

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 Tuesday, September 17, 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 Councilman Wooten leading the Pledge of Allegiance. Invocation was given by Rabbi Bill Siemers from Temple Israel, Riverhead.

Councilman Dunleavy made a motion, which was seconded by Councilman Gabrielsen, to approve the minutes from the September 4, 2013 Town Board meeting. Motion carried, minutes were approved.

APPLICATIONS

(Pending Town Board Approval)

- Proposed Kristi Rose Court Proposed Later Water Main Extension – RWD (SCTM #600-65-1-4)

REPORTS

- Building Department Monthly Report August, 2013 - \$111, 402.52
- Receiver of Taxes Monthly Utility Collection Report August 2013 - \$478,852.84
- Sanitation Department – Waste Disposal Licenses - \$6,350.00
- Sanitation Department – Yard Waste Report August 2013 - \$800.00
- Town Clerk – Monthly Report August 2013 - \$14,630.58

BUDGETS

- IDA – 2014 Proposed Budget

CORRESPONDENCE

- Peter Danowski – letter suggesting proposed amendment to Chapter 108-278 Uses

- Peter Danowski – letter regarding Driftwood Family Farms, LLC with attached letter from NYS Dept. of Ag & Markets
- Peter Danowski – letter regarding Driftwood Family Farms, LLC and their desire to discuss excavation permit with the Town Board
- Frank & Muriel Doka – letter praising Town sanitation services

COMMITTEE REPORTS

Councilman Gabrielsen mentioned that the lottery went off well and that there was a good turnout. He stated that they even collected some money for the animals.

Supervisor Walter: “Ok, no other committee reports. What I’m going to do, we’ll start with the Public Comment for the Ladies Garden Club and then Foxwoods Village; just on two specific issues. So do we have a spokesperson from the Garden Club? Would you like to come up and speak to the Board and tell us why you’re here?”

Fay Young, Patricia Carey and Marge Lawrence, members of the Riverhead Garden Club spoke about the Davis-Corwin Gardens, at East End Arts.

The Garden Club planted boxwoods in the fall of 2011 however eleven boxwoods were stolen and have not been replaced due to a lack of funds.

As the Club would like to continue the restoration of these gardens they asked the Town to replace the stolen boxwoods, add security cameras in the area and install an irrigation system so the boxwoods could flourish.

Supervisor Walter stated that the Town could replace the stolen boxwoods and purchase the additional boxwoods that the Club is asking for however at the present time the Town does not have the funds for security lights. He also stated that there is a tremendous amount of police presence in the area and feels that they would be a deterrent to any further theft.

In regard to the irrigation system, Councilman Wooten said there is already an irrigation system in place and that only a new line needs to be run. Supervisor Walter added that since the irrigation system cannot be worked on until the spring, the boxwoods will be purchased at that time.

Councilman Gabrielsen stated that he would look into the purchasing of the boxwoods and the work to be done on the irrigation system.

The ladies thanked the Board for their help stating that the restoration of these gardens is an important part of the revitalization and beautification of historic downtown Riverhead.

At this time Supervisor Walter opened discussion regarding the Foxwoods Residents with regard to the new Costco. He stated that they had a series of meetings which were actually spearheaded by Councilman Dunleavy. He continued by saying that right after they met with the developer a meeting was called with the Town staff, engineers, planning staff, town attorney and Mr. Mastropaolo who shot the elevations for the edge of Foxwood.

At this meeting it was discovered that the berm was never designed and thus the design was never submitted to the town. Supervisor Walter continued by saying that a meeting was

held last week with the developer, his attorney and all of his engineers and it was agreed that the berm was never designed. Supervisor Walter stated that a letter was sent stating that the berm must be designed and sent for approval immediately. He was told that the design would be completed by the end of the week.

Supervisor Walter further stated that the site plan was only approved for Costco not for any additional stores but at some point other stores may be approved at which point a sound wall may be erected. He said he knows some people are upset with the fence and may be upset with a sound wall too but said that at some point the Planning Board may allow input from the residents.

Councilman Dunleavy added that they are finished with Costco this week and will start working on the berm and it should be in place by end of November however the planting will probably not take place until next spring.

Robert Hall from Foxwood Village responded by saying he did not understand some of things Supervisor Walter just stated. Mr. Hall continued by saying that although the Supervisor stated there was no plan on the berm he had a plan from the Planning Department that showed the berm with a landscaped plan.

Supervisor Walter responded by saying Costco had the Planning Board thinking that was the typical view across the back of the property but unfortunately the berm is not designed.

Mr. Hall then questioned the other buildings that will be closer to the Foxwoods' line. Supervisor Walter reiterated that Costco is the only building approved, the other stores may never materialize.

Mr. Hall then stated he was not happy about the fence continuing by saying it was not good and fears that at some time, in the dark of the night, it will fall down He feels the fence being erected is more for privacy when actually the residents feel a taller security fence should be put in place. Supervisor Walter told Mr. Hall that the community is mixed on putting a sound wall there, that the property owner does not want a sound wall and approved the shadowbox fence that was going to be put in.

Mr. Hall thanked the Board for their time and stated that several residents of Foxwood Village will be attending the upcoming Planning Board meeting on Thursday to discuss the fence.

