

4/19/67

150.

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Wednesday, April 19th, 1967 at 10:30 A. M.

Present:

Robert B. Vojvoda, Supervisor

Bruno F. Zaloga, Jr.
Thomas R. Costello, Justices of the Peace

Vincent B. Grodski
George G. Young, Councilmen

Also present: Shepard M. Scheinberg, Town Attorney
Alex E. Horton, Superintendent of Highways.

Supervisor Vojvoda called the meeting to order at 10:30 A. M.

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

RESOLVED, That the Minutes of the Town Board Meeting held in the Town Hall on April 4th, 1967, be approved as submitted.

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

REPORTS

Supervisor, March, 1967. Filed.

Tax Receiver, dated April 11, 1967. Filed.

Recreation Department, March, 1967. Filed.

Wading River Fire District, Report of Election held April 14, 1967 on the matter of purchasing equipment. Filed.

COMMUNICATIONS

State Traffic Commission, dated March 29, 1967, Notice of Action, Repeals Order for Yield Sign on Timber Road, Route 25, effective immediately. Filed.

State Traffic Commission, dated March 29, 1967, Notice of Action, Orders Stop Sign on Timber Road, Route 25, effective upon completion. Filed.

Corps of Engineers, U.S. Army, dated April 7, 1967, addressed to Chief of Police Stephen J. Grodski, stating representative of the Supervisor of New York Harbor will discuss with the Chief the matter concerning the hazards to navigation in Long Island Sound in the vicinity of Roanoke and Baiting Hollow. Filed.

Suffolk County Legionnaires, dated April 6th, 1967, requesting full page advertisement in the 49th Suffolk County Organization Annual Convention Program Book. Filed.

Referred to Town Clerk for reply.

COMMUNICATIONS continued:

Frank T. Hutchek, dated April 7, 1967, complaining Center Street, South Jamesport is ignored during snow removal period, requesting this situation be cleared up and proper care of the road be given the year round and suggesting that Mr. Sieminski be given a different route. Filed.

Referred to Supt. of Highways.

Long Island Lighting Company, dated April 7, 1967, submitting plan and survey for installation of one 400 Watt Mercury Street light on Second Street, within the Riverhead Lighting District, adding cost of \$84.00 per annum to said District. Filed. Copy to Lighting Committee.

Dept. of the Navy, dated April 7, 1967, acknowledging receipt of resolutions submitted to Secretary McNamara and Secretary Nitze opposing the Governor of New York's proposal to build a Jet Port at Calverton and stating their appreciation of this indication of the position of the Town of Riverhead and further stating they will be pleased to give the resolution every consideration if and when a formal detailed proposal is submitted to the Navy by the State of New York. Filed.

Copy to Greater Calverton Civic Ass'n.

Long Island Farm Bureau, Inc., dated April 5, 1967, expressing appreciation for effort put forth by the Board on behalf of the farmers in Riverhead Town in adopting the mobile home amendment to the Zoning Ordinance. Filed.

Richard E. Mead, Provisional Recreation Supervisor, dated April 13, 1967, outlining discourteous treatment he received from members of Town Board, requesting one week's vacation compensation and submitting resignation as Provisional Recreation Supervisor effective Monday, April 17, 1967. Filed.

Referred to Recreation Committee for reply.

Supervisor Vojvoda asked if anyone wished to be heard. No one responded.

CLAIM

Paul Farruggia, an infant over the age of 14 years, 33 Maple Avenue, Flanders, New York vs. Town of Riverhead, in the amount of \$200,000. Filed.

Copies of Claim submitted to Town Attorney and Insurance Broker by Town Clerk on April 12, 1967.

Town Attorney Shepard M. Scheinberg rendered the following report on the aforementioned claim:

"Paul Farruggia worked for the County of Suffolk for the Neighborhood Youth Corps, in the work shop at Stotzky Park. During his duties he picked up pieces of wood and put them inside the machine. My own opinion is that he should not have put the rubbish inside the machine but in the trash barrel. He neglected to turn off the machine while disposing of these things and as a result he lost three fingers. This is a Notice of Claim against the Town of Riverhead for negligence on the Town of Riverhead because it failed to provide a safe place to work in that it did not have a guard over the machine."

After a short discussion on the matter, the Town Attorney recommended that the Insurance Company should take a close look of the circumstances surrounding this accident as there seems to be a very great possibility that there was contributory negligence present.

HEADS OF DEPARTMENTS

Police Chief Grodski appeared before the Board relating to the following matters:

1. Reported that an Engineer of the U. S. Army Corps of Engineers had contacted him regarding the matter of the sunken boats in L. I. Sound. That the Engineer had been furnished with full particulars, that a survey and pictures were taken of the area involved and that a decision based upon the Engineer's Report should be rendered to the Town Board in due time.

2. Advised and recommended that the provision of a radio unit in the Dog Warden's truck would enable him to render more prompt and efficient service in the picking up of dogs in the Town.

It was the consensus of the Board that the Dog Warden be equipped with a radio.

3. Informed the Board that funds are available in the Police Budget for four summer special police patrolmen to be paid at the rate of \$2.50 per hour. That he has selected four men from a number of twelve applicants and requested the Town Board's approval to follow schedule similar to one operated in 1966.

The Town Board approved the plan as outlined.

4. Requested permission to purchase a new photostat machine.

Justice Zaloga stated that perhaps a dry copier costing \$325.00 might prove satisfactory and suggested that the Police Department make an examination of such machine to determine if it will be adequate for their needs.

5. Requested information on prices of Dodge or Ford cars for use of Police Department.

Supervisor Vojvoda advised that the information was submitted to his office only this morning and the Board will look into the matter as soon as time will allow.

LIGHTING COMMITTEE

Justice Costello reported as follows:

"That as Chairman of the Lighting Committee, I accompanied Mr. Fleischmann, Street Lighting Representative of the L. I. Lighting Company on a survey in connection with the proposed plan to improve lighting in all streetlighting Districts. That the L. I. Lighting Company is making model installations of 1000 Watt Lamps in the area of the Police Department Headquarters and Thrifty Cut Rate, Main Street, Riverhead, which installation should be completed within a week. Also on Pulaski Street there will be an installation of a light which is to reflect towards the school. That the installations are in the nature of an experiment and that any and all comments regarding the model installations will be welcomed by the Town Board."

Justice Costello further stated that the survey disclosed there were still some old time 50 Watt lamps with corrugated tin reflectors in certain areas which should be replaced with modern lamps.

HIGHWAY

Alex E. Horton, Supt. of Highways informed the Board that he had talked with Mr. Dean, Supt. of Highways of Southold Township regarding the sale of the road machine and was informed that he is not at all interested as he contemplates doing away with sand and going into grits. Mr. Horton made suggestion that the machine be sold.

The Town Attorney was directed to prepare the form for the sale of said machine.

RECREATION

Donald Rhuda, Recreation Supervisor introduced Miss Barbara Poulos of Cortland College who will serve her apprenticeship in the Town of Riverhead Recreation Department for a period of approximately seven weeks, learning about Community Recreation work and visiting Recreation Departments throughout Suffolk County.

Supervisor Vojvoda welcomed Miss Poulos on behalf of the Board and expressed a wish that her stay in Riverhead will be an enjoyable one.

RESOLUTIONS

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

RESOLVED, That Highway bills submitted on Abstracts dated April 19, 1967, as follows:

Machinery Item 3-Municipal Machinery Co. Inc., dated March 28, 1967 for \$623.58, and Miscellaneous Item 4-East End Asphalt Co. Inc., dated March 28, 1967 for \$590.45, be and are hereby approved for payment.

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

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

WHEREAS, in honor of the Secretary, the week of April 23-29, 1967, has been designated as Secretaries Week; and

WHEREAS, in keeping with the best traditions of their profession, secretaries are accepting vital responsibilities and are performing important roles in commerce, industry and government; and

WHEREAS, the efforts of these skilled office workers are usually taken for granted and their many contributions to the nation's progress are unrecognized; and

WHEREAS, to honor the secretaries now doing their jobs diligently and to encourage others to enter this worthy career, it is essential that rightful recognition be given them,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead does hereby declare the week of April 23-29, 1967, as "Secretaries Week" and asks that all business and industry join in giving due recognition to this group, paying special attention to "Secretaries Day" on April 26, 1967.

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

Justice Zaloga offered the following resolution which was seconded by Justice Costello.

