

Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Wednesday, February 20, 2013 at 7:00 p.m.

**PRESENT:**

Sean M. Walter	Supervisor
John Dunleavy	Councilman
James Wooten	Councilman
George Gabrielsen	Councilman
Jodi Giglio	Councilwoman

**ALSO PRESENT:**

Diane M. Wilhelm	Town Clerk
Robert Kozakiewicz	Town Attorney

The meeting was opened at 7:00 p.m. by Supervisor Walter with the Pledge of Allegiance.

The invocation was given by Deacon Dan Walowski from St. John the Evangelist Church, Riverhead.

The February 5, 2013 Town Board Minutes were approved. Councilman Dunleavy made a motion to approve the minutes, Councilman Gabrielsen seconded. Motion carried, minutes were approved.

At this time, awards were presented to Police Officer Erik Cohen and Public Safety Dispatcher Melissa Elco for their help in responding to an emergency call involving a toddler. Supervisor Walter asked the Chief to present the same award to Police Officer Kerri Davis who was not able to attend.

Supervisor Walter also praised Officer Cavanaugh for apprehending four men after shots were fired on Third Street. This was done singlehandedly and before the 911 call was received.

Agenda Items were announced by Diane Wilhelm, Town Clerk:

**REPORTS**

Tax Receiver - Total Tax Collection to date, Jan. 31, 2013 - \$67,775,242.16  
 Tax Receiver - Total Tax Collection to date, Feb. 6, 2013 - \$67,870,653.78  
 Tax Receiver - Utility Collection Report January 2013 - \$915,201.16  
 Sanitation - 2013 Waste Disposal Licensing Fees as of Jan. 23, 2013 - \$4,900.00  
 Sanitation – Recycling Fund Data and Total Collected for 2012 - \$11,404.32  
 Police Department Monthly Report December 2012/Annual Report 2012

**APPLICATIONS**

**Special Permit**

Woolworth Revitalization – Change of Use of Structure to Gym (Indoor Recreation) at 130 East Main St., Riverhead.

**Chapter 90 (Special Events)**

American Heart Association = 5K Run/Walk – May 19, 2013 at Martha Clara Vineyards, Jamesport.

**CORRESPONDENCE**

Jane Candela, William Juvet – letter responding to the 02.05.13 public hearing regarding amending Chapter 58 “Dogs”.

Mary Egan – letter responding to the 02.05.13 public hearing regarding amending Chapter 58 “Dogs”

Robert J. Hall – letter expressing opinions to the Councilmembers regarding “Concordia Senior Community”.

Phil Barbato – letter #1 thanks for adopting the “Wading River Corridor Study”; letter #2 expressing concerns about the possibility of a settlement of lawsuits that would impact property at Route 26 and Manor Road in Calverton.

Supervisor Walter: “Thank you, any town board reports?”

Councilwoman Giglio: “We are still having our bike drive so if anybody has a bicycle that is gently used that you want to turn into Twin Forks Bicycle, please do.

We’ll be having an essay at the schools, grades five through nine, where they can write an essay from 500 to 600 words. It will be graded by the Transportation Committee and the winner will receive a bicycle on Bike Rodeo Day at Stotzky Park on May 4<sup>th</sup>.

So if anyone has any gently used bicycles they want to bring to Twin Forks in exchange they’ll get a ten percent discount for anything in Twin Forks Bicycle.

Supervisor Walter: “Thank you, anyone else?”

Councilman Dunleavy: “I just want to make one comment. Following up on what was said about our Police Department; there’s one more individual out in Wading River who this summer, saved three children and two adults, after their boat capsized.

This is why we have a police department and people are critical on the salaries that they get but you have to realize, they’re our number one person to fight crime and save people along with our dispatchers in the Police Department. So I think our thanks should go out to our Police Department and our Dispatches for the work that they do.”

**Public Hearing opened: 7:14p.m.**

Supervisor Walter: Thank you, thank you, anybody else? Ok. George Woodson, anything that you need? I don't want to keep the Highway Superintendent waiting, you just did such a great job this past snowstorm. We can give him a round of applause, (in audible) Yes, they're highly exciting, riveting.

OK, we have three public hearings, 7:05 having arrived, Mike and Frank Russo, why don't you come up. The first one we're going to open up is a Public Hearing, Bob can I open up, I mean they're both the same, can I open them both up at the same time?

Bob Kozakiewicz: "Separate sides of the street."

Supervisor Walter: "Separate sites, ok, we'll do one at a time."

Robert Kozakiewicz: "We should do them separately."

Supervisor Walter: "Ok, we'll do them separately. The first public hearing that we're going to open, 7:05 p.m. having arrived and it is now 7:15, we'll open the Public Hearing on the Question of the Extension of the Boundary of the Riverhead Sewer District and the Existing Sanitary Wastewater Collection Facilities to Accommodate Sewer Connection for the Proposed 21<sup>st</sup> Century Oncology Center located at Old Country in Riverhead. Mr. Russo."

Frank Russo: "Good evening, I'm Frank Russo from H2M. I'm an engineer and I'm here to present the Map and Plan for this project.

This is the old PC Richard Building and they're currently out of the district. The applicant has applied to be made part of the district and the Map and Plan presents the measures and the costs associated with that connection. The original project was to connect by gravity. There's another system that we looked at, actually it was the applicant's engineer who proposed that. I presented to Superintendent Reichel an alternate system, an alternative to that which we costed out and it was significantly less expensive. That's the use of the low pressure system".

Supervisor Walter: "The applicant did have the occasion to come see me and Michael you and I haven't had the opportunity to speak about that and I've read the report. It is significantly cheaper, to use the LPS low pressure system as oppose to the gravity feed eight inch main, I thought so."

Frank Russo: "That's right, significantly. Probably a rule of thumb is anywhere around a third to half cheaper than what would be a gravity system. It does require the applicant to install a small pump station, but the line is, the actual connection line is a small diameter, it's roughly 2 inches, it's directionally drilled so you have no restoration. The item that bumped up the cost the highest, was the extension of the gravity sewer north on Ostrander to the north side of Route 58. You're crossing County Road; they have requirements for restoration, traffic maintenance, that's what bumped it up."

Supervisor Walter: "And they can't hydro jet that an inch gravity main beneath the road can they?"

Frank Russo: "No you cannot directionally drill a gravity line."

Councilman Dunleavy: “Can I ask you one question on that?”

Frank Russo: “Sure.”

Councilman Dunleavy: “By putting a less expensive system in if someone wants to connect to that system who doesn’t have a sewer that wants to connect to the sewer system they won’t be able to do that because it’s a smaller,”

Frank Russo: “Actually we sized it for the Hess, there’s a Midas next to the Hess, then there’s PC Richard then there’s Burger King. We sized this line so they all would be able to connect. So if in the future once this line is in we leave a stub with a valve, the other properties would connect at that point.”

Supervisor Walter: “Well,”

Councilman Dunleavy: “Ok, well with this smaller system, you said they can connect?”

Frank Russo: “Yes, it was sized that way as well.”

Councilman Dunleavy: “Ok.”

Councilman Gabrielsen: “We’re expanding our line to accommodate their fee.”

Frank Russo: “Yes, correct.”

Councilwoman Giglio: “What about further east on the road right down past Ostrander and.”

Frank Russo: “Yes, we included; the gravity line that crosses Rt. 58 will terminate at the intersection of Ostrander and 58 on the north side. We left a stub connection so that if somebody wanted to connect east of that, you would have to extend the sewer down.”

Councilwoman Giglio: “Ok.”

Frank Russo: “So their part of the analysis was to see if, we’re only talking about, what roughly was it, 1200 gallons per day? I’m sorry, 1135 so it’s a small amount.

So we went through the steps and we know everything down stream of the connection is adequate. So that’s good.

The total cost of the project is to be paid by the applicant and we estimate the total cost to be very conservatively, at about a half a million dollars. That includes the no net nitrogen charge which is at \$10.50.”

Councilman Dunleavy: “That is used on the less expensive system.”

Frank Russo: “I’m sorry.”

Councilman Dunleavy: “That’s used on the less expensive system.”

Frank Russo: “Yes that’s right a system that’s proposed, that’s correct.”

Councilman Dunleavy: “Thank you.”

Councilman Gabrielsen: “At a later date, if somebody ties into that, like some of the other businesses, will they contribute to that initial cost under the road and everything?”

Frank Russo: “Yes, yup separate charges,”

Councilman Gabrielsen: “Ok. Sun sets after so many years.”

Michael Reichel: “What George is asking is, “do they help to pay for (inaudible), paid by the applicant.”

Supervisor Gabrielsen: “So he won’t be able to recoup anything, under the street deal.”

Frank Russo: “I thought you meant the no nit nitrogen charges, they would be, they would have to pay that charge. But the cost of the line is what’s already in, there’s no recoup.”

Councilman Gabrielsen: “I think it would be fair, like over five years someone comes into the system would contribute to.”

Frank Russo: “It gets messy, this is usually the cleanest way, you never know when,”

Councilman Gabrielsen: “Yes, yes.”

Councilman Gabrielsen: “Well if the applicant is happy, we’re happy.”

Supervisor Walter: “I will say to the folks that don’t know, 21<sup>st</sup> Century Oncology is one of the, I think maybe the largest radiation cancer radiation centers or groups in the United States, so to have them associated with Peconic Bay Medical Center is huge. So the Board is very supportive of that project. Frank is there anything else we need to know?”

Frank Russo: “No, that’s it.”

Supervisor Walter: “Alright, I’ll open it up to public comment. Anybody wish to comment on this. Not seeing anybody, I’ll close the public hearing and leave it open for written comments until March 1<sup>st</sup> at 4:30 in the Town Clerk’s office.”

