One 1970 Pick-Up Truck	\$3,487.00
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VAIL MOTOR CORPORATION, Rte 113, 500 Riverleigh Ave., Riverhead, N. Y. 11901

One 1970 Pick-Up Truck	\$3,629.00
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DEMY'S SERVICE, Box 682, Montauk Highway, Water Mill, N. Y. 11976

One 1970 Pick-Up Truck	\$3,690.00
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The Bids were filed for the May 5th, 1970 Town Board Meeting.

COMMUNICATION

L. I. Lighting Co., dated 4/21/70, submitting plan and cost of \$21.00 per annum for installation of one 1000 Lumen street light on Pole #3, Oliver Street, Wading River Street Lighting District. Filed.

Copy to Lighting Committee.

REPORTS continued:OPEN BID REPORT-One (1) Used Tractor-Truck-Highway Department

After being duly advertised the following bids for One (1) Used Tractor Truck for use of the Town of Riverhead Highway Department were opened by the Town Clerk on Monday, May 4th, 1970 at 10:30 A. M:

RYAC TRUCK & EQUIPMENT CO. INC., Box 98, Riverhead, N. Y. 11901

Year: 1962 Make: International Model: CO190

Delivery date: One week

Delivered Bid Price for One (1) Used Tractor-Truck \$1750.00

HIGHWAY AUTO BODY, North Highway, Southampton, N. Y. 11968

Year: 1954 Make: International Mode: R190

Delivery date: 5/4/70

Delivered Bid Price for One (1) Used Tractor-Truck \$1400.00

The Bids were filed for the May 5th, 1970 Town Board Meeting.

COMMUNICATIONS

Town of Brookhaven, dated 4/24/70, submitting Notice of Public Hearing to Amend Chapter 85 of the Code relating to Trailer and Mobile Homes. Filed. Copies to Building Inspector and Town Attorney.

Riverhead Chamber of Commerce, dated 4/15/70, requesting Firework's Permit for use at Town Beach, South Jamesport, N. Y., on July 4th, 1970, rain dated July 5th, 1970. Permit for Assembly gathering will be obtained from Police Chief. Filed.

Robert L. Tooker, Esq., dated 4/22/70, acknowledging receipt of performance bond in the amount of \$23,000 (Little Bay at Wading River subdivision), and stating that a \$2,000 Performance Bond guaranteeing the operation of the sump at Little Bays will be procured as soon as possible. Filed.

Planning Board, Town of Riverhead, dated 4/30/70, submitting copy of preliminary plan for new subdivision (Valmont Builders) to be located at Elton Street, Riverhead, N. Y. - meeting will be held on May 6th at Town Hall at 7:30 P.M. to discuss and review the plan. Town Board is welcome to attend and offer any suggestions or criticisms. Filed.

L. I. Shellfish Farmers Ass'n. Inc., dated 4/29/70, urging the Town to participate in a shellfish spawning program. Filed.

Maurice Welt, 22 Shorewood Drive, Sands Point, N. Y., dated 4/28/70, stating he owns property at 193 Griffing Avenue being modernized for office use and this property is adjacent to the Supreme Court Annex and also adjoins the Town of Riverhead Parking Field which has an entrance off Griffing Avenue - that he intends to use the rear of his property as a parking area and it would facilitate parking if cars could enter and leave

COMMUNICATIONS continued:

this area from the Town parking lot and requesting that an area wide enough to permit a car to enter and exit from this parking area be left vacant in the Town parking field for this purpose. Sketch attached. Filed.  
Matter tabled for next meeting of the Board.

Loyal Order of Moose, dated 5/4/70, stating the Riverhead Moose Lodge is inviting the N. Y. State Moose Ass'n to hold its mid year meeting in Riverhead next Spring, dates being April 30, May 1 and 2, 1971. Attendance will exceed 750 men and women. The invitation and bid must include information as to rooms, facilities as well as invitation from Chamber of Commerce and Municipality and requesting the Town Board to pass a resolution inviting the N. Y. State Moose Ass'n to Riverhead. Filed.

DISCUSSIONS

The Town Board held a discussion with Matty Principe, Vice President of Kenny's Maintenance Corporation on the matter of complaints received relating to garbage collections.

Supervisor Zaloga informed Mr. Principe that the Town has been deluged with calls from customers saying that their garbage has not been collected and asked him why the Corporation has not obtained Certificates of Inspection from the Suffolk County Health Department for its trucks.