RESOLVED, That the Town Clerk of the Town of Riverhead be and hereby is directed to advertise in the April 27, 1967 issue of the News Review for sealed bids for the refreshment concession at the Iron Pier Beach in the Town of Riverhead.

RESOLUTIONS continued:

BE IT FURTHER RESOLVED, That the Town Clerk of the Town of Riverhead be and hereby is authorized to open the sealed bids on May 15, 1967 and prepare a report of said bids to be presented to the Town Board on May 16, 1967.

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

Town Attorney Scheinberg made the following statement relating to the adoption of Zoning Changes in connection with airport facilities and seasonal dwellings:

"Because of a technical error, there must be a re-advertisement of this Zoning Change and another Hearing. I do not believe it will be necessary to have a full-blown hearing as the Board has indicated its desire to have seasonal dwellings. The technical error was that copies of the proposed change of zoning which were to be sent to the L. I. State Park Commission, Suffolk County Department of Planning and the adjoining towns, were inadvertently overlooked. In order to rectify this error, there must be a re-advertisement calling another hearing."

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

WHEREAS, the provisions of the Suffolk County Charter requiring notification of proposed amendments to town zoning ordinances to adjoining towns, the Suffolk County Department of Planning and the Long Island State Park Commission had been inadvertently omitted, and

WHEREAS, in order to rectify this omission a new public hearing on the proposed amendments to Town Ordinance No. 26, known as the Zoning Ordinance of the Town of Riverhead, relating to airport facilities and seasonal dwellings in Farm 1 and Farm 2 Use Districts, will be held on the aforesaid proposed amendments,

NOW, THEREFORE BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish in the April 20th, 1967 edition of the News-Review, the official newspaper of the Town of Riverhead, the following Notice of Public Hearing:

NOTICE OF PUBLIC HEARING

Pursuant to Section 265 of the New York Town Law and Section 501 of the Zoning Ordinance of the Town of Riverhead, Suffolk County, New York, Ordinance No. 26, a public hearing will be held by the Riverhead Town Board at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, on the 2nd day of May, 1967 at 11:00 o'clock in the forenoon of said day on the following proposals to amend said Zoning Ordinance No. 26 of the Town of Riverhead, As Amended, as follows:

1. Article III, Supplementary Regulations, Section 301 - Supplementary Use Regulations - by adding Section 301k - Airport facilities and accessory uses.

301k Airport facilities and accessory uses. No airport facility or accessory building, structure, or use shall be constructed, expanded, installed, used, maintained, arranged or designated to be used, erected, re-constructed, or altered in any use district, except when authorized by special permit from the Town Board and subject to such conditions and safeguards as the Town Board may deem appropriate.

RESOLUTIONS continued:

2. Article II, Section 205, Farm 1 Use District, Section 205a Uses, paragraph 30d amended to read:

30 d Agricultural - seasonal one family dwellings, to include but not limited to trailers and mobile homes provided that:

(1) The dwelling may be occupied only from March 1 to November 30 in each year; and

(2) The dwelling is located on a lot of not less than 8400 square feet, exclusive of area of driveway; and

(3) All sides of the lot, except for side lines of driveway to the lot, shall be more than 200 feet from any street; and

(4) All other yard requirements, lot width, and heights shall comply with the provisions of Residence 2 District; and

(5) The dwelling may not be used unless one member of the family occupies the dwelling and is employed as an agricultural worker by the owner or lessee of the property on which the dwelling is located. The owner or lessee of the property shall annually, prior to the occupation of the dwelling, file with the Building Inspector an affidavit showing such employment, and shall likewise file an affidavit upon the termination of such employment; and

(6) Not more than one dwelling is permitted for each 50 acres of contiguous property owned or leased and farmed by the owner or lessee of the property subject to the owner or lessee of the property submitting to the Building Inspector a letter from the Suffolk County Department of Health stating that a dwelling or dwellings had been removed by the order of the Suffolk County Department of Health from the property upon which the owner or lessee now desires to erect the one family dwelling; and

(7) The dwelling shall contain at least 450 square feet of living area; and

(8) The owner or lessee shall comply with the Town of Riverhead Building Code No. 35 only in connection with the provisions covering application for building permits, fees and certificate of occupancy.

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

AND the Town Clerk is hereby authorized and directed to send copies of the aforesaid Notice of Public Hearing to the Suffolk County Department of Planning, the Long Island State Park Commission and to the Towns of Brookhaven, Southampton and Southold.

Dated: April 19th, 1967

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD, NEW YORK
HELENE M. BLOCK, TOWN CLERK

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

RESOLUTIONS continued:

Justice Zaloga offered the following resolution which was seconded by Justice Costello.

RESOLVED, that John J. Kalba of Wading River, be and is hereby appointed as Church Crossing Guard at the rate of \$2.00 per hour, payable bi-weekly for hours so worked, effective April 19, 1967 and to serve at the pleasure of the Town Board.

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

Justice Zaloga offered the following resolution which was seconded by Justice Costello.

RESOLVED, that the following be and they are hereby appointed to serve on the playgrounds effective July 5, 1967 to and including August 11, 1967, to be paid bi-weekly at the following session rates and to serve at the pleasure of the Town Board:

Susan Harding	Playground Leader	\$7.95	Per Session
Helen Tracy	Playground Leader	\$7.95	"
Marie McGlynn	Playground Leader	\$7.50	"
Noel Goodale	Arts & Craft Spec.	\$7.80	"
Alice Conklin	Assistant Leader	\$4.80	"
Gail Warner	Assistant Leader	\$4.80	"
Elaine Taylor	Assistant Leader	\$4.80	"
Barbara Edler	Assistant Leader	\$4.80	"
Ellen Doughty	Assistant Leader	\$5.25	"
Katherine Demkin	Assistant Leader	\$4.50	"
Diane Doroski	Assistant Leader	\$4.50	"
Jean Komosinski	Assistant Leader	\$4.50	"

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

Justice Costello offered the following resolution which was seconded by Justice Zaloga.

BE IT RESOLVED: that the Town Board of the Town of Riverhead does hereby elect to come under the provisions of Section 375-b of Article 8 of the Retirement and Social Security Law establishing a non-contributory retirement plan and ordinary death benefits for members, and

BE IT FURTHER RESOLVED: that the members' contributions in the employ of the above shall be suspended and that the effective date of such suspension shall be the payroll period beginning on the 10th day of April, 1967.

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

Justice Zaloga offered the following resolution which was seconded by Justice Costello.

RESOLUTIONS continued:

WHEREAS, it has been deemed necessary to make miscellaneous alterations and repairs to the Town Highway Department Barn, and

WHEREAS, a consulting engineer has prepared plans and specifications and a contract was subsequently awarded to execute said miscellaneous alterations and repairs to Town Highway Barn, and

WHEREAS, no provision was made in the 1967 Town Budget to finance the costs of the aforesaid miscellaneous alterations and repairs to the Town Highway Barn, and

WHEREAS, funds are needed to meet the costs of services performed by the consulting engineer and to pay the contract price for the execution of the miscellaneous alterations and repairs,

NOW, THEREFORE BE IT RESOLVED, that the Supervisor be and is hereby authorized to transfer the sum of \$4,250.00 from the General Town Current Surplus Account to the Construction and Permanent Improvement/Highway Barn Alterations Account for the purpose of financing the cost of services performed by the consulting engineer and to pay the contract price for the execution of the miscellaneous alterations and repairs.

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

Justice Costello offered the following resolution which was seconded by Justice Zaloga.

RESOLVED, that the Long Island Lighting Company be and is hereby authorized to install one 400 Watt Mercury street light on Pole #8, Second Street, Riverhead, N. Y., in the Riverhead Lighting District, as per letter and plan dated April 7th, 1967, outlining added cost to aforesaid District of \$84.00 per annum.

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

Justice Costello offered the following resolution which was seconded by Justice Zaloga.

WHEREAS, Time Certificates of Deposit of General Town Current Surplus Funds in the amount of \$125,000, will mature on April 20, 1967, and

WHEREAS, The funds of this deposit are not currently needed for operating costs,

BE IT RESOLVED, That the Supervisor be authorized to re-deposit the amount of \$125,000 of the General Town Current Surplus Fund on a 30-day Time Certificate of Deposit at a rate of 4.75% per annum interest.

