

Minutes of the Town of Riverhead Board meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, September 16, 2014 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 Wilhelm	Town Clerk
Robert Kozakiewicz	Town Attorney

The meeting was officially opened at 7:00 p.m. by Supervisor Walter with the Pledge of Allegiance followed by an Invocation by Rev. Enrique Lebron from the Riverhead United Methodist Church.

Councilman Dunleavy made a motion, which was seconded by Councilman Gabrielsen to approved the minutes of the September 3, 2014 Town Board Meeting. Motion carried, minutes were accepted.

**CORRESPONDENCE**

Letters of Opinion/Concern/Recommendation Regarding the EPCAL DSGEIS from:

- North Fork Environmental Council
- Councilwoman Jodi Giglio
- New York State DOT
- E-mail from seventy-seven Individual Residents
- Letter from Charles Cuddy regarding Transfer of Development Rights

**APPLICATION**

(Pending Town Board Approval)

**SPECIAL PERMIT**

- Lighthouse Yacht Club – Alterations to Existing Building, 229 Meetinghouse Creed Road, Aquebogue (SCTM #0600-86-2-17.2)

**REPORTS**

- Tax Receiver Utility Collection Report August 2014 - \$559,993.51

**BUDGET**

- IDA Proposed 2015 Budget

### **TOWN BOARD COMMITTEE REPORTS**

Councilman Gabrielsen reminded everyone that the lottery for bow hunting will be Monday, the 22<sup>nd</sup> of September at 6:30 p.m. This is a lottery to select different areas to bow hunt for deer.

### **PUBLIC HEARINGS**

Supervisor Walter: “Ok, 7:05 having arrived and it is now 7:05 we’re going to open up the first public hearing which is the Consideration of a Special Use Permit Petition of Theodora Cohen to Convert an Existing Storage Building for Use as a Single Family Dwelling (SCTM #0600-127-7-24.1). Is there somebody here for the applicant? You have to present the application.”

Councilman Dunleavy: “If anyone doesn’t know this is across the street from 821 East Main Street.”

Theodora Cohen: “Ok.”

Robert Kozakiewicz: “Raise your right hand. 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?”

Theodora Cohen: “Yes I do.”

Robert Kozakiewicz: “And we’re going to need your name and your address for the record as well.”

Theodora Cohen: “Ok, my name is Theodora Cohen. I reside at 761 East Main Street, directly across from Town Hall. Thank you for taking the time and consideration for this Special Permit. I know it’s been before the Board a number of times. The first time it expired and we had a crash in the market. I didn’t have the funds to complete the project so now I’m in a financial position to restore the building. I’m asking for the Special Permit. I submitted all my paper work. Jeff Zaun from Marty Sendlewski’s office did all the work and I’m ready to go forward if you’re ready to approve it. I know there’s been a number of inspections and I’ve actually put a new roof on the front of the house and I can fix up the property so I think it would be a good thing for the Town and for myself.”

Supervisor Walter: “Anybody else wish to add anything more because I’ll open it up to the public?”

Theodora Cohen: “No I think that’s about it.”

Supervisor Walter: “Does anyone from the public wish to be heard on the matter? Ok, not seeing anybody do you want to add anything else because what we can do, we’ll close it for public comment and open it for written comment until September 26<sup>th</sup>?”

Theodora Cohen: “Ok.”

Supervisor Walter: “Ok, we’ll leave it open for written comment until September 26, 2014.”

**Public Hearing Closed at 7:08 p.m.  
Left Open for Written Comment Until September 26, 2014 at 4:30 p.m.**

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Supervisor Walter: “Ok. The second Public Hearing was scheduled for 7:10, I’m stalling because we’re early and we’re never early.”

Councilman Wooten: “Country Fair is coming up and I believe that there’s going to be a firework show, the very first one November 1, 2014 right after Halloween.”

Supervisor Walter: “Everyone has to read a Poe book in preparation for the Edgar Allan Poe Festival. He’s a tough read.”

Councilwoman Giglio: “So September 22<sup>nd</sup>, this coming Monday is leave your car at home day so use alternative transportation to go to and from work so if you have the ability to do that it’s a national day and it’s trying to get vehicles off the road. That’s this Monday, September 22<sup>nd</sup>.”

Supervisor Walter: “Alright, 7:10 having arrived we’re going to open up the second Public Hearing in Consideration of a Proposed Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled “Zoning”, Article LXII, Transfer of Development Rights (108-330. Redemption of Preservation Credits). Bob would you like to say a word or two?”

Robert Kozakiewicz: “It’s pretty self-explanatory. It’s fairly short. We’re looking to amend 108-330 which is found in our Transfer of Development Rights article. In order to allow for those instances where pine barren credits is being required by the Suffolk County Health Department and when they are it’s the intent of the Board that you should not have to additionally buy a TDR credit under the Town’s program so that instead you’ll be able to utilize Pine Barren credits to reduce the amount of TDR’s you’ll need to purchase. Again it’s fairly self-explanatory and it’s not a very intensive change but it does have a purpose in order to have to eliminate the possibility where there’s a need to do both.”

Supervisor Walter: “And Diane I’m going to add the Charlie Cuddy’s letter into the record for this public hearing.”

Councilman Dunleavy: “Can I ask a question?”

Supervisor Walter: “Absolutely.”

Councilman Dunleavy: “Bob, these pine barren credits; do they come from all over or the Town of Riverhead?”

Robert Kozakiewicz: “It’s a good question. The law allows you to take credits from one municipality to another where both towns agree so the town where the pine barren credits are coming from if they consent to the pine barrens credit leaving their jurisdiction and being used in another town and that town is agreeable to using them the statute allow for that so. This doesn’t address that it’s just indicating that in the instance where pine barren credits are necessary the amount that you need as far as TDR’s will be reduced.”

Councilman Wooten: “In says that Pine Barrens credits can only be for properties located in the Town of Riverhead.”

Councilman Dunleavy: “Does it?”

Councilman Gabrielsen: “It’s the last sentence.”

Robert Kozakiewicz: “Ok, I’m sorry. I stand corrected.”

Councilman Dunleavy: “Ok so thank you.”

Supervisor Walter: “Does anybody wish to be heard on this matter? Angela, if you could raise your right hand and Bob do you want?”

Robert Kozakiewicz: “Don’t need it.”

Supervisor Walter: “Don’t need it, it’s not a special permit.”

