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TOWN OF RIVERHEAD
COUNTY OF SUFFOLK: STATE OF NEW YORK

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RIVERHEAD PLANNING BOARD

Regular Meeting

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Held In-Person & Via Zoom
200 Howell Avenue
Riverhead, NY 11901
February 2, 2023

B E F O R E:

- JOANN WASKI - CHAIRWOMAN
- RICHARD O'DEA - MEMBER
- EDWARD DENSIESKI - MEMBER
- JOSEPH BAIER - MEMBER
- GEORGE NUNNARO - MEMBER (Via Zoom)

- EILEEN POWERS - ATTORNEY
- ALL OTHER INTERESTED PARTIES

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CHAIRWOMAN WASKI: Good evening and welcome to the Town of Riverhead Planning Board. Today is Thursday, February 2, 2023. If we can please stand for the pledge of allegiance.

(Whereupon the Pledge of Allegiance was recited.)

CHAIRWOMAN WASKI: Happy Groundhog's Day to everybody. I don't know if that was good news today or bad news, but we'll have to see how it goes.

All right, this evening we have one public hearing on the agenda and that is the Riverhead Cider House patio and tasting room expansions.

BOARD ATTORNEY POWERS: So I just spoke with Matt and they do not have proof of mailings or posting, so we would not have jurisdiction to open this hearing. So we're going to have re-notice the hearing.

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We're going to have to pick a date and re-notice it because we don't have jurisdiction to hear it.

CHAIRWOMAN WASKI: Okay.

MEMBER DENSIESKI: Do we adjourn or table it?

BOARD ATTORNEY POWERS: Yes. It just gets marked off and they're going to have to reschedule it.

MR. CHARTERS: Yes. We have to come at the next meeting, prepare a resolution and then to schedule.

BOARD ATTORNEY POWERS: Then re-notice it. So for anybody who is here --

MR. CHARTERS: Apologies to the public.

AUDIENCE MEMBER: I'm sorry, we missed that. Can you say it again?

AUDIENCE MEMBER: Can you explain it?

MR. CHARTERS: Yes, I can explain.

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BOARD ATTORNEY POWERS: Thank you.

MR. CHARTERS: The applicant did not provide the affidavits of posting or the affidavits of mailing to establish jurisdiction to open the hearing, so we cannot hear this unless that's provided. So it's going to have to be rescheduled.

AUDIENCE MEMBER: So we came here for nothing?

AUDIENCE MEMBER: For The Cider House?

MR. CHARTERS: The Cider House.

BOARD ATTORNEY POWERS: The Cider House hearing isn't going to happen tonight.

AUDIENCE MEMBER: Oh, great.

CHAIRWOMAN WASKI: We apologize. We did not know about this. I literally just found this out. Our Board just found this out.

MR. CHARTERS: We have the applicant here, so maybe it might be

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better for them to explain?

AUDIENCE MEMBER: The applicant's here. He's going to explain this.

CHAIRWOMAN WASKI: Would you like your counsel to explain or are you going to explain?

MR. KING: I'll explain. All the work was done --

CHAIRWOMAN WASKI: Come up and state your name.

MR. KING: John King from The Riverhead Cider House. The required mailings and postings were all done, everything was done. I just don't have the -- I didn't realize I was supposed to bring a receipt for it.

BOARD ATTORNEY POWERS: Right. You have to bring the proof to us.

MR. KING: You got it and I apologize.

BOARD ATTORNEY POWERS: It's okay.

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MR. KING: It's a mess.

BOARD ATTORNEY POWERS: So you have to re-notice it and resend it and do everything all over again with the new date.

MR. KING: Okay.

BOARD ATTORNEY POWERS: And then bring the proof with you to the hearing.

MR. KING: Next time. I don't know what the rules are, but I'm happy to field any questions.

CHAIRWOMAN WASKI: It's not on the agenda any longer.

MR. KING: I apologize.

CHAIRWOMAN WASKI: Are you going back up to speak?

BOARD ATTORNEY POWERS: He's going to say one thing.

AUDIENCE MEMBER: When will you post the new date?