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

RESOLUTIONS continued:

Justice Costello offered the following resolution which was seconded by Justice Zaloga and adopted by the unanimous vote of the Town Board.

A RESOLUTION EXPRESSING APPRECIATION TO LIEUTENANT COL. MORRIS D. FOX OF THE UNITED STATE AIR FORCE FOR HIS MANY YEARS OF FAITHFUL SERVICE IN THE MILITARY AS JUDGE ADVOCATE.

WHEREAS, Lt. Col. Morris D. Fox has been a member of the military from March, 1941 to April 31, 1967, and

WHEREAS, Lt. Col. Morris D. Fox has been stationed at the Suffolk County Air Force Base as a member of the Air Force as Judge Advocate from July, 1962 to April, 1967, and

WHEREAS, Lt. Col. Morris D. Fox has rendered services above and beyond the call of duty to the people of and the Town of Riverhead in regard to problems common to both the Town of Riverhead and the Air Force.

NOW, THEREFORE BE IT RESOLVED, That the Town Board of the Town of Riverhead, on behalf of the people of Riverhead, commends Lt. Col. Morris D. Fox for his twenty-six year's of service in the military, and be it further

RESOLVED, That the Town Board of the Town of Riverhead, on behalf of the people of the Town of Riverhead, commend Lt. Col. Morris D. Fox for his close cooperation in their behalf as Judge Advocate of the Suffolk County Air Force Base for the five years past, and be it further

RESOLVED, That the Town Board of the Town of Riverhead extends to Lt. Col. Morris D. Fox the best wishes for his future health and happiness, and be it further

RESOLVED, That the Town Clerk is hereby authorized to deliver to Lt. Col. Morris D. Fox a suitably engrossed copy of this resolution in recognition of the honor and esteem of the Town Board of the Town of Riverhead for Lt. Col. Morris D. Fox in recognition of the outstanding service he has rendered to the Town of Riverhead.

Justice Costello offered the following resolution which was seconded by Justice Zaloga.

RESOLVED, that expenses in the amount of \$12.50 incurred by Robert B. Vojvoda and Bruno F. Zaloga, Jr., in connection with attending Parking District Meeting in New York City, N. Y., on March 28th, 1967, be and are hereby approved for payment.

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

Justice Costello offered the following Resolution and moved its adoption:

RESOLUTIONS continued:

-----X
 In the Matter of the

Amendment of Zoning Ordinance No. 26 :

RESOLUTION

of the Town of Riverhead
 -----X

WHEREAS, a petition to amend Town Ordinance No. 26 of the Town of Riverhead by changing from "Farm I" Use District to "Business I" Use District, a tract of two acres, more or less, fronting on Middle Country Road, Calverton, Town of Riverhead, has been filed with this Town Board, and

WHEREAS, Section 265 of the New York Town Law requires a public hearing before the amendment of a Town Ordinance, and

WHEREAS, the Town Clerk is required by said Section 265 of the Town Law to publish notice of the time when and the place where such hearings shall be held,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish in the April 27th, 1967 edition of the News Review, the official newspaper of the Town of Riverhead for that purpose, the following Notice of Public Hearing:

NOTICE OF PUBLIC HEARING

Pursuant to Section 265 of the New York Town Law and Section 501 of the Zoning Ordinance of the Town of Riverhead, Suffolk County, New York, Ordinance No. 26, a public hearing will be held by the Riverhead Town Board at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, on the 16th day of May, 1967, at 11:00 in the forenoon of said day on the following proposal to amend said Zoning Ordinance No. 26 of the Town of Riverhead, As Amended, and more particularly to the Zoning Map incorporated therein as follows:

1. By changing from "FARM I" Use District to "BUSINESS I" Use District, a tract of two acres, more or less, fronting on Middle Country Road, Calverton, Town of Riverhead, State of New York, commencing at a point on the northerly side of Middle Country Road 942.69 feet west from the Northwest corner of the intersection of Fresh Pond Avenue and Middle Country Road; running thence north 72 degrees 20 minutes 30 seconds West 142.69 feet to a point; running thence along the boundary line between the described tract and land now or formerly of Miloski; running thence South 79 degrees 20 minutes 30 seconds East 142.69 feet to a point; running thence along the present zoning line separating "BUSINESS I" Use District and "FARM I" Use District South 4 degrees 47 minutes 00 seconds West 600 feet to the point or place of BEGINNING.

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

Dated: April 19th, 1967

BY ORDER OF THE TOWN BOARD OF THE
 TOWN OF RIVERHEAD, COUNTY OF SUFFOLK,
 NEW YORK.

HELENE M. BLOCK, TOWN CLERK

RESOLUTIONS continued:

The foregoing resolution was seconded by Justice Zaloga and duly put to a vote for a roll call which resulted as follows:

AYES: Councilman Young, Councilman Grodski, Justice Zaloga, Justice Costello and Supervisor Vojvoda.

NOES: None.

The foregoing resolution was declared adopted.

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined the following bills submitted on Abstracts No. 8:

General Town	\$15,314.53
Highway Item No. 1	\$ 2,884.62
Highway Item No. 3	\$ 1,887.76
Highway Item No. 4	\$ 3,085.59

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

RESOLVED, That General Town bills submitted in the amount of \$15,314.53, be approved for payment, and

FURTHER RESOLVED, That Highway Item No. 1 bills in the amount of \$2884.62, Highway Item No. 3 bills in the amount of \$1887.76 and Highway Item No. 4 bills in the amount of \$3085.59, be approved for payment.

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

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

BUDGET NOTE RESOLUTION OF THE TOWN OF RIVERHEAD, NEW YORK, ADOPTED APRIL 19TH, 1967, AUTHORIZING THE ISSUANCE OF A NOTE IN THE AMOUNT OF \$10,748.19 FOR THE PURPOSE OF DEFRAYING COSTS OF SNOW REMOVAL.

WHEREAS, Extra expenses were incurred in the Highway Department of the Town of Riverhead for the purpose of snow removal, and

WHEREAS, The Superintendent of Highways of the Town of Riverhead has requested the Town Board to authorize the borrowing of money to finance said extra expenses.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

RESOLUTIONS continued:

1. That the Town Board of the Town of Riverhead for the specific purpose of providing the payment of expenses for the removal of snow and ice heretofore, incurred, pursuant to Section 29.00 of the Local Finance Law, does hereby authorize the issuance of its Budget Note in the amount of \$10,748.19 to finance such costs and expense.

2. Such Note shall be dated April 21, 1967 and its power to fix and determine the exact date of such Note is hereby delegated to the Supervisor. Such Note shall be numbered three (3) and shall mature in the year 1968. The power to fix and determine the date upon which such Note shall become due and payable is also delegated to the Supervisor.

3. The terms, form and details of said Budget Note shall be as follows:

UNITED STATES OF AMERICA
STATE OF NEW YORK
COUNTY OF SUFFOLK
TOWN OF RIVERHEAD

BUDGET NOTE No. 3

\$10,748.19

The Town of Riverhead, in the County of Suffolk, a Municipality of the State of New York, hereby acknowledges itself indebted and for value received promises to pay to the bearer of this Note the sum of TEN THOUSAND SEVEN HUNDRED FORTY-EIGHT DOLLARS AND NINETEEN CENTS (\$10,748.19) on the 21st day of January, 1968, together with interest thereon from the date hereof at the rate of 2.64 per centum per annum, payable at maturity. Both principal of and interest of this Note will be paid in lawful money of the United States of America at the office of the Supervisor, Town Hall, Riverhead, New York.

This Note may not be converted to registered form.

This Note is the only Note of an authorized issue in the amount of TEN THOUSAND SEVEN HUNDRED FORTY-EIGHT DOLLARS AND NINETEEN CENTS (\$10,748.19).

This Note is issued pursuant to the provisions of a resolution duly adopted by the Town Board of the Town of Riverhead on April 19, 1967.

The faith and the credit of such Town of Riverhead are hereby irrevocably pledged for the principal payment of the principal of and interest on this Note according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and Statutes of the State of New York to exist, to have happened and to have been performed precedent to and in the issuance of this Note, exist, have happened and have been performed, and that this Note, together with all other indebtedness of such Town of Riverhead is within every debt and other limit prescribed by the Constitution and Laws of such State.

RESOLUTIONS continued:

IN WITNESS WHEREOF, The Town of Riverhead, New York, has caused this Note to be signed by its Supervisor, and its corporate seal to be hereunto affixed and attested by its Town Clerk and this Note to be dated as the 21st day of April, 1967.