**Public hearing closed: 7:21 p.m.**

**Left open for comments until March 1, 2013 at 4:30 p.m.**

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**Public hearing opened: 7:21 p.m.**

Supervisor Walter: “Frank, Mike, we have another public hearing that’s supposed to start at 7:10 and I’ll open that public hearing at 7:21.

It’s a Public Hearing on the Question on the Increase and Improvements to the Facilities of the Riverhead Sewer District to Relocate Existing Sanitary Sewer for Stop & Shop Fuel Facility at 841 Old Country Road, Riverhead and that is an abandoned gas station.

What is that, a Getty Gas Station? USA Gas Station? So this is a good thing that this blighted property is going to be taken care of, and Frank, if you want to take over?"

Frank Russo: "Yes, well this property is located at the southeast corner of the intersection of Rt. 58 and Ostrander Avenue, not too far from where the Oncology is. There's an existing eight inch line that the sewer district has that cuts across an easement on this property.

For the Stop & Shop to construct their fuel facility, they're requesting that that line be relocated. The relocation of that line would require, and it is our understanding that they did obtain the easement for the relocation. So, really what's involved is taking out the old line, putting in some manholes and coming back into Ostrander Avenue."

Supervisor Walter: "All at Stop & Shop's cost?"

Frank Russo: "Correct."

Supervisor Walter: "And so we'll get some new sewer main out of it?"

Frank Russo: "That's correct, brand new pipe. The estimated cost of that relocation is roughly \$76,000.00, and again that's to be paid a hundred percent by Stop & Shop."

Supervisor Walter: "Ok".

Councilwoman Giglio: "And now, the easement that they're going to, the new easement they're going to be creating who is negotiating that and who's paying for that?"

Frank Russo: "They pay for it and I believe the easement has already been obtained so that would be a transfer over to the sewer district."

Inaudible

Supervisor Walter: "Dick Ehlers, he's working on it."

Frank Russo: "Yep."

Supervisor Walter: "Ok".

Councilman Dunleavy: "They're buying the property where the easement is now. There's a church located, next to that, where the easement is now. There's a church on the easement property now but Stop Shop will be buying that portion so the easement will be on Stop Shop's service station. Ok."

Frank Russo: "Exactly".

Councilman Dunleavy: "Ok, so that's what this is all about."

Frank Russo: "Yup".

Supervisor Walter: "All right, open it up to the public, does anybody from the public wish to be heard on this?" Not seeing anybody, do you have a question on this?"

Councilwoman Giglio: “Yes I did. I was wondering if we ever got over the hurdle of the preexisting nonconforming use seeing as they were making the parcel larger they did come to the planning board work session and there were some concerns about that but I’m being informed that they went to the zoning board of appeals and that preexisting nonconforming use was reestablished.”

Supervisor Walter: “Ok. Not seeing anybody else who wishes to be heard on the relocation of the sewer main, I will close the public hearing at 7:24 and leave it open for written comment only until March 1, 2013 at 4:30 in the Town Clark’s office.”

**Public hearing closed: 7:24 p.m.**

**Left open for written comment until March 1, 2013 at 4:30 p.m.**

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**Public hearing opened: 7:25 p.m.**

Supervisor Walter: “We have a third public hearing. And this is supposed to start at 7:15 and it is now almost 7:25.

We’ll open this public hearing and this is a consideration of a Special Use Permit Application of Dr. Jeffrey Nazar to construct a one story Professional Office Building at 189 Main Road, Aquebogue, SCTN #0600-85-2-96.6.”

James DeLuca: (inaudible) for the record, you are handing in the affidavit to publish and post. (inaudible) Mr. Deluca for the record, that’s the affidavits of publishing and posting? Ok, thank you.”

James DeLuca: “Yes.”

Councilman Dunleavy: “Good evening Mr. DeLuca.”

Supervisor Walter: “If you could just raise your hand and a town attorney will swear you in.”

Robert Kozakiewicz: State your name please.”

James DeLuca: “James DeLuca.”

Robert Kozakiewicz: “Do you swear that the testimony you’re about to give will be the truth, the whole truth and nothing but the truth, so help you God.”

James DeLuca: “I do.”

Robert Kozakiewicz: “Thank you.”

Supervisor Walter: “If you can, ok, present this project. (inaudible) That works.”

James Delucca: “This is a very simple project, this is a, for Dr. Nazar, Nazar Commons. What Dr. Nazar wants to do is add another building in the back of his site.”

We were in here before and we had to get, before we came back for this special permit, we had to get a use variance, not a use variance, an area variance and we had to get a CAC permit because there were wetlands in the back. We proceeded to do both; it’s in the packet that I just gave you. Both permits are in there.”

Supervisor Walters: “So you obtained both the variance and,”

James DeLuca: “The zoning board of appeals, the area variances.”

Supervisor Walter: “And the CAC permit?”

James Delucca: “Correct. And now we’re here tonight to receive the special permit.

I supplied you with a copy of the RLC Zoning Ordinance and on page 248 of 279 you’ll see that the special permitted uses and professional offices is one of them.

This property is not located within a quarter mile of the hamlets center or VC but if you go down to added amendments, Amendment C, it does qualify in that zone where it says that the property has footage along New York State Rt. 25 between 105 and the boundary line with the town of Southold. Now several years ago,”

Supervisor Walter: “Wait a minute let me sort this out, I thought, we’re not here for a special permit hearing for an expansion of a non-conforming use.”

James Delucca: “Well it’s either one of the two. We can go either way, special permit for a nonconforming,”

Supervisor Walter: “What did we notice?”

Rick Hanley: “The notice was for expansion of a non-conforming.”

James Delucca: “We can stick with that one but what I’m pointing out it does qualify even under that.”

Supervisor Walter: “Ok let’s just, Bob, can you take a look at this because?”

Robert Kozakiewicz: “I’m reading, I’m looking at it as he’s saying it.”

Supervisor Walter: “The property has furnished, special use permits as you have professional offices, country inns, funeral homes, bistros, cafés, bed & breakfasts, professional offices which we are and then you have a sub of professional offices, this is a sub of a professional offices.”

James DeLuca: “Correct.”



Supervisor Walter: “And the property is not for single family residences that does not apply professional officers as written in the book, that does not apply, that the property as furnished along 25 and 105, the town boundary. Now not to try to use my attorney hat here but Bob I, Rick have you looked at this?”

Rick Hanley: “We (inaudible) under non-conforming. All the reports are,” (inaudible)

Supervisor Walter: “This is interesting because it looks like he’s in, Rick, come on up to the microphone.”

Councilman Dunleavy: “Rick this was added because f the houses that are there and people wanted to keep the houses and have professional offices in those houses.”

Robert Kozakiewicz: “Correct, that’s correct.”

Councilman Dunleavy: “So this section was added because of that.”

Rick Hanley: “That’s correct.”

Councilman Dunleavy: “Am I correct?”

Rick Hanley: “Yes.”

Councilman Dunleavy: “Ok.”

Rick Hanley: “I haven’t looked at this section in quite some time.”

Supervisor Walter: “Do you have that Mr. Deluca so we can look at it because it’s.”

Rick Hanley: “This is not approved for single family residence.”

James DeLuca: “No but this is a subsection.”

Rick Hanley: “You have to meet all three.”

Supervisor Walter: “Why do you have to meet all three? It doesn’t say that.”

Rick Hanley: “Well that’s why professional officers have (inaudible) conversion.”

Supervisor Walter: “to the following conditions,”

Rick Hanley: “Ok so all the notices, all the reports,”

Supervisor Walter: “Ok, I didn’t see the following conditions.”

Councilman Gabrielsen: “There’s three of them.”

Supervisor Walter: All right, all right, I understand so this is really is what Mr. Hanley says it is?”

James DeLuca: “I just want to point out to the Board, that that was in there. So we are going for expansion of non-conforming for preexisting use.

If you notice in the package, this original, I gave you the present PB zone and the previous PB zone, that's what the original buildings were under, PB. And the first two buildings in the front were built under a PB zoning ordinance and he complied with all provisions at that time. The building as you know is about 25 years old at this point.

Now Dr. Nazar wants to put that other structure in the rear yard, as noted on the drawings here, you see the site plan; I'll point this out towards the people in the audience.

These two are the two existing buildings and the proposed building backs up to Cross River Drive of County Road 105 and it preserves the land (inaudible) a CAC is right in this area right here. And the rest, all the green around here, the dark green has a planting buffer which is fifteen feet. It calls for ten but we have fifteen feet from the backyards of the houses and the structure is all the way over to the west side of the property. And also we split the parking; we added some more parking in this area because I realized there was a slight parking problem."

Councilman Dunleavy: "There was a problem then?"

James DeLucca: "Well, we added eight more stalls here for the employees to use and then we added, we have another nineteen over here.

The ratio of parking that we have now is actually higher than the ratio before in the area that was previously here. It was short three stalls, we made up the three stalls at the short end so we meet the ordinance, and we're slightly over the ordinance now. We also added an area for a dumpster in this corner here, which they didn't have one before."

Supervisor Walter: "The area variance takes into consideration the subtraction of the wet lands is that right?"

James DeLucca: "Yes we subtracted the wetlands and that was totally taken out and we complied with the ordinances with the wetland out."

Supervisor Walters: "Ok."

James DeLucca: "The wetland variances as set forth is impervious surface and for a setback total side yards."

Councilman Dunleavy: "How far is the parking lot from the wet lands?"

James DeLucca: "The parking lot,"

Councilman Dunleavy: "I can't see it"

James DeLucca: "Well there is a retaining wall. Now, I have pictures in there of where the wet lands are. If you look in the back pages I have photographs of: Now these are not designated wetlands by the DEC."

Councilman Dunleavy: "Right."