Mr. Principe advised the Board that he believed one of the other members of the Corporation was responsible for the Inspection Certificates and stated that the Corporation has determined that house collections are a "losing proposition" and offered to produce financial records showing an amount of \$4000 outstanding on house collections.

Several of Mr. Principe's customers in the audience spoke and reminded Mr. Principe that they made advance payments on services to the Corporation.

After further discussion, Supervisor Zaloga informed Mr. Principe that the Town Board has no other alternative but to withdraw the Waste Disposal License of the Kenny Maintenance Corporation as of this day.

Mr. Francis Osowick, 982 Roanoke Avenue, Riverhead, N. Y., appeared before the Town Board and asked permission to keep a trailer on property located on the northside of Middle Road, East of Horton Avenue, Riverhead, N. Y.

After discussion, Supervisor Zaloga advised Mr. Osowick that the Town Board will look into the matter of relocating the trailer and will advise him when it is so resolved.

Mrs. Miriam Carver submitted leaflets on Waste Disposal.

HIGHWAY MATTERS:

Alex E. Horton, Supt. of Highways informed the Town Board that his department would assume the responsibility of collecting the garbage from the Wading River and Hulse Landing Beach areas.

Mr. Horton also urged the Town Board to give its serious consideration in the matter of adopting the revised Rules and Regulations for Accepting Town Highways.

Supervisor Zaloga called a recess to hold a Public Hearing.

PUBLIC HEARING - 11:00 A.M.

Town Clerk submitted affidavits of posting and publishing Notice of Public Hearing to change zone from Agriculture A Use District to Industrial A Use District, pursuant to Article V, Section 501 of the Zoning Ordinance of the Town of Riverhead on parcel of land located in Calverton.

The affidavits were ordered filed.

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

Robert Stein, Esq., appeared before the Board and stated he is one of the two principals of Calverton Associates, the Applicant in this Hearing. That in 1967 Calverton Associates acquired 97 acres affronting on Fresh Pond Avenue, Calverton.

Mr. Stein described the property and stated that on May 5th, 1969, the Town Board adopted a comprehensive ordinance by which they classified the properties lying to the south and to the west and to a depth of 1000 ft. from Fresh Pond Avenue, the subject property in a Industrial A District. Remaining in an Agriculture A District is an irregular parcel representing the entire rear of the property owned by Calverton Associates, having an average width of approximately 300 ft. and a length of approximately 3700 ft.

Mr. Stein produced a copy of map and stated there is no frontage of the balance of the property which consists of approximately 20 acres. There is no access to this property except through the Industrial property. That the property to the south of the property and across the street is zoned Industrial.

Mr. Stein further stated that the parcel at the time of the classification was as it exists - this is not an additional parcel or property that was added to the parcel and that it is obvious that this rear parcel is unusable in its present classification and therefore is the reason for the application.

Mr. Stein further stated that the only persons interested in this application are Mr. Solomon Dobin and himself, being principals of Calverton Associates.

Mr. Wickham Tyte asked if this one plot becomes all Industrial it can be used in its entirety for anything approved in the zoning law for Industrial.

Supervisor Zaloga informed Mr. Tyte that the Board did not realize at the time of the reclassification that it was cutting into this parcel of land and this Hearing is being held to correct the omission and assured Mr. Tyte that the Planning Board had recommended this be granted.

No one else wishing to be heard and no communications having been received thereto, Supervisor Zaloga declared the Hearing closed.

PUBLIC HEARING - 11:15 A.M.

Town Clerk submitted affidavits of posting and publishing Notice of Public Hearing to Repeal Ordinance No. 9 entitled "Licensing of Junk Dealers and Dealers in Second-hand Articles", and the Adoption of the Revised Ordinance No. 9, entitled, "Licensing of Junk Dealers and Dealers in Second-hand Articles".

The affidavits were ordered filed.

5/5/70

115.

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

Town Attorney John J. Munzel explained to the Board that the intent of the proposed revised ordinance is to more aptly and more easily enforce the intents of the original ordinance and that it also tightens up on some of the definitions.

Mr. Munzel recommended that "Subdivision (d). The term "month" as used in this ordinance shall mean any period of thirty successive days", as contained under Section 2 - Definitions, be stricken - it being superfluous.