(Seal)

TOWN OF RIVERHEAD, NEW YORK

By:

Attest:

Town Clerk

Supervisor

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

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

RESOLVED, That the resignation of Richard E. Mead as Provisional Assistant Recreation Supervisor be and is hereby accepted, effective April 21, 1967.

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

At this point of the meeting Supervisor Vojvoda recessed the meeting to hold a Public Hearing.

PUBLIC HEARING - 11:15 A. M.

Town Clerk submitted affidavits of publication and posting of Public Notice Calling Public Hearing on Proposed Ordinance No. 37 of the Town of Riverhead, Ordinance Regulating Use of Beach.

The affidavits were ordered placed on file.

Town Clerk made apology for the error in setting the time of this hearing at 11:30 A. M., instead of 7:30 P. M., as directed by the Town Board.

Supervisor Vojvoda thereupon declared the Hearing open and asked if anyone wished to be heard in favor of or against the aforesaid Ordinance No. 37 as proposed.

Robert Gerken, 129J Edwards Avenue, Riverhead, appeared in opposition to the proposed Beach Buggy Ordinance.

No one else wishing to be heard at this time, Supervisor Vojvoda adjourned the Hearing until 7:30 P. M.

PUBLIC HEARING - 11:30 P. M.

Town Clerk submitted affidavits of publication and posting of Public Notice Calling Public Hearing on the matter of proposed Zoning Change from Farm 1 Use District to Residence 1 Use District on property located at Calverton.

The affidavits were ordered filed.

PUBLIC HEARING - 11:30 A.M. continued:

A petition containing six signatures was submitted to the Board, opposing the change of Zone from Farm 1 to Residence 1, stating the proposed change is very impractical because of being directly on a main state road which is heavily traveled by trucks and cars. Further stating that letter from the State of New York Dept. of Public Works dated March 21, 1967 stated there is a 8,308 traffic count daily in front of this location.

Petition ordered filed.

A communication from Robert G. Joseph and Helen F. Joseph opposing the aforementioned proposed change of zone was submitted and ordered filed.

A communication was submitted from John J. Jackowski and Mary M. Jackowski stating they have been informed that permits have been applied for by Timberland Associates to build businesses to the east of their property and expressing strenuous objections to having their home surrounded by businesses.

The communication was ordered filed.

A drawing showing the area of the proposed change of zone was set-up on an easel for the convenience of all concerned.

Thereupon Supervisor Vojvoda declared the Hearing open and asked anyone in favor of the aforesaid proposed change of zone or anyone opposed to so speak.

Mrs. Anthony Ruskowski, Timber Drive, Calverton appeared before the Board and stated:

"We are here to respectfully plead the case of our Timber Park Development, a community of home owners united to protect ourselves and future residents of our community from the intrusion of land speculators, much as the five eastern towns have started to do in the last several years. Like eastern Suffolk we have in our community suffered from our lack of foresight and have a diner operating to the west. We are here today in an effort to make certain no more in-roads of a business nature are made into our community. It is interesting to note that we were aptly described by the opposing attorney at a previous hearing as "an oasis in the wilderness". Just as Riverhead has been nipped here and there by opportunists, Timber Park, too, has attracted the outside speculators.

We have appeared here twice before, seeking to block a change of zoning from Farm 1 to Business 3 and we thank the Board for its favorable decision. Our reason for retaining the Farm 1 zoning was purely a logical step in the process of applying for a change of zoning from Farm 1 to Residence 1. We are here today with this final step, and ask you gentlemen of the Board to approve our petition to upzone this area (pointing to map) bordering Route 25 from Farm 1 to Residence 1 for the following reasons:

The area we are speaking about now zoned Farm 1 had not been used for other than residential purposes. An upzoning to Residence 1 would make this area conform with existing uses and guarantee protection to present and future home owners.

These parcels are an integral part of our whole community and residential by nature. Therefore, an Upzoning of this area would conform with the existing nature

PUBLIC HEARING - 11:30 A.M. continued:

(Mrs. Anthony Ruskowski continues)

of the entire community. Obviously the lots contained within this Farm 1 Zone are too small for Farm use, but we ask the Board to note that the current Farm 1 Zone permits many uses which could be considered a nuisance and which in a residential community are actually hazardous, for instance; (reading from Zoning Ordinance No. 26, Town of Riverhead - Section 205-Farm 1 District)

"Welding shops, bottled gas storage, bottling works, carpenter and plumbing shops, lumber yards, building material storage yards, carting, expressing or hauling from storage warehouses or yards, storage and distribution of petroleum products, garages and motor vehicle repair shops, livery stable, machinery sales and repairs, monument works, stone cutting, storage equipment buildings, etc."

Mrs. Ruskowski continues: "Of the lots in question, seven contain long established homes, therefore, to have adjacent lots used for farm or business use would be tantamount to confiscation. To have parcels adjacent to (points to map) Residential lots 2 through 16 used for farm or business purposes would work a real hardship on property value and attractiveness of existing community."

Mrs. Ruskowski continues: "We are aware that Mr. Born also known as Timberland Associates, Casbor, Inc., Born Well Drilling and Born Fuel Oil, has filed plans and requested permits for the construction of three businesses. We found out this morning from the Building Inspector these three businesses are, a carpentry shop, a plumbing establishment allowing for the manufacture and sales of plumbing equipment and a huge truck and storage building. What do businesses mean for us? Loading trucks, hills of garbage, noise day and night, rats and other vermin, the higher crime rate in business areas, tie up of thru-traffic on the main thoroughfare, use of our private roads by short-cut seekers and worst of all the constant danger to our young children from the great increase of traffic whether they are playing near the roads or walking to and from the main road school bus stop."

Mrs. Ruskowski continues: "As you know, the Planning Board has recommended that this Farm 1 area be upzoned to Residence 1 except for three parcels. What they are doing, is saying that the families over on one side of the map are entitled to protection from business next door to them, but the families over on the other side are not. And even more questionable they have chosen to protect Mr. Jackowski on the west, but on the east have thrown him to the dogs."

Our whole purpose in being here is to protect the tenor of our entire square known as Timber Park. We beseech the Town Board to understand that the exclusion of these three lots from our petition is like cutting an arm off the body of our community.

Mr. Born has stated he invested in these lots for business purposes, but what happens to the value of the residential lots adjacent to a roaring business? What happens to the investments of the Timber Park home owners? How do we weigh these things? Do we merely compare the investment of dollar for dollar, or do we count the scrimping and planning, sweat and living that makes a home a treasure above mere dollar value?

What we ask of the Town Board is that they preserve that square "oasis" known as Timber Park by approving our entire petition for upzoning the Main Road homes and properties to Residence 1, so we can go back to mowing our lawns, raising our children and fighting the jetport. Thank you".

PUBLIC HEARING - 11:30 A.M. continued:

Mrs. Ann Miloski: "I have no objection to this except what happens when they build on this area as Residence. Will they ask us to rezone from Farm 1 to Residence?"

Mrs. Ruskowski: "Come and look at the map to see that all we want to protect is that part that is known as Timber Park."

Mrs. Miloski: "Yes, but right now there is no one living with any objection in that area that is adjacent to ours. Supposing we have someone that builds in that area and they feel they are against Farm 1. Will they have the right to come in and ask to have our property rezoned?"

Supervisor Vojvoda: "We would hear them but it's a question then what the decision would be. Anyone has the right to petition for a hearing."

Mrs. Jennie Doroski: "Now I understand that they want to change this all the way to the Diner. Why can't you just rezone it up to our home and leave our lots out because now if the Diner wants to buy our piece of property for a parking field I couldn't sell it."

Mrs. Ruskowski: "Who lives in back of your second lot? Don't you think that Mr. Wallace's feelings are as much of importance here today, perhaps he wouldn't want his back yard as a parking lot for the Diner. You are protected by your extra lot, Jennie, you know."

Mrs. Doroski: "Well, Mr. Wallace would------(inaudible)."

Mrs. Pat Harrison: "Mr. Wallace has a \$30,000 investment in his home."

Mrs. Doroski: "Well, why can't you just rezone it up to our lot?"