MR. CHARTERS: So it would have to come to the next Planning Board agenda too; obviously

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re-notice this. So the public won't be heard specific to this hearing; however there is a public portion of every meeting where any matter can be spoken on. It just won't be a part of this specific record. It will in the general record.

BOARD ATTORNEY POWERS:

Right, so the next date will probably be our February public hearing meeting?

CHAIRMAN FARLEY: Is that enough time to post?

MR. CHARTERS: Well, it would have to go to the regular meeting. Then we could schedule it for the first meeting in March.

CHAIRWOMAN WASKI: It would have to be another evening meeting like this one. All right, I sincerely apologize to all of you. I know what it takes to take time out of your schedule and be here. And, again, this is nothing that we

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saw coming. And if you'd like to stick around and speak later or you can come back for the next hearing where you will be on record for that hearing. Thank you. All right, Matt, thank you.

Okay, we will now move on to our discussion items. The first is Long Island Cauliflower Marcy Avenue Vestibule and that is with Matt Charters.

MR. CHARTERS: I'll be brief on this one. It's pretty straight forward and I'm sure the Board had the opportunity to read my very distinct staff report on this. This is the Long Island Cauliflower Association on Marcy Avenue. They are looking to put on a 16 by 25-foot unconditioned vestibule just so there's a little weather protection on their property. No impact to parking or anything. It's not really going to change. The

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siding is going to match the existing asphalt roof. That's pretty much it. Type 2 action pursuant to SEQRA prepared in administrative approval, which is on your agenda for consideration tonight.

CHAIRWOMAN WASKI: I don't have any questions on that. Okay. Thank you, Matt.

MR. CHARTERS: You're welcome.

CHAIRWOMAN WASKI: The next discussion item is HK Ventures, LLC with Greg Bergman.

MR. BERGMAN: Thank you. So this is just an update on the HK Ventures site plan application. At the last Planning Board Meeting, the Board accepted -- the Board set forth the requirements for the final supplemental environmental impact statement for HK Ventures. The applicant did submit that final that

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did include those necessary revisions. Some of those revisions were just the inclusion of public comments, responses from our outside traffic consultant.

So the next step in the SEQRA review, the Board has a resolution on to accept the final supplemental environmental impact statement. That will get posted into the New York DEC Environmental News Bulletin. It will get circulated to involved agencies. The next step after that, I believe they're has to be a minimum ten-day period for that final supplemental that would need to be available for the public. The next step after that would be for the Board to make findings on the application.

So right now there's just a resolution on to accept the final supplemental environmental impact statement for HK Ventures.

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MEMBER DENSIESKI: Is that available for the public to see online now?

MR. BERGMAN: Yes. Well, the final supplemental will get posted on the website tomorrow once the Board accepts it. The draft supplemental has been on the website for a minimum of 30 days. We did -- like I said at the last meeting, you did adopt a resolution which set forth the requirements. So the draft was made available for the 30 days. The final will be posed on the website upon acceptance by the Board.

MEMBER O'DEA: And it's okay by you?

MR. BERGMAN: Yeah, I mean, the Board was very -- the resolution from the January 19th meeting was very specific. It included incorporating the written comment

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from Barbara Blass; the written comment from Toqui Terchun; the written response from LK McClain (phonetic) who is our traffic consultant pertained to environmental review, the incorporation of the New York State DOT's project report, the final design for the New York 25 And Edwards Avenue redesign.

And there were a couple of minor changes to the referencing the Riverhead Logistic Center, the number of truck loading bays, and eliminating a comment regarding community solar program and the HK Ventures.

So all of those necessary changes, there were six of them, those were all incorporated into the final supplemental. So that's the final that's going to go posted to the website and get distributed.

MEMBER O'DEA: Thank you.

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CHAIRWOMAN WASKI: Okay, very good. Thank you, Greg. At this time, do we have any comments public comments on the resolutions on the resolutions only?

(No response.)

CHAIRWOMAN WASKI: Okay, seeing that there's no one. We do have -- Mr. Nunnaro is out this evening. He is sick. I believe that he is on Zoom or did he leave?

THE CLERK: He was Zooming in before, but I had to restart it because we never opened the public hearing. I haven't been able to get him up on the computer yet.