Angela DeVito: “Ok, Angela DeVito, South Jamesport. This amendment I believe raises several questions that are a little bit disturbing to me. In thinking about it I went back through my notes from several Town Board sessions and noted that on at least two occasions there was a representative from a local, a particular development project, that appealed to the Town Board and came to you and said that they were going to be required to purchase Pine Barren Credits as well as TDR’s to increase the density in the RC Zoning Use District where their project was intended and that this developer did not have the monies to do that and it raises the question that if you don’t have the monies to finance your project is it the job, the function of Town Government to provide you with that relief? I can greatly appreciate the desire of this Town to assist developers. I truly appreciate that but there are some aspects that I find quite troublesome.

This amendment is only being applied to the RC Zoning Use District. What happens to all the other Receiver Zones or Pine Barren Credits as well as TDR’s? Are we going to begin to see basically chipping away at our TDR public policy, zone use district by zone use district as we go along or are we just creating this for the RC to meet the special needs of a single developer?

If we vacate the responsibility to meet requirements that are established by both the Suffolk County Department of Health and our Town Code as they may affect increase density, what happens to this public policy that is aimed at insuring that lands are preserved which is the point of both the Pine Barren Credits as well as our TDR program?

The one thing about the Pine Barren Credits, if we limit them as is proposed in the language to just those credits that have been earned, or can be redeemed within the Town of Riverhead, those people own those credits there which comes out of the Core Pine Barrens as you all know I'm sure, we only have a hundred and sixteen point forty-four Pine Barren Credits. What's going to happen when we run out of them for RC projects? Are we going to give preference at this point and time to a particular developer and basically in the future disenfranchise other developers?

I feel that at this time this sort of amendment to the Code is a bit premature and some of these questions need to be answered and rethought before you go ahead with anything else on the TDR program. Thank you."

Supervisor Walter: "I just want to give you a little history because when. Unfortunately it's the Health Department that changed the rules of the game so to speak.

When the Town envisioned the TDR program, I wasn't on the Town Board, I was in the Town Attorney's office, I don't think they ever envisioned requiring you to buy both Health Department credits and Farm Line credit. The problem is the Health Department, in and about the same time we passed the TDR ordinance said we don't recognize farmland credits for sewerage so when we passed this that was something that was on the horizon but nobody really believe that the Health Department would pull the trigger on that and they did; so when we, I think the thinking, I wasn't there, others were, I think the thought was if you had the TDR's you'd be ok. I don't think anybody ever envisioned that you'd have to buy TDR's and Pine Barren's Credits and the problem is that the TDR's, my guess are going sixty, seventy thousand dollars an acre would be my guess, but the Pine Barren credits are going for sixty, seventy thousand dollars an acre my guess is rural land doesn't cost a hundred twenty to a hundred forty thousand dollars an acre so that the credits are costing more than the underlying land and it is in the RC, but it's actually a very good thing for the Pine Barrens because, not in Riverhead we don't have a lot of pine barrens credits thankfully as you've said, but the other Towns don't have enough sinks for the pine barrens credits and there's a lawsuit that was filed but I think it was withdrawn, it wasn't withdrawn it was an application filed to create a lawsuit against the Pine Barrens Commission to undermine the entire Pine Barrens Act because there aren't enough sinks in other towns so this is a good thing to help the Pine Barrens Act but we're definitely cognizant of what you're saying and we don't want to dilute the TDR program but this is; I don't think we intend to do this and I don't think the Board intended that you would buy both. I mean I don't know, Bob where you there when they did the TDR or was that Phil?"

Angela DeVito: "I don't think that, even given that the history and the fact that we did not at the time that the Suffolk County Department of Health representing the County passed this and created this other duty that needed to be, that was required for sewerage, that at this point just to apply to the RC Zoning Use District doesn't make sense. If your argument is that you're looking to help the Pine Barrens Credit Program and do other things, you need to consider how you're doing it for all of the receiving zones for both TDR's and Pine Barrens Credits and there are significant receiving zones in the Town of Riverhead for Pine Barrens Credits. I think there are eight of them or nine of them were you can, they're receiving zones for them so it just seems, you know in a nutshell we are doing this for a specific project, we're not doing this for the good and benefit for the Town so I would like you to consider that and thank you."

Supervisor Walter: “Ok, thank you. (inaudible) Does anybody wish to be heard on this matter? Alright, if no one else wishes to be heard I’ll close it out for public portion comment and leave it open for written comment until 4:30 on September 26<sup>th</sup> in the Town Clerk’s office.”

**Public Hearing Closed at 7:20.m.  
Left open for Written Comment until September 26, 2014 at 4:30 p.m.**

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Supervisor Walter: “The third Public Hearing is scheduled for 7:10 as well and this is a Consideration of a Special Use Permit for use as a coffee shop, espresso bar and bakery at 272 Main Road, Aquebogue, NY (SCTM 0600-85-2-7).”

Jim Hulme: “Good evening, my name is Jim Hulme from the law firm of Kelly & Hulme, Westhampton Beach and I’m here tonight on behalf of the North Fork Coffee Company Inc. which is a family owned business. Theresa and Jason Belkin are the owners; that’s them sitting in the front row there.

This name may not be quite that familiar to you all but some of you may have heard of Hamptons Coffee Company over in Westhampton and Southampton and Water Mill, and that’s an affiliated also family owned business and our hope is to expand into this side of the Island with something similar to that process. Our hope is to bring everything great for the South Fork, to Riverhead; we hope to help you with that.

As indicated the property is located at 272 Main Road. It is currently improved with a nine hundred and sixty-three square foot former retail building and a hundred and thirty-five square foot storage building. We intend to use the existing larger building. We intend to relocate the smaller building to a conforming location on the site.

Historically, I guess if you go back far enough the building was a gas station many, many years ago and kind of in keeping with the Hampton Coffee Company store in Southampton, and that was a former garage as well. Since it ceased being a garage, it was a woodworking shop I believe for a while and then subsequent to that it was a solar company both of which I believe received the necessary relieve and permissions from the various Villages, Town agencies to conduct that.

This property happens to be located in your RLC District, the rural corridor and one of the special permit uses is identified in that section of your Code is bistros and cafes and there’s a definition in your code of what that is and in consultation with your Planning Department we believe what we propose for the location falls into that category which is why we’re here seeking the Special Use Permit.

As indicated in the notice this week we intend to convert the site to a coffee shop, espresso bar and bakery although the baked goods for the most part will be prepared off site and delivered to this location.

I believe you already have a set of plans. Rather than give you the conceptual plans normally required by the Code we kind of provided almost a fully realized site plan because we’re trying to get there as quickly as we can so that we can get up and running. I believe the landlord of the property is here as well tonight and is happy to have what I think will be a very nice inviable tenant for the location.