Mrs. Ruskowski: "Well, you see you are looking up to me and to Pat as if this is our decision. This is the decision including Mr. Wallace. This is the decision of the entire 57 names of the Timber Park Community. And it isn't up to us to say, well, forget about Mr. Wallace because he is here today and gone tomorrow. He is also one of the Timber Park investors whether he is a \$5000 or a \$30,000 investor."

Mrs. Doroski: "Well, this is the way I feel. I feel that we were one of the first ones there and we bought this property with the understanding that we could have it as Farm 1. Now I am against changing it to-----."

Mrs. Ruskowski: "I would like to make a point here. There was no town zoning when you bought your property and in your deed when you bought your property as in the deed, most of the homes along the main road and most of the empty lots, it says your property is restricted. And this goes for Mrs. Robert Joseph's deed also. It states it is restricted to residential use only."

Mrs. Doroski: "Well, then why did they allow a Diner next door?"

PUBLIC HEARING - 11:30 A.M. continued:

Mrs. Ruskowski: "Stupidity on our part which we will acknowledge at this point."

Mrs. Doroski: "Well, since that was done then I don't care to change my property. Because if there is vermin floating around the area certainly no one is going to buy my property to build a home on this piece of property."

Mrs. Ruskowski: "Then why didn't you buy this piece of property?"

Mrs. Doroski: "Because no one did until you girls started this now. We were all very happy."

Mrs. Ruskowski: "I thought you weren't happy with the Diner?"

Mrs. Doroski: "Oh no, I didn't say anything like that. Why can't this change come only to our border line of our property. Forget our property, we are on the outskirts, on the tail end and since we had it all these years, we were happy there. And I feel the Diner needs more parking area and will buy more property from us."

Supervisor Vojvoda: "One question, do you know if your deed is the same as the rest of these?"

Mrs. Doroski: "I'm quite sure that it is."

Town Attorney Shepard M. Scheinberg: "I want to make a comment on the covenants and restrictions. The Town of course is not a party to these covenants and restrictions and therefore could not enforce them. If the covenants and restrictions are to be enforced they are to be enforced by the residents of that community."

Mrs. Ruskowski: "May I say, we were only showing intent by noting this".

Mrs. Miloski: "I would like to also say that we did buy the property after the rezoning came in and we looked at it very carefully. And we felt that the property to the west of us zoned Farm 1 was protection for us when we bought the property. And the back piece which I bought was zoned residence, the piece to the east of us in the back facing the main road is residence now and that's why I bought two acres of property there. And I would think that when you do put zoning in you would do it for the protection of all property owners and when they do buy property they should look at what they are buying."

Mr. Frank Born, Maple Lane, Mattituck: "First of all, I would like to know by what authority these petitioners have the right to petition this Board to affect a zoning change on my property? Could I have the section of the law that pertains to this?"

Town Attorney Scheinberg: "They can petition for a change of zone anywhere within the town."

Mr. Born: "There is no section of the law that covers this?"

PUBLIC HEARING - 11:30 A.M. continued:

Mrs. Harrison: "Mr. Born, didn't you try to change the zoning of our property?"

Mr. Born: "No I didn't."

Mrs. Harrison: "Then the Miloski property?"

Town Attorney Scheinberg: "The Town Law says that any one can petition for a change of zone."

Mr. Born: "All right then, I would like to object very strongly for a change of zoning from Farm 1 to Residence 1 because it is absolutely unreasonable and it's impractical in view of all the environmental factors. Directly east of the property as in discussion is Miloski's turkey farm and also Judd's Restaurant. Directly south of the property is a large industrial complex and airport---Grumman aircraft. Directly west of the property is the Calverton Diner, a gas station, and then industrial property. The seven houses that are presently in the area on the main highway, Route 25, which are now under discussion have been constructed in this Farm 1 zone many years ago, and some even before the airport was put there. One owner I spoke to, Mr. A. Doroski I believe his name was, said he intends to sell and would never think of building a home there again as he can't even talk to his wife at supper because of the extensive noise. Trying to encourage some one to buy a residential lot, wooded and off the highway in this locality is extremely difficult as seen by the fact that of the 122 lots in Timber Park only 28 have homes on them and this is over a period of 20 years."

Mr. Born continues: "To change the Farm 1 zone on Route 25 where according to an accurate state report over 8000 cars pass daily would be extremely unfair to vacant property owners on this highway with all its business environment and would be visibly unreasonable. No houses have been built on Route 25 in this area in over ten years. It would be impractical to restrict such vacant properties to residential when in fact few, if any, persons would be desirous of erecting a residence on such a heavy traveled highway unless it would be used as an office of a doctor, dentist, lawyer, or other professional men. In making zoning changes, it is important to consider the health, safety and welfare of those that the change affects or in the future will affect."

Mr. Born continues: "I know personally I don't sleep too well when in a motel where trailer trucks are passing all night long and if I were considering building a home, this would be an important factor. Families usually have pets and young children as well, and neither pets or children would be safe with 9000 cars passing a day by their front door. Logically, if a family with small children or a family with a pet or pets, or a family that enjoyed sleeping or a family that likes fresh air and not car fumes, or jet fumes or the smell of turkeys, would not build there, who would use the property? The value of this vacant land would be brought to almost nothing, which possibly is the motive behind the change requested. Therefore, the welfare of the vacant property holders would be jeopardized which I respectfully ask the Board to give serious consideration to."

PUBLIC HEARING - 11:30 A.M. continued:

Mr. Born continues: "The residential area off the main highway of Timber Park seems to be an "island" in an area where Farm 1 and industrial zoning prevails. If this "island" is extended it certainly should not be where it is unsuitable and where it is unusable as this would seem to be confiscatory. And Mrs. Miloski is concerned about the extension of this "island" herself. And logically because who is to say that this has to stop at this particular point. Once again I ask the Board to consider the intermixed character of the neighborhood, the surrounding uses, the traffic situation and the highest and best use of the property and the presently adverse factors to residential development."

Mr. Born continues: "I would like to state at this time that not too far away in the Town of Brookhaven, that all along Jericho it is zoned J2 Business, back to a depth of 125 feet. And there has to be a border line in all districts. It just has to be. Naturally the desire of every homeowner is to extend that border line into somebody else's yard so they have the business in their back yard. I can see the reason behind that. And of course to eliminate it would be the desire on the part of the home owners which would be for their own enrichments as it was brought out here. But such is not the policy of planning departments who must police such actions and put their knowledgeable education on zoning for which they were selected so they can put this to a proper use."

Mr. Born continues: "If the boundary line in discussion now between Farm 1 and Residence was arbitrary and was unreasonable, then why wasn't something said or done twenty years ago or before the adjoining lot owners built their homes? And many of these homes have garages that have taken advantage of the Farm 1 Usage as far as building close to their line. From its formation this property was not restricted to residential use because of this location on the state highway. Noteworthy, gentlemen, also is the fact that in looking over your entire zoning map of Riverhead, I do not see any residential that is on the Jericho Turnpike. And I commend the planners for their logic in coming to this conclusion. This being the case, to change a small area of 1500 feet which if more than half vacant land would be the same as spot zoning that this same group was zealously against when a petition was brought in here. Because the entire Riverhead, the entire Brookhaven is all business on the Jericho, now they take this one little spot and say let's change it to residential so we can make Timber Park happy, which as I said before would be confiscatory."

Mr. Born continues: "I have the map of Timber Park which shows no house set-ups here. It's all described property. The development is all in the back and this again was the intention of the owners to see that -----(inaudible). And also a zoning map which I would be glad to have you gentlemen look at to see there isn't any residential in Riverhead Town along Jericho Turnpike. Now they have mentioned in the petition that you couldn't farm on a 100 x 200. Well, no one intends to farm on the Jericho Turnpike on a 100 x 200 and the farm usage was made by the Board, by the Planning Department so you could extend beyond this farm usage as was brought out here."

Mr. Born continues: "Property value now should be taken into consideration. I think that these people in back are very concerned with their value and I'm very concerned with my value as are the home owners concerned with their value. 100 ft. on that road is presently worth from \$5000 to \$7000. If it is changed to Residential it would not be worth between \$2000 and \$3000 at the most if you could get that."

PUBLIC HEARING - 11:30 A.M. continued:

Mr. Born continues: "And I say again this makes this definitely confiscatory. Now we mentioned about land speculators before and I think that we'll have to agree that the land speculators have done a lot to improve Long Island. If it wasn't for land speculators we probably would not have the growth and the shopping centers. And I'm sure that all of us here have one time or another engaged in land speculation, buying a house and selling or buying a piece of land and selling it. This is something that is being used in terminology as being derogatory. I think this is completely out of the question and should not be considered."