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

Mr. Wickham Tyte addressed the Board and referring to parts of "Section 3-Restrictions", stated that he concludes from this that if this is adopted that it would mean that Junk Licenses will not only be issued to people dealing in scrap, etc., but anybody who has such material as incidental to their business. In other words, the issuance of Junk Licenses will be extended to a considerable group of people who have accumulated things which this ordinance defines as junk.

Mr. Tyte further stated that the old ordinance did not apply to businesses accumulating scrap material or by-product for use in their normal operating procedure. That farmers who might store machinery which they would not sell or use in their normal operation would be required to obtain a Junk License.

Mr. Tyte asked the Board to what extent they proposed to expand this ordinance beyond what is commonly known as junk dealer.

Town Attorney explained that Section 3-Restrictions of the ordinance is the heart of this law and it envisions the enforcement or the requirement licensing by any property owner or lessee as a junk dealer where he is accumulating various materials that are listed which includes automobiles, etc., and that the question is - how much accumulation requires a license.

Mr. Tyte outlined specific cases and stated that such operations are being made responsible for securing licenses because of the wording in the ordinance.

Mr. Munzel stated that it would not apply to a farmer who has a spare truck in the back of his property, and that the crux of the matter is whether or not the material is incidental to a business.

Mr. Tyte stated that it is his understanding that the point is that the Junk Ordinance will now be extended so that any of the businesses who have no interest particularly in junk business, would immediately have to have a junk license unless they keep their material in a building and these are people that need these things to carry on a business but they will from now on have to get a junk license.

Police Chief Grodski asked if it is possible to be more specific as to type of fence.

The Board deleted "Subdivision (d) The term "month" as used in this ordinance shall mean any period of thirty successive days" (as contained under Section 2-Definitions), as recommended by the Town Attorney.

No one else wishing to be heard and no communications having been received thereto, Supervisor Zaloga declared the Hearing closed and re-opened the meeting.

RESOLUTION

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

RESOLUTION AMENDING THE ZONING ORDINANCE OF THE TOWN OF RIVERHEAD WITH RESPECT TO THE CLASSIFICATION OF CERTAIN PROPERTIES LOCATED IN CALVERTON.

WHEREAS, Calverton Associates has heretofore on the 3rd day of February, 1970, filed with the Town Clerk a petition to rezone from AGRICULTURE A DISTRICT to INDUSTRIAL A DISTRICT, pursuant to ARTICLE V, Section 501 of the Zoning Ordinance of the Town of Riverhead, and

WHEREAS, said petition was referred to the Planning Board of the Town of Riverhead for review and recommendation, and

WHEREAS, said Planning Board did on March 11, 1970 adopt a resolution recommending the adoption of an amendment to the Zoning Ordinance of the Town of Riverhead as prayed for in the petitioner's petition, and

WHEREAS, on the 21st day of April, 1970, the Town Board did adopt a resolution directing that a public hearing be held on the aforesaid petition on the 5th day of May, 1970, and further directed the Town Clerk to post and publish notice of said public hearing in the manner prescribed in the Town Law of the State of New York, and

WHEREAS, such hearing was held pursuant to the notice aforesaid at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, on the 5th day of May, 1970, at which time all persons desiring to be heard with respect to said petition were heard, and the public hearing was closed and the decision reserved; NOW, THEREFORE, BE IT

RESOLVED BY THE TOWN BOARD that the following property located at Calverton in the unincorporated area of the Town of Riverhead and described as follows be and the same is hereby reclassified from an AGRICULTURE A DISTRICT to INDUSTRIAL A DISTRICT:

ALL of that piece or parcel of land located in Calverton, Town of Riverhead, Beginning at a point on the division line between the Southerly side of the land of the petitioner and the Northerly line of the Long Island Lighting Company right of way, which said point is the intersection of the Easterly boundary of the INDUSTRIAL A DISTRICT fronting upon the Easterly side of Fresh Pond Avenue, and the Northerly side of the Long Island Lighting Company right of way; running thence in an Easterly direction along the aforesaid border line between the lands of the petitioner and the Long Island Lighting Company right of way, 285 feet<sup>±</sup> to the division line between the lands of the petitioner and those now or formerly of Jacob Krue; running thence North 3,693 feet to the Easterly end of the division line between the lands of the petitioner and those of Richard R. Thurm 423 feet<sup>±</sup>