James DeLucca: "This was sort of like a drainage easement, wetland."

Councilman Dunleavy: “Along 105?”

James DeLucca: “Right.”

Councilman Gabrielsen: “Also I think that development, what’s that development along the south, is that Trout Brook?”

James DeLucca: “This here, yeah.”

Councilman Gabrielsen: “Come up to the south. Because I think we had heavy rains a couple of years ago, I think that whole area is under water.”

Councilman Dunleavy: “Exactly.”

Councilman Gabrielsen: “Including these lots, it was like a lake in there.”

James DeLucca: “In my house where I live in Rolling Woods is always under water.”

Councilman Gabrielsen: “I’m just saying that’s a drainage area. I’m not comparing to Rolling Woods or anything else. Your elevation is a lot higher.”

Councilman Dunleavy: “Yeah but those houses that are south in the cul-d-sac they were added after the development was built.”

James DeLucca: “Correct, I believe.”

Councilman Dunleavy: “Yeah, because I was out there looking at this it looks like there are four houses in that cul-d-sac.”

James DeLucca: “These right here.”

Councilman Dunleavy: “Yeah, it looks like they were added after the development was built.”

James DeLucca: “Correct. Euraltena was the builder, he was gone several year ago, before they were put up.”

Councilman Dunleavy: “And they’re a lot lower than the original development.”

James DeLucca: “Correct, so that’s why we’re leaving this whole area. We have a retaining wall around here and we’re leaving this whole area to remain as it is.

Actually we’re going to re-vegetate this area to the, we’ll work with Joe Hall and an environmentalist how the species, we are going to re-vegetate this because it’s been used, a lot of debris in there and other things, it was used as a little dirt track so forth and so on so we’re going to reestablish this area.

The drainage that’s in the corner here now we’re re-pitching to go north. We’re going to put a drain right across, a trench drain right across here and pick it up and relocate all the drainage grates here and most of this is going to be a pervious asphalt and gravel. We’re still

going to put drains in here but again pitched going the other way. This area is going to be much higher because I have to do that because of the septic system. The septic system is going to go,”

Councilman Dunleavy: “Yes, because it’s very low back there.”

James DeLucca: “It rises up.”

Councilman Dunleavy: “Yeah, it rises up to that pond.”

Supervisor Walters: “Mr. DeLucca, you should go over by the microphone, I think our table tops will pick you up but since this is a public hearing.”

James DeLucca: “Ok.”

Supervisor Walter: “I want to make sure we get everybody,”

James DeLucca: “We’re conscience of the drainage and the lighting and the other things that would have an impact on the neighbors behind, we don’t want to infringe upon their dwellings.

In the ordinance, as you can see, there is special things you have to do in this area such as the architecture has to be sort of a traditional type of architecture which we plan to do.

What we actually want to do, is to make the building look like a house and that’s our, and use natural material on it. Eventually Dr. Nazar wants to do is even taking the two existing buildings he has there and put gables and roofs on them to make them looking more country than they look now.

Also, this plan is sort of in keeping with most of the campus style architecture that you want with scattered building rather than having one massive building on the piece of property. So I tried to do that when we did the plan here and basically this new parking scheme actually does clean up the problem he does have there with the parking now. Riding through there, it’s actually, the turn is a little tough there so we tried to clean that up with extra parking and get some of the cars out of that area.”

Supervisor Walter: “What is the, oh sorry, go ahead.”

James DeLucca: “I believe Dr. Nazar is going to move out of the front building and move his practice to the back building.”

Councilman Dunleavy: “The back building.”

James DeLucca: “And um, but the, we still have to go through the planning board yet and they’re going to review all the drainage calculations, the asphalt. The Architectural Review Board is definitely going to review the architecture of the building and it took us oh about eight or nine months to get through the particulars with the CAC, not the Board itself.”

Councilman Dunleavy: “I was going to ask you did you DOT because trying to get out of there”

James DeLucca: "DOT, no. We don't need a new curb cut put in so we're using the existing curb cut."

Supervisor Walter: "Did this get referred to state? Ok. What is the percentage for the increase for the nonconformity?"

James DeLucca: "The, it's right on the drawing."

Supervisor Walter: "Diane, did he give you a copy of all of this for the record?"

Diane Wilhelm: "No he,"

Supervisor Walter: "You can have this for the records."

James DeLucca: "Right now we're going, the total building coverage right now is seven percent, committed is ten, we're going to 10.5 so it's .5 percent over permitted" (inaudible)

Supervisor Walter: "Ok, in terms, how many square feet are the two buildings and how many square feet are the,"

James DeLucca: "The two buildings are right now, the existing building is, 7,000 the total of the two buildings are 7185 square feet and the new building is 3,575 square feet. So the total of the buildings are, will be 10,760 square feet."

Supervisor Walter: "What's that percentage?"

Councilman Wooten: "Half of what you get is what you get. 30 percent more or less."

Supervisor Walter: "7185 and what was that other one 3175."

Councilman Gabrielsen: "3575 about fifty one percent."

Supervisor Walter: "3575 is the new one?"

Councilman Gabrielsen: "A little less about 48 - 49 percent, 50 point something."

Councilman Dunleavy: "I don't have a math degree, I'm not even trying to figure it out."

James DeLucca: "Half of 7000 is 50 per cent."

Councilman Gabrielsen: "That's right so 50 point something, that's easy."

Supervisor Walter: "Do you have any precedent of the board doing any of this before?"

James DeLucca: "Yes. We did the, I had another project on Sound Avenue."

Supervisor Walter: "What was that? What was the percentage of nonconformity increase on that one?"

James DeLucca: "A hundred."

Councilman Dunleavy: “Can I just ask a question? I didn’t understand. Which way are you going to push the water that comes off the driveway, the parking lot?”

James DeLucca: “Which parking lot?”

Councilman Dunleavy: “Are you going to push it towards the pond or away from the pond?”

James DeLucca: “Away.”

Councilman Dunleavy: “So you’re going to try and help the drainage situation there?”

James DeLucca: “Going to correct the drainage situation.”

Councilman Dunleavy: “So you’re going to correct? Ok, I understand now.”

James DeLuca: I wouldn’t tell you right now that the drainage system is working perfectly because it’s not.”

Councilman Dunleavy: “Right and it has to be fixed and the way it has to be fixed and the only way it has to be fixed is a trench drain put right across, right across the road. We have to take up half the asphalt that is there now and that, in the middle section, the middle building and put a trench drain in and then direct it north and then the water from the new will be turned westward.

Councilman Dunleavy: “Ok.”

James DeLucca: “And the septic system would be on the west side of the building because in commercially you can put the septic system anywhere.”

Councilman Dunleavy: “What about on the right side?”

James DeLucca: “The only restriction you have is that you have to keep it twenty feet away from any of the drains.”

Councilman Dunleavy: “Right, thank you.”

Supervisor Walter: “Ok so that’s roughly fifty percent, 49.75 % increase of non-conformity and as you actively pointed out, this board has done this with the other project you were involved with so there is precedent here. The, go ahead.”

James DeLucca: “No, I was just going to say for instances when this was rezoned, and we know this happens with rezoning all the time, for instance the property next door is a fifty foot lot. When they come in and eventually is going to sell the property next door, it’s a vacant lot right now,”

Supervisor Walter: “Is that the property to the west?”

James DeLucca: “It ‘right on the top.”

John Dunleavy: “North, north, there’s a house there now.”

James DeLucca: “Well it’s west, northwest.”

Councilman Dunleavy: “There’s a house there now.”

James DeLucca: “No it’s a vacant lot.”

Councilman Dunleavy: “Someone’s living right there.”

James DeLucca: “Right next door over here, there’s a vacant lot and then there’s houses right here.”

Council Dunleavy: “Right, yes.”

James DeLucca: “And this is a 50 foot lot.

Councilman Dunleavy: “Ok.”

James DeLucca: “Basically, he’s going to have to come in to the same thing anything they put up in there, because when they rezone it they rezoned it to side yards so people 100 feet.”

Councilman Wooten: “It’s probably only 175 feet, right?”

James DeLucca: “The property is only 50 feet wide. Yeah, I mean so anything that’s done on most of these properties on that (inaudible) have to come back to the board and realistically what are they going to put there? There’s going to be another office and to the northeast of our place there was just another office put up there. It’s an accounting office.”

Supervisor Walter: “And this is a preexisting non-conforming used space performing used space on the RLC zoning?”

James DeLucca: “Right.”

Supervisor Walter: “I’m going to acknowledge that my planning director shook his head yes. Ok, do you have anything else before I open it up?”

James DeLucca: “No, that seems,”

Robert Kozakiewicz: “I have one question, the dark green areas that are around the plan Mr. DeLuca, what do those signify? Those darker greens shades?”

James DeLucca: “Dark green those are planting buffer. Those,”

Robert Kozakiewicz: “How wide are those>”

James DeLucca: “Pardon me.”

Robert Kozakiewicz: “How wide those? What is the width of the buffers?”

James DeLucca: “The ones right alongside of this back property line here, these are fifteen feet; these are all fifteen feet minimum. Ten required, we put fifteen and this is going to remain the same a natural vegetation area, it’s going to remain the same and then we have a ten

foot buffer across here and then this all remains natural and we're going to re-vegetate it and realistically what we want to do is leave as many trees as we can. Why take them down and replant them, I mean it makes no sense."

Robert Kozakiewicz: "Agreed."

Supervisor Walters: "I'm going to open it up. Who wishes to be heard? And what we'll do is, you can ask the questions of the Board, Mr. Deluca will come back at the end and answer any questions that he can and we'll go from there."

Robert Kozakiewicz: "State your name for the record please."

Dominique Mendez: "Dominique Mendez."