PUBLIC HEARINGS

Supervisor Walter: "So we have five Public Hearings and the first one is scheduled for 7:05; it is now being 7:35 I hereby open the public hearing for the Consideration of a Proposed Local Law to Amend Chapter 101 of the Riverhead Town Code "Vehicles & Traffic", Article III, Traffic Regulations, (101-4. One Way Streets – Cranberry Street). Does anyone wish to be heard on this? We're undoing the one-way on Cranberry Street and putting it back to a two way. Not seeing anybody we will leave the public comment period open until September 27, 2013. Anybody who has comments can bring it to the Town Clerk's office on the 27th."

Public Hearing Closed at: 7:36 p.m.

Left open for written comment until September 27, 2013 at 4:30 p.m.

Supervisor Walter: "The second public hearing, we're going to open two public hearings at the same time because they are the same, there was just a bit of a clerical error in the

original public hearing. So, we're going to open the public hearing scheduled for 7:10 p.m. and 7:25 p.m. together.

This is the Consideration of a Proposed Local Law to Amend Chapter 108 of the Riverhead Town Code entitled "Zoning", Article VIII, Accessory Apartments and the 7:25 p.m. public hearing is the Consideration of a Proposed Local Law to Amend Chapter 108 of the Riverhead Town Code "Zoning" Article VIII, Accessory Apartments (108-37 Accessory Apartment Committee Application Review Process).

This has been heard before but we changed a few things in it again and we hope we have it right this time. Does anybody wish to be heard on this matter?

Ok, not seeing anybody we'll close the public hearing and we will leave it open for written comment until September 27, 2013 at 4:30 p.m. in the Town Clerk's office."

**Public Hearing Closed at: 7:37 p.m.
Left open for written comment until September 27, 2013 at 4:30 p.m.**

Supervisor Walter: "The next public hearing is scheduled for 7:15 p.m. the Consideration of a Proposed Local Law to Amend Chapter 86 of the Riverhead Town Code 'Rental Dwelling Units' and this is to prohibit transient rent or define transient rentals and prohibit them for a rental period of twenty-nine days or less. I officially open that hearing at 7:37. Does anybody wish to be heard on this? Yes?"

John Reeve: "Good evening, John Reeve. I live in Aquebogue. My wife and I own James Reeve Summer Cottages. My main question is this new proposed code change going to affect any well established businesses per say that have been in the rental business for fifty plus years? Will it change our status any?"

Supervisor Walter: "The answer is no, (inaudible)."

Robert Kozakiewicz: "The intent is not to catch a business that has a historically short term commercial type of use in the prohibition of the transient rental definition. There's a definition for transient and then a prohibition on transient with an exception for what's defined as a legally operating commercial hotel, motel or business established exclusively and catering to transient cliental."

John Reeve: "Ok."

Robert Kozakiewicz: "It may not be perfect, it may need to be a further wordsmith but it was not designed to try and deal with a community like yours or Mr. Moore's and his brother's whether it be a summer cottage or rental."

John Reeve: "That's great because I just want to clear that up. We are inspected, we pay the fees and we pay Suffolk County and New York State hotel, motel taxes."

Councilman Wooten: "If you read 'D' on that legislation you're clearly defined in it."

John Reeve: “Ok, thank you.”

Councilman Gabrielsen: “Maybe we should put (inaudible) cottages or something because there are a number of them outside of Jamesport. Does that cover cottages?”

Supervisor Walter: “What I want to do to make this part of the official record is we don’t intend to capture that or those cottages that are traditionally, it’s not the intention of the Board. Does that sound right Councilman Dunleavy?”

Councilman Wooten: “I think we might have to wordsmith a little more over this.”

Councilman Dunleavy: “This was to capture the residential areas that rent their houses out for a week or two weeks. This is what this was intended to do, not to involve any commercial establishments that already do that.”

Supervisor Walter: “Alright, Sir, you want to speak?”

Simon Kahn: “My name is Simon Kahn and my wife and I and our two children have a house in the Northville area of Jamesport. My biggest concern with the restriction to short term housing rentals is the economic impact it will have on the North Fork. For example, 2011 Long Island Wineries attracted one point two million visitors who spent over ninety million dollars on Long Island; over thirty-three million going directly to the wineries.

New York Department of Labor stated that the food, services and drinking places will show a ten percent growth by 2016. A great number of these people are coming to our North fork where the majority of wineries are located and many of these people come for the weekend. Without the ability to produce short term rentals or procure short term rentals many of these people will simply not come. That will have a far reaching economic impact on many of the services (inaudible). It will cost jobs and tax dollars. Not only for the Long Island wine industry but the other industries, businesses, farms and fruit stands that are touched by those million visitors.

My understanding of these restrictions is there are some residents who have complained about the noise disturbances they felt short term rentals create. It seems to me the number of people who are allowed to rent an individual property is the issue. We had seasonal neighbors rent their houses for weekends, two reasonably sized groups of individuals without any issue of noise or disturbance. Could not the restriction be based on the number of people allowed to stay, to the number of people allowed to rent a dwelling as it pertains to the number of bedrooms thus keeping the size of the rental party at a reasonable proportion?