There will be some indoor seating, some outdoor seating. We’ll be providing more than sufficient parking in the area. I think that the use that we propose fits very nicely into that part of

the town and without going through each and every one of the points in the Code as for consideration I think this particular use will fit very nicely on this twenty thousand square foot lot. It's very much of a mixed use area. There are some residences, there's a church across the street, there's some business offices, things like that. I think we have a lot of ready customers just in the general vicinity. Main Road and Aquebogue seems to be, you know, kind of the main road in that part of the town so there's a lot of traffic moving back and forth and a lot of opportunities for us to get people to linger for a little while in the town as well as benefiting our business and so in a nut shell that's what we're hoping to do and our first step is to get permission from you guys to do this."

Supervisor Walter: "Does the Board have any questions?"

Councilman Dunleavy: "No, but I just want; the location of this is just west of Shade Tree Lane and across from the Lutheran Church in Aquebogue on the north side of twenty-five so if anybody wants to go out and take a look, that's where it's located."

Jim Hulme: "It's an old retired building which we're going to reuse and make look nice and bring some life to a former garage."

Supervisor Walter: "Great."

Councilwoman Giglio: "I have a question. There's not going to be any cooking on the premises?"

Jim Hulme: "There is a minimal amount of cooking. I believe the plans show a little convection over, maybe a microwave, a George Foreman kind of grill."

Supervisor Walter: "So Ag & Markets permit?"

Jim Hulme: "Yes, yes."

Councilman Gabrielsen: "So the bakery would be mostly off premises. What will actually be baked there?"

Jim Hulme: "No, nothing will be baked there."

Jim Hulme: "If we're selling somebody grilled cheese type sandwich we might put it in the press to melt the cheese but."

Councilman Gabrielsen: "The bakery items will be off premises and brought over, everything?"

Jim Hulme: "Yes, yes. Not any cooking facilities in any great amount in this particular facility."

Councilwoman Giglio: "Is there any intention to have live music?"

Jim Hulme: “It’s something to be considered. Is it something you would like or something you wouldn’t like?”

Councilwoman Giglio: “It would depend on if it were amplified or not.”

Supervisor Walter: “If you could have him come up.”

Robert Kozakiewicz: “I’m going to ask you to raise your right hand. Do you swear the testimony you’re about to give is going to be the truth, the whole truth and nothing but the truth so help you God?”

Jason Belkin: “I do.”

Robert Kozakiewicz: “Ok, state your name and address for the record.”

Jason Belkin: “Jason Belkin, Westhampton Beach. In general we.”

Diane Wilhelm: “If you could just speak right into the microphone?”

Jason Belkin: “In general the three cafes we have now we don’t do live music. Usually instead we use our space for community groups, your large community groups like Girl Scouts, Boy Scouts, PTA things where, you know, we let them use the facility; hope they buy a cup of coffee, a muffin or something. We let them use our tables and sit down and have meetings and usually we don’t stay open late. Our hours are 6:00 a.m. to 6:00 p.m. in the winter; 7 or 8 o’clock in the summer but it’s not a nighttime place. It does a daytime breakfast and lunch, snacks in the afternoon, maybe use your laptop, iPad; not like a live music kind of thing.”

Councilman Dunleavy: “Because if you do live music you’re not going to get anybody out of there.”

Jason Belkin: “Exactly. It’s a small place. I think we have fourteen seats or something.”

Councilman Dunleavy: “(inaudible) place, right?”

Jim Hulme: “Exactly. You want people to come in, get there things, sit down and get back to work. Maybe teaches from the elementary school.”

Supervisor Walter: “Ok. Anybody else have any questions? We’ll take questions from the audience if you can come up to the podium.”

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

Ann Ondershack: “Yes.”



Robert Kozakiewicz: “Thank you and your name and address for the record please.”

Ann Ondricek: “Ann Ondricek, 299 Shadetree Lane directly in front of said coffee place. So my main concerns would be live music because my bedroom faces the road, the hours of operation because I’m worried about Saturday and Sunday nights; or Friday and Saturday nights being loud.”

Supervisor Walter: “You can ask us and we’ll have them come up and respond to the questions.”

Ann Ondricek: “Sufficient parking would be a concern because the doctor’s office across the street from me often make parking on my lawn because I don’t have a curb so I’m worried about parking issues and then roasting coffee on site and also I’m just worried about, you know, there’s a lot of new businesses right there like the (inaudible) building like that. I’m just worried about the traffic in turn lanes or the sudden (inaudible). You know the Main Road, it’s very hard to make left turns and right turns depending on what you’re trying to do so those are my issues.

My other issue is if coffee house doesn’t succeed does another business have to do the same Special Use?”

Supervisor Walter: “Depends on what they wanted to do.”

Ann Ondricek: “Ok because I just didn’t want that to not work and.”

Supervisor Walter: “No it depends on what they wanted to do, the next business. It’s not an easy question to answer.”

Ann Ondricek: “Ok, those were my concerns.”

Supervisor Walter: “Mr. Hulme if you can address any of those questions that would be very.”

Jim Hulme: “As to the parking; we’ve calculated the need for fourteen spots and I believe we’ve provided for twenty spots on the site so there is nor than ample parking. This is as indicated a place where we hope people will come, get a cup of coffee, get a little something to eat and then they’ll move on so I don’t think we’re planning to do anything that would keep large numbers of people there for long periods of time like live music and it’s a small venue too so I’m not sure we’d do very well with fifteen people sitting down to listen to two hours of music. You know we’d sell a cup of coffee and that would be the end of that.

I believe the hours of operation were one of the questions?”

Jason Belkin: “Those were very good questions. I appreciate them. So hours like I said; we open at 6:00 a.m. obviously it’s a breakfast place we have people on their way to work. Some of these would be cars passing by anyway on their way to work and as I mentioned we do the winter at all our other stores. We have two stores on County Road 39 which closes at six on Montauk Highway, very similar to Main Road and we have neighbors at all those, they go really well. 6:00 p.m., seven or eight in the summer. Literally I think there’s ten or twelve seats inside

a lot of it is like bar seat, one by one by one so it's not conducive to hugh groups and we really don't attract, it's not a place for kids to hang out. You'll see if you go to any of the other shops; it's teaches, lawyers, doctors, carpenters, painters, everybody kind of coming to and from and the people who stay usually people who are meeting moms, dads, you know having a little lunch meeting something or date with somebody. It's not like a kid hang out place or music spilling out into the street.

Lighting is going to be very minimal. We're keeping the exact same building with the garage doors so all the light will be contained inside. You can see the parking lot it goes back far and there's a tree farm behind us so there's going to be very minimal light. Is that all?"

Councilman Dunleavy: "Last question was increase in traffic. Do you thing you'd increase traffic in that area?"

Jason Belkin: "Well of course it will be busy but I don't think we'll increase traffic. We're going to be taking that traffic that's already on that road and it's coming to use. I think one of you mentioned it at a meeting we've had that on that whole Main Road there's only actually 7-11's and deli's actually no coffee shop. Actually Riverhead on a whole there are really no real local coffee shops."