Robert Kozakiewicz: Do you swear that the testimony you're about to give will be the truth, the whole truth and nothing but the truth so help you God."

Dominique Mendez: "Yes."

Robert Kozakiewicz: "Thank you."

Dominique Mendez: "Excuse me; I've had a little cold."

I realize that this Board made up a prior decision to grant a hundred percent expansion of a non-conformity use of something I actually spoke out against. As we all know, nonconforming use should really only be expanding as good planning is just to expand maybe only a little bit so a hundred per cent expansion is extreme.

I would hope that this Board would consider this on its' own and would not factor that prior decision in. Certainly if you would see right now we would scream and yell if you do use this other decision, a decision like that.

So like a lot of times we talk about precedent and this is exactly why you're sitting another decision which would, I might say, is a little questionable, and to then basically say that any nonconforming use could be expanded a hundred percent because you made a decision one time to do that. I don't think that that is at all fair."

Supervisor Walter: "I didn't say that. I just asked if he had any precedent and he said he did."

Dominique Mendez: "I think it went a little further than that, but ok. Then, hopefully you won't consider that prior decision because again if you, always harking back to that hundred percent expansion again, then anyone coming here with a 50, 75, 100 percent expansion should automatically get that. I hope that that would not be the case and you would consider this on its own merits and do not factor in that prior decision."

Councilman Dunleavy: "Well, I think it should be considered on its own merit. I don't know where this other one was."

Dominique Mendez: "I know exactly where it was."



Councilman Dunleavy: “I’m looking at it, does it relate to the area where it’s in?” Ok? So I’m taking this on its’ own merit. Good or bad, you know?”

Councilwoman Giglio: “Mr. Supervisor, if I may speak? I’m taking it on the merit that, if he came in for a special permit application for professional officers, which the professional officers are specially permitted uses and not an expansion of a nonconforming use he’s meeting the coverage essentially with only a half percent increase.

If ten percent is permitted and he’s at ten and a half percent, we would be making the decision, do we think that this property is conducive to professional offices, or is it better suited for the permitted uses which are museums, agricultural, the permitted uses that are within the rural corridor which is agricultural production, antique stores and crest stores, retail stores or shops, nurseries, museums and libraries, schools and places of worship. Those are permitted uses with ten percent coverage.

He’s asking for a specially permitted use for professional offices with ten and a half percent coverage, so that’s the way I’m going to look at it. I’m going to look at it as is the property and the use that are being proposed conducive to the intent of the rural corridor and that’s what I’ll be basing my decision on, not whether or not it’s an expansion of a preexisting nonconforming use.”

Dominique Mendez: “Ok. I thought that the specially permitted use was an office if it were in a residence or if it is a certain proximity to the rural corridor, Hamilton but I wasn’t even necessarily going to get into that, I was really talking about,”

Supervisor Walter: “If the application is an expansion of a nonconforming use.”

Dominique Mendez: “Right.”

Councilwoman Giglio: “It says: **that specially permitted uses, professional offices of attorneys, architecture, medical doctors or dentists, provided that that subject real property conforms to the following conditions; the property is improved with a single family resident at the time of the adoption of the sub-section, which it is,**”

Dominique Mendez: “No it isn’t.”

Councilwoman Giglio: “It’s improved; it was a single family dwelling and now its professional offices.”

Supervisor Walter: “No it’s not.”

Dominique Mendez: “No, never a home.”

Councilwoman Giglio: “It was never a home?”

Dominique Mendez: “No.”

Councilwoman Giglio: “I thought somebody said it was a home”

Supervisor Walter: “No.”

Councilwoman Giglio: “OK, so then it is an expansion of a preexisting,”

Dominique Mendez: “Another quick comment.

It would be great if when you have a public hearing if more information is available to the public in advance. On your public hearing links, you have just a very brief statement that you have, that was basically the announcement. But you have a site plan and you had a special permit or application for an expansion of a preexisting nonconforming use, and if some materials be available for the public just scanned and be available for the public upon the notice upon the hearing being posted. That would be helpful; they shouldn't have to be compelled to always have to come in.”

Supervisor Walter: “All right, ok.”

Dominique Mendez: “That would be great, in the future, thank you.”

Councilman Dunleavy: “Thank you.”

Supervisor Walter: Anyone else wish to be heard on the subject? Alright sir, if you can state your name and raise your right hand, you have to be sworn in.

Mark Barnat: “Mark Barnat, #245 Troutbrook Lane.”

Robert Kozakiewicz: “Do you swear to tell the testimony you are about to give will be the truth, the whole truth and nothing but the truth so help you god?”

Mark Barnat: “Yes.”

Robert Kozakiewicz: “Thank you.”

Mark Barnat: “My property is right in the center of that and it's nice having a site planned there because there is a Riverhead town drainage easement that runs along the west side of my property. In the east side of the lot next to me, you can just see, it's barely shaded out there, which runs right towards the building there”.

Councilman Gabrielsen: “We can barely hear what he's saying.”

Supervisor Walter: “If you can please go back to the mike, sir.”

Mark Barnat: “That's the problem. I want to k now how much fill is going to be required to bring that up to the level of the existing parking lot. Living there for nineteen years, we've seen quite a few floods; the one from 0/10 was a disaster. I pumped my basement for two and a half, three months. Neighbors pumped two and a half, three months. We had the town down there, you know nobody had an answer. Being in a title exam business too, we ran into a lot of things. Now one of them is tying in drainage to New York State DOT on 25. What's going to happen?”

Supervisor Walter: “I'm going to go back to, there's a drainage easement, the town of Riverhead owns a drainage easement?”

Mark Barnat: “Well, it’s on the map on the map in the north end

Councilman Dunleavy: “It probably, the county or the state of New York.”

Councilman Gabrielsen: “Can you point that out on the map.”

Supervisor Walter: “Just point it out on this map and then go back to the microphone because I’m not sure you’re getting picked up by the tabletop.”

Mark Barnat: “And you guys from the variance, ok, I just want to show that the drainage easement goes from here, half on my property.”

Councilman Dunleavy: “From your property?”

Mark Barnat: “From the cul-d-sac.”

Councilman Dunleavy: “From the cul-d-sac where you’re probably located?”

Mark Barnat: “Yes,”

Supervisor Walter: “And where does it go, where does it drain the water to?”

Mark Barnat: “The low lying area right there.”

Supervisor Walter: “On Mr. Nazar’s property.”

Mark Barnat: “I image so.”

Supervisor Walter: “o back to the microphone, please sir. You’re in the title business, sir. That’s a recorded easement?”

Mark Barnat: “Yes sir, it is.”

Supervisor Walter: “And who’s that in favor of (inaudible)”

Mark Barnat: “Well it would be in favor of Riverhead Town.”

Councilwoman Giglio: “Can you pick the mike up?”

Councilman Dunleavy: “There you go.”

Supervisor Walter: “I don’t know it would be in favor of the Town of Riverhead.”

Mark Barnat: “Unfortunately, I didn’t bring any of the information here; I had it for the variance hearing.”

Supervisor Walter: “All right, I’m going to leave it open for public comment until March 1<sup>st</sup>, but that’s problematic and we’ll ask Mr. Deluca because obviously if there’s a drainage easement in favor of say your subdivision draining onto Mr. Nazar’s property, I don’t know how that’s going to work.”

Mark Barnat: “That is part of the same filed map. His lot is commercial which is very unusual; I don’t think I’ve ever seen that before. We’re residential and the line across the three backyards states from there north onto his property is a commercial lot on the file map.”

Supervisor Walter: So that is all part of the same filed map that the drainage easement was put in place in favor of the residents of the cul-d-sac and you believe it drains into that low lying area?”

Mark Barnat: “It does, you can see it right on his site plan map.”

Supervisor Walter: “That can be a problem for Mr. Deluca;”

James DeLuca: “I’ll answer that.”

Supervisor Walter: ‘Ok, that’s fine. What else do you have to say?’

Mark Barnat: “Well, like I said, in 0/10 with the severe rains, and the pumping for three and a half months, three months, we would like some good solid answers because when I was here for the variance hearing, we were informed that the drain came back south so we were picking up water from 25 all across that property. Everything is coming south towards us.”

Supervisor Walter: “So you’re saying it’s heading south and draining into your neighborhood?”

Mark Barnat:“Yup. Yes.”

Supervisor Walter: “OK, If that may be the case, I don’t know,”

Mark Barnat: “And that’s why I would like to know how much fill will be required to bring that up to the current parking lot height.”

Supervisor Walter : “ It might actually be better for you because if he builds it up and takes care of all his water on his site, you would get less water. If that’s the case, I don’t know.”

Mark Barnat:“That it could be the case, I’m not really sure.”

Councilman Dunleavy: “Was that easement put in after you built your house or before?”

Mark Barnat: “No, it was put in when the map was filed.”

Supervisor Walter: “It was all part of the same subdivision. So we’ll ask Mr. Deluca which way it’s going to drain because it’s either going to be better or worse for you and we’ll figure that out.”

Mark Barnat: “Right, ok and also, like I say, I would like to know how much soil or whatever will have to be brought in there to bring that up four feet. You’re taking something that Riverhead town use as an auxiliary sump basically and you’re blocking it up.”

Councilman Gabrielsen: “So you’re saying that you’re at that cul-d-sac there and that water migrates to the north also. It comes out from 25.”

Mark Barnat: “Yes, from the street, yes but it also came north from his property.”

Councilman Gabrielsen: “A combination.”

Mark Barnat: “Yeah.”

Councilman Dunleavy: “Most of the north water drains to the south over the farmlands and,”

Mark Barnat: “Yes.”

Councilman Gabrielsen: “He’s higher.”

Mark Barnat: “Well no.”

Councilman Dunleavy: “Well, the lower the spot, if that’s low then it’s going to drain to that location.”