CHAIRWOMAN WASKI: Okay, that's fine. We have a quorum, so we're all set. We're good.

MEMBER BAIER: I'll move Resolution Number 9, which is for granting administrative approval for the Long Island Cauliflower

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Vestibule on Marcy Avenue.

MEMBER DENSIESKI: Second the motion.

CHAIRWOMAN WASKI: Vote, please. Baier?

MEMBER BAIER: Yes.

CHAIRWOMAN WASKI: O'Dea?

MEMBER O'DEA: Yes.

CHAIRWOMAN WASKI: Densieski?

MEMBER DENSIESKI: All right.

CHAIRWOMAN WASKI: Waski? Yes.

MEMBER DENSIESKI: I'll move Resolution 10 for HK Ventures, LLC, accepting the final supplemental environmental impact. So moved.

MEMBER O'DEA: Second.

CHAIRWOMAN WASKI: Vote, please. Baier?

MEMBER BAIER: Yes.

CHAIRWOMAN WASKI: O'Dea?

MEMBER O'DEA: Yes.

CHAIRWOMAN WASKI: Densieski?

MEMBER DENSIESKI: All right.

CHAIRWOMAN WASKI: Waski? Yes.

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All right at this time, if anyone has any public comments on all matters, I would ask that you keep your comments short, less than three minutes, please and if you'd like to come up, come on up.

MS. NEMETH: So even -- sorry. Linda Nemeth, Calverton. Because The Cider Mill information is not available you, may we speak on that anyway or not?

BOARD ATTORNEY POWERS: You can speak on it. Just so you know, it's not part of the public record on that file though.

MS. NEMETH: I understand. I understand.

BOARD ATTORNEY POWERS: Okay.

MS. NEMETH: The questions I have relate to my best recollection about how The Cider House first got approved. In part was because it was supposed to be continuous farm. They were going to have a huge apple

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orchard. I think there are about a couple dozen trees out there that are half dead. I don't if they've picked any apples off them, but that was one of the conditions and also the promise that they would not get any bigger, never expand.

They were turned down for a patio at that time, the outdoor use, and now it's expanding. And I really feel we're constantly going beyond a non-permitted use and permitting more and more non-permitted, non-permitted, non-permitted. So I don't like that and I don't know how many other people will.

It's also an extremely dangerous corner. A young couple was killed there -- nothing to do with this -- or in the hospital. They're in critical condition right now, but that is a terrible corner anyway. Thank you.

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(Applause.)

CHAIRWOMAN WASKI: Thank you.

Is there anyone else?

MR. FOLEY: Good evening. Is this for resolutions or just public comments? There are no resolutions being voted on tonight?

MEMBER DENSIESKI: We already did it.

CHAIRWOMAN WASKI: We already did that.

MR. FOLEY: You already did it? Boy, I'm real late then, huh? Mike Foley, Reece Park. I wanted to speak more about The Cider House public hearing. I understand that's been cancelled, but I would ask -- you know, everybody up there has been doing this for a long time, maybe with the exception of Joann, but the other four Planning Board members were present and voted on resolutions in 2015 and in 2017.

Joann and anybody else,

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I'd just ask you to consider taking a look at Resolution Number 92 in calendar year 2015 that was voted on and passed on December the 3rd, 2015. Without going into too much, there were covenants agreed to at that time and the covenants that they agreed to, they're now looking to violate. Well, they've already violated them because they already built them. But now they're asking for permission -- excuse me, they're asking for forgiveness rather than permission.

And one of the things that really sticks in my craw and I hope will stick in your craw is that they have a website and they're website points to two specific things, one of them involving catering. So, Joann, one of the first things that you did that was a tremendous help to the community was being a deciding vote on denying the

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application for a catering hall at
the Baiting Hollow Farm Vineyards.
You did your homework --

(Applause.)

MR. FOLEY: You did your
homework. You visited the site.
You saw a lot of things that were a
surprise to you and they were a
surprise to most people, but you
brought it to their attention. And
that stopped the catering hall from
being put on the historic Sound
Avenue corridor.