If this proposal is enacted my next step is to contact the wineries, numerous restaurants and other visitor impacted businesses in the area and present them with these facts invite them to join us in making a law that makes sense. If we’re going to make restrictions on business, let’s make one that improves the quality of life and the economy.”

Supervisor Walter: “Do you own one or are you a real estate broker?”

Simon Kahn: “No, I’m just a guy with a house but a lot of my neighbors do this and it’s never bothered us and I’m concerned, you know, for the future of my wallet that my taxes will

go up if people stop coming here and spending their money. Many people I know; I grew up in New York City, come and stay with us but also rent houses for the weekend and enjoy the wineries and the agricultural festivals and it seems like they would not be able to do this if they had to stay at hotels in Riverhead and towns. They look, this is a means by which they can come and spend their money here and that's got to be good for us, right?"

Supervisor Walter: "Thank you Sir." How are you doing Sir? Can you state your name, affiliation, hamlet for the record."

Andrew Barrett: "Sure, Aquebogue, Andrew Barrett. I just want to read a statement, I actually brought copies for the Board to have as well and I think there's been a little bit of misunderstanding so.

First of all for those unfamiliar with short term rentals I'd like to describe what we do. Throughout the world, the United States, the state of New York and the east-end of Long Island, we provide a rental environment similar to a home where families and friends can get together and spend quality time with each other and by staying in a house versus a hotel these guests are able to be in a communal environment where they're not segregated into a separate hotel room and they can gather in public places. They can spend time in the living room watching TV, playing board games; you know they cook together in a large kitchen, congregate in a deck or patio bar-be-cueing. They're in a yard playing volleyball, crochet.

There's a half a million of these vacation rental homes around the globe. There are eight thousand in New York State. There's over three hundred on the North Fork of Long Island and seventy-five in Riverhead.

As an example, President Obama stayed in a privately owned vacation rental home for short term rental, one week in Martha's Vineyard. Past President Clinton rented a similar home on the South Fork for two weeks. They choose not to stay in hotels for reasons like we mentioned. If you pass this, they would not be able to stay in the town of Riverhead."

Supervisor Walter: "You know it's interesting about this and I don't mean to interrupt, the President violated Southampton's code because this is lifted from Southampton's code."

Andrew Barrett: "I understand and I."

Supervisor Walter: "And I don't mean that facetiously. What I'm saying is Southampton had a tremendous problem with this. Southampton had a tremendous problem and I gather, because I don't hear the chatter about the problem that this kind of helped it and we're hoping that it helps us."

Andrew Barrett: "So again, by passing this change in the town code we're saying we would not encourage and allow the rentals that we were talking about.

You know, I personally two years ago I had to attend a funeral out of state for a family member, there were seven adult children all of their families, we had a conversion in a hotel in Washington, D.C. It was very inconvenient to coordinate in the lobby where the eighteen people were together, trying to go out to a restaurant. Had we had a rental home and done something along what we're talking about we would have been in a much better situation.

So, what are they types of people who rent? So these are the types of people we do rent to and this is not the Hamptons this is a much quieter community we do not have the bars, we do not have the beaches. So, we rent to families who live in different states who come together for reunions; different families who have become friendly and vacation together; families where parents have either retired or moved away and downsized and adult children cannot host a gathering such as a Christmas or Thanksgiving and families who have a child getting married in the aquarium, wineries or other wedding locations and want to bring people in from either out of state or locally. We rent to Foreign families who wish to explore the east-end of Long Island, couples on a weekend getaway, girls who get together for our spa and winery weekends and people who come for golf weekends. These are the typical types of people that we are renting to. We're not renting, for even seasonal rental, for the twenty-somethings who are out there to party and go to the bars. And what we don't do is encourage or accept seasonal, monthly or weekend renters looking to get drunk at a party environment, have a wedding on our properties or anything that would encourage a large party on site.

We understand the capacities of the house, the parking, the bathrooms, the bedrooms we want to make sure those are not exceeded. We screen and prevent post-prom and post-graduation groups where there would be underage drinking and what we do for the economy as landlords, for our guests we contribute a great deal as other people have talked about.

Our renters purchase supplies in the grocery stores and the local stores, the farm stands and the shops. They frequent the restaurants, delis and other food purveyors. They go to the wineries, golf and amusement parks and shopping and all the things that the town supports. They rent boats, kayaks, limos, buses for winery tours and one group even hired a local chef to prepare a meal at the house for their group of six, which are three couples.

We hire landscapers, cleaning people, maintenance people and contractors to maintain and improve our properties and all these activities contribute money to the local economy creating or sustaining jobs.

Because they are short term rentals, the guests are more likely to eat out during meals frequenting shops and farm stands and go to wineries each stay. In comparison if the rental was for a month, the same guests would be less likely to do the same activities each weekend over the month thereby reducing the amount contributed to the local economy.

So in addition we pay our taxes yet we don't have any children in the school system. Since these rental homes are usually three or four plus bedrooms you can easily have families inhabiting them. The average cost for each student is twenty thousand dollars. If you average two school aged children per the seventy-five houses that are in the town, you would add three million dollars to the town's school system that currently we do not have that pressure on the school system.

Now to address any issues to disturbing the neighborhood, which I believe, as we brought up, is the real issue here; if any of our guests were to violate any town ordinance relating to noise, disturbing the peace, we would expect that the police would be called to the scene, the violation would cease or summonses would be issued to the violators just as if we were the owners of the property. Whether the offense was created by renters short term or long term or by property owners, we would expect that to be dealt with within the same fashion.