Mark Barnat: “Right, the main problem was water running from 25 to across that parking lot and filling everything up.”

Supervisor Walter: “That could be better for you, we’ll have Mr. Deluca answer that question because if he fills it up and he handles all of his water, it’s going to stop the water, I would assume from 25.”

Mark Barnat: “Right if he can work something out with New York State DOT to use their drainage system.”

Supervisor Walter: “Don’t know, we’ll ask.”

Councilwoman Giglio: “It says he’s going to be bringing 2,800 yards.”

Mark Barnat: “I’m sorry, what?”

Councilwoman Giglio: “It says he’s going to be bringing in 2,800 yards.”

Mark Barnat: “Ok, thank you.”

Supervisor Walter: “Thank you. Yes sir.”

Roy Heck: “My name is Roy Heck, I live two houses past him at 226 Troutbrook.”

Supervisor Walter: “If you could raise your hand Sir.”

Robert Kozakiewicz: “Do you swear that the testimony you’re about to give is the truth, the whole truth and nothing but the truth so help you God?”

Roy Heck: “Yes.”

Robert Kozakiewicz: “Thank you.”

Roy Heck: “He mentioned a lot about the drainage, my only thing that I could add on that is basically the Olympic size swimming pool that was sitting back there when Horton Avenue flooded.

A couple of you guys mentioned our street and compared us with Horton so the fact that it could be mentioned in the same sentence means that it could be pretty bad back there and the fact that you guys knew about it also lends to say how bad the neighborhood was at that time. That’s a lot of water that needs to be displaced into the state sewers if that’s what they’re going to do with it and not end up pushing more our way.

Also the traffic is insane right there. Anyone trying to come out, we were, our back street comes out double the distance from his parking lot to the Jamesport side of 105 and I cannot make a left or right anytime in the afternoon, anytime in the morning once people are at work or on the weekend. We’ll go any other direction out of the neighborhood not to come by him or where the lot is because the traffic coming both ways is just insane. So to add more cars coming at all times it’s just going to be dangerous.

Last night there was an accident at the intersection again and we lost power for about an hour, transformer fire, something like that on the pole. It’s very dangerous as it is and then to add more traffic would be making it even worse.”

Councilman Dunleavy: “That’s why I asked him, to get out of that property, it’s rough. You have to make a right turn. It’s hard to make a left turn because you’re in the right turn lane or just before the right turn lane and a straight lane.”

Roy Heck: “Going to get the kids at the Aquebogue School in the afternoon I sit there two three minutes just trying to make a right.”

Supervisor Walter: “Thank you sir. Does anyone else wish to be heard? Miss Keller if you could raise your right hand.”

Robert Kozakiewicz: “Oh, I’m sorry. Do you swear the testimonial you’re about to give is going to be the truth, the whole truth and nothing but the truth so help you God?”

Georgette Keller: “I do.”

Robert Kozakiewicz: “Thank you.”

Georgette Keller: “You all know me, Georgette Keller for the record, 6<sup>th</sup> Street, South Jamesport. So I’ll talk with a few different hats on tonight.

First of all, as you are all aware, we are in the process of updating New York’s state’s office of Historic Preservation survey of Main Road in an attempt to bring Main Road to full fruition just like Main Street downtown is a national register district so that should be considered in the architecture and the scheme and the development of the rural corridor. That being said, just keep that in mind, because the architecture in the campus style and the varied architectural styles are important. I know that Mr. Lyons has been working on that in other areas. We’ve worked on that right in our hamlet, historic district with Van Kemenade Paints so that even one

building when it exceeds a thousand to two thousand square feet can look like more than one building so that it's a visual illusion so I know that will come later with the planning board.

Now in terms of the expansion, I was under the impression that expansion of nonconforming use should really not exceed ten percent but given in this case that's it's fifty percent which brings it nominally to the ten percent of rural corridor, doesn't seem to be a huge issue, but from what I can tell that brings the total impervious surface for the entire lot greater than the twenty-five percent that is allowed.

If we're going to be looking at what the roll of corridor standards are and meshing it with the non-conform use with previous, and we're looking at it as a whole community aspect, we're going to be looking at this, I'm sure, more than once all along Main Road from 105 to the town boundary in the future. So I think we need to be cautious and prepared in how we precede with that aspect of it too because it is rural corridor.

It is meant to be perceived as rural and a lot of pavement doesn't really convey that message overall. So, I would ask that you include that and if we're going to exceed the nominally accepted amounts of ten percent as an expansion, I would request then that given that there are wetlands on this property and of course you have to look into all the drainage issues, that were raised this evening as well, that maybe you consider putting in a clause on anything that you do approve that there is no further nonconforming expansion on this premises, as a possibility. And, I think that's about it for now".

Councilman Dunleavy: "Thank you."

Supervisor Walter: "Thank you very much. Does anybody else wish to be heard? Ok Mr. DeLucca.

Councilman Wooten: "I only have one question. The expansion is for medical?"

James DeLucca: "Yes."

Councilman Wooten: "For expanding the medical business?"

Supervisor Walter: "Forgive me, what type of doctor is Dr. Nazar?"

James DeLucca: A Chiropractor. The variances have all been obtained for the impervious surface and the, exceeding the .5 percent of black coverage has already been obtained. All the area variances that have been required have been obtained.

Supervisor Walter: "I'm really, from my perspective and I don't, I can't speak for the Board, I need to know about the drainage issue, the traffic is the traffic which is terrible over there. I need to know what's going on with drainage."

James DeLucca: "The easement does not go across Dr. Nazar's property. It ends right at the property line."

Supervisor Walter: "Which way does the water drain, to his property there?"

James DeLucca: “The water right now on his property from the proposed location of the building goes east ok, because that area is at elevation sixteen, the area, the flat area in back of that gentlemen’s house is at elevation fourteen. So any water, if there is that much water, which there isn’t that much because it’s a heavy vegetated area if any water comes off that it goes east.”

Councilman Wooten: “Towards that pond there”

James DeLucca: “Pardon me.”

Councilman Wooten: “Towards that pond there.”

James DeLucca: “Well, there’s not a pond there.

Councilman Dunleavy: No, no we’re talking about the existing buildings there now. The pond there. Where does the water go from the existing buildings?

James DeLucca: “They go east. It has drains there but one of the back drains on the south side, this drain on the south side here is suppose to hold water but right now it’s right over here. The drain is right there and what’s happening to this drain, water is going into this drain and it’s blowing out the side and draining into this area.

Supervisor Walter: Right, I want to make sure we’re getting all of this on the record.

Councilman Dunleavy: You’re going to fix that?”

James DeLucca: “Absolutely, we’re going to take it out and we’re going to put all the drainage going towards the north;”

Supervisor Walter: “What I would like to see and I think this is going to keep this record open a little bit longer than March 1<sup>st</sup> and the reason I say that, I would like to see elevation maps submitted to the town and Vinny Gaudiello. The drainage plan, correct, complete with elevations because I want to know that Mr. Heck and Mr. Barnat’s property, I mean if they’re lower and they’re taking Mr. Nazar’s water that will be remedied because you’re not allowed to do that under the code but I would like to see the drainage plan, with the elevations,”

James DeLucca: “I would also give you, I have the survey and I can give you shots, of their yards, actually their yards go up, their elevation is up from the flat. Fourteen is the lowest area in that whole,”

Supervisor Walter: “Fourteen is,”

James DeLucca: “Their elevation is higher, actually their water is rolling down towards that area.”

Supervisor Walter: “Where is fourteen, in the wetlands?”

James DeLucca: “Fourteen is in right, the wetlands. That’s the lowest area and there’s pictures of it right,”



Supervisor Walter: “Right I saw them. I mean you have to do a (inaudible) obviously. What I think I’d like to see, and what I think I’m going to do is leave it open for, not to have you come back but for written comment.”

James DeLuca: “I understand that.”

Supervisor Walter: “And I would like to see the drainage plan submitted, I would like to have Vinnie Gaudiello, because Rick could you come up to the microphone?”

Councilwoman Giglio: “Mr. Deluca, what is the area of bound disturbances is it more than an acre where a SWIT is required? “

James DeLuca: “More than an acre, right”.

Councilwoman Giglio: “Ok.”

James DeLuca: “An acre or more.”

Councilwoman Giglio: “So then it’s under New York State general permit requirements for a SWIT?”

Supervisor Walter: “Ok Rick, this is a SWIT plan, is it before the planning board now then.”

Rick Hanley: “Not yet, not until the special permit is granted.”

Supervisor Walter: “Ok, because we’re kind of treading,”

Rick Hanley: “We’re in site plan but there are special considerations, some of the things have been brought up tonight.”

Supervisor Walter: “Well, and so, I’m almost tempted and we don’t normally do this but, I’m almost tempted because those issues are almost better handled by the Planning Board than by us. Especially with the drainage plans and SWIT.”

Rick Hanley: “These site plan issues, the special permit ordinance requires a conceptual site plan which Jim has submitted to us. It doesn’t, it shows elevations but it doesn’t show any of the details, or the contours are at two feet. Yes, the Planning Board is going to deal with the draining issues, exactly but if you feel more comfortable getting something, prior to your issuance of a special permit, that can’t hurt.”

Supervisor Walter: “I mean you’re going to have to do it anyway.”

Rick Hanley: “Right.”

Councilwoman Giglio: “If we approve it.”

Councilman Dunleavy: “I don’t know why we have to do;”

Rick Hanley: “All you’re doing is deciding whether you want to expand a nonconforming use, that’s what you’re doing.”

Supervisor Walter: “What the question is, if you’re expanding a nonconforming use area that’s a low-lying area that takes water, that’s a consideration.

