

Minutes of a Chapter 54 Public Hearing held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Thursday, May 25, 2000, at 1:00 p.m.

**Present:**

Robert Kozakiewicz,	Supervisor
James Lull,	Councilman
Edward Densieski,	Councilman
Christopher Kent,	Councilman

**Also Present:**

Leroy Barnes,	Building Inspector
Matthew White,	Code Enforcement Officer
James Dunn	
Barbara Grattan,	Town Attorney
Dawn Thomas,	Town Attorney

**Absent:**

Philip Cardinale,	Councilman
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Public Hearing opened: 1:06 p.m.

Supervisor Kozakiewicz: "The time of 1:06 has arrived. And we're present for purposes of a Chapter 54 proceeding. Barbara could you please announce the publishing and posting of the hearing?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on May 25, 2000 at 1:00 p.m. regarding Chapter 54, property owned by Peter T. Gillespie, located at 1655 Old Country Road, Riverhead."

Supervisor Kozakiewicz: "Before we start, there has been a report or a Chapter 54 document which was made part of your file, is that correct, Barbara?"

Barbara Grattan: "Yes, it is."

Supervisor Kozakiewicz: "And that's the public hearing as well as the findings that have been noted. What's the date of that report?"

Barbara Grattan: "The 4<sup>th</sup> day of April."

Supervisor Kozakiewicz: "Okay. All right. At this point, obviously, I guess subject to town attorney putting that into place, I just wanted to make reference to the fact. We have also present as I suspect to give testimony, Matthew White. Are you prepared to give testimony as well?"

Leroy Barnes: "Matthew is the gentleman who posted the property."

Supervisor Kozakiewicz: "Will you be giving testimony as well, Leroy?"

Leroy Barnes: "No. I do not intend to."

Supervisor Kozakiewicz: "Okay. All right. And also present- are you here as representatives of Gillespie? Are you- "

Unidentified: "We're expecting somebody else to come."

Supervisor Kozakiewicz: "Okay."

Barbara Grattan: "Matt, just put that down to these gentlemen and you can use this."

Supervisor Kozakiewicz: "What I'd would like to do so that we have a good record is have the witness sworn. Do you wish to do that? Or I can have him sworn. Either way. All right. Thank you."

Dawn Thomas: "I'll swear him in. Raise your right hand, please. Do you swear that the testimony that you are about to give is the whole truth, and nothing but the truth so help you God?"

Matthew White: "I do."

Supervisor Kozakiewicz: "Mr. White, just a couple of initial preparatory comments. Where are you employed presently?"

Matthew White: "Riverhead Town."

Supervisor Kozakiewicz: "Okay. And in April of 2000, where were you employed?"

Matthew White: "Riverhead Town Building Department."

Supervisor Kozakiewicz: "And in what capacity were you employed at that time?"

Matthew White: "Ordinance Inspector."

Supervisor Kozakiewicz: "Okay. And as part as your Ordinance Inspector duties- withdrawn. As Ordinance Inspector, what are your duties?"

Matthew White: "Basically enforcing the entire town code, provide for public safety and maintain the rules and regulations of the town throughout the town- building construction, operations of businesses and rental (inaudible)."

Supervisor Kozakiewicz: "Now, in conjunction with those general duties, would your duties also include enforcement or inspections pursuant to Chapter 54 of the town code?"

Matthew White: "They do."

Supervisor Kozakiewicz: "And on or about April 4, 2000, did you cause an inspection to be made at property which has been previously identified by the Town Clerk?"

Matthew White: "I did."

Supervisor Kozakiewicz: "And if you could, explain to us the purpose or reason why you were called to that property or went out to that property."

Matthew White: "Okay. Actually I noticed the property in my travels down Route 58. I saw an abandoned building and I saw an abandoned and what could be open building to the rear of the structure, to the rear parcel of the property. The fence, while it was closed, did have an opening wide enough that I was able to just duck down and walk right through.

I investigated the barn that's located to the southeast corner of the property. It appears to be a four car style garage. My findings in that- the rafters were sagging, there was deterioration all over the place. Due to my findings, I find that it was unsafe, dangerous and unsanitary. It appeared someone had been living in it. I feel that these reasons exist due to inadequate maintenance, dilapidation and the fact that it was abandoned and not being used as a garage.