RESOLUTION continued:

to the Easterly side of the INDUSTRIAL A DISTRICT fronting upon Fresh Pond Avenue, which said point is 1,000 feet East of Fresh Pond Avenue; thence Southerly 3,750 feet  $\pm$  along a line being the Easterly boundary of the INDUSTRIAL A DISTRICT fronting on Fresh Pond Avenue as the same is now depicted upon the Zoning Map of the Town of Riverhead to the point or place of beginning,

and, it is

FURTHER RESOLVED, that the necessary changes be made upon the Zoning and Departmental maps of the Town of Riverhead so as to indicate the location of said properties as being located in an INDUSTRIAL A DISTRICT as defined and regulated pursuant to the provisions of the Zoning Ordinance and Zoning Map of the Town of Riverhead, as amended; and, it is

FURTHER RESOLVED, that the Town Clerk be and is hereby authorized and directed to give, publish and post the necessary notice of said amendment in accordance with the Town Law of the State of New York.

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

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

RESOLVED, That the salary of Raymond Wiwczar, Housing Inspector, in the Town of Riverhead Building Department, is hereby increased from \$6,600.00 to \$7,100.00 per annum, effective May 4, 1970, the said increase payable in bi-weekly installments.

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

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

WHEREAS it has come to the attention of the Town Board of the Town of Riverhead that Kenny Maintenance Corporation, 67 Peconic Avenue, Riverhead, N. Y., has never filed with the Town Clerk the necessary Certificates of Inspection from the Suffolk County Health Department insofar as its vehicles are concerned, and

WHEREAS the said Kenny Maintenance Corporation has not done so for the eighteen months it has been in operation in the Town of Riverhead despite numerous promises that such would be forthcoming shortly,

NOW, THEREFORE, BE IT RESOLVED, That the permit of said Kenny Maintenance Corporation is hereby withdrawn as of May 5th, 1970.

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

RESOLUTIONS

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

RESOLVED, That the Superintendent of Highways be and is hereby authorized to hire Frank Block as Laborer for a probation period of six months beginning April 27, 1970, at an hourly salary of \$2.35, payable bi-weekly.

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

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

RESOLVED, That the bid for One (1) Used Tractor Truck for use of the Town of Riverhead Highway Department, be and is hereby awarded to Highway Auto Body, North Highway, Southampton, N. Y. 11968, at a net cost of \$1400.00, subject to its bid and specification form submitted May 5, 1970, and filed in the Office of the Town Clerk, and be it

FURTHER RESOLVED, That the acceptance of said bid is subject to the approval of the Suffolk County Superintendent of Highways/Commissioner of Public Works of the County of Suffolk.

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

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

BE IT RESOLVED, That the Bid for One (1) Four Wheel Drive 3/4 Ton Pick-Up Truck for use by the Riverhead Town Recreation Department, be and is hereby awarded to Otis Ford, Montauk Highway, Quogue, N. Y. 11959, at a net cost of \$3,265.80, and be it

FURTHER RESOLVED, That the acceptance of this bid is subject to the specification bid form filed in the Office of the Town Clerk.

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

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

WHEREAS, The Town Board has considered the Petition for change of zone of George W. and Audrey M. Speidell, to change zoning use district from Residence B to Business A on property located at s/w corner of Sound Road and Creek Road, Wading River, New York, and

WHEREAS, The Town Planning Board as set forth in its letter of January 17th, 1970, recommends that such Petition be denied, now, therefore,

RESOLUTION continued:

BE IT RESOLVED, That the Petition of George W. and Audrey M. Speidell, for the change of zone district from Residence B to Business A on property located at s/w corner of Sound Road and Creek Road, Wading River, New York be DENIED.

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

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

WHEREAS, Riverhead Chamber of Commerce has applied for a Permit for a display of fireworks to be held at Town Beach, South Jamesport, New York, on the evening of July 4th, 1970, rain date July 5th, 1970, and

WHEREAS, Said applicant has filed with the Town Clerk a Certificate of Insurance naming the Town of Riverhead with a coverage limit of \$500,000/\$500,000 for Public Liability and \$500,000/\$500,000 for Property Damage, and a sketch showing location where the fireworks are to be discharged by Pyrotechnic Products Company, Bellport, N. Y., the firm in charge of setting off said fireworks, and

WHEREAS, The Town Attorney has read and approved all papers filed in this connection, now, therefore

BE IT RESOLVED, That the Town Clerk be and is hereby instructed to issue a Fireworks Permit for the public display of fireworks, to Riverhead Chamber of Commerce, Town Beach, South Jamesport, New York, for the evening of July 4th, 1970, rain date July 5th, 1970, and

BE IT FURTHER RESOLVED, That the issuance of said Permit is subject to conditions and provisions as contained in Section 405-Subdivision 3 of the Penal Law of the State of New York.