Supervisor Walter: "I guess there's a Starbucks now."

Jason Belkin: "I said real and local."

Jim Hulme: "I think our goal is to capture the traffic that's driving by there now. I think that would be first and foremost what we're looking for. I'm not sure this would become a destination that somebody out in Sag Harbor would say let's drive over to Aquebogue to the Coffee Shop but people driving by to buy their Christmas trees, people going out to the wineries, pumpkins, those kind of things; that traffic's all there I just think we're just looking to capture some of that as they're on their way to wherever it is they're going."

Councilman Dunleavy: "There's one more question I have. Are you going to fix that building up, the outside? Are you going to change the outside or is it going to stay the same?"

James Belkin: "Nope it's going to stay the same. Obviously it needs to be power washed and stuff but its cedar shingles. Marvin, our landlord put on a brand new roof for us so it's going to look exactly the same. We're going to have our sign out that meets the standards. It's just clean and new and nice."

Councilman Dunleavy: "That's good, thank you."

Jim Hulme: "I think there are actual renderings in the packet."

Supervisor Walter: "We don't have them in front of us."

Jim Hulme: "The Planning Department actually shows the garage doors still in place."

Supervisor Walter: “Ok. I think we saw them at the work session.”

Jim Hulme: “Looks very much like it looks now only painted and nice.”

Supervisor Walter: “Ok, anybody else wish to be heard? We can’t have you calling out but the roasting coffee that was a question.”

Jim Hulme: “My clients have a roasting facility in their Southampton store and that’s where all the coffee is roasted for all of their locations and that will continue so we won’t be doing any roasting at this location.”

Supervisor Walter: “Now we’re going to swear you in.”

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

Angela DeVito: “Yes I do; Angela DeVito, South Jamesport. The concern that I do have has been expressed and asked by the previous member of the public as well as some interest from the Board is not so much the increase in traffic that we’re suddenly going to have, you know a thousand people going there because there’s now a coffee shop in the Aquebogue area as opposed to not having one there but it’s just the fact that it is three blocks east of the intersection with 105, 104 , ok, ,and there’s significant traffic there at all times going both east and west and I would just ask that as this gets reviewed I don’t know if the special permit or site plans go to the Town Engineering Department if they could look to see the way that, you know people, you’re going to be capturing people going west which is fine it’s just being a right turn in whether or not they’re going to come out and go right or go left we don’t know that. People coming east would have to cross over traffic to do that and that’s an area where we see a lot of stop and go traffic at this point and it is at times a lot of near misses that I witnessed there so I would just like to ask, I think it’s wonderful that the building is going to be repurposed, they make great coffee, they really do but, that our Town Engineer, if it’s appropriate for him, if we have someone else who is competent in traffic safety in terms of vehicle movement to and fro look at this and reassure, I mean we don’t want another situation like we have with the Velaro Gas Station in Jamesport which was a great idea to have a gas station there and it’s like a free for all; getting in and out it’s real bad so I just, I wish you the best with your business but I just would like to have that sort of mantel of concern removed from me so that we know it isn’t going to impact negatively on traffic there. Just the regular flow of traffic, it’s fairly heavy coming into that light especially in the early morning hours when we have school buses and people on their way to work so it’s just to review it I would ask that this part of the special permitting process that that be considered. Thank you.”

Councilwoman Giglio: “I can tell you that when they came before the Planning Board for a Planning Board work session it was discussed that the application would be forwarded to the New York State DOT because it is on a State road.”

Angela DeVito: “DOT normally looks at just the traffic that will be impacted by construction not permanently with regard to people doing their, yeah Jodi it’s by construction is what they and they may ask you for construction impact.”

Supervisor Walter: “Ok, does anybody else wish to be heard on the application? Not seeing anybody we’ll close the public comment portion and leave it open for written comment until September 26<sup>th</sup> at 4:30 in the Town Clerk’s office.”

**Public Hearing Closed at 7:38 p.m.  
Left open until the next Town Board Meeting, September 26, 2014**

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Supervisor Walter: “The fourth and final Public Hearing was scheduled for 7:15. It is now 7:38 and this is the Consideration of a Proposed Change of Zone from DC-4 to DC-1 for Property Located at 24 East Second Street, Riverhead (SCTM #0-600-128-5-25.1) and I guess Jeff Murphree you’re going to present the application for the Town Board as it is our property.”

Jefferson Murphree: “I have a large aerial photograph which I could just show the audience.”

Councilman Dunleavy: “We know where it is, it’s the Second Street firehouse, the old Second Street firehouse.”

Jefferson Murphree: “Just for the audience and the Town Board, this is the subject property of tonight’s public hearing.

Councilman Dunleavy: “It’s only the building though, it’s not the entire lot, it’s only the building.”

Supervisor Walter: “We’re only selling the building. Jeff if you could just state your name and affiliation for the record?”

Jefferson Murphree: “Absolutely, Jefferson Murphree, Town Building and Planning Administrator. This is a request to rezone the former firehouse located on Second Street, one point one acre site.

The master plan for this area emphasizes that the downtown be the civic, cultural and specialty shopping and historic center of the town. It recommends a mix of cultural, retail, tourism, entertainment and residential uses that should be promoted for this area.

As previously stated the current zoning is Downtown Center or DC-4, residential transition, that’s important to know. The DC-4 zoning allows professional and public offices, single family houses, townhouses, churches and funeral homes, to name a few and what’s being considered is to rezone this to DC-1, Downtown Center One which allows a lot greater diversity of uses including retain stores, banks, professional service businesses, indoor public markets, art galleries, museums, libraries, restaurants, cafes, professional offices, schools, churches and residential homes (inaudible).”

The residential neighborhood that exists is permits include single family residential, includes professional offices; you have offices on the south side of Second Street and on Roanoke Avenue and you have the Suffolk County National Bank to the west.

This is a very large building and it's not sprinkler. On the first floor it had offices, a dispatch room, a day room lounge and up to seven emergency response vehicles parked at any one time. The second floor consisted of a large commercial kitchen and a large meeting room. The basement has, had, a bar and there are fifty-two parking spaces surrounding the subject building. So what we have is a master plan that has a vision for this area, the zoning that doesn't really doesn't reflect that vision. We have a building that doesn't reflect the current zoning and you have a market that's not really there for that size and location of that facility and the DC-1 gives the Town much more diversity and what it would allow at that location."

Supervisor Walter: "Alright, thank you. Does anybody from the Board wish to speak with Jeff, if not?"

Councilwoman Giglio: "Yes. I'm just curious as to why you're referring to the whole one point one acre because I thought we had taken out the surrounding property and put it into the Parking District."