Mr. Born continues: "I have a copy of the traffic count from the State of New York and it states the information that I brought out that there are 8,308 cars or trucks pass by daily in front of this property. I would like to see this property remain Farm 1".

(Mr. Born filed copy of letter from Department of Public Works, State of New York, under date of March 21, 1967, containing information on traffic count with the Town Clerk).

Mrs. Shirley Doroski: "Mr. Born mentioned my husband. I hope he knows that our name is on the petition to change the zone to Residential."

(NOON WHISTLE)

Town Attorney Scheinberg: "Although covenants and restrictions cannot be used as a determining factor by the Town, I think it would be of some interest if Mr. Born would tell the Board whether the property which he owns is under the covenants and restrictions."

Mr. Born: "To be very truthful I have never seen it and I believe if it was under that my attorney would have picked it up and I am sure I would never have purchased the property. This was something that was handled by my attorney."

Mrs. Ruskowski: "Some of them have restrictions, Mr. Scheinberg. (Pointing out on map) These two have the residential restrictions and these three have nothing whatsoever."

Town Board: "How about the two lots next to the turn-around behind the end two-- on the right?"

Mrs. Ruskowski: "These are residentially zoned by the Town."

Mrs. Harrison: "I have an empty lot here what happens to my investment that has a deed restricting it to a one family dwelling. How do I go about selling it with business next to it?"

Town Attorney Scheinberg: "You will have to do the same thing Mr. Born is doing."

Mrs. Harrison: "Out of 15 lots we are petitioning for, nine of them have deeds with this same restriction."

PUBLIC HEARING - 11:30 A. M. continued:

Town Attorney Scheinberg: "Does all of the property bounding on Middle Country Road, are all of them out of the original subdivision? The Timber Park subdivision?"

Mrs. Ruskowski: "As far as we know. But as far as intent which is one of the points I wanted to mention. If Mr. Wiwczar intended these lots in the front to be for business, why did he sell them with the restrictions in the beginning. So the intent was not there obviously. And Mr. Born did mention that A. Doroski did not care and along with that he mentioned J. Jackowski. Since Mr. Jackowski was not able to be here today he wrote his letter to back it up."

Mr. Born: "I said, Mr. Jackowski said he did not care to see any change whatsoever."

Mrs. Ruskowski: "Well, he signed our petition for the change."

Mr. Born: "I can only reiterate what he said to me personally."

Mrs. Ruskowski: "One more point. Mr. Born mentioned what Jericho Turnpike is used for. Do I have to say anymore. Just the other day we drove up that way and until you get to the Riverhead Town line, it is disgusting. You look along the Jericho Turnpike and there is one sloppy business after another. Now you come to this area, (pointing to map), which obviously looks residential. If you put a business here and a business here and a business here, this is what Mr. Born says is going to happen to us anyway has not happened, but it will happen to us. It will be a slum if you start putting businesses in these three lots."

Justice Costello: "The question seems to me that I have heard some opposition from the land owners along there. The lady in the front row who is the land owner on the west. Also I heard a letter read from a Mr. & Mrs. Joseph. Now don't you think that the Board should consider their wishes also?"

Francis Yakaboski, Attorney, representing Timber Park Property Owners: "Certainly, Judge Costello, but also I would like to point out to the Board that while any citizen may petition for a zoning amendment, no citizen has the absolute right to have the zone remain the same. This is a residential community and is recognized as such by all in the Town. I want to make a point about these restrictions. They are present but the Board well knows the difficulty in many instances of enforcing a covenant and restriction. And these members of Timber Park certainly don't wish to rely on these restrictions only---they look to you for protection--this protection through zoning."

Mr. Yakaboski continues: " Now we have each of the lots with the exception of these last three, containing restrictions and also recommended by the Planning Board in its decision of March 20th, this year that each of these lots------(inaudible)----- up to those end three be zoned Residence 1. Now with all due respect to the Board the Timber Park people feel that these three end parcels are certainly an integral part of the entire community and to grant the wishes of the community to upzone to Residence 1 except with the three parcels would certainly be a novelty. Your purpose in the whole

PUBLIC HEARING 11:30 A. M. continued:

of zoning is to develop a comprehensive plan and a uniform community. Now to have an entire community zoned residential except for a little in-road on one corner, which we are informed there is currently a building permit outstanding to construct a truck and body storage yard and barn of substantial dimension. Now this we feel would certainly not be in line with good zoning practice. The Board and the Planning Board should consider the whole tenor of the neighborhood and grant the petition in toto. "

Justice Costello: "I would like to answer Mr. Yakaboski. I didn't say that people who owned lots in there had a right. I said that among other things we should consider their wishes, since they own property that might be re-zoned. Now as far as the tenor of the neighborhood goes and you seem to stress. If you would look at the tenor of the neighborhood that particular parcel in there is Farm 1 and they have to the east and to the west and to the south---is business. The tenor of the neighborhood is not residential. "

Mr. Yakaboski: "The tenor of the Timber Park Development, Your Honor, and I agree with you there is industrial zoning. We know-----".

Justice Costello: "I just want to set the record straight. Now, I know these specific lots by reason of covenants and restrictions as contained in the deeds, the intent was they could only build a one family house. On the other three lots that you speak about apparently there are no covenants and restrictions in the deeds, but it does not say that, that land is not burdened with those. That deed may be subject to any covenants and restrictions of record. If the common owner at one time owned those three lots and he restricted say the nine other lots by covenants in the deed it would be presumed that he either didn't deed the three lots for one purpose or another. It could possibly be that those three lots you are talking about are burdened, I don't know, I say there is a possibility. "

Mr. Yakaboski: "As far as we know, your honor, from the survey made by these ladies, they are not now. No complete title search was made by a title company. "

Justice Costello: "The common owner might have burdened them, I don't know. "

Mr. Yakaboski: "I want to point out that certainly the Board may consider the wishes of adjacent owners but there is only two, or two owners directly involved appear here today. Mr. Jackowski, while all due respect to Mr. Born says he spoke to him, Mr. Jackowski has not only signed the petition he has only several days ago sent a letter to the Board. "

Mrs. Frank Ruskowski: "I just want to say that we do own property right in back where Mr. Born wants to put one of his businesses in---that's all well and good. He tells how many cars go by daily. I have three children there. The noise what do I do, buy ear plugs or are you going to provide some? If you have such a thriving business where are you going to expand--you don't have much land. What are you going to buy from the next home owner, or are you going to buy me out? Is it all going to turn to business--- you say you want very little, but what do you want next?"

Town Attorney Scheinberg: "The fact that Mr. Born's companys have building

PUBLIC HEARING - 11:30 A.M. continued:

permits sort of makes this a moot question. Even if the Board would grant the change of zone, Mr. Born has a non-conformed use."

Mr. Yakaboski: "I would like to point out to the Board that the existence of a building permit per se does not grant the holder of that permit a non-conforming use. The fact that the Board amends this ordinance today will certainly in the absence of any vested right obtained by Mr. Born----of course that ordinance will be effective as to him as well as to any other holder of a permit and will cause this new amendment to be forcible as to him."

Justice Costello: "You mean to say this will be retroactive?"

Mr. Yakaboski: "It will be effective today, Your Honor."

Justice Costello: "If he came in last week for a particular zone, do you think that this amendment change in the zoning ordinance would affect that?"

Mr. Yakaboski: "It certainly will, Your Honor."

Justice Costello: "I know the law to be otherwise. When a man comes in for zoning and gets a permit to build under that existing use, I think at the time he has a right to build on that despite legally amended changes. The change in the law is not retroactive. If it was we wouldn't have non-conforming uses."

Mrs. Patricia S. Tormey, Chairman, Zoning/Board of Appeals: "I have no position on the change at all---there has been a recent court decision in New York within the last three or four months about this vested right and they have ruled--the Courts in New York--that simply holding a permit does not any longer entitle you if you have done nothing to expend some money or----"

Justice Costello interrupting says: "Hardship, money--they have that in Southampton now--but if-----"

Mrs. Tormey: "They simply-----"

Justice Costello: "This fellow has a permit and he acts upon it, that's something else-----"

Supervisor Vojvoda: "Let's hear Mrs. Tormey out."