We're fully cognize that people are people, not all neighbors would get along hence the saying good fences make good neighbors however as the owners were also committed to making sure that our guests do not create any unwanted situations. We take reasonable precautions to

attempt to screen out the renters in this regard just as we cannot choose our family we cannot choose our neighbors, we all have some common ground that we need to deal with.

So to the neighbors who may be complaining who think they may be unlucky enough to have a short term rental home next to them in the neighborhood, I would say that they should consider all that we previously mentioned and all that we provide to the town that we call home as well.

Even in this Ordinance, if it were passed, we would not be able to stop the increase in traffic having multiply cars parked on the street or driveway next store because individual families could do that. You would not be able to prevent an occasional bad apple homeowner or renter from disturbing your idea of a peaceful neighborhood. However the difference is that the renter who possibly causes the problem whether it's a weekend, a week or a month, the week or weekend renter, the short term renter, goes away in a far shorter periods of time.

Also what needs to be considered are the alternatives. As the landlords if we cannot find enough money in monthly tenants to carry the cost of our house we need to consider other options. These options could include renting our houses to DSS, Department of Social Services, who are people living in public assistance or public shelter homes, Section Eight housing, a group home for low functioning adults, a group home for drug addicts or rehabilitating criminals and even possibly they're having problems with sex offenders. I mean all of these are options.

Supervisor Walter: "Let me get this straight, you have waterfront, water view beautiful property that people want to come and rent and you're threatening the Town Board. I mean, I just want this on the record that you're going to put DSS or Section Eight housing I find that a heavy."

Andrew Barrett: "The County is having a problem right now with, major problems with housing people. It wasn't to talk to the Town Board it was to talk to the people that are having an issue with having a rental property next to them. So, if there's somebody who's complaining, the concept would be that.

Councilman Wooten: "You had a good argument until the last page."

Andrew Barratt: "It's done. The short term rentals disappear we do the best that we possibly can to make sure that there's no disturbance to the neighborhood. We drive a tremendous amount of money into the economy and we do not burden the school system.

Supervisor Walter: "You know what's interesting about this is when it first came up I didn't necessarily think it was a big issue but then a gentlemen, a couple of gentlemen said to me would you want to live next to it and once they put that in my mind, I said no and you know why I wouldn't want to live next to it because I know my neighbor, I actually like my neighbors but you may not like your neighbor but you know your neighbor; you know what can be expected of your neighbor. I know my neighbor gets up and goes to work at 5:30. I know because I get up at 5:30.

You don't know that you can't regulate whether twenty-somethings come in. You may try to. You can't regulate whether there's a big beer bash or big party or loud music and the person sitting in the adjoining house doesn't know who these people are coming and going all the time. That's why we have commercial districts. That's why, I mean J&S Cottages run a

very good operation they're preexisting nonconforming use. They're down in an area that's self-contained and that works there but if my neighbor turned around, because I don't live that far from the water in Wading River, and said he was going to do this I'd blow a gasket."

Councilman Wooten: "Yes but conversely Sean, I agree with you. We do have clauses on the books, town codes to address quality of life already in place and I hate throwing the baby out of the bath water, I agree with you on that aspect and you're right. I think this comes down to neighborhood dispute that's growing and growing but I think we still have to look at this a little deeper to make sure that we're being fair to everyone."

Andrew Barrett: "And I think that the economic impact especially in today's times need to be taken into account as opposed to if we were to sell our houses who would move in? You just said you would hope that you would get a decent neighbor. That decent neighbor in these size houses would probably come with a family and you're talking about a tremendous burden on the school."

Supervisor Walter: "I love families, don't you love families?"

Councilman Dunleavy: "Let me ask you a question, If we put in the code that they would have to be a related family to rent it?"

Supervisor Walter: "That's unconstitutional; you have to be careful with that. There's a constitutional law, there's Supreme Court decisions on that issue so you have to be very careful."

Councilman Dunleavy: "Ok. I'm just saying. I'm trying to get something through my mind here."

The problem we're having is with the twenty-one year olds, the twenty-five year olds going into a residential area especially when they're lots are small and houses are right next to each other and they blow the weekend away, Ok?"

Andrew Barrett: "I fully agree and I fully understand."

Councilman Dunleavy: "We set up our police out there and they issue town summonses. Well to these twenty-one and twenty-five year olds, they go back to where they come from, they never come back to Riverhead, we can't go after them with a town summons, we just don't have that so they throw it away and say we'll go back out there next year, Ok? This is the problem that we're having. We're getting more and more phone calls, it's not from one resident, it's from multiple residents that are complaining about these parties and these youths that are renting these houses. So we have to do something to protect the residents that live here all year round that are on small lots that they don't have five acres. They may have a half acre, they may have a quarter acre or they may have a third of an acre. We're here for the town's people and we have to protect the majority of the town's people in the Town of Riverhead and that's what we're trying to do and let them live comfortably all through the year. The summer included."