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

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

BE IT RESOLVED, That the application of Leonidas Papson, Proprietor of Riverhead Shopping Plaza, for a Building Permit to erect one building of an area of 10,000 sq. ft., one building of an area of 18,000 sq. ft., and a theater with a seating capacity of 500 and an area of 7020 sq. ft., to be located in the Riverhead Shopping Plaza at C.R. #58 and Oliver Street, Riverhead, New York, as shown on Site Plan SD-1 dated April 17, 1970, filed with the Building Department be granted in compliance with Article II, Section 206D of Zoning Ordinance No. 26 of the Town of Riverhead.

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

RESOLUTION

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

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 repeal of the existing Ordinance No. 9, entitled "Licensing of Junk Dealers and Dealers in Second-hand Articles", and the adoption of the Revised Ordinance No. 9, entitled "Licensing of Junk Dealers and Dealers in Second-hand Articles",

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby repeals the existing Ordinance No. 9, entitled "Licensing of Junk Dealers and Dealers in Second-hand Articles", and hereby ordains and enacts the following revised Ordinance No. 9, entitled "Licensing of Junk Dealers and Dealers in Second-hand Articles":

ORDINANCE NO. 9

SECTION 1. LEGISLATIVE INTENT. By the adoption of this Ordinance the Town Board of the Town of Riverhead declares its intent in so doing to be to regulate, control and license the activities or businesses known as auto "graveyard", junk cars, second-hand collection areas, the processing of used metals for resale and the materials of whatever composition. Said Town Board hereby declares that such activities or businesses can constitute a hazard to property and persons and a public nuisance. Such materials may be highly inflammable and sometimes explosive - - gasoline tanks on old autos often contain in some quantity combustible gasoline; the grease and oil is also inflammable. Batteries and other elements of such autos can contain acids and other matter potentially harmful to humans. These autos frequently contain sharp metal or glass edges or points upon which a human could receive serious cuts and abrasions. These autos can constitute attractive nuisances to children and certain adults. The presence of such junk yards even in areas zoned for business or industry can be unsightly and tend to detract from value of surrounding land and property unless such areas are properly maintained and operated.

SECTION 2. DEFINITIONS.

a) The term "person" as used in this Ordinance shall include an individual, society, club, firm, partnership, private corporation, officer's of said corporation or associations of persons, the singular number shall include the plural number.

b) The term "junk motor vehicles" as used in this ordinance shall include every vehicle or part or section of a vehicle manufactured, made, altered, or designed, to be operated by any power other than muscular power, whether in running condition or not or without a motor that is not properly and currently registered as a motor vehicle or does not display a proper and current registration plate.

c) The term "Motor vehicle Junkyard" as used in this ordinance shall include any premises or real property, or part thereof, upon which there shall be kept, stored or parked three or more junk motor vehicles, whether for sale or not or otherwise.

RESOLUTION continued:

~~By the term "month" as used in this ordinance shall mean any period of thirty successive days.~~

SECTION 3. RESTRICTION. No person shall own, lease, rent, use, control or be in possession of any premises upon which there is carried on the activity of or business either for profit or otherwise, or incidental to another business which accumulates junk or junk vehicles, at wholesale or retail, which involves the collection, storage, burning, dumping, disassembling, dismanteling, salvaging, sorting or otherwise handling or arranging for sale, resale, storage, or disposal or otherwise of second-hand auto wrecks, bodies, engines, or parts of such autos, or of any other second-hand or used property of whatever material it is composed or any waste material whether composed of wood, paper, cloth, cardboard, plastic, metals, stone, cement, or otherwise without obtaining a license therefore is hereinafter provided.