My findings inside were that fires had been set throughout the building. The windows were broken, the structure leaked. Because of the leaking, (inaudible). There were holes in the floor as well as the ceiling. Shingles were missing on the outside of the building. Sheetrock and plaster was damaged throughout the building due to vandalism. People had like punched holes through the walls in and out between rooms. The rafters, as I said, were sagging. There is numerous amounts of cans, empty refreshment cans, beer cans, soda cans, along those lines, throughout the place. There is several shopping carts, mattresses and a large amount of newspapers just scattered throughout the premises.

Upon the outside of the premises, there's also an incredibly large amount of tires which has since been cleaned up and several automotive pieces, the hood of a bus, and other items. One door on the southern part of the four doors was dilapidated and basically only hanging on one hinge causing a hazard for anyone who was near it.

It's with that, that I recommend to the Town Board that the building be torn down. In my opinion, I don't see how it could be structurally stabilized."

Supervisor Kozakiewicz: "Now, I- just so the record notes this. You had been referring to some documents or notes, is that correct?"

Matthew White: "Yes."

Supervisor Kozakiewicz: "And those notes are what?"

Matthew White: "The Chapter 54 sheet prepared by the Town Building Department."

Supervisor Kozakiewicz: "You caused that report to be prepared?"

Matthew White: "I did."

Supervisor Kozakiewicz: "Was that at or about the time when you went out to- or close to the time when you went out and did your physical inspection of the premises?"

Matthew White: "It was prepared that afternoon when I returned back to the office."

Supervisor Kozakiewicz: "Unless there's an objection, I'd like

to have that report made part of the hearing as evidence."

Councilman Kent: "I think we might want to know. Are you counsel for- "

Supervisor Kozakiewicz: "Oh, yes. I'm sorry."

James Dunn: "No, I'm not. I'm here representing them. I have managed properties for them- "

Supervisor Kozakiewicz: "For Gillespie?"

James Dunn: "Yes. For Gillespie."

Supervisor Kozakiewicz: "Okay. And your name?"

James Dunn: "I am James K. Dunn."

Barbara Grattan: "Spell the last name?"

James Dunn: "D-U-N-N."

Barbara Grattan: "Oh, James Dunn. Sorry about that."

Supervisor Kozakiewicz: "Did you want to look at the report? Do you have any objection to it being made part of the- as the Town's Exhibit No. 1 in this proceeding?"

James Dunn: "No, not at all."

Supervisor Kozakiewicz: "Okay. Thank you. Is there any additional testimony, Mr. White, that you have as far as- "

Matthew White: "No, sir."

Supervisor Kozakiewicz: "Okay. Do you wish to ask any questions of Mr. White at this time?"

James Dunn: "No, not at this time. I've spoken to him several times already."

Supervisor Kozakiewicz: "Okay."

Matthew White: "Sir, if I could just had. I have spoken with Mr. Dunn on several occasions. Mr. Dunn did meet me out at the

property and has been as the agent for Mr. Gillespie, has been more than cooperative. The tires were cleaned up approximately 10 days after I made first notification that there was a problem there and has been willing to work with the Building Department."

Supervisor Kozakiewicz: "All right. Are you- Mr. Dunn, at this point, going to offer any testimony or comments for us to- "

James Dunn: "Yes. On behalf of the owner, they would like you to know that, you know, there were several transactions that were pending for the property, one of which were these gentlemen. And we have had- (inaudible) the point that I met or the person contacted by Matt White, we were all set to go ahead and renovate the property- I shouldn't say renovate, but secure the property, remove one of the buildings that are in the rear that are in severe disrepair, dilapidation at this point, at which point then a deal had- came up and we were going to be relieved of that obligation to the tune of about \$7,500 because of a pending deal.

Now, we had not anticipated being here today because of that. At this point, the deal seems to be stalling for whatever reason- the owners are prepared to go ahead and take care of the property as initially intended by removing the rear building and securing the existing brick and block building and doing whatever necessary to make the town happy that it is a secure property and that the building (inaudible). Whatever it would take. So- "

Supervisor Kozakiewicz: "If this deal goes through, I assume this is with the two other parties who are present, Mr. Sternlight and Mr. Luke (phonetic)."

James Dunn: "That's correct."

Supervisor Kozakiewicz: "And if that deal goes forward, what would happen with that building?"

James Dunn: "Well, our- my understanding from the owner, Peter Gillespie, was that the gentlemen were going to resubmit plans to do other things with the property and- "

Supervisor Kozakiewicz: "Would the building be secured?"