Supervisor Walter: "You know there are some other issues too. You should be paying commercial taxes. You don't have your rental permits. I can't say I know for a fact because I

don't know for a fact that you but I know most of the people that are doing this they're violating the law, they don't have the rental permits. You should be paying commercial taxes and you're not so and you wouldn't because they're residential areas. I mean it just doesn't fit and maybe in an area like Southampton where you have five acre lots but you're in South Jamesport and you're on top of each other's, Councilman Dunleavy said on a quarter acre lot, and that really becomes problematic. How many of these units do you own, you don't have to say but."

Andrew Barrett: "I'm just wondering why all of the problems which are what you're talking about in terms of quality of life like you were bringing up could be just as bad and I have people that are friends of mine that live in different towns that have different neighbors.

I was just at a winery on Saturday and somebody that I know, their wife was arrested three times because their neighbor said she talked inappropriately to their child. You could end up with that type of a neighbor. You could end up with someone who just chooses to have a party every weekend and if they are a resident and it's their home, as long as they're not violating a town ordinance, there's no issue.

If you issue the summonses and you cannot get them, you can't collect the fee, the issue is you still stopped that problem and if you look at what we try and do to cull this, to may sure we don't have those issues, I fully understand. If there's an issue, I want to know about it. I would hope that the police would be called. I would hope that they would stop anything from disturbing any of the neighbors."

Supervisor Walter: "Yeah, but the issue for me and I'm making this very personal and I don't normally do this as probably some people would attest; I wouldn't want it next to me. So if I wouldn't want it next to me why should you be allowed to do that next to somebody else because it's a commercial use?"

Andrew Barrett: "So let me ask you a question. If you could choose who your neighbors were, would that not be discriminatory?"

Supervisor Walter: "I'm not choosing who my neighbors are. I'm choosing not to live next to a commercial establishment. You're a commercial establishment, you're a hotel. There don't allow hotels in where I live or any of the places we live. But that's what you are, you're a hotel or a rooming house."

Andrew Barrett: "I understand you're talking about the transition of different people coming and going."

Supervisor Walter: "You have somebody there for twenty-nine days that's comfortable because you get to know that person for the twenty-nine or thirty days. You know the chances of them who are just a little bit more invested in our community to run afoul of the police department probably not as great because they're coming back to that house. The issue and I might have known some people in their early twenties who might have frequented some of these houses in Southampton, those are terrible issues to have living next to you"

Andrew Barrett: "And yet those are the people that if you force a monthly rental, it's the twenty year olds who have a lot of disposable income who come from New York City who will

rent for a season or for a month. And that is where you're going to have the largest problems. That is where Southampton has the largest problems. I know these people, I work with these people in the city and they get together, ten or twelve people, they pack them into rotations every other week, they put as many people as they can into a house and they rent it for a weekend or a week. We're not talking about families and gatherings like we're talking about and it are a different type of rotation of people."

Supervisor Walter: "Yes, but we have that code that makes you get that permit and when we see that, you guys, we say there are a couple of law breakers out here that are not getting the permits but if we provide the mechanism for a permit we're going to inspect it and when we see what you're saying because you're on a regular, like Mr. Reeve and his family; they're on a regular inspection of rotation we're going to stop you."

Andrew Barrett: "What are you stopping from?"

Supervisor Walter:" If you have twenty-somethings coming in and renting something and it's not the same group of people that's it's obviously being used as a party house because you have the permit, now we're going to come and inspect this house. If we find that you're not complying with the law we'll shut it down."

Andrew Barrett: "So if ten twenty-somethings, and this is what we're talking about, there's a very fine line here that we're kind of dividing between who's going to cause a problem. It could be thirty year olds verses twenty year olds or fifty year olds who have a disposable income and want to party, but if you put ten of those people into a five bedroom house and they come out every weekend and they do it for four weekends in a row, that's a twenty-eight day rental, and we charge them for their time for a month how do you think that they can conform or act differently than they would if they came out for one weekend or one week?"

Supervisor Walter: "Because I think you're invested a little more on a thirty day rental than you are for a weekend rental. Hey listen, you're twenty years old, twenty-one year old and you come out here to Riverhead on the weekend, you get your keg, you go back to the city after the weekend, maybe you get a couple of appearance tickets, ah big deal I'm never coming back to Riverhead again. You're invested for a month. You're invested in the community a little bit longer.

I mean, you know maybe some of these arguments are just semantics but it comes right back to what I said before, I wouldn't want to live next to your house."

Councilman Dunleavy: "And you could stop them if they upset the neighborhood the first weekend then the second weekend they're going to be asked who's there, and if it's the same people we can take you to court and stop the rental."

Supervisor Walter: "Can you submit that? Thank you, I appreciate it. Sir, hi, if you can state your name and hamlet for the record that would be wonderful."

Joe Stella: "Joe Stella, Aquebogue."

Supervisor Walter: “Do you own one of these vacation rentals?”

Joe Stella: “Yes I do. I also just wanted to reiterate a couple of points on the economic impact I think it would have. I completely agree I think this would be a major blow to the North Fork. There’s a lot of business, I know my local, the places on Route 25, Grana and all the restaurants and Cliffs Elbow Room. They’re catering to these types of guests. Again I think it would be a huge blow to the economy.

When I bought a house, it was three years ago, this is my third year of renting, I’ll go on the record to say I have never had. The biggest problem I’ve ever had was a broken wine glass. I never had a neighbor complain, I never had a neighbor call me, I never had anybody complain about anything. I rent it to responsible families.