Jefferson Murphree: "It is in the Parking District."

Councilwoman Giglio: "So why are we changing the zoning on the Parking District property?"

Jefferson Murphree: "I'm not sure that you can just zone a building or buildings. You have the large building where the fire trucks parked and the annex accessory structure behind it so I'm not sure if it's the Town's intention to zone just those two buildings or the property entirety to captured those two buildings."

Supervisor Walter: "We don't zone our buildings downtown we zone even the Parking District as DC-1 or DC whatever."

Councilwoman Giglio: "Ok and from the aerial it appears there are residences right directly next to the existing building so how do you think those residences will be impacted by these additional uses that are being proposed in the zoning code such as retail, banks, restaurants, could have live music, could have, you know."

Supervisor Walter: "I don't know."

Councilwoman Giglio: "Five story building."

Councilman Dunleavy: "There's an office building, there's an accountant."

Councilwoman Giglio: "Yeah but what about behind it on Second Street or on Third Street. There's several houses in the immediate vicinity so if you can tell me what each of those are?"

Jefferson Murphree: "These are all offices."

Councilwoman Giglio: "I'm talking about to the east."

Jefferson Murphree: “This is an office building here, this is, I believe this is the lawyer’s office here and then this would be a single family home.”

Councilman Dunleavy: “That’s an accounting office.”

Jefferson Murphree: “Then the only other residential would be I believe this house and then I believe this is the law office and then that would be the single family house.”

Councilwoman Giglio: “Ok, so directly across the street there are single family dwellings.”

Jefferson Murphree: “On the south side of Second Street?”

Supervisor Walter: “That’s DC-4 as well correct?”

Jefferson Murphree: “Office transition.”

Supervisor Walter: “Anybody else wish? I’m going to open it up to the residents. Does anybody wish to be heard on the application?”

Angela DeVito: “Angela DaVita again, South Jamesport. I think I would take some exception to the presentation that as the current zoning exists is out of sync with the intent of the master plan.

The purpose of having a Transitional Zone Use District is to the west we have office zoning and I believe it is DC-3. There are three zoned use districts as we go along Second Street starting with Suffolk County from Griffing Avenue over and the transition is to allow and be a buffer between the residential area that follows, ok, because you can have professional offices in residential homes, it’s allowed, it’s to allow this buffer and that I believe was the intent of setting up this Zoning District.

The question I would have was when I looked at Zoning District map it wasn’t clear that only the property that includes the firehouse and the parking lot around it is in that zone use district. Is that the only property in that zone use district?”

Supervisor Walter: “Yes.”

Angela DeVito: “That’s good because if it isn’t what are you going to do with the rest of the district, have a narrow little strip of district there but if it is, it looks a little bit wider in there and there’s a cut out in it and it wasn’t really clear.”

Supervisor Walter: “That’s just the tax map number twenty-five point one.”

Angela DeVito: “That’s it, ok, and you’re moving the DC-1 up from Main Street, basically it’s now going to come up and go across, it will come up take up the south side because it’s not at the south side of Second Street at this point and then go across for that, that’s the intent?”

Supervisor Walter: “Yup. Someday who knows somebody might come in on Second Street and really blow us away with something they want.”

Councilman Wooten: “The master plan, if I hadn’t been, I really think the master plan had been thought out and I sat on that twenty years ago as a scoping resident. I really think that the railroad tracks south towards the river. I think DC-1 should be up towards the track and DC should be diminished as you work your way through the river so I think it’s backwards. DC-1 was put on along the river for a specific project way back when the power lines were coming in and I think that was an overshoot.”

Angela DeVito: “My only other concern and as a precaution is that as we begin to spot zone and change zoning like this in specific areas there is a significantly large residential area that now exists to the east of this building and whether we call it blight and we know that it’s overcrowded and there’s you know, multiple people living in houses that shouldn’t be living there the temptation to expand now this DC-4 east may come before you.

Supervisor Walter: “DC-4 or DC-1?”

Angela DeVito: “DC-1, excuse me from the; at this point I think it would be much more prudent to encourage. You wish to build the downtown area, you need young families; you need families in the downtown area to be there all the time not just when we have special events and we have great weekends ok, we need them there all the time. If that housing east somehow should become subject to a more liberal zone use district such as DC-1 ok, you will pass up those opportunities to have families live in that area there and the way in which, no I’d like to suggest that you may want to do your current situation on East Second Street which we all don’t talk about, I’m going to try not to be negative Sean, it is not optimal for family residential housing, how’s that, is that ok?”

Supervisor Walter: “You know what would be great new copper beach type townhouses like Patchogue has but let’s get Main Street fixed, finished.”

Angela DeVito: “Well the thing is if you fix Main Street you also have to be thinking about the surrounding areas simultaneously; it can’t be done, you know.”

Councilman Dunleavy: “If we fix Main Street we also have to fix Second Street and Third Street because those are the ones that lead into Main Street.”

Angela DeVito: “In the meantime how you work to cleaning up and making more family friendly Second Street area in terms of housing why not create a housing unit, a housing authority like they have in the Town of Brookhaven that goes after landlords who are creating overcrowding; who allow twenty to thirty people to live in houses and every time you catch them you basically fine them huge amounts of money. It’s working successfully in the Town of Brookhaven. They are closing down housing such as that. They’re having people come in and buy those houses because the current landlords could no longer pull out the big bucks they do from those houses and it’s benefiting those areas so just do something to consider, maybe look at it, see how it’s working. Call up Ed Romaine, he’s your friend. Ask him how it’s working there. It’s something worthwhile but my fear is that you’re going to move the DC-1 east so I guess as you do this are you going to

have a condition in your own zone use change ruling that you will do for this that you're not going to move it east and do move spot zoning?

Councilman Wooten: "I'd love to see it move east."

Supervisor Walter: "DC-1 allows the apartments."

Angela DeVito: "Yeah, you can have, there is no height restriction there. You're going to have a downtown Patchogue, they only built those buildings down there five stories high because the guy didn't have the money for the twelve stories and I don't know if you want to turn that part of Riverhead into that."

Supervisor Walter: "We have a height restriction."

Angelo DeVito: "I just feel that if you want to have families in downtown Riverhead you have to also be looking at how that Second and Third Street area is going to be in ten years and not just specifically now for and not push that DC-1 Zoning District there. It would be a disservice to here."

Councilman Dunleavy: "If we would allow the apartments and that's what we need for the young families. We need not the single family homes that are there now."

Angela DeVito: "John what are you basing that on? What research are you basing that on; the young families?"

Supervisor Walter: "We had Marty Canter come in here and talk about it."

