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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, April 6, 2010 at 2:00 p.m.

**PRESENT:**

John Dunleavy,	Councilman
James Wooten,	Councilman
George Gabrielsen,	Councilman
Jodi Giglio,	Councilwoman

**ALSO PRESENT:**

Diane M. Wilhelm,	Town Clerk
Dawn Thomas,	Town Attorney

**ABSENT:**

Sean Walter,	Supervisor
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Councilman Dunleavy: "Are you ready? Okay. Good afternoon. This is the April 6<sup>th</sup> meeting of the town board. Supervisor is on a well earned vacation with his family, so let's start the meeting with the Pledge of Allegiance."

(At this time, the Pledge of Allegiance was recited)

Councilman Dunleavy: "And now before we start, we'll come down and-- can Mrs. Conklin come up, please?"

And I'm going to turn the microphone over to Councilman Wooten for a presentation."

Councilman Wooten: "Thank you, John. Mrs. Conklin, Joyce Barbett (phonetic), thank you for being here."

The town recognizes Robert Conklin for his work with the Peconic River restoration committee which he was one of the founding members of. Over 40 years he was a teacher here in Riverhead and he grew up most of his life new Grangebél Park.

Bob's commitment to elwies (phonetic) and their migration up the river. He started a bucket brigade back when I was in school, I think it was a little before I started school, but he brought all the kids down with buckets to help get these elwies up so they could spawn because he recognized it was part of an eco system that needed to be encouraged because of the difficulty in getting up the river from the falls over in Grangebél Park.

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He had many, many different ladders, fish ladders that he created and replaced and his ending work for like the last— my gosh, for a least the last 10 years was try to create a permanent fish ladder for the fish to migrate.

Today the town board would like to honor him for his work, to improve the migration of the elwies up river for the spawning, the years that he spent installing and removing a temporary fish ladder.

He was an avid fisherman and environmentalist. Well, recently he passed away and he never had the opportunity to see all the fruits of his labor with the reopening of Grangebel Park and completion of the fish passage.

The town board later on today will pass a resolution dedicating the fish passage in Grangebel Park to Robert b. Conklin and also the town board will dedicate the Grangebel Park fish passage to Robert Conklin and also on April 12<sup>th</sup> there will be the grand reopening for that. We encourage everybody to come down for that including the press.

So without further adieu, we have a proclamation for you, Joyce. I'm not going to read the whole thing because I pretty much touched on everything but basically: it's both fitting and proper that the town board and the residents in the town of Riverhead join in recognizing an individual who has provided a service to the community far and above and beyond the standard.

And then it goes on with what I already commented on. And it is signed by the entire town board.

So— great seal of Riverhead and April— affixed this 12<sup>th</sup> day of April in the year of Our Lord, 2010 will be dedicated to Robert Conklin.

Thank you, Joyce."

Joyce: "I just want to thank everybody. I know he'd be very pleased."

Councilman Wooten: "Thank you, Joyce. If anybody knew Mr. Conklin, he was a great man. He was a great science teacher and he was a great avid fisherman here in Riverhead. So, thank you."

Councilman Dunleavy: "Thank you. We'll continue the meeting now and I make a motion we approve the minutes of March 25<sup>th</sup>. So moved."

Councilman Wooten: "I'll second."

Councilman Dunleavy: "Moved and seconded. Can we vote, please?"

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

Councilman Dunleavy: "Diane, can we have reports?"

Diane Wilhelm: "Sure. The agenda is a long one today. So bear with me."

**REPORTS:**

Receiver of taxes	total tax collection dated March 18, 2010 - \$65,755,034.96
	total tax collection dated March 25, 2010 - \$65,908,975.80
	total tax collection dated March 31, 2010 - \$66,046,113.71
	total utilities collection month of March - \$178,871.45
Town clerk	monthly report for March, 2010 - \$7878.40
Police department	monthly report for February, 2010
Sewer department	discharge monitoring report, February, 2010

**APPLICATIONS:**

Special permit	Quest, LLC, Edgar Ave., Aquebogue addition to existing warehouse
Special event	Peconic Bay Medical Center, garden festival May 6 - 9
Site plan amendment	Dries-Speechio, (SCTM#0600-118-3-7

**CORRESPONDENCE:**

Catherine Lainieri,	Maritage Realty LLC - letter re public hearing of March 16 <sup>th</sup> (Sec. 108-278 zoning Industrial C
Nick Lweitsky & Colette Sewall,	2 letters regarding public hearing of March 16 <sup>th</sup> (Sec. 108-3

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	Jamesport Zoning - definitions)
Peter Chekijian, Aquebogue	letter regarding public hearing of March 16 <sup>th</sup> - (Sec. 108-278 Zoning Industrial C)
Phil Barbato, Jamesport	letter re public hearing of March 16 <sup>th</sup> - (Sec. 108-3 zoning definitions)
Rev. Charles A. Coverdale, Pastor First Baptist Church of Riverhead	Letter requesting expansion of sewer boundaries
Kathleen Wojciwechowski Chairperson IDA	letter outlining IDA creation, purpose, mission, benefits
Fred & Sewena Moehring, Aquebogue	letter re public hearing scheduled