I could understand if there was a law saying you can only rent to over twenty-five or like the gentleman said.”

Supervisor Walter: “We couldn’t do that we’re very restricted, limited.” (inaudible)

Joe Stella: “Well like the gentleman said maybe it’s the amount of bedrooms and the amount of people allowed so that you know you’re not getting too many people.

I haven’t had any complaints about it and the short-term rentals have allowed me to buy this house. I saved up my whole life to buy a house near the water. This is one thing I’ve always wanted to do. I would never have been able to afford this house if I didn’t count on an income.”

Supervisor Walter: “Do you live in this house?”

Joe Stella: “I live, I go every other weekend, I rent it every third weekend, once a month.”

Supervisor Walter: “Let me ask you a question, what do you think is fair taxes on something like that?”

Joe Stella: “Fair taxes?”

Supervisor Walter: “Yeah, what would fair taxes on something like this? Because if you look at a hotel tax, gee you guys probably aren’t even paying hotel tax. But I can’t imagine that you would think the taxes you’re paying on it are fair because you’re paying as a single family resident, you know one family, a residence with one family but you’re kind of a commercial establishments. So, what would you say is fair, how should we tax this?”

Joe Stella: “I think we could come up with a tax that we all find reasonable. You know whether it’s a sales tax, a hotel tax, a tourist tax.”

Supervisor Walter: Well you have to pay the sales tax and the hotel tax. I don’t know whether you are or you aren’t but if we taxed you like a hotel could you even keep it going? I mean that could be a way that the town deals with this, we tax you like a hotel.”

Joe Stella: “What does that tax come to, I’m curious?”

Supervisor Walter: “It would be different tax rate. You know this is what I’m saying. You’re kind of in this commercial establishment in a residential neighborhood. I understand what you want to do and you know the truth be told my family visits Lake George all the time and we go camping but I see people renting all these houses all over Lake George. I know people do it and it’s just a question of how do you do it and protect the neighbors like me that don’t want something like this next to them.”

Joe Stella: “I don’t blame you if there’s been a bad egg and somebody’s spoiling the pot. I have found the North Fork isn’t a place you go to party usually and I’m sure there have been some instances. I’m sure there’ve been plenty of instances but it’s not the Hamptons and it’s not the city. It’s quiet, there are farms, there are families, there’s berry picking. There aren’t any clubs. I can’t think of a single club. The rowdiest bar you can go to is Cliff’s Elbow Room.

I rent to families who give me one thousand dollars security deposit. They’re not going to do anything to my house or I keep that thousand dollars. I get ID from everybody. They give me a copy of their driver’s license or passport. They sign a short term lease. It’s a well run operation. It’s a responsible operation and nobody wants their security deposit taken away from them and I can’t tell you, I’ve even rented once to a non-family; maybe two elderly women who in fact staying in my house right now.”

Supervisor Walter: “Don’t give too much information.”

Councilman Dunleavy: “The problem is, you may run a great home and you may rent to great people, but how many people out there do not do what you do; that rent to anybody? We just can’t capture that in a law and say ok the good guys we’re going to let rent and these bad guys we’re not going to let rent. We can’t do that, you have to make one code for everybody.”

Joe Stella: “Can’t you penalize the bad guys; even if it is one of their renters? Can’t you hold them responsible?”

Councilman Dunleavy: Well, this way we can hold the owner responsible. The other way we would have to give the renter the summonses and then they don’t come back to the Town of Riverhead this year and come back next year. We don’t know where they are. So this way the homeowner, the owner of the residence, is responsible. We know where he is we know where we can get him.”

Joe Stella: “I just don’t know why that has to be a time limit.”

Councilman Dunleavy: “If you’re renting you have to take some responsibility and the responsibility is you’re going to rent to people that are going to treat the neighbors correctly and they’re going to be nice and they’re not going to have parties.

I was young; I used to go to Hampton Bays when I was young. I know what we did when I was young. So I know what you’re talking about, ok?”

Supervisor Walter: “Ok Sir, is there anything we haven’t covered? Ok, thank you.”

Amy Csorny: “Good evening. It’s been a long time since I’ve been here. Amy Csorny, Wading River. I’d like to address the issue of short-term rentals.

Whereas some of the gentlemen who have addressed you this evening maybe responsible in terms of managing their property the alternative is that garbage pails are not taken in, garbage is left on the street. People who are transient leave and they're not concerned that garbage is not picked up until Monday or garbage is not picked up until Thursday. A lot of the people who own these homes in very small and tight communities do not live here.

You may live here, I don't know especially the gentleman before you was rather eloquent, but I don't know if he lives here and as Supervisor Walter said when you live here and you want to engage with someone, they have no responsibility. I've watched them take the garbage put it in the pail on the street on Sunday and as we all know we live with raccoons and deer and it's no one's fault; we're happy to be with them but the garbage is on the street on Monday and they've gone home so that's a problem that really needs to be addressed. I don't even know whether it's a long term rental or a short term rental that would address that. I think you guys are on to something when you want to put the owners on the owner of the property. If they are willing to rent are they registered as commercial property? I'm on a street now where three homes are being rented. I have lived there since 1995.