Angela DeVito: "Not for the Town of Riverhead, he talked about for Long Island. No he did not talk about the Town of Riverhead specifically, no he didn't. I was here for his presentation."

Supervisor Walter: "The residents in the Town of Riverhead and I'm not going to say who I know who lives in Summer Winds but there's a significant number of people that are professionals working in Riverhead living in Summer Winds."

Angela DeVito: "Are they young families? Is Summer Winds occupied by young families? Miss Giglio is it occupied by young families?"

Councilwoman Giglio: "No."

Angela DeVito: "I'm talking about young families. Thank you."

Supervisor Walter: "Does anybody else wish to be heard? Not seeing anybody we'll close the public hearing and leave it open for written comment until September 26<sup>th</sup> at 4:30 in the Town Clerk's office."



**Public Hearing Closed at 7:51 p.m.  
Left Open for Written Comment until September 26, 2014 at 4:30 p.m.**

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**COMMENTS ON RESOLUTIONS**

Supervisor Walter: Comments on Resolutions. Sal?"

Sal Mastropaolo: "Sal Mastropaolo, Calverton. Resolution 17; can you tell us how you come about three hundred dollar charge for use of part of the runway and building?"

Supervisor Walter: "You want the truth or do you want us to make something up? I don't know Bob I think."

Sal Mastropaolo: "We have a unique piece of property there; they can't find it anywhere else."

Robert Kozakiewicz: "They've already filmed and paid a fee and they're coming back to do a short reshoot and they only need two hours of time so that's why it was a lesser amount."

Sal Mastropaolo: "Ok."

Supervisor Walter: "Yeah, we try and make it attractive to the film industry."

Robert Kozakiewicz: "It's been told to us and mentioned to us by Michelle Stark that we should try and make the town more attractive to the film industry. We've had some success with Orange is the New Black when they came to downtown. We had Inside Louella Davis come and use the Water District property. You know, we've had some success and in this case it's a reshoot and a revisit so."

Sal Mastropaolo: "Alright, Resolution 18; just a quick question. Is that in the impact on Sky Dive Long Island and did we take that into consideration?"

Robert Kozakiewicz: "No, no because what they're going to be, they're going to be way down on the south end of a seven thousand foot runway. They're a repeat customer as well. They came out last year did somewhat type of school with a lot of success. They found the site to be a great site for them where they test bomb detecting skills and other things and the FBI who did this. I understand they had a very favorable response to something the police department, I think our police department may have participated as well as a couple of other metropolitan forces. It shouldn't have any impact on sky diving whatsoever."

Sal Mastropaolo: "Resolution 654. In the first *whereas* it says George M. Bartunek on behalf of Antique Automobile Club of Americas Inc. submitted the Chapter 90 application and then in the first *resolve* it says resolved that the Chapter 90 application of Hallockville Inc., that's wrong. The application came in from."

Robert Kozakiewicz: “It should be AAC of America.”

Sal Mastropaolo: “And then the next question is is AAC of America non-profit?”

Councilwoman Giglio: “Well the Chapter 90 application is on George Bartunek right because that’s what it’s entitled?”

Robert Kozakiewicz: “Well it was actually made on behalf of Antique Automobile Club of America, he was the representative.”

Sal Mastropaolo: “And do we know if they’re non-profit? Well you need to check because I know Hallockville is non-profit but AAC of America may not be in which case then.”

Supervisor Walter: “We should defiantly check that Bob.”

Robert Kozakiewicz: “I don’t know but I know what we generally have them do is require them to submit to us a letter showing that they’ve made their.”

Supervisor Walter: “We’ll double check that.”

Robert Kozakiewicz: “Ok. Usually they submit to us their not-for-profit letter as well as their 501C3 status from the Internal Revenue Service so we usually require that.”

Sal Mastropaolo: “660; I only see one thing in 660 that addresses the use of the property; a restriction about eighty percent of the property, no more than eighty percent can be solar. I see nothing in here that discusses whether they can clear cut a piece of property for the installation of solar and do we want to address that?”

Supervisor Walter: “We’re going to adopt this now but we had a meeting George and I with Joe Gregella from the Farm Bureau. The Farm Bureau is going to be working with Agit Advisory Committee. There’s going to be some other changes to this and that might be something that the committee will look at.

Sal Mastropaolo: “I heard something this week about somebody proposing a large solar farm within the Town of Riverhead and they intend to clear cut an entire piece of property of every tree.

Supervisor Walter: “This is the first step in solving that particular issue which is why we’re trying to move it forward but we are going to meet, George Gabrielsen, Ag Advisory and Farm Bureau to and I guess myself to maybe make some other changes to this as well.”

Sal Mastropaolo: “Keep the trees in mind.”

Supervisor Walter: “Ok, does anybody else wish to be heard? Not seeing anybody could we take up Resolutions?”

Councilman Dunleavy: “I’d like to make a motion that we close the Town Board meeting and open up the Community Development Agency meeting, 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 Community Development Agency meeting is now open.”

### **Town Board Meeting Closed**

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### **Town Board Meeting Reopened**

#### **Resolution #641:**

Councilman Gabrielsen: “Authorizes Acceptance of Eleven Employees’ Retirement Pursuant to the Early Retirement Incentive Program Chapter 37, Article V, for Eligible Full-time Employees who are Police Officers and Members of Riverhead Police Benevolent Association, Inc., (PBA); or Members of the Superior Officers Association, Inc., (SOA); or Eligible Full-time Employees who are Members of the Civil Service Employees’ Association, Inc., (CSEA) or Eligible Full-time Employees Pursuant to Individual Contract/Resolution, 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 #642**

Councilwoman Giglio: “Confirms Sewer Rent Calculation Policy for Riverhead Sewer District, 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 #643**

Councilman Dunleavy: “Claims Lead Agency and Classifies Action, Special Permit of Lighthouse Yacht Club and Calls Public Hearing, so moved.”

Councilman Wooten: “I’ll seconded.”

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

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

#### **Resolution #644**

Councilman Wooten: “Awards Bid for Charter Coach Transportation 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 #645**

Councilman Gabrielsen: “Authorization to Publish Advertisement for Dowflake Xtra Calcium Chloride for the Town of Riverhead, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

#### **Resolution #646**

Councilwoman Giglio: “Authorization to Publish Advertisement for Food and Meat Products for the Town of Riverhead, 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 #647**

Councilman Dunleavy: “Authorization to Publish Advertisement for Propane for the Town of Riverhead, so moved.”

Councilman Wooten: “Second.”