Mrs. Tormey: "One of his permits hasn't yet been granted because the State has not approved the curb cuts. He mentioned several things and just because the zoning ordinance is dear to my heart, I'd like to make straight that people in the area had taken advantage of the Farm Use to build their garages closer to the line. The way the ordinance is currently written---regardless of the use for which the district is stipulated, you must comply with the residence restrictions. So even though they are in a farm district they still had to comply with the residence restrictions."

Mrs. Tormey continued: "You also mentioned the possibility of a dentist's office and a farm stand. Neither of those are allowed. An office must be in connection with a residence and the farm stand can be only where they are selling the produce that is grown on the property involved."

PUBLIC HEARING -11:30 A. M. continued:

Mr. Born: "There was a farm stand being operated there."

Mrs. Tormey: "That's been there for years and years and years and that's non-conforming use."

Mr. Born: "Can you tell me what percent of the roads are usable in Timber Park---of your own knowledge?"

Mr. Yakaboski: "I am not a resident of Timber Park and I can't say of my own knowledge. But I know of no one who has ever had any problems of getting out of Timber Park."

Mr. Born: "But you mentioned that------(inaudible)."

Mr. Yakaboski: "It's a residential community--there is not one non-conforming use in existence today."

Mr. Born: "------(inaudible). The roads are not paved in the entire development."

Mr. Yakaboski: "They are private roads."

Mr. Born: "But two of them are not usable and on one of these particular roads, Mr. Hurley who signed the application owns something like 18 lots. Another individual on that application was Mr. Busch--he operates, I believe, Sea Board Trucking. His trucks stop by his house pretty much every day to receive orders so they can proceed on their way. So he's operating a business per se as of now. So that's two of them and you have already heard from myself. I own one parcel---Casbor. There's another parcel that has a name of Mr. Born---Clyde Born, Jr. and also Mr. Mali--they own another parcel there. They are also very much opposed. You saw the name of Robert Casola--he is a member of Casbor--he is opposed. So you see that there is better than 50% opposed in actual frontage. And if I am not mistaken where there's at least 20% against it there will have to be a unanimous vote on the part of the Board. Am I right?"

Mr. Yakaboski: "If there are more than 20% of the adjacent owners within a 100 ft. ----Section 179 of the Town Law reads then the decision of the Board must be at least four votes in favor. Mr. Born was pointing out on this Mr. Busch, I think is Seaboard Trucking---I would like to point out that Mr. Busch's property contains a covenant that the residents are now investigating? Have they notified the Building Inspector? We feel, Mr. Vojvoda, as Mr. Scheinberg has said that the Board has no standing to enforce covenants."

Dorothy Jermusyk: "At this point, I can just say, "help". I feel like the little pork chop in a frying pan. My house is about right smack in the middle of this and this gentleman proposes for businesses on all sides. Who do I look to for protection from these land speculators? Who does a little pork chop look to now?"

Mrs. Harrison: I would like to present you with these pictures of businesses operated by Mr. Born and ask you if you would like to have them next to your house."

PUBLIC HEARING - 11:30 A. M. continued:

Cardboard containing five pictures submitted and ordered filed.

Town Attorney Scheinberg: "Where is that located? (pertaining to pictures).

Mrs. Harrison: "Coram".

George Mulroy, Timber Park: "-----{inaudible} -----I found Timber Park and I knew the turkey farm was there---but it was always zoned residential and this is where I decided to live. Now all of a sudden with the jetport and all we are going to have a bunch of businesses here. I lived in Brookhaven too---which as a sign of progress I think is there-----in all my trips all over the world I never locked a door, but as soon as they started in building Brookhaven up, I started to lock doors. I had eggs thrown all over my house, tractor trailers coming through the street and this was a residential area."

Mr. Mulroy continues: "I like it in Timber Park the way it is. The people who moved there recently knew the conditions that existed. Now, I don't live on the Turnpike, I live in the back there, but I do have to go by there to get out to the main road to go to work. I would like to see it zoned residential."

Mr. Yakaboski: "Just one final plea, Mr. Supervisor. I think that the fact that Mr. Born has applied for permits is aside from the question of vested rights, etc., and I think this certainly makes the plea of the land owners---home owners more immediate and I ask the Board to make their decision as soon as possible."

Supervisor Vojvoda: "As you know, we have another hearing here this evening on another matter, so we'll try to decide this today. Anyone else wishing to be heard?"

No one else wishing to be heard and no further communications having been received thereto, Supervisor Vojvoda declared the hearing closed at 12:30 P. M. and reopened the meeting.

The Town Board recessed for lunch to reconvene at 7:30 P. M.

The Town Board reconvened at 7:30 P. M., with all members present. The Town Attorney was also present.

PUBLIC HEARING -11:15 A. M. (adjourned to 7:30 P. M.)

Town Clerk submitted affidavits of publication and posting of Public Notice Calling Public Hearing on Proposed Ordinance No. 37 of the Town of Riverhead, Ordinance Regulating Use of Beach, said affidavits were submitted to the Board and filed at 11:15 A. M.

Supervisor Vojvoda announced that this hearing is being held in the evening for the convenience of those that could not attend the morning session of the Board.

Town Attorney Scheinberg stated that this proposed ordinance was drafted at the request of the Long Island and East End Buggy Associations and that its purpose is to regulate the use of the beach.

Mr. Scheinberg then read the proposed ordinance in its entirety and explained its meaning.

PUBLIC HEARING - 7:30 P. M. (adjourned from 11:15 A. M.)

Supervisor Vojvoda thereupon declared the Hearing open, and asked any one who wished to be heard in favor of or against the proposed ordinance to so speak.

Mike Punda, Wading River, asked about that section pertaining to towing.

Town Attorney Scheinberg read Section 6 of the proposed ordinance and answered Mr. Punda's question.

Louis Fleischman, Riverhead, asked if the Board had a definition of mean high water mark.

Town Attorney Scheinberg: "No".

Supervisor Vojvoda stated that the Board has sought this determination from many sources but have not been able to obtain a satisfactory answer.

Francis Yakaboski, Calverton, asked about the hours of restriction.

Robert Gerken, Edwards Avenue, Calverton, explained how mean high tide is established and can be established.

Town Attorney stated it has not been established in the Town of Riverhead.

Mr. Gerken stated that a license to use the beach at \$2.00 a clip, even though these people are here for a good purpose and may have good intentions, they will abuse the privileges and cause a great deal of friction.

Town Attorney differed with Mr. Gerken and stated that this ordinance regulates who can use the beach and anyone who will use the beach will have to conform to certain regulations.

Supervisor Vojvoda stated that anyone who abuses their permits will stay off the beach for a year and this ordinance will eliminate the kids and those people who abused our beaches prior to this time.

Kenneth Thurber stated that the integrity of the members of the Association on the beaches is well documented with the Suffolk County Sheriff's Department and the Town Police.

Mr. Gerken stated that the Police Department has a limited number of men and who is going to patrol the beaches to find out who is exceeding the speed limit and who has permits.

Supervisor Vojvoda stated that the gentlemen from the Association will help patrol the beaches.

Bernie Warner, Executive Vice-President, assured Mr. Gerken that the members of the Association who do all possible to assist in the patrol of the beaches will also if need be reprimand any one out of line.

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PUBLIC HEARING - 7:30 P. M. (adjourned from 11:15 A. M.)

Mr. Jackowski, Mattituck, asked if this ordinance was restricted to Riverhead residents only.

Supervisor Vojvoda replied: "No".

Maurie Semel asked where the fellows will be able to go to cross over to the beach.

Town Attorney replied saying they will be able to go over the Town of Riverhead lands---Iron Pier or Reeves Beach.

Mr. Semel asked what section of the State, Town or Municipal Law can the Town tax for use of state property.

Town Attorney replied it will be a charge for the issuance of the permit.

Mrs. Helen Gerken asked how these people will get over the stone groins as the stones spread.

Supervisor Vojvoda said that in areas where these groins exist the people are giving the Town a ramp to enable the people to get over them.

Councilman Young stated that he believes this ordinance is a step in the right direction.

An unidentified gentleman asked if the members of the organization could be deputized to serve summons on the violators.