I rented by the way when we first came here. The owner of that property made us interview with him with my mother-in-law to determine whether or not we would be suitable to live in the town of Wading River and the first year he rented us his home we had to rent it for three months. There was no such thing as a short-term rental and we had to convince him we were committed to the quality of life that we would be able to enjoy when we came to the town but the really important thing is that people do come and they go, it's just a fact of life. We were all young, I'm not denying it but they leave and there's something to be lost when they leave; they take and they go. And that's really all I would like to say. Thank you."

Supervisor Walter: "Is there anybody else who wishes to be heard on the subject? Yes, Sir."

Bruce Gebhardt: "My name is Bruce Gebhardt and some of you know me. The Town Attorney knows me and several others.

I think we're addressing the wrong thing here. This is not Hampton Bays. Nobodies renting these houses coming here to party. Where would they party, there's nowhere to party here? What, we're going to go down to the Elbow Room.

Councilman Wooten: "The Outer Banks."

Bruce Gebhardt: "I go to the Outer Banks. The guys with plaid shirts and gray hair go the Outer Banks. Talk to Tom at the (inaudible) Meeting House, talk to Bruce at the Outer Banks and ask them how much business I (inaudible). I'm one of the few people that had a (inaudible) in both houses and the Town Attorney refused to give it back, not only that (inaudible) hundred fifty bucks back and wouldn't give me the permit.

I had it, I did everything right. I bought my house, my first house before there were any rental laws so I should be grandfathered as well as other people and I made the unfortunate decision to buy a house next to the biggest (inaudible) in town. You've heard from him, I'm not going to mention any names you all know who I'm talking about."

Supervisor Walter: "Actually I don't."

Bruce Gebhardt: “Do you want me to tell you? So there’s a guy, you talk about the garbage cans. He goes into the city for three days, his garbage cans are in the middle of the street, and people hit them for three days. I was over my houses today bringing in the garbage cans. If I don’t do it I have somebody do it and I invite you all to come and visit my homes tomorrow or the next day or the next day after that. It’s got crystal chandeliers, expensive paintings, they’re beautiful homes. And after I’m saying all of this I think I’m done with it anyway but I don’t want anybody here to tell me I’m done with it.

I have my big house up for sale next to you know who. The worse think that could happen is I sell it and make some money on that. I’m pretty much done anyway; I’ve been doing this for twenty-five years. I know what I’m doing. Matter of fact I’ve had people when I send the contracts out, it’s a three page contract. In the contract it says you can’t have music that extends beyond the property line. I mean if you whistle you can hear it past the property line not where I am, I have an acre and a half but in some places you can.

So I think this is a big exaggeration and you really don’t know what’s going on here. It’s not Hampton Bays. People rent these houses for their daughter who’s getting married. You have Uncle Joe from California and (inaudible).

Like I said, if you look at my pictures on line; just take a look at the pictures, I’m not hiding anything. I don’t want that house wrecked. I don’t rent it to anybody that’s under twenty-eight and then they have to convince me that their ok. And that’s all I have to say. I think you’ve got the wrong idea what this is about.”

Supervisor Walter: “Thank you sir. Does anybody else wish to be heard on the matter? Alright, not seeing anybody I’m going to close the public comment portion and leave it open for written comment until September 27, 2013, 4:30 p.m. at the Town Clerk’s office.”

**Public Hearing Closed at: 8:14 p.m.
Left open for written comment until September 27, 2012 at 4:30 p.m.-**

Supervisor Walter: “7:20 p.m. having arrived, it now being 8:15 we’re going to open a public hearing for the Consideration of a Proposed Local Law to Amend Chapter 108 of the Riverhead Town Code “Zoning” (108-3. Definitions; word usage – Breezeway). We went to public hearing once before and for some reason it wasn’t adopted so it was so long ago we’re going to public hearing again. Does anybody wish to be heard on this matter? Dominique.”

Dominique Mendez: “Yes. Dominique Mendez, Riverhead Neighborhood Preservation Coalition. My one concern, it’s at the end of the code, it says *other types of attachments which extend more than ten feet or exceed eighty square feet in an area shall not attach main building to a separate building unless such attachment meets the requirements of occupiable or habitable floor area.*

So I didn’t have a lot of time before, I was working on something else before this meeting but I tried to look up what that was and I couldn’t clearly find that link to any specific definition.

My concern is that the Planning Board can interpret that any way. I mean they interpreted a breezeway as a hundred foot. You know the roof on the breezeway in the Hawkins that this was all delayed for, that roof is vines and twigs. They said the roof didn’t have to be solid, the

Planning Board said that so if you're not really specific and tie it to a definition or spot in code I'm afraid that *habitable* could be a cave or you know."

Councilwoman Giglio: "Yeah it should say in here in reference to New York State Building code that the space has to be heated so it has to be four walls heated with a roof."

Dominique Mendez: "Ok, Definitely needs to link to something. That's my main concern."

Bob Kozakiewicz: "This was the very same language that we went to public hearing on last year word for word."

Dominique Mendez: "It might be, I just noticed it and I guess also having been through that with that breezeway realizing how a roof can be interpreted and no one would think a roof wouldn't have to be solid would they? But that's how it was interpreted by the Planning Board in this one case so I wanted to make sure this was tied to something specific."