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

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

**Resolution #648**

Councilman Wooten: “Awards Bid for Truck Parts, 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 #649**

Councilman Gabrielsen: “Authorizes Public Hearing Regarding Extension of Riverheads Sewer District – Jaral East End Hotel Corporation East Main Street, Riverhead, NY, 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 #650**

Councilwoman Giglio: “Determines that the Real Property Located at 852 Roanoke Avenue Riverhead, NY, 11901, also known as Suffolk County Tax Map No. 600-107-02-037.00 is Unsightly and/or an Environmental Public Nuisance Whereby such Conditions May Cause a Fire Hazard, Create a Nuisance, Obstruct Visibility or Furnish a Potential Harborage or Breeding Place for Disease Carrying Animals, Insects, Arthropods or Snakes and Directs the Engineering

Department to Facilitate Abatement and Remediation of such Condition(s) on such Real Property, 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 #651**

Councilman Dunleavy: “Approves Chapter 90 Application of Darkside Productions Inc. (Haunted House Walk-through, October 3<sup>rd</sup> – November 2, 2014), so moved.”

Councilman Wooten: “Second.”

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

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

### **Resolution #652**

Councilman Wooten: “Approves the Chapter 90 Application of East End Rowing Institute LTD, (November 9, 2014), so moved.”

Councilman Gabrielsen: “And seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “This is a great thing for downtown so since we’ve got the docks downtown and East End Rowing has a house downtown it’s really amazing to come and watch if you get a chance to watch the crew team rowers to get out on the water so yes.”

Vote Continued: “Gabrielsen, yes; Wooten, yes; Dunleavy.”

Councilman Dunleavy: “I have to agree this is great for kids and adults so it’s great to watch, yes.”

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

### **Resolution #653**

Councilman Gabrielsen: “Approves of the Chapter 90 Application of Abate of NY Long Island Chapter (St. Mary’s Food & Toy Run), so moved.”

Councilwoman Giglio: “Seconded.”

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

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

#### **Resolution #654**

Councilwoman Giglio: “Approves the Chapter 90 Application of George M. Bartunek (16<sup>th</sup> Annual Antique Car Show – September 28, 2014), so moved.”

Councilman Dunleavy: “And seconded.”

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

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

#### **Resolution #655**

Councilman Dunleavy: “Approves the Chapter 90 Application of Long Island Antique Power Association (Fall Festival – October 4<sup>th</sup> and October 5, 2014), 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 #656**

Councilman Wooten: “Ratifies the Approval of the Chapter 90 Application of the Long Island Moose Classic Car Club (Car Show – Sunday, September 14, 2014), 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 #657**

Councilman Gabrielsen “Approves the Chapter 90 Application of Race Awesome, Inc. (Jamesport Triathlon – July 25<sup>th</sup> and July 26, 2015), so moved.”

Councilwoman Giglio: “Seconded.”

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

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

**Resolution #658**

Councilwoman Giglio: “Approves Chapter 90 Application of Railroad Museum of Long Island (“Toy Train Play Days” - October 11 and 12, 2014), 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 #659**

Councilman Dunleavy: “Authorizes the Supervisor to Execute a License Agreement with the Survival Race LLC for Utilization of Town Police Personnel and Vehicles, 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 #660**

Councilman Wooten: “Adopts a Local Law to Amend Chapter 108 Entitled “Zoning” of the Code of the Town of Riverhead (Commercial Solar Energy Production Systems) so moved.”

Councilman Gabrielsen: “And seconded.”



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

The Vote: “Giglio, yes; Gabrielsen.”

Councilman Gabrielsen: “Just want to point out as Supervisor has said there’s some concern about solar on the agricultural property so we will have a dialogue and maybe amend this with the Farm Advisory Committee. You know there’s different things like the amount of coverage, tax liabilities on it so that will be a conversation we’ll have in the next couple of months or we may amend this to include that or we may not (inaudible) the members of the Farm Advisory Committee that kind of (inaudible) on agriculture so it should be an interesting conversation, we’ll see where that goes, yes.”

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

### **Resolution #661**

Councilman Gabrielsen: “Authorizes the Acceptance of the Resignation of Martin Sendlewski as a Municipally Appointed Director in the Riverhead Business Improvement District Management Association, Inc.; further Authorizes the Appointment of William Andes, Jr., Esq. as a Municipally Appointed Director in the Riverhead Business Improvement District Management Association, Inc., so moved.”

Councilwoman Giglio: “Seconded.”

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

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

### **Resolution #662**

Councilwoman Giglio: “Authorizes the Release of a Site Plan Security of Peconic Management Group LLC, 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 #663**

Councilman Dunleavy: “Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendment to Chapter 106 Entitled “Waterways” of the Riverhead Town Code, so moved.”

Councilman Wooten: “I’ll second.”

Councilman Dunleavy: “I have a question. I don’t know why we’re changing this Code because it’s for electric motors and we’re adding outboard, any gasoline motor or electric motor and the Code is titled Electric Motors.

Councilwoman Giglio: “Right, it says *no person*.”

Councilman Dunleavy: “And *J* is contradicting *I*.”

Councilwoman Giglio: “*I* says *no person shall use a boat equipped or operated with gasoline, motor or an electric motor in upwards of ten horsepower*.”

Councilman Dunleavy: “Other than.”

Supervisor Walter: “Yeah, John’s right. It should just say electric motor.”

Councilman Dunleavy: “But the speed, also the speed; it should just say outboard motor so they only can have an electric outboard motor. So this doesn’t have to be changed because the speed is also located in the old Code. The speed in the old Code says ten knots. I don’t understand this.”

Supervisor Walter: “I thought we had fixed this. I don’t know why it came back.”

Councilwoman Giglio: “This is something that came from Joe (inaudible) and it also was discussed at Code Revision Bob where we did have (inaudible) and this was the recommendation of Joe (inaudible) because.”

Robert Kozakiewicz: “It’s reading that you can’t have a gasoline engine of any size and you can have electric but not larger than ten horsepower.”

Councilwoman Giglio: “That’s right because there are electric motors (inaudible)

Councilman Dunleavy: “That’s what the old Code says.”

Robert Kozakiewicz: “No it doesn’t.”

Councilman Dunleavy: “Yes it does. The old Code, here *no person shall use a boat equipped or operated with an outboard motor*.”

Robert Kozakiewicz: “We’re having a public hearing tonight?”

Councilman Dunleavy: “No, I’m just saying I don’t know why we’re changing it because everything is in the Code.”

Councilwoman Giglio: “Because electric motors can go faster than ten horsepower. That was the discussion.”

Councilman Wooten: “We’re restricting electric motors.”

(inaudible)

Robert Kozakiewicz: “I’ll take a shot at it but it always amazes me the stuff that we end up doing but because it says outboard somebody was arguing that because it says outboard without a distinction between gas or electric the current subsection *I* was inconsistent with the present subsection *J* which was amended a few years ago. So the question was does outboard encompass gas and electric? So to remove the argument that an outboard could include both legislation as proposed with making it clear that no gas outboard (inaudible).”