Justice Costello stated that he does not think there is a need for this as the Beach Buggy Association is a responsible organization who are 100 or 200 strong--- ambassadors of good will who can make a citizens arrest. (Amd the clattering of shutterblinds, thuds from name plaque falling and tsks-tsks from Town Clerk, Justice Costello continued and managing to be heard above the din, added that the purpose of this ordinance is --regulatory---regulatory period-----trying to regulate the use of the beaches.

Mrs. Gerken suggested that signs be erected on the approaches to the beaches.

Mr. Benjamin informed the Board that as soon as this ordinance becomes law that the Association will post the necessary signs.

Joseph Hall, Riverhead, extended the appreciation of the East End Surf Fishing Club (the oldest one in New York State) to the Town Board for its consideration in this matter.

Supervisor Vojvoda asked if any one else wished to be heard, hearing no response, he thanked everyone for coming and declared the Hearing closed at 8:30 P. M.

The Town Board went into Executive Session and at 8:45 P. M., the meeting reconvened.

RESOLUTIONS

Justice Zaloga offered the following resolution which was seconded by Councilman Grodski.

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, in order that an Ordinance may be adopted by the Town,

NOW, THEREFORE, by virtue of the authority vested in it by the Town Law and other statutes made and provided, the Town Board of the Town of Riverhead hereby ordains and enacts the following Ordinance No. 37 of the Town of Riverhead:

ORDINANCE #37 - REGULATING USE OF BEACH

SECTION 1. - DEFINITIONS OF WORDS AND PHRASES: The following words and phrases when used in this ordinance have the meanings respectively ascribed to them in this section:

- a. Beach - The word "beach" shall encompass all that area in or adjacent to the Town of Riverhead along the shore of the Long Island Sound lying between the mean high water mark as a southerly boundary and the low water mark as the northerly boundary, and along the shore of the Peconic Bay lying between the mean high water mark as the northerly boundary and the low water mark as the southerly boundary.
- b. Motor vehicle - Every vehicle which is self-propelled.
- c. Operator - Any person licensed to operate or drive a motor vehicle.
- d. Owner - Shall mean the recorded or registered owner of a motor vehicle.
- e. Public Highway - Any road, street, walk, lane, avenue, driveway, or any public way.
- f. Town - "Town" shall mean the Town of Riverhead.
- h. Town Clerk - "Town Clerk" shall mean the Town Clerk of the Town of Riverhead.

SECTION 2. - APPLICATION OF ARTICLE.

- a. No motor vehicle may be operated upon the beach between June 15 and September 15, both inclusive, in each year except between the hours of 7:00 o'clock in the afternoon and 10:00 o'clock in the following forenoon, except as herein provided.
- b. No motor vehicle may be operated upon the beach between September 16 and June 14, both inclusive, in each year except as herein provided.

RESOLUTIONS continued:SECTION 3. - UNLICENSED OPERATORS AND UNREGISTERED VEHICLES PROHIBITED:

a. No motor vehicle may be operated on the beach at any time unless same is duly registered by a state motor vehicle bureau.

b. No motor vehicle may be operated upon the beach at any time by a person who is not duly licensed to operate a motor vehicle by a State motor vehicle bureau.

c. No motor vehicle may be operated upon the beach at anytime by any person unless a permit has been issued by the Town of Riverhead for such use pursuant to Section 7.

d. No motor vehicle may be operated upon the beach by any person unless the motor vehicle is insured under a valid automobile liability insurance policy carrying the limits of at least \$10,000/\$20,000.

SECTION 4. - MOTOR VEHICLES EXEMPTED: The following motor vehicles may be operated at any time upon the beach without a permit:

a. Motor vehicles of the United States of America, the State of New York, the County of Suffolk, the Town of Riverhead, and of any agency, instrumentality or department thereof, when used on official business, or motor vehicles operated by officers or employees of such governmental agencies when used on official business.

b. Motor vehicles commandeered for use by peace officers in the performance of their duties.

c. Ambulances or motor vehicles used as ambulances.

d. Motor vehicles owned or operated by public utilities subject to the jurisdiction of the Public Service Commission.

e. Motor vehicles operated by a fire department or fire district in the performance of its duty.

SECTION 5. - MAXIMUM SPEED: No motor vehicle except those designated in Section 4, a, b, c, d and e, shall be operated upon the beach at a speed in excess of twenty (20) miles per hour, except in areas where a lesser speed has been posted pursuant to a law, ordinance, local law, rule or regulation.

SECTION 6. - TOWING PROHIBITED: No motor vehicle shall be operated upon the beach in the use of towing any person on, in, through or over the waters of the Long Island Sound or the Peconic Bay.

RESOLUTIONS continued:

SECTION 7. - PERMITS ON APPLICATION TO CLERK: An application for a permit shall be made to the Town Clerk of the Town of Riverhead on a form to be provided by said Town Clerk. The fee for the issuance of said permit shall be \$2.00. The applicant shall furnish the following information:

- a. Name and address of the applicant's dwelling or residence.
- b. Applicant's drivers license number, date of issuance, date of expiration and State of issuing motor vehicle Bureau.
- c. Make, model, and year of the vehicle for which the permit is sought and the current registration number and State of registration of said motor vehicle.
- d. Name of automobile liability insurance company and policy number and expiration date of policy.
- e. Whether the permit applied for hereunder has ever been suspended or revoked, and if so, the circumstances thereof.

SECTION 8. - DISPLAY OF PERMIT: The permit required hereunder shall be affixed to the vehicle at all times and shall be displayed upon request to any peace officer or official of the State of New York, County of Suffolk or Town of Riverhead.

SECTION 9. - EXPIRATION OF PERMIT: All permits issued pursuant to this ordinance shall expire on December 31st of the year issued.

SECTION 10. - VIOLATION: Any violation of this ordinance shall be deemed to be an offense punishable by a fine not to exceed \$100.00 or ten days in jail, or both. Upon conviction of any violation of Section 2, 3 or 6 of this ordinance, the permit issued hereunder shall be automatically revoked by the presiding magistrate. No permit which has been revoked shall be issued for a period of one year from the date of such revocation. Upon conviction of any other provisions of this ordinance the permit issued hereunder shall be automatically suspended for a period of one month from the date of suspension.

SECTION 11. - INVALIDITY: The invalidity of any section or provision of this ordinance by any court of competent jurisdiction shall not invalidate any other section or provision hereof.

AND the Town Clerk is hereby authorized and directed to enter the said Ordinance No. 37 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 pursuant to subdivision 6 of Section 30 of the Town Law, and file in her office affidavits of said publication and posting.

This Ordinance No. 37 of the Town of Riverhead shall take effect ten days after such publication and posting.

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

RESOLUTIONS continued:

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

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, in order that amendments to Zoning Ordinance No. 26 of the Town of Riverhead as Amended, may be adopted by the Town,

NOW, THEREFORE, By virtue of the authority vested in it by the Town Law and other statutes made and proved, the Town Board of the Town of Riverhead hereby adopts the following amendment to Zoning Ordinance No. 26 of the Town of Riverhead, as Amended, more particularly to the Zoning Map incorporated therein as follows:

1. To change from existing Farm 1 Use District to Residence 1 Use District all that certain property situate at Calverton, Town of Riverhead, Suffolk County, New York, bounded approximately as follows:

On the South by Middle Country Road, State Highway Route 25, beginning at the westerly line of property of Allweather Realty, Inc. west to the easterly line of property of Fannie Immerman to the depth of the existing Residence 1 Use District as the northerly boundary, which proposed change is more accurately shown on map entitled: "Plan for Zoning Change Shown Hereon" dated January 31, 1967 on file with the Town Clerk of the Town of Riverhead.

2. To change from existing Farm 1 Use District to Residence 1 Use District all that certain property situate at Calverton, Town of Riverhead, Suffolk County, New York, bounded approximately as follows:

On the South by Middle Country Road, State Highway Route 25, beginning at the easterly line of property of Allweather Realty, Inc. west to the westerly line of property of Allweather Realty, Inc. to a depth of the existing Resident 1 Use District as the northerly boundary, which proposed change is more accurately shown on map entitled: "Plan for Zoning Change Shown Hereon" dated January 31, 1967 on file with the Town Clerk of the Town of Riverhead.

AND the Town Clerk is hereby authorized and directed to enter the said amendment 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.

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

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

There being no further business on motion and vote, the meeting adjourned at 9:30 P. M. to meet on Tuesday, May 2nd, 1967 at 10:30 A. M.

Helene M. Block

Helene M. Block, Town Clerk