Supervisor Walter: "The whole code is tied to the New York State Building Code."

Dominique Mendez: "Right but someone could argue; again we talked about roof and a roof was interpreted that it didn't have to solid it could be vines. So truthfully if a Board wants to allow someone to do something they're going to try to find a loophole they're going to allow a loophole so I think that should be more specific."

Supervisor Walter: "Maybe that's why we didn't adopt it last time, I don't know."

Councilwoman Giglio: "Maybe but the Town Attorney said we could adopt a definition at a later date as to habitable spacing."

Dominique Mendez: "Occupiable space. Can you get that into the code so that and that verbiage has to be, you're right you have to pick the exact verbiage; occupiable floor area or habitable floor area. You have to use that in your definition so you're referring to something specific."

Supervisor Walter: "Does anybody wish to be heard on this? Not seeing anybody I'll close the public hearing, leave it open for written comment until September 27, 2013 at 4:30 p.m."

Public Hearing Closed at: 8:18 p.m.

Left open for written comment until September 27, 2012 at 4:30 p.m.

Supervisor Walter: "We're going to now move to Resolutions. Does anyone wish to be heard on Resolutions? Not seeing anybody, Diane can you call the Resolutions? Oh I didn't see you. I'm sorry, I didn't see you."

Steve Mezynieski: “Steve Mezynieski, from Driftwood Family Farms. I just wanted to address the Board and say that I know a lot of time and effect has been spent on this proposal that’s been put before you. I know you guys spent a lot of time on this and your time is value and I just want to say that I really appreciate the amount of time and effort that you did put into reviewing this and thank you.”

Supervisor Walter: “Thank you. Anyone else wish to be heard on this matter? Alright, Resolutions.”

RESOLUTIONS

Resolution #664

Councilman Dunleavy: “General Fund Budget Adjustment, so moved.”

Councilman Wooten: “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 Wooten: “Laoudis Calverton, LLC Water Service Capital Budget Adoption, 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 #666

Councilman Gabrielsen: “Grants Land Clearing Permit to 1998 Peconic, LLC as Provided by Chapter 62 of the Riverhead Town Code, 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 #667

Supervisor Walter: “Tara, are we tabling 667 Authorizing Removal of Fixed Asset Records from System?”

Tara McLaughlin: “(inaudible) the other one we closed.”

Supervisor Walter: “Ok, got it.”

Councilwoman Giglio: “Authorizing Removal of Fixed Asset Records from System, so moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #668

Councilman Dunleavy: “Declares Certain Informational Kiosk and Related Equipment to be Surplus Property and Authorizes the Disposal Thereof, so moved.”

Councilman Wooten: “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 Wooten: “Final Order to Extend Boundaries of Riverhead Sewer District to Accommodate Sewer Connection of Proposed Mattituck Laundry (1044 Parkway Street), 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.”

Resolutions #670

Councilman Gabrielsen: “Extends bid Contract for Truck Parts with Long Island Truck Parts, 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 #671

Councilwoman Giglio: “Authorization to Publish Advertisement for Propane Fuel, 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 #672

Councilman Dunleavy: “Approves the Chapter 90 Application of Deep Hole LLC (Grape Harvest Festival – September 21, 2013), so moved.”

Councilman Wooten: “And second”

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

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

Resolution #673

Councilman Wooten: “Appoints an Interpreter for Police Department and Justice Court, so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #674

Councilman Gabrielsen: “Resolution Calling Public Hearing Regarding Lateral Water Main Extension for Proposed Subdivision of Kristi Rose Court, 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 #675

Councilwoman Giglio: “Authorizes Change Order No. 2 Contract with Well Work Construction of Supply Well at Plant No. 17, C.R. 105 Riverhead Water 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 #676

Councilman Dunleavy: “Authorizes the Release of Site Plan Security of NF Management Inc. A/K/A Summerwind, so moved.”

Councilwoman Giglio: “And seconded.”

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

The Vote: “Giglio, I’ll abstain as a partner in Summerwind.”

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

Resolution #677

Councilman Wooten: “Denies Permit/Exemption Application of Driftwood Family Farms LLC under Chapter 62 “Excavations” 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.”

Councilman Wooten: “You know the last meeting he gave an impassioned reasonable argument and of course I want your son to be a farmer here in Riverhead. I love that culture and I think it’s beautiful for the North Fork. I think we can help you to do that without taking the sand out. Just because I don’t agree with taking the sand out I think we can still make a viable farm there. I vote yes.”

Vote Continued: “Dunleavy.”

Councilman Dunleavy: “I feel the same as Councilman Wooten but we just can’t have all the sand removed so I vote yes.”

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

Resolution #678

Councilman Gabrielsen: “Pays Bills, so moved.”

Councilwoman Giglio: “I’ll second.”

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

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

GENERAL COMMENTS

Supervisor Walter: Ok. Now we open for public comments for anything that anyone wants to discuss what’s on their mind concerning the Town Board; if you’ll step up. Not seeing anybody can I get a motion to adjourn?”

Councilman Dunleavy: “I make a motion we adjourn this Town Board meeting.”

Supervisor Walter: “All in favor?” Collective eyes.

Meeting Adjourned: 8:25 p.m.