Now, the applicants, who
said in the covenants in 2015,
number two, covenant number two:
There shall be no special events
such as weddings, festivals or
affairs held on the subject
property. Yet the applicant on his
website, advertises weddings and
catering events in direct violation
of a covenants that he signed in
2015.

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And three out of the four Board members present today were involved in voting in the affirmative for that resolution in 2015. So I sure hope, before the next public hearing, that if you haven't taken the time already, that you take the time to look at that resolution in 2015.

And further, in calendar year 2017, Resolution Number 110, which was voted on on November the 2nd, 2017, that reiterates a couple of the covenants and pledges that the applicant is presently in violation of.

So I guess what it comes down to -- and you know, there's other case law that I'll certainly get into at the public hearing citing real estate trends in the New York Law Journal that talks about how Courts have the right to have people -- have violating structures

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torn down because they were not permanent.

He has three things up right now. He has about 2000 square feet of patio block that he put in without a permit, complaining that the area that he's putting patio block on was flooded and muddy. Did he ever think that maybe the 3,000 square foot of impermeable blocks that were adjacent contiguous with the muddy area might have been caused by the runoff from the area that he himself caused?

He has a 5,000 square foot addition that he has already built. We didn't know about it because it was in an existing structure. He had all these different businesses on the south side of the building. Clearly one of them has been taken out, he has expanded tasting room and 5,000 square feet sounds like a pretty

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decent size for small wedding. So he's already preparing for things that he's already advertising that are in violation of the covenants that he swore to in 2015.

When is enough, enough? How do we reward repeated violations, by allowing this un-permitted thing to now be allowed because he built it and he asked about it. He does a lot of nice things in the community, I get it. I have relatives and friends that have been to his facility. It's a nice place. But it's a bar now. It's not a cider house. He has cider, but he has beer and he has wine and he has pizza ordered, so it's not grab and go anymore. It is cooked to suit the person that wants to purchase it.

We have to take a look at what's happening on our historic Sound Avenue corridor. And this is

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the place where we tell this applicant who is a repeated violator, and anybody else that contemplates building structures that don't belong on our historic Sound Avenue corridor, that enough is enough. Thank you.

CHAIRWOMAN WASKI: Thank you.

(Applause.)

MS. TERCHUN: Good evening.

Toqui Terchun, Greater Calverton Civic Association president. It's a very cold night and this meeting went very quickly. So I'm sorry I missed the beginning of it. I did catch it outside that there was a problem with the filing of the noticing of the public hearing --

CHAIRWOMAN WASKI: That's correct.

MS. TERCHUN: -- by the applicant. I'd like to say that, you know, hey, here's a great business; it's in our hamlet;

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they're successful; they really care about their neighbors. I can't say that about this applicant. And I really I am sort of tired of coming up here and saying stuff that's negative. I'd like to be able to --

CHAIRWOMAN WASKI: I'm looking forward to that too.

MS. TERCHUN: Yeah, other than to praise this Board for what they've done for us in Calverton and stood up for us, so that's always going to be a positive that I bring to you. This applicant --

(Zoom audio interruption.)

MS. TERCHUN: Hey, there's a PA here. Okay. You've already heard the presentation that Mr. Foley just mentioned that has a bit of a historic context to it. Mine is a little bit of a story, but I'll keep it short unless you want entertainment and, you know, you came here for a reason and you want

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to stay.

But in 2017 when I was the secretary for the Civic, Mr. King came to the Civic and said, hey, can you hold your meeting on Saturday morning inside of our space so I can present to you what we'd like to do in that space? He had talked about it and then he said, you know, please come. So we did.

And I think there was probably about a dozen of us there. Sadly not a lot of those people are around to come here tonight, but I am and it's important what I have to say because it doesn't so much speak to a lineage of errors and missteps by Mr. King, but it does speak to the character that he asked us to believe. And what he asked us to believe was:

For my wife, I'd like have a business here in Riverhead and change Grapes and Greens from a

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cold storage unit into having a friendly neighborhood pub where you come to after work and you can relax and it's family time and there are games and, you know, kids can come and it will be closed by 9:00 and we won't have any large events. We were quite happy because we were sitting in a space that had already been configured to that end.