Rick Hanley: “That’s a consideration, might even be one of the criteria if you look at our code. So I think your comment to have the applicant submit a more detailed drainage plan prior to your decision makes some sense.”

Supervisor Walter: “Mr. Deluca is that, because you’re going to the Planning Board anyway.

Fundamentally, I don’t know what else you would do with this property other than what you’re sort of proposing here and the Planning Board is more suited to look at this then I think the Town Board is. So if we left this open say for, how long would you take to get to the Planning Board, get the drainage plan so we can get a report back from the Planning Board, what is your time frame Mr. Deluca and what’s the Planning Board’s time frame.

James DeLuca: “Well I could have it ready in two weeks. I mean, my thing is I have to get the surveyor there, I have to get his schedule because I want toke, not only elevations here, I want to take elevations of the adjoining properties so you can see where the water is actually flowing.”

Supervisor Walter: “Right.”

James DeLuca: “I mean we can sit here all day long and they can say well it’s falling in my yard and I’m telling you no it’s not.”

Supervisor Walter: “No that’s right. When these two gentlemen came up that’s what I’m concerned with. I want to know the water is being, that you’re making the situation better for them, not worse.”

James DeLuca: “Do I feel, absolutely better.”

Supervisor Walter: “So that is to me and I don’t have the factors for the special permit or, I have the special factors in front of me but I’m reasonably certain that this would be covered by those fourteen factors.

So what I would like to do, if it’s ok with the Board is we leave this open, I mean traffic is traffic I can’t fix that, but the drainage is something sort of near and dear to everyone’s heart.

Councilman Gabrielsen: I have a question maybe Mark can answer. That drainage easement that comes off the cul-d-sac and it’s going back to the property line is there ever water draining in that easement line?

Rick Hanley: “Some from the roads.”

(inaudible)

Supervisor Walters: “One at a time please.”

James DeLucca: “The drainage easement ends at the property line and basically the water and if you look at the map closely you’ll see right adjacent to almost the spot we’re talking about, the county has a drainage structure. As you can see it’s right over here.”

Councilman Gabrielsen: “I’m not concerned about that.”

James DeLucca: “The county doesn’t unload their water on other people’s property that I know of and if you look at this closely, there’s a drain right here.”

James DeLucca: “This easement ends right there.”

Supervisor Walter: “Where does that water flow, does it flow into?” (inaudible)

James DeLucca: “There can’t be too much water there because I think the person who owns this property has some structures in that. If you look at the pictures that I gave you, you’ll see structures.”

Supervisor Walter: (Inaudible) we need the drainage plan. I think that’s,”

Councilman Gabrielsen: “I guess to follow up on my question here, the question is if you’re going to build center for the parking lot, and you’re going to allow the water to drain to the east. I’m just afraid that it might get locked in that corner.”

James DeLucca: “Over here?”

Councilman Gabrielsen: “Yes, it probably migrates down to the low area. Am I correct?”

James DeLucca: “No, no, we’re going to drain,”

Councilman Gabrielsen: “No, before this, before this, that water comes from the easement in appears to me it would get in the property and go towards the east.”

James DeLucca: “Some of the water, but this is very heavily vegetated now; you can’t even walk through and when you have that type of vegetation even in the winter, the organic material, you don’t get frost in the ground you still get percolation.”

James DeLucca: “You have to go back to the microphone, I’m sorry, I just want to make sure we get everything on the record.”

Councilman Wooten: “I just want to see the drainage plan.”

James DeLucca: “There’s not much water flowing off that, in my opinion.”

Supervisor Walter: “Yes, and, and, we’ll have Mark, I don’t want to call you Mark, we’ll have Mr. Barnat come up in a second but I think that would be the key for us would be for us to get the drainage plan is one of the factors.”

James DeLucca: “No, that’s not a problem

Supervisor Walter: “And leave it open because we have the opportunity here to make it better for Mr. Barnat, Mr. Hack some of the other neighbors but we want to make sure.”

James DeLuca: “Basically, any water coming off the impervious structures is going to be carried north it’s not going to go south anymore. We’re going to shift it northward. Any water that’s going to be generated from this new structure will be, again, north. Nothing is going to go towards the south.”

Supervisor Walter: “And that’s all we want to see with the drainage plan.”

James DeLuca: “In the code no matter which building your building, you can’t dump your water on other people’s property, it’s that simple. And we’re not about to do it now. You don’t do it.”

Supervisor Walter: “We know but,”

Councilman Gabrielsen: “We understand that, but we’re looking at the water coming onto the property where it’s diverting into absorbing whatever.”

Supervisor Walter: “Right.”

Councilman Gabrielsen: “That’s my concern.”

Supervisor Walter : “That’s your neighbors the subdivision was all done at once the subdivide, was his grand plan that the water was Mr. Nazar’s property because common law would dictate that’s where it continues and you would have to do something about that. So that’s what we want to find out but I don’t think that is the case is what you’re saying.”

James DeLuca: “No, but the thing is I’ll get the surveyor out there and we’re going to take shots on the neighbor’s property their elevations,”

Supervisor Walter: “And two of the gentlemen are here, Mr. Heck and Mr. Barnat, now that they’re here, you can ask them for permission to come because we want to make sure we get this right. You had a question for Mr. Barnat.”

Councilman Gabrielsen: “Right.”

Supervisor Walter: “Mr. Barnat, if you could come.”

Councilman Gabrielsen: “I guess my question is do you observe water coming from the cul-d-sac on that easement moving north?”

Mark Barnat: “Not much George, I’d say the most water I’ve seen by the drain in the road, an inch. It flows from 25 through the parking lot and into the low spot there.”

Supervisor Walter: “On to Mr. Nazar’s property and stays there, for the most part.”

Mark Barnat: For the most part, yes. As far as the wetlands area being trampled or whatever, we jokingly call that the dead zone because when it floods out water will lay in there

for two months and it kills all the vegetation and stuff. So it re-vegetates and then it floods. It goes on a cycle.

Supervisor Walter: "It's mother nature."

Mark Barnat: "Exactly, depending on the year."

Supervisor Walter: "We want to make sure we don't impact you guys. Maybe we can do this if we leave it open. Does the Board have any other questions?"

Councilman Dunleavy: "If he takes that water and flows it north that's going to help you."

Mark Barnat: "Yes sir, yes."

Councilman Dunleavy: "Right, that's what we want to see, If the water is going to be flowing to the north."

Supervisor Walter: "All right, let's do this. Does anyone else wish to be heard on this? Yes, ok Mr. Heck."

Roy Heck: "The collection of the rainwater when it hits the parking lot they can pump that north, that's terrific. Most of the problem with the property is from the water table which is just being a low-lying area, that's where it goes just like Horton Avenue. That wasn't water just running down the street that caused that it was just half of Riverhead collected on their streets along with ours. And everybody was pumping it, my house was lucky I only had a half basement so we didn't actually flood but we were the first one's that didn't but everyone else did. They were pumping it half a mile down the street. As fast as they were getting it out more water was coming in from elsewhere in Riverhead because again it was just a low spot."

Councilman Wooten: "In all fairness during that storm there was water in Riverhead where there was never water before." (Inaudible)

Roy Heck: "But even after a good rain, even now when it's flooded, I don't think too much of it came from the sky. Most of its coming from the ground table up into that low area."

Supervisor Walter: "And that's what we have to figure out. To make sure that whatever's he, he only has to take care of his property's water. And potentially your properties water, if the subdivision if that's what it was designed to do. If it's just the water table he's. I can't make him do,"

Roy Heck: "A 2,800 yard dumped into a low lying area may displace that water back into some yards."

Supervisor Walter: "It may push it in another, well that's the drainage plan. We won't let him do that, we'll make sure he pushes, he takes care of that water that is created from having that extra fill. That's the issue, that's the whole issue that I see is that whatever he adds to that property doesn't impact you and if it does anything, it makes your life easier."

Roy Heck: "Putting something there now just basically just parts it all."

Supervisor Walter: Well let's just get the drainage plan and."

Councilman Dunleavy: "We can't do anything about the water coming off 105."

James DeLuca: (inaudible) "I've been visiting this site, to get to this point, I've been visiting this site for two years. And I've been to the site basically in every season of the year and I have pictures to prove it. Other than the March storm that you're talking about a couple of years ago, I've been to this site, probably every season of the year, there's never and I say categorically never, ever been water ponded there. And I have pictures from every season. For two years, there hasn't been any water."

Supervisor Walter: "I don't, I don't dispute that but when the neighbor lives there and sees it all the time I can tell you, we don't want to get into that. I'm sure sometimes there's water there that you may not see but I'm not even worried about that, I'm worried you doing the drainage plans and let's get the drainage, let's leave this open, Rick. Two months to get it through planning, does that?"

Rick Hanley: "We could do it in thirty days."

Supervisor Walter: "All right, so let's leave this open for written comment from the applicant to the planning board and basically a referral from the Planning Board back to us. That's what I would like to see as a referral from the planning board back to us. We'll leave it open."

Robert Kozakiewicz: "Do we have time to (inaudible) act sixty two days is that what we're going to do."

Supervisor Walter: "I'm not closing the hearing. We're leaving it open for written comment and let's leave it open until, does April 1 work? Ok then we'll run parallel tracks and try to get this. OK, thank you. We'll leave the hearing open for written comments for the planning board comments until or public comments until April 1<sup>st</sup>. All right, thank you very much."

**Public Hearing Closed: 8:23 p.m.**

**Left open for comments until April 1, 2013 at 4:30 p.m.**

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Supervisor Walter: "We'll open the floor to comments on resolutions. Does anyone wish to be heard? A familiar soul."

Matt Hattorff: Resolution #139.

Councilman Dunleavy: I think that resolution is going to be tabled.