James Dunn: "The building would be secured regardless."

Supervisor Kozakiewicz: "Okay."

James Dunn: "Whatever their intentions were, they were going to have the responsibility of taking care of the property right now to make the Town happy. And that's the only reason that the owner, Peter Gillespie, have not gone forward in doing that. So that was the deal that they had made. At this point, we're at (inaudible), and if they have to, they will after today or whatever the Town deems to be necessary to secure the property, remove the existing dilapidated building, they will do that. And I can speak for them and letting you know that. And that could happen within, you know, a seven day period. We had a contract; he is prepared to go forward. If the Town tells us we'll have them out there, you know, as soon as they can get there."

Supervisor Kozakiewicz: "I don't think anyone of us up here asked where the physical address of this property is. I think we assume it because we know where the former Tryac or truck- "

James Dunn: "1655."

Supervisor Kozakiewicz: "1655, which is where as far as Route 58? North side or south side?"

James Dunn: "It would be on the south side of Route 58."

Supervisor Kozakiewicz: "Okay."

James Dunn: "Just to the west of Mill Road, directly next to the entrance of Glenwood Village."

Councilman Kent: "Tax map number, do we have it?"

Supervisor Kozakiewicz: "It's in the report, but we'll just have it put into the record."

James Dunn: "Designated as tax map number 119-1-11."

Supervisor Kozakiewicz: "Thank you. So either way, back to Mr. Dunn, either way, the intention is to deal with the building. This is not what used to be the former office for Tryac or trucks. This is a separate building that we're talking about."

James Dunn: "That needs to be removed."

Supervisor Kozakiewicz: "Right. Okay."

Leo Sternlight: "The building is in disrepair and the owners are aware of that and they have had several contractors there to give estimates and what Matt has- needs to secure that property. And they are prepared to do it. And I can tell you that, you know, it would be done if that's what the Town wanted us to do."

Supervisor Kozakiewicz: "Does this building have a foundation or an open basement area where someone could fall through if they wanted into it?"

James Dunn: "There was a tank removed and there is an open area or it was a hydraulic lift, I'm not quite sure which, but somebody could fall. It is- I would guess to be about a seven foot depression from the floor of the existing building. Maybe less, five feet or so. But that would be filled, that would be completely boarded, it would be secured."

Supervisor Kozakiewicz: "Do you have any questions, Chris?  
Jim."

Councilman Lull: "My question is Matt's report concentrates on that out building- "

Supervisor Kozakiewicz: "Right."

Councilman Lull: "Does his report also include any problems in securing the main building? Because if we're going to be talking him, I'd like to be talking to him now."

James Dunn: "Yes. We have several people and one in particular will come out to the site and remove the existing metal building that's about, you know, I don't know how old it is, but remove it and remove the debris naturally that goes along with it. Board the entire brick and block building; directly replace the wood, whatever is necessary and filling the (inaudible)."

(There was some inaudible discussion among the Board members)

Supervisor Kozakiewicz: "Why don't we take it up under the next work session, okay. Couple of things I've got. The Chapter 54 in your findings, Officer White, seem to deal with the outbuilding as opposed to what used to be the Tryac or the trucks building. Were there any observations with respect to that or is that something that you did concentrate on as part of this proceeding?"

Matthew White: "I focused mostly on the exterior- the building located to the southeast parcel of the property which is the garage I mentioned in my earlier testimony. In relation to the larger building, there was an open door to the rear of the building that could get in- that's how I did come across the hole that Mr. Dunn just earlier described. In my conversations with Mr. Dunn, he and I had both concurred that structurally the building better known as the Tryac Dealership would be fairly easy to secure and- the front of it is secured; the back garage door needs to be secured as well as the rear door upon which I made entry. And that we had both concluded could easily be done with the contractor coming out there and no permits necessarily required for securing that.

There was an old storage container which is rotted out near that rear door that does have to be removed. We both agreed on that. My main concern as far as public safety goes was the garage located to the southwest corner, mostly because in my (inaudible) both as a police officer and a code enforcement officer, it appeared that vagrants and undomiciled subjects had been living in or using same."

Supervisor Kozakiewicz: "Anyone else have any questions?"

Matthew White: "If I could add, if Mr. Dunn on behalf of Mr. Gillespie or Atlantic Properties does happen to come in for demolition, we just ask that they file for a demolition permit, you know, go about it legally doing it, as a result of a resolution."