SECTION 4. REQUIREMENTS. To be eligible for such a license, the premises upon which the business is to be conducted, or upon which junk is stored, shall:

1. be so graded and maintained that no surface waters will collect upon them.
2. be so maintained as to be kept reasonably free of rodents and any other disease carrying animal.
3. be either completely within an enclosed building, or shall be enclosed with a board fence, at least (6) six feet high on all sides, so constructed as to reasonably obstruct the ingress and egress of children and small animals. The entrances to such premises, unless in an enclosed building, shall be closed by gates or doors of the same construction as the fence enclosing the premises; which gates or doors shall be kept closed except when actually in use.

SECTION 5. PREMISES. The building of fences about such premises shall be kept in good repair.

a) Except in an enclosed building, no junk may be piled closer than (5) five feet to the fence hereinbefore required, nor shall junk be piled higher than such fence at any time.

SECTION 6. LICENSES. In the issuance of the junk dealer's license, the provisions of Article 6 of the General Business Law shall be adhered to. The Town Clerk is the person authorized to issue the license herein. Every junk dealer's license shall expire on June 30th of each year. Junk dealers now operating within the Town of Riverhead shall apply for a license to begin in July, 1970.

SECTION 7. GROUNDS FOR DENYING LICENSE. A license may be refused or revoked if the applicant or holder shall have been or is convicted of a misdemeanor or felony which, in the judgment of the Town Clerk, renders the applicant unfit or undesirable to carry on the business of a junk dealer.

RESOLUTION continued:

SECTION 8. NOTICE OF APPLICATION. Prior to the issuance of a junk dealer's license, the applicant must furnish the Town Clerk with the names and addresses of the adjoining owners of record of the premises to be used as a junk yard. The Town Clerk shall cause to be mailed to the adjoining owners notice that the applicant has applied for a junk dealer's license, and return date, not less than ten (10) days from the date of mailing said notice, shall be fixed for such adjoining owners to show cause why such a license shall not be issued.

SECTION 9. APPLICATION. The applicant must submit to the Town Clerk an application in affidavit form, and the application must include the following information:

a) The application must contain the location of all premises where junk is to be stored, permanently or temporarily. If additional premises are used for junk storage, and if the premises were not included in the previous application, the applicant must file a supplementary application, including all of the information and in the same form and subject to the same conditions as the original application. If such supplementary application is duly approved, a supplementary license will be issued without further cost.

b) Whether the applicant has been convicted of a felony or a misdemeanor and, if so, full details as to the nature of the crime, the court in which the conviction was obtained, and the sentence imposed.

SECTION 10. INSPECTION. The supervisor of the Town Board, or such person as the Town Board may designate, shall be permitted reasonable access to premises upon which buying, selling, handling or dealing in junk is conducted for the purpose of ascertaining whether the provisions of the ordinance are being observed.

SECTION 11. FEE. The license fee for junk dealers shall be in the amount of \$30.00 annually which is to include the \$5.00 license fee charged by Article 6 of the General Business Law.

SECTION 12. REVOCATION. Any violation of the provisions of this ordinance may be grounds for revocation of the license.

SECTION 13. PENALTY. Any person found guilty of engaging in the business of junk dealer without a license, or who owns or operates premises in violation of any section of this Ordinance shall be deemed to have committed an offense against this Ordinance, and also shall be liable for any such violation or penalty therefore. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.

a) For every violation of any provision of this ordinance the person violating the same shall be subject to a fine of not more than one hundred dollars (\$100.00) or imprisonment not exceeding fifteen (15) days or by both fine and imprisonment.

RESOLUTION continued:

b) Conviction for any above mentioned violation shall constitute and effect an immediate forfeiture of the license.

c) Any person violating the Ordinance shall be subject to a civil penalty enforceable and collectable by the Town in the amount of one hundred dollars (\$100.00) for each such offense. Such penalty shall be collectable by and in the name of the Town for each day that such violation shall continue.

d) In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such Ordinance.

AND the Town Clerk is hereby authorized and directed to enter the said revised Ordinance No. 9, entitled "Licensing of Junk Dealers and Dealers in Second-hand Articles", in the minutes of the Town Board, and to publish a copy once in the News-Review, the official newspaper published in the Town, and to post a copy of the same, on the signboard maintained by the Town Clerk, pursuant to Subdivision 6 of Section 30 of the Town Law, and file in her office affidavits of said publication and posting.