Matt Hattorff: Ok, I just, I haven't had chance to talk to Jim or Sean about it. I just wanted to make sure we were on the same page. I'd much rather talk about this, not in this setting. I would appreciate that we table that and hopefully have a discussion with the board.

Supervisor Walter: “Understood.”

Matt Hattoff: Thank you.”

Supervisor Walter: Anyone else wish to be heard on resolutions? Hello.”

Mary Egan: “Hello, Mary Egan from Ostrander Avenue.

Councilman Dunleavy: “Can you bring the microphone down please?”

Supervisor Walter: “I don’t think we’re adopting the dogs. Is the dogs in there?”

Supervisor Walter: “Oh well we’re not adopting that, at least I’m not. I’m sorry.”

Mary Egan: “I left a message for Miss Giglio, I haven’t heard back.”

Councilwoman Giglio: “I did speak to the town attorney but it was later on this afternoon.

She did say that that language that’s in there is language that is consistent with surrounding towns and it’s not necessarily language that someone is going to be able to pursue a charge against you that they were intimidated by your dog barking.

If they were to file a complaint saying they were intimidated by your dog that you would have a chance to respond to that and say “my dog was tied up, my dog was I my yard, my dog was in my house” and she also said that if there were people that are loitering outside of your home on the town road, on your property or on the right of way that, she said she would recommend that you would call the police and tell them that there are people loitering outside of your home so that your dog wouldn’t be outraged.

So I wasn’t sure this was in the packet for this evening and it is and I,”

Mary Egan: “Well it’s hard to, I work a forty hour week,”

Supervisor Walter: “I’m, let me allay your concerns here, we have to adopt this because of the takeover of the North Fork Animal Welfare League. I believe Councilman Gabrielsen and I share your concerns on that.”

Councilman Gabrielsen: “Yes.”

Supervisor Walter: “So if Councilman Gabrielsen and I get one other councilperson to agree, we will have another public hearing to strip that out. But we have to fix this for the North Fork Animal Welfare League, not that part but the redemption of dogs and then we’ll have a subsequent public hearing because I agree with you one hundred percent. Your dog is supposed to bark at people, your dog’s supposed to keep people off your property.

Councilman Dunleavy: “Is your front property fenced?”

Mary Egan: “Not yet, my backyard is fenced, but in the summer,”

Councilman Dunleavy: “But even with a fence, and I agree with you, dogs running to the fence and barking could intimidate somebody who is walking past your house, at least make them jump because they don’t know if the dog can jump that fence or come up to that fence.

So even through a fence they can intimidate someone. But this is not for that reason. I mean he’s not going to bite anybody so. I don’t like that in that section anyway.

Supervisor Walter: “Why don’t we adopt it and take it out?”

Robert Kozakiewicz: “Let me say something very briefly.

As Councilwoman Giglio found out, Deputy Town Attorney Annemarie Prudente, read the legislation, did look at some of the adjoining jurisdictions who have similar language including the town of Southampton and you have to look at the statute from the whole read, not just the word “Intimidation” because it’s a reasonable man standard, you have to look at a standpoint what constitutes harassment and what type of standard.

If a dog comes running that (inaudible) is that a reason for a person standard it or is that harassment it’s something that’s, I know you’re reading it and looking at the word intimidation and saying if someone is intimidated I’m immediately subject to the town prosecuting me and it takes more than that. So I just want to, again,”

Mary Egan: “You’re not talking about neighbors, you’re talking about passerby.

Supervisor Walter: “I think there are three votes to publicly hear this, George you?”

Councilman Gabrielsen: “Yes.”

Supervisor Walter: “John you?”

Councilman Dunleavy: “Yes.”

Councilwoman Giglio: “I don’t understand why we just don’t strike it. Why don’t we just don’t strike it right now?”

Supervisor Walter: “Because we can’t. We have to adopt it so that the transfer of power from the North Fork Animal Welfare League goes forward on March 1<sup>st</sup>. You can’t make material changes to something after its Noticed and publicly heard and we need this language in for that transfer and then we can immediately go right back next board meeting and take that language out.”

Mary Egan: “Well, my next question is what does managing the animal shelter has to do with confiscating a dog on someone’s private property?”

Supervisor Walter: “It doesn’t, that language didn’t have to be in there. There’s a little bit of extra work done that we may necessarily not have needed.

Mary Egan: “Ok, so you’re going to bring this up at another meeting.



Supervisor Walter: “Oh, I think we can bring that up at the very next board meeting. Bob, can we get this brought up at the very next board meeting deleting that?”

Robert Kozakiewicz: “I will ask the Deputy Town Attorney (inaudible) legislation.

Supervisor Walter: “And that will satisfy your concerns, my concerns and tell your dog to keep up the good work.”

Mary Egan: “Ok. Thank you”

Councilman Dunleavy: “Thank you.”

Councilman Gabrielsen: “Even in the 58-9 we struck out the domesticated farm animals and yet in this part it puts it back in. It’s a conflict of, we’ve got some things to fix.”

Councilman Dunleavy: “We’ll fix it because of the dogs”

Councilman Gabrielsen: “Yeh, because in the other part you put farm animals. Yeah, we have some work.”

Councilman Wooten: I didn’t work on this, I guess it was Annemarie and North Fork.”

Robert Kozakiewicz: “There is a provision that deals with domestic animals running at large which has, which is not in here and that’s why you have the catch all phrase that deals with domestic animals in addition to dogs and canines.

So that’s the reason why that language can’t come out because there’s a separate section that still deals with animals running free and about and interfering with traffic and whatnot. So that’s why domestic animals is still in there.”

Councilman Gabrielsen: “Yes, but you struck it out and,”

Robert Kozakiewicz: “With respect to picking up we’re not going to have the North Fork Animal League responsible for picking up domestic animals, only dogs. So that’s why that was stricken from that particular section, 58-9. With 58A, I believe where it talks about animals running at large we approved domestic animals.

Supervisor Walter: So let’s put it on to strike that, George if there’s something else we’ll talk about it then.”

Councilman Dunleavy: “We’ll leave it on to talk about at a work session.”

Supervisor Walter: We just want to make sure that on March 1<sup>st</sup> everything works out smoothly. Hello.”

Angela DeVito: “Angela DeVito, South Jamesport. On Resolution 139, in addition to the obvious significant increase in the annual salary, has the job duties, functions and responsibility in our recreation department increased to such an extent and changed so that they now meet with what Civil Services has described for a Parks & Recreation Administrator?”

It's very, very different between the two job titles in terms of level of responsibility and various duties that need to be discharged. So I was wondering if, this is a sort of restructuring of our recreation department. What is behind this is what I'm asking."

Supervisor Walter: "This title here probably more matches what he does for us for the town of Riverhead."

Angela DeVito: "That was my question, well if it does then thank you."

Councilman Dunleavy: "He's in charge of all our parks too. That's just recreation, but he's in charge of all our parks"

Angela DeVito: "I was asking that. If that is what's being considered here. John you've answered the questions, thank you."

Supervisor Walter: "Thank you. Does anybody else wish to be heard? Georgette, no? Not seeing anybody, let's take, yes?"

Supervisor Walter: "On one of the resolutions?"

Supervisor Walter: "Ok, can we wait until the end of the meeting if you don't mind Sir."

Supervisor Walter: "Ok, we take general public comment at the end of the meeting. Ok, Diane."

### **Resolution #133**

Councilman Dunleavy: "21<sup>st</sup> Century Oncology Water Service Capital Project Budget Adoption so moved.

Councilman Wooten: "And Seconded".

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

### **Resolution # 134**

Councilman Wooten: "Acceptance of Resignation of Call-In-Inventory Clerk (Victoria Sclafani), so moved."

Councilman Gabrielsen: "And Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

**Resolution #135**

Councilman Gabrielsen: “Grants Excavation Permit as Provided by Chapter 62 of the Riverhead Town Code to Southold Medical Arts Inc. A/K/A East End Associates. So moved.”

Councilwoman Giglio: “And Seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted.”

**Resolution # 136**

Councilwoman Giglio: “Ratifies Town Board Nomination of Suffolk Theater for Preservation League of New York State for 2013 Excellence Award. So moved.”

Council Dunleavy: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes, Walter, yes. Resolution is adopted.”

**Resolution #137**

Councilman Dunleavy: “Authorizes Town Clerk to Publish and Post Resolution for Request for Proposal for Youngs Avenue Landfill Post Closure Inspections, Testing and Reporting Activities. So moved.”

Councilman Wooten: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #138**

Councilman Wooten: “Authorizes Highway Superintendent to Attend 2013 National Truck Equipment Association Work Truck Show. So moved.”

Councilman Gabrielsen: “And seconded”.

Supervisor Walter: “Moved and seconded. Vote please”.

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Tara was this amended?”

Tara: “Yes, I put in (inaudible) where it refers to the reimbursement and receipts.”

Supervisor Walter: “Ok, I’ve got it.”

Diane Wilhelm: “Resolution is adopted.”

Supervisor Walter: “You’ve got to look at our travel policy.”

**Resolution #139:**

Councilman Dunleavy: “Before you call 139 can I ask for it to be tabled and with public comment when opened off the floor?”

Councilwoman Giglio: “I’ll second.”

Councilman Wooten: “What happened?”

Supervisor Walter: “I don’t know, it’s being tabled. Seconded as to table

Councilwoman Giglio: “I think what John is saying is that sometimes when we table a resolutions when we start to call the resolutions we pull them off the floor and unable it and there’s not a chance for anybody to speak before the resolution is called. So, it was requested that the comment period remain open for this

Supervisor Walter: “There’s no comment, just a vote now.”

Councilwoman Giglio: “Ok. So then when we pull it off the floor to table it that it be in the packet so they know it’s coming off the floor.”