So we took it with a grain of salt and said, well, you know, if that's what you want and you want to be good to the neighbors, then okay. So he kind of got our blessing and he did ask at that time: And we'd like to put a table outside on the northeast corner of the building. And we looked over and we were like, yes to what you've already got going for a family neighborhood pub, but no to on outside table because we know what that leads to and he said okay.

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So we took him at his word.

Fast forward to 2023 and this is not a family friendly neighborhood pub where you go to after work. I've gone in. I liked it. Sad to say I haven't been in there in a couple of years, but I went in, had a beer at their bar, and it was really busy. I don't know what day it was, maybe it was a Saturday. And I enjoyed it. It was crazy crowded, but I went in after work to have a beer and then I left.

This is a person who has to take us at our word as a Civic and has, in my eyes, taken advantage of us and if it were to do something very helpful to the community, I'd have a softer spot in my heart for it, but this is clearly a violator. This is a person who is self-serving. And I know we all have to take care of ourselves, I like that, but this is not a person who's looking to do

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good to his neighbors. And it's not just 20 or 50 neighbors. There's hundreds. And they can't get out of their driveways, the ingress and egress to their homes, the streets, to their homes for the traffic and it's not for moments at a time. It's for hours and months.

So please, if you would keep that in consideration when you move forward with the hearing from the applicant. Thank you.

CHAIRWOMAN WASKI: Thank you.

(Applause.)

MS. GRAHAM: Madam Chair.

Amanda Graham, Reeves Park. Mike, whenever you get to this microphone, I don't know what happens, but you turn into the most eloquent man in all of Riverhead.

(Laughter.)

CHAIRWOMAN WASKI: He doesn't even have a script.

MS. GRAHAM: I like to, you

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know, have a little rub on that, but anyway. I bring up also another part of history. We argued outside music. He planted those stones with music, high stereo equipment hanging. We argued that. And we took him on face value. We did the same thing with Baiting Hollow. It's become catch me if you can. And --

(Applause.)

MS. GRAHAM: Thank you. I get a little emotional because I moved out here to be in a rural beautiful place.

(Applause.)

MS. GRAHAM: I just recently retired as a teacher and I kept on saying, everybody is going to be great. I'm going to hang with my animals. But more and more, people like that who take advantage and try to snowball us behind their privet, I'm not going to stand for it. So

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that's why I get a little upset, but I will fight and I'll be here the next night. Thank you.

(Applause.)

CHAIRWOMAN WASKI: All right. Do we have anyone else?

MS. CLIFFORD: I just wanted to say --

CHAIRWOMAN WASKI: Can you just give your name for the record?

MS. CLIFFORD: Oh. Cindy Clifford from Riverhead. Mr. King, I'm not going to jump on you tonight, but I do want to say that if this approval gets granted, we're going to have new vernacular in Riverhead and we're going to call it The Cider House Rule. It's a book -- you like that?

(Applause.)

MS. CLIFFORD: And we cannot just expand it to any business or any structure, but any resident as well who wants to do anything in an

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expansion or an addition or an improvement and just disregard anything that's required of them and then come in later and go, hey, I'm sorry. And you guys will go, okay. So I just want to, you know, put that out as a possible precedent that we probably want to avoid. Thank you.

(Applause.)

CHAIRWOMAN WASKI: All right. It does not look like there's anyone else that would like to come up. So can we --

MEMBER DENSIESKI: Minutes?

CHAIRWOMAN WASKI: No. No minutes. Other business, correspondents? Our next meeting date is Thursday, February 16, 2023, at 3:00 p.m. and, again, we apologize for what happened today and can we have a --

MEMBER BAIER: Motion to close.

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MEMBER DENSIESKI: Second the
motion.

CHAIRWOMAN WASKI: All in
favor?

(Chorus of "ayes")

(Whereupon the meeting was
closed at 6:26 p.m.)

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C E R T I F I C A T I O N

I, REBECCA WOOD, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

THAT the above and foregoing contains a true and correct transcription of the proceedings.

I further certify that I am not related, either by blood or marriage, to any of the parties in this action; and

THAT I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of February, 2023.



REBECCA WOOD