Ordinance No. 9, entitled "Licensing of Junk Dealers and Dealers in Second-hand Articles", adopted April 3rd, 1956, is hereby repealed as of the date this Ordinance shall go into effect.

The revised Ordinance No. 9, entitled "Licensing of Junk Dealers and Dealers in Second-hand Articles", 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 Zaloga, 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 install one 1000 Lumen streetlight fixture on Pole #3, Oliver Street, within the Wading River Lighting District at a cost of \$21.00 per annum, as per plan outlined in letter under date of April 21, 1970.

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

RESOLUTION

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

WHEREAS, an application was made to the Town Board in the Town of  
Riverhead for a special permit under Article 3 Section 201L and of Article 2  
Section 204A subdivision 2A of the Town Ordinance number 26 for a Special  
permit to operate an airport facility on premises described as follows:

BEGINNING at a point which is located at the southwesterly  
corner of Sound Avenue and Union Avenue, Riverhead, New York;  
running thence along the westerly side of Union Avenue, South 24  
degrees 22" East 3100 feet  $\pm$  to a concrete monument located on  
the northwesterly corner of Union Avenue and Northville Turnpike;  
thence South 27 degrees 30" West along the Northerly side of North-  
ville Turnpike 370 feet  $\pm$  to a point; thence running along land of L.  
Léon Fanning and others four (4) courses and distances as follows:  
(1) North 24 degrees 19" West 2376  $\pm$  feet; thence (2) South 71 degrees  
28" West 132  $\pm$  feet; thence (3) North 24 degrees 19" West 700 feet;  
thence (4) in a Northerly direction 425  $\pm$  feet to a point located on the  
Southerly side of Sound Avenue; thence in a Easterly direction along  
the Southerly side of Sound Avenue; thence in a Easterly direction a-  
long the Southerly side of Sound Avenue 200 feet, more or less to the  
point or place of beginning,

and

WHEREAS, the matter was taken under consideration by the Town Board of  
the Town of Riverhead, and

WHEREAS, an amendment to the petition has been received by the Town Board  
of the Town of Riverhead, which amendment requests that the Special Permit be limited  
to a small general utility airport with an existing sod runway to be utilized by propeller  
aircraft of 12,500 pounds or less and further that the Riverhead Airpark be limited to  
the permanent basing or storage of no more than 18 aircraft and that all repairs to  
aircraft be of a minor classification.

NOW THEREFORE, BE IT RESOLVED, that a public hearing be held upon the  
petition of L. LEON FANNING and JOSEPH W. BRUSH, JR. for a Special Permit for  
use of the above described premises as a small general utility airport pursuant to  
Article 16 of the Town Law, said public hearing to be held at the Town Hall, Town of  
Riverhead, 220 Roanoke Avenue, Riverhead, New York, on the 19th day of May at 7:30  
o'clock in the evening of said day at which time and place all persons having an interest  
in the proposed Special Permit will be heard, and

BE IT FURTHER RESOLVED that the Town Clerk be and is hereby directed to  
publish and post notice of this public hearing in accordance with the Town Law of the  
State of New York and that the Notice of Public Hearing be published in the May 7th,  
1970 issue of the News-Review.

RESOLUTION continued:

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

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

WHEREAS, The Riverhead Moose Lodge is a fraternal organization with a large clubhouse and marina located in the Town of Riverhead, and

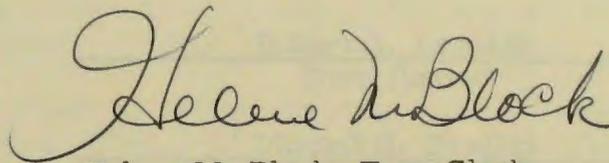
WHEREAS, The Riverhead Lodge No. 1742 of the Loyal Order of Moose is preparing to invite the New York State Moose Association to hold its Mid Year Meeting at Riverhead from April 30th through May 2nd, 1971, and

WHEREAS, The Riverhead Lodge No. 1742 has requested the Town Board for a resolution of support in favor of the above mentioned meeting,

NOW THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Riverhead invites the New York State Moose Association to Riverhead for the Mid Year Meeting of the New York State Moose Association to be held April 30, May 1, and May 2, 1971.

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

There being no further business on motion and vote, the meeting adjourned at 12:10 P. M., to meet on Tuesday, May 19th, 1970 at 10:30 A. M.



Helene M. Block, Town Clerk

HMB.