Councilman Dunleavy: “I was told that one of our board members told somebody that when a resolution is tabled, and we pull it off the table you cannot comment on that resolution.

Supervisor Walter: “Of course you can.”

Councilman Dunleavy: “A board member told somebody that. But anyway so I want to make sure we didn’t tell them that.

Supervisor Walter: “So there’s a motion to table with a second to table. We vote as to table.”

The Vote: “Giglio, yes and leave open for comment; Gabrielsen, yes to table; Wooten, out of respect to my colleagues, I will honor their request but look at, yes; Dunleavy yes; Walter, yes. The resolution has been tabled.”

**Resolution #140:**

Councilman Gabrielsen: “Approve request for a leave of absence (Ezra Fife). So moved.”

Councilwoman Giglio: “And seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielson, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #141**

Councilwoman Giglio: “Extends Site Plan Approval of Zenith group, LLC (Ray Castronovo). So moved.”

Councilman Dunleavy: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, abstain, I represented him; Gabrielsen, yes; Wooten, that is the final one, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #142:**

Councilman Dunleavy: “Awards Bid for Sporting Good 2012-2013. So moved.”

Councilman Wooten: “And seconded,”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy yes; Walter, yes. Resolution is adopted.”

**Resolution #143:**

Councilman Wooten: “Authorization to Publish Advertisement for Fertilizer & Lawn Chemicals. So moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes Walter, yes. Resolution adopted.”

**Resolution #144:**

Councilman Gabrielsen: “Authorization to Publish Advertisement for Propane Fuel. So moved.”

Councilwoman Giglio: “And Seconded”

Supervisor Walter: “Moved and seconded. Vote Please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy yes; Walter, yes. Resolution adopted. “

**Resolution #145:**

Councilwoman Giglio: “Appoints a Call-In Recreation Leader to the Recreation Department. (Kristine Amato) So moved.”

Councilman Dunleavy: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote Please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes, Walter, yes. Resolution adopted.

**Resolution #146:**

Councilman Dunleavy: “Authorizes the Supervisor to Execute a Stipulation of Agreement with the Riverhead Town Superior Officers Association, Inc. So moved.”

Councilman Wooten: “Second.”

Supervisor Walter: “Moved and seconded. Vote Please.”

The Vote: “Giglio, yes, Gabrielsen, yes; Wooten, yes, I need a copy of the stip though; Dunleavy, this is different than the PBA, I’ going to vote yes for this; Walter, yes. Resolution adopted.”

**Resolution #147**

Councilman Wooten: “Establishes Travel and Conference Policy. So moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote Please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes.  
Resolution adopted.”

**Resolution #148:**

Councilman Gabrielsen: “2013 Washington Avenue Culvert Budget Adoption. So moved.”

Councilwoman Giglio: “And seconded”.

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes Walter, yes.  
Resolution adopted.

**Resolution #149:**

Councilwoman Giglio: “Accepts 100% Site Plan Security of Hampton Jitney, Inc.  
(Geoffrey Lynch) So moved.”

Council Dunleavy: “And seconded.”

Supervisor Walter: “Moved and seconded. Please vote.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes.  
Resolution adopted.

**Resolution #150:**

Councilman Dunleavy: “Approves Chapter 90 Application of the American Cancer Society (“Bark for Life” – Dog Walk to Fight Cancer – April 28, 2013). So moved.”

Councilman Wooten: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes Walter, yes.  
Resolution adopted.”

**Resolution #151:**

Councilman Wooten: “Approves Chapter 90 Application of the American Heart Association (“Healing Heart 5K Run/Walk” at Martha Clara Vineyard – May 19, 2013). So moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #152:**

Councilman Gabrielsen: “Appointing the Firm of Smith, Finkelstein, Lundberg, Isler & Yakoboski, LLP Special Council with Respect to Claim Against MAC Thurms LLC in Hometown Garden Estate LLC. So moved.”

Councilwoman Giglio: “And Seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #153:**

Councilwoman Giglio: “Authorizes the Supervisor to Execute Polling Place Agreements with Suffolk County Board of Elections. So moved.”

Councilman Dunleavy: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #154:**

Councilman Dunleavy: “Authorizes the Supervisor to Execute a License Agreement with East End Oysters to Allow the Installation of Floating Upweller Systems (FLUPSY) in East Creak. So moved.”

Councilman Wooten: “And seconded.”



Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes this is a good thing, it's for cultivation of oysters and we need that, I vote yes; Walter, yes. Resolution adopted."

**Resolution #155:**

Councilman Wooten: "Authorizes the Supervisor to Execute Amended Agreement with Riverhead Youth Sports, Inc. for Referee/Umpire Services for the Town of Riverhead Police Athletic League Girls and Boys Lacrosse and Football Program for 2013 calendar Year. So moved."

Councilman Gabrielsen: "And seconded".

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

**Resolution #156:**

Councilman Gabrielsen: "Authorizes the Supervisor to Execute a Rider Agreement for Consultant/Professional Services with Nextiraone, LLC D/B/A Black Box Network Services. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

**Resolution #157:**

Councilwoman Giglio: "Approve Chapter 90 Application of All the East End (AFTEE) (Festival at Martha Clara Vineyards – August 19, 2013). So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

**Resolution #158:**

Councilman Dunleavy: “Grants Excavation/Grading Permit as Provided by Chapter 62 of the Riverhead Town Code to Hampton Jitney, Inc. So moved.”

Councilman Wooten: “I’ll second.”

Supervisor Walter: “Moved and seconded. I want to make one comment because I know someone is sitting in the audience. Rob, you represent them? Got to get this special permit application in immediately. (Inaudible) Thank you. Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution 159:**

Councilman Wooten: “Approve Chapter 90 Application of Peconic Bay Medical Center (18<sup>th</sup> Annual East End Garden Festival – May 9<sup>th</sup> through 12<sup>th</sup>, 2013. So moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution 160:**

Councilman Gabrielsen: “Releases Irrevocable Letter of Credit and Accepts Cashier’s Check in Connection with Improvement to be Completed within the Subdivision Entitled “Country Trails”. (Portview Homes, Inc.) So moved.”

Councilwoman Giglio: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution 161:**

Councilwoman Giglio: “Approves Chapter 90 Application of East End Tourism Alliance/Riverhead Foundation for Marine Research and Preservation (“Paddle Boat Water Race – July 20, 2013). So moved.”

Councilman Dunleavy: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes it should be fun; Walter, yes, like to see you. Resolution adopted.”

**Resolution #162:**

Councilman Dunleavy: “Authorizes the Supervisor to Execute an Agreement Authorizing the Town to Accept Funds from Suffolk County Office for the Aging to Supplement the Town’s Residential Repair Program for the Elderly. So moved.”

Councilman Wooten: “I’ll second”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #163:**

Councilman Wooten: “Authorizes Attendance at the 2013 new York State Town Clerk’s Association Annual State Conference. So moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, how bad do you want to go, yes.” (inaudible);

Supervisor Walter: “To Buffalo, May, there’ll still be snow.”

Vote Continued: “Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #164:**

Councilman Gabrielsen: “We’re going to adopt this”

Supervisor Walter: “Then we’re going to change it.”

Councilman Gabrielsen: “We’re going to change it up ok. Adopts a Local Law Amending Chapter 58 Entitled “Dogs” of the Riverhead Town Code. So Moved.”

Councilwoman Giglio: “And seconded.”

Supervisor Walter: "Moved and seconded."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes."

Councilman Dunleavy: "I'm not adopting it until we talk about it in three years. I vote yes."

The Vote Continued: "Walter, yes. Resolution adopted."

**Resolution #165:**

Councilman Giglio: "Appoints a Call-In Recreation Aide II to the Recreation Department. (Christian VanDeurs) So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

**Resolution #166:**

Councilman Dunleavy: "Amends Agreement with Atlantis Holding, LLC. (Restore III Grant) So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

**Resolution #167**

Councilman Wooten: "Awards bid for Diesel Fuel 2013. So moved"

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;

Councilman Dunleavy: "Yes, I'm sorry the first business declared bankruptcy. I'm going to vote yes."

Vote Continued: “Walter, yes. Resolution adopted.”

**Resolution #168:**

Councilman Gabrielsen “Appoints Water Meter Reader (Victoria Cain). So moved.”

Councilman Giglio: “Seconded”

Supervisor Walter: “Moved and seconded’ Vote Please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes.

Councilman Dunleavy: “This is not a new position, We’re just moving somebody from one position to another so I vote yes.”

Vote Continued: “Walter, yes. Resolution adopted.”

**Resolution #169**

Councilwoman Giglio: “Pay bills. So moved.”

Councilman Dunleavy: “Second.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**GENERAL COMMENTS**

Frank Seballia spoke on the benefits of polo playing in terms of an income for the Town of Riverhead. He also mentioned that EPCAL has ninety acres of property that could be used as a polo field. He suggested that when the Board is approached regarding this matter they should consider the matter very carefully as this would greatly benefit the Town of Riverhead.

Dominique Mendez thanked the Board and the staff, Jill Lewis, Tara and Diane for their promptness in printing the agenda and resolutions on line sooner than done for previous Board meetings. She hoped that the ZBA decisions would be posted on line and the Public Hearings will be on one link making it easily accessible for the community to read.

Georgette Keller hoped there would be more documents and information on line as she, as well as many others, work and are unable to get to Town Hall for information. She also would like a uniform mailing and notices across the Board for public hearings etc.

Supervisor Walter: “Anyone else wish to be heard tonight? Not seeing anyone, can I get a motion to adjourn?”

Councilman Dunleavy: “I make a motion to adjourn.”

Supervisor Walter: “All in favor”

Collective Response: “Aye”

**Meeting adjourned: 8:52 p.m.**