Supervisor Kozakiewicz: "All right. Anything else? Anybody else who would like to address the Board?"

Leo Sternlight: "We're just here to confirm that we are in serious negotiations with the Gillespies regarding the premises."

Supervisor Kozakiewicz: "All right. Just for the record so we're clear. Leo Sternlight. You're going to have to repeat that so that we can hear that. I want to make sure it's on tape."

Leo Sternlight: "Okay. This is just to confirm that Leo Sternlight and (inaudible) are in serious negotiations with the Gillespies for the subject property to be rented."

Councilman Kent: "Can I ask- inquire? You understand that the proceeding here, that if the current owner does not voluntarily at his own doing remove the structures from the premises, that this would be part of- it would be done by the town- it would be undertaken by the

town to remove the structures and that this would be on next year's tax bill?"

Leo Sternlight: "And we would take that into consideration (inaudible) negotiations. Thank you for reminding us."

James Dunn: "I would just like to say that the owners would prefer that they would take care of it at this point. If you give us whatever time necessary they will put a cap on it, will get the contractors there prior to that. If it has to happen- say they are prepared to make a decision to engage a contractor, it will be done within- if you could give us the two weeks, it would be very gracious and we would appreciate that (inaudible)."

(There was some inaudible discussion among the Board members.)

Supervisor Kozakiewicz: "I think- I think the Board from what I'm hearing is of the mindset to issue an order today and we'll have it put into resolution form, I believe, because that's the way it was done in the past, that we would adopt the findings that the building is structurally unsafe and, therefore, the building should be demolished. We would, therefore, in conjunction with those findings and determine- direct that the owner demolish the structure within 14 days."

James Dunn: "That would be more than enough time. It's appreciated."

Councilman Kent: "Why don't we give him a date certain- June 9<sup>th</sup>, I think that's a Friday- "

Supervisor Kozakiewicz: "Yeah, June 9<sup>th</sup> would be a Friday, correct."

James Dunn: "Yes. That would be- "

Supervisor Kozakiewicz: "And you understand you need to obtain a demolition permit from the building department for that purpose?"

James Dunn: "Yes, I'll take the necessary paperwork now and we will issue any check that needs to be issued and we'll apply for that permit and engage the contractor."

Councilman Kent: "That will be part of our resolution that you

would do this pursuant to the town code, that you would acquire any permits necessary."

Councilman Lull: "By the time we pass the resolution, we'll be ratifying it."

James Dunn: (Inaudible)

Supervisor Kozakiewicz: "Thank you."

Councilman Kent: "Okay."

Supervisor Kozakiewicz: "Anything else? Nothing further, the time of 1:24 has arrived. I declare the hearing closed."

Public Hearing closed: 1:24 p.m.

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Public Hearing opened: 1:27 p.m.

Supervisor Kozakiewicz: "Ready, Barbara? Okay, the time of 1:27 and we have the second Chapter 54, which I understand was adjourned from April 27<sup>th</sup> which was Chapter 54 involving property in Calverton owned by- I'm going to let you put on record what we're doing, the Byzantine Catholic Church of the- of the what? Of the Resurrection, Twomey Avenue, Calverton, Tax Map No. 99- well, 0600-99-2-23.2."

Dawn Thomas: "That matter had been adjourned from April 27<sup>th</sup> to today, May 25<sup>th</sup>, and based on the discussions between the owners and the Building Department, the Building Department is requesting that that proceeding be withdrawn."

Supervisor Kozakiewicz: "And the reason they're asking for it to be withdrawn?"

Dawn Thomas: "They have come in and filed their site plan and are in the process of correcting the open excavations which were the issue, the subject of the Chapter 54 proceeding and on that basis it's no longer hazardous and dangerous."

Councilman Lull: "As I said last night, they have not been filled in yet. I was there last night. They were partially- they had been partially done- he's been, you know, around with the bulldozer,

but it's not all done."

Supervisor Kozakiewicz: "I guess the question is at what point or if we don't get compliance as far as any site plan or as far as the problems that are there in an unsafe condition, are we prepared to re-notice the Chapter 54 against them?"

Dawn Thomas: "Yes, yes."

Councilman Densieski: "We'll also be in site plan violation, correct?"

Supervisor Kozakiewicz: "Well they don't have a current site plan."

Councilman Kent: "No, the site plan- they don't have- "

Dawn Thomas: "It hasn't been approved yes. They filed a new application."