Councilman Dunleavy: “That’s not what it says.”

Robert Kozakiewicz: “Yes it does.”

Supervisor Walter: “No because you can have five horsepower gasoline.

Robert Kozakiewicz: “It says *no person shall use a boat equipped or operated with any gasoline motor*, (inaudible) not *and, or*.”

Councilman Gabrielsen: “So no gasoline motor (inaudible)

Councilwoman Giglio: “I can tell you that this is just like (inaudible).”

(Inaudible)

Councilman Dunleavy: “This section is entitled Electric Motors. Section 106-8 is entitled Electric Motors.”

Robert Kozakiewicz: “Correct. It presently says *Outboard*. Again there are some who have taken the position that outboard means both gas and electric.”

Councilman Dunleavy: “No, no, no, I’m saying the section itself.

Robert Kozakiewicz: “It doesn’t matter what the section headlines, you can’t prosecute someone by the way the headlines read; you have to read the whole Code. You have to read what the wording is within it and because of that word outboard. I mean I guess the other alternative is to strike *I* entirely and (inaudible).”

Supervisor Walter: "I think it would be easier to say *no person shall use*. I don't think they make electric motors ten horsepower."

Councilman Wooten: "Oh come on, this is so cut and dry it's almost laughable. I think it's pretty distinguishable, no gasoline and you can't go more than ten miles."

Supervisor Walter: "I think it would be easier to take (inaudible) and say gasoline motors prohibited."

Councilman Dunleavy: "That's right."

Supervisor Walter: "It's moved and seconded. Vote please."

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

Councilman Dunleavy: "I just don't think gasoline should be included in this and if somebody can't explain to me how we can put gasoline in the electric motor section then I vote no."

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

#### **Resolution #664**

Councilman Wooten: "Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled "Zoning" of the Riverhead Town Code, 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 #665**

Councilman Gabrielsen: "Awards Bid for Annual Diesel Maintenance for the Riverhead Water District, 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 #666**

Councilwoman Giglio: “Extends Bid Contract for Calcium Hypochlorite Tablets, 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 #667**

Councilman Dunleavy: “Appoints a Cook to the Seniors Program, (Melissa Muller), so moved.”

Councilman Wooten: “I’ll second.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “The position this person is going into has been vacated when the person who filled this position moved into the Highway Department so it is a vacant position, we’re not creating a new position and I’ll vote yes.”

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

**Resolution #668**

Councilman Wooten: “Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Article XX. Subdivision Regulations), 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 #669**

Councilman Gabrielsen: “Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 110 Entitled “Stormwater Management and Erosion and Sediment Control” of the Riverhead Town Code, so moved.”

Councilwoman Giglio “Seconded.”

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

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

### **Resolution #670**

Councilwoman Giglio: “Appoints a Recreation Aide Level II to the Recreation Department (Scott Tucci, Jr.), so moved.”

Councilman Dunleavy: “And seconded.”

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

The Vote: Giglio.”

Councilwoman Giglio: “This is a call-in position, yes.”

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

### **Resolution #671**

Councilman Dunleavy: “Pays Bills, 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.”

Supervisor Walter: “We have two Resolutions to take off the floor.

Councilman Gabrielsen: “I make a motion we take Resolution 672 off the floor, so moved.”

Supervisor Walter: “And you want to do 673 as well?”

Councilman Gabrielsen: “Yeah, and 673, so moved.”

Supervisor Walter: “Do I hear a second?”

Councilwoman Giglio: “And seconded.”

Supervisor Walter: “Moved and seconded by Councilwoman Giglio to taking them off the floor. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolutions 672 and 673 are taken off the floor.”

### **Resolution #672**

Councilman Gabrielsen: “Authorizes Bow Hunting for Deer on Town Property at Enterprise Park at Calverton (SCTM No. 600-135-1-7.33, et al.); 1751 Sound Avenue, Calverton (SCTM No. 600-60-1-2; 437 Youngs Avenue, Riverhead (SCTM No. 600-80-2-6.1; Middle Road, Riverhead (SCTM No. 600-80-2-10.1), from October 6, 2014 to November 30, 2014, Inclusive, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

### **Resolution #673**

Councilwoman Giglio: “Grants Special Use Permit of R & K Precision Autoworks Inc., so moved.”

Councilwoman 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.”

### **PUBLIC COMMENTS**

Supervisor Walter: “Ok, we’ll open the public comment for anything that’s before the Town. We ask you to limit your comments to five minutes, Sal?”

Sal Mastropaolo commented on the amount of signs, flags and banners that are along Sound Avenue from west of Edwards Avenue to Twomy Avenue. He continued by saying three new American Flags were just put up plus the signs at the Vineyard and the signs by the Cooperage Inn.

Supervisor Walter said he didn't think anyone would be taking down the American Flags buy Jeff Murphree was taking notes so one of the Building Inspectors could be sent there to take a look at the signs.

Sal also commented on the fact that the sink in the men's room has been dripping for quite some time. Supervisor Walter replied that the Maintenance Department will take care of the problem.

Patricia Holland from Northville spoke next. She said that down Sound Avenue, up Pennys Road and across Sound Shore Road there are pipes going in that are supposedly gas pipes that stop at the terminal. She wanted to know if gas was being brought in to the terminal.

Supervisor Walter replied by saying as a direct result of what happened during Hurricane Sandy, there's was an application for an expansion of a nonconforming use to convert possibly two of the existing tanks to gasoline storage tanks. He continued by saying this was the only deep water port east of New York City and everyone from the Emergency Management standpoint felt that having all the gasoline going to ports west of here was problematic so they were coming to Riverhead to convert two of the existing tanks to gasoline storage tanks.

Ms. Holland said they were not worried about gasoline; they were worried about gas which is very volatile. The Supervisor informed her that National Grid is putting in new natural gas lines along Sound Avenue. Councilman Dunleavy said they would check into the matter and get back to her about what exactly is going on.

Ms. Holland thanked them for their time.

Patrick Purcell said he was curious as to why Gershow was never issued the tickets that the Town said they would issue to them.

Supervisor Walter said the tickets were issued and that the matter is now in Justice Court.

Councilman Dunleavy said from the Justice Court the matter will be taken to the Supreme Court if need be.

Mr. Purcell again stated that he was just curious about the matter and thanked the Board for their time.

Supervisor Walter: "Anybody else wish to speak this evening? Not seeing anybody, can I have a motion to adjourn?"

Councilman Dunleavy: "I make a motion that we end the Town Board meeting."

Supervisor Walter: "All in favor of adjourning?"

Collective ayes.

**Meeting Adjourned 8:26 p.m.**