Supervisor Kozakiewicz: "We've taken the position that their prior site plan approval expired and therefore they need a new site plan which is what they've done. They've filed a new site plan application."

Councilman Kent: "They're making efforts to bring the property into compliance, is that why we're withdrawing it?"

Dawn Thomas: "Yes."

Supervisor Kozakiewicz: "Why we're withdrawing it at this time?"

Dawn Thomas: "That's correct."

Supervisor Kozakiewicz: "But we're also cognizant of the fact that there is this situation out there, a condition that's not safe and we certainly do not wish to allow it to continue on."

Leroy Barnes: "Well, one of the (inaudible) of the site plan is that I believe that you're going to require a fence around the one area- "

Supervisor Kozakiewicz: "Correct. (Inaudible) Right."

Councilman Densieski: "Can't start Phase II until Phase I is done and so on and so forth."

Leroy Barnes: "Has the site plan been adopted."

Councilman Kent: "No, it has not."

Supervisor Kozakiewicz: "The resolution was not adopted. There were some issues, one being the question of payment of fee, site plan fee. Okay. So, that was one of the issues."

Dawn Thomas: "Oh that's right. I remember now."

Supervisor Kozakiewicz: "Yes. Otherwise I think we would have already had an approved site plan resolution but for that fact."

Councilman Kent: "We tabled the resolution- the resolution was tabled."

Supervisor Kozakiewicz: "That's correct; it was tabled at the 18<sup>th</sup> meeting."

Councilman Lull: "(inaudible) findings prior to- either site-site plan at all there was going to have to be either fencing or filling in, assuming it was going to be filling in before we dealt with the site plan."

Supervisor Kozakiewicz: "Okay, so unless there's any objection, I guess we can accept their withdrawal or the recommendation that the matter be withdrawn which we'll do and with the understanding that the Building Department and the Town Attorney's office will remain cognizant of what's going on there and if the problem does not become rectified in a short time, we will resort to use of Chapter 54 again. Thank you."

Dawn Thomas: "Okay."

Councilman Lull: "Interesting activities coming about because of those."

Supervisor Kozakiewicz: "We are closed- close the public hearing now. Oh, yes, Mr. Kasperovich. You wish to comment on the Byzantine Church?"

William Kasperovich: "Yes, please."

Supervisor Kozakiewicz: "Okay."

William Kasperovich: "May I approach the table?"

Supervisor Kozakiewicz: "Yes, please do so that we can get you on tape."

William Kasperovich: "I brought my own just to make sure."

Supervisor Kozakiewicz: "Okay."

William Kasperovich: "My first comment on this hearing is that the owner of record has not been established. As of 12:00 this date, no filing in the County Center has been made nor submitted to the Town Clerk."

Supervisor Kozakiewicz: "No filing by whom?"

William Kasperovich: "Consequently what has been put into the record before is not owner."

Supervisor Kozakiewicz: "I'm sorry, you know the proceeding was withdrawn, right, Bill? We withdrew the Chapter 54 because of the fact that they filed a site plan, Mr. Kasperovich?"

William Kasperovich: "So bear with me- "

Leroy Barnes: "We're no longer on the hearing- "

William Kasperovich: "Yes, we are on the hearing."

Leroy Barnes: "I'm not talking to you, Mr. Kasperovich."

Supervisor Kozakiewicz: "Wait, wait, wait. Hold it. The hearing- we withdrew the Chapter 54. Are we addressing the question whether there's an unsafe situation out there? If we are, then that's been, we believe, handled by the fact that there's been a site plan application filed. We've gained compliance of the party in question. Now, I- you're questioning who the true owner of record is. Is that your question?"

William Kasperovich: "Well, by my search and by my documents that I've been able to get, they are not as the record shows the owners."

Councilman Kent: "Are you here today provide testimony on this?"

William Kasperovich: "Yes."

Councilman Kent: "Okay, so we should swear you in."

Supervisor Kozakiewicz: "Okay, yes, if he's ready. Do you want to be sworn?"

Leroy Barnes: "So we still have a hearing. That's what I wanted to know."

Supervisor Kozakiewicz: "Well, I mean we're in purpose of the Chapter 54. Although it's been formally withdrawn, we'll take the testimony."

Councilman Kent: "I think we should take the testimony."

Supervisor Kozakiewicz: "Right, right."

Leroy Barnes: "Very good."

William Kasperovich: "All right. Mr. Kasperovich, would you raise your right hand? Dawn?"

Dawn Thomas: "Do you swear that the testimony you are about to give will be the whole truth and nothing but the truth so help you God?"

William Kasperovich: "I do."

Supervisor Kozakiewicz: "Thank you."

Councilman Kent: "State your name and address for the record."

William Kasperovich: "My name is William Kasperovich. I live on #61 15<sup>th</sup> Street in the Hamlet of Wading River. This matter of Chapter 54 unsafe conditions (inaudible) that this area supposedly is a cemetery and yet there has been no filing of a cemetery. Now, the site plan keeps coming into the discussion but the site plan should not be accepted until such requirements are met to establish and officially record this as a cemetery. Prior to this it was treated as a church- for a church- property for a church. However, a dedication in- excuse me for a moment- consent to the dedication was made May 3,

1994 and- "

Supervisor Kozakiewicz: "Sorry, the date was May, 1994?"

William Kasperovich: "(inaudible) the land for cemetery- it was resolution 322 adopted May 3, 1994. And although the papers are not filed officially, it still- to issue a Chapter 54 without resolving either the owner or the state that the land was established by resolution, I feel that there's been a very definite lack of rectitude and should be so noted in the record."

Supervisor Kozakiewicz: "Bill, I guess there's two points that I wish to make. First and foremost, the owner of record- we have a deed that's on file with the Assessor's Office identifying who the owner of record is."

William Kasperovich: "Which is not correct."

Supervisor Kozakiewicz: "I went over and checked the Assessor's Office records myself. There's- it's the Byzantine Church of the Resurrection who took the property by deed from Colessa (phonetic)-- I believe the deed was from Colessa."

Leroy Barnes: "Yes."

Supervisor Kozakiewicz: "So you're saying that deed is a forgery? Is that your testimony, it is not a true document?"

William Kasperovich: "It is not a true document."

Supervisor Kozakiewicz: "Why do you say that?"

William Kasperovich: "Because the- "

Supervisor Kozakiewicz: "Understanding that this proceeding is withdrawn and we really don't have anything to (inaudible) at this point."

Leroy Barnes: "It's irrelevant, Mr. Supervisor. It's a waste of time. Because it's irrelevant- "

Supervisor Kozakiewicz: "It's withdrawn. But I'm trying to understand what the reasoning is here, why a deed that we get recorded from- or a copy of a deed that we get recorded from the County Clerk's Office is not a true- something we can't rely upon. I'm trying to

understand the logic. Why can't we rely upon a deed that we get as an official document from the recording agency, namely the Suffolk County Clerk's Office?"

William Kasperovich: "Because of the (inaudible)."

Supervisor Kozakiewicz: "That's my question first and foremost."

William Kasperovich: "I find that the interpretation of (inaudible)-- directly from the deed party of the Byzantine Catholic Church of the Resurrection, a religious corporation filed pursuant to the religious corporation- to the religious corporation law Article 5B (inaudible) Greek catholic churches. By this and a copy of the filing of the corporate papers, this is- property is owned by the Diocese, is filed in the May 24, 1967."

Supervisor Kozakiewicz: "All right, Bill, Bill, so- but- I guess- all right- so your position is the diocese. And is this something which really affects the matter in light- you're more concerned about this now in connection with whether we have the proper party as far as site plan? Because the Chapter 54 is withdrawn. It's not longer an item that's before us. We've entertained the application by the Building Department to withdraw it. We have a site plan application before us. What are we doing here at this point as far as this issue? I guess I'm trying to understand. I'm not trying to be obstructionist, I'm not trying to be difficult. But I think we're past the point. The Chapter 54 is withdrawn. I'm obviously missing something."

Councilman Kent: "Are you giving- maybe, are you giving us some information so that we could take it into- take into consideration when we approve the site plan?"

Supervisor Kozakiewicz: "Are you- this is something that we talked about-- "

William Kasperovich: "(inaudible) is that the true owner- "

Councilman Kent: "I understand."

Supervisor Kozakiewicz: "So you're asking just to have a title report?"

William Kasperovich: "-- first and foremost in which this

particular case, it has not."

Councilman Kent: "Okay. So when we entertain their site plan application prior to us passing the resolution, we should confirm (1) who the owner of the property is- "

Councilman Lull: "My question is, whose name is on it?"

Councilman Kent: "And (2) that they have complied with New York State law in operating or establishing a cemetery. Is that the two things I think I heard you say earlier- "

Leroy Barnes: "(inaudible) he's the attorney of record."

William Kasperovich: "If Mr. Barnes is speaking, let him speak into the record."

Councilman Kent: "Okay, go ahead. Leroy."

Councilman Lull: "No. I asked him a question on the side-- because I was simply asking him in whose name the site plan application came."

Councilman Kent: "In whose name did the site plan application come?"

Leroy Barnes: "Byzantine Church of the Resurrection."

Councilman Kent: "To be an applicant, you do not have to be an owner. You know that. Under site plan, you do not have to be the owner to be the applicant."

William Kasperovich: "You have to represent the owner."

Councilman Kent: "That's correct."

Supervisor Kozakiewicz: "All right."

William Kasperovich: "And this has not been done."

Supervisor Kozakiewicz: "What you're suggesting is that when we forward with the Chapter 54 in the future, we need a title report or some other way of determining who the owner is, is what you're saying. We shouldn't rely upon a deed or we should inquire further past the deed. Because, again, we're getting far afield here in light of the

fact that this Chapter 54 is withdrawn."

Councilman Kent: "But there is a deed into them."

Supervisor Kozakiewicz: "Correct."

Councilman Kent: "But you're saying that they're not an entity that really exists. So you're going more to the corporate identity than the fact that they are not in title. You're saying that the entity itself does not exist. You say that they are- "

William Kasperovich: "It is not an entity."

Councilman Kent: "Right."

William Kasperovich: "The entity is the diocese."

Supervisor Kozakiewicz: "If that's true, then St. Isidore Roman Catholic Church is not an entity; St. John's Roman Catholic Church is not an entity- "

Councilman Kent: "Well, who owns the- who holds title to the property upon which St. Isidore's Catholic Church is located?"

Supervisor Kozakiewicz: "St. Isidore's."

Councilman Kent: "Is it in the name of St. Isidore?"

Supervisor Kozakiewicz: "Yes, it is. So you're saying they're not the true property of record owners. It's really the Diocese of Rockville Center? If we're taking that argument- okay, all right."

William Kasperovich: "(inaudible) understanding is that the- "

(There was some inaudible discussion among the Board members)

William Kasperovich: "-- and after a lot of research and study it was shown that they do not own the land and property. It was owned by the (inaudible)."

Supervisor Kozakiewicz: "What we will do, Bill- "

William Kasperovich: "Consequently this went further that when there is a- "

Councilman Kent: "Can I comment on this though? Because a local church- a local church which is part of a large organization, whether it be regional like a diocese or national like a national church, can incorporate. You can incorporate. I've done this for UCC churches. There's a national United Church of Christ; there's also a New York State conference; and you can also incorporate a local UCC church and it's done under the New York State law under a separate section. Okay."

Supervisor Kozakiewicz: "Indeed. As a matter of fact in the case of St. John's, St. John's has (inaudible) list of property under their name and gain funds from the (inaudible)."

Councilman Kent: "Although they are part of a larger group, you can incorporate the smaller entity. You're saying this incorporation was never undertaken?"

William Kasperovich: "When it comes to churches, they have to get approval- "

Councilman Kent: "Right. From the New York State Supreme Court Justice, from the Attorney General."

William Kasperovich: "No. They have to get approval from the bishop, the monsignor of the diocese. They cannot transfer or sell without permission of the body that governs and administers the church."

Supervisor Kozakiewicz: "All right. You're- we understand your point a little better now."

Councilman Kent: "Yes. That doesn't have anything to do with the Chapter 54. At this time because it's been withdrawn."

Supervisor Kozakiewicz: "Right. It's been withdrawn."

Councilman Kent: "But we'll have to look more into that both on site plan and on future- "

William Kasperovich: (Inaudible)

Supervisor Kozakiewicz: "All right."

Councilman Kent: "Okay."

Supervisor Kozakiewicz: "Thank you."

William Kasperovich: "Let me further say that in my time- a lot of time consumed, I also found that the county tax map number that the town has been using for location of property, in this particular case, happens to be in error. Consequently use of the county tax number is not a guarantee of describing the property."

Supervisor Kozakiewicz: "Okay. Unless there's any other comment, I call this- close this comment- even though the public hearing has already been closed, because it's withdrawn, it's now 1:46. Thanks."

Public Hearing closed: 1:46 p.m.

*Barbara Stanton*  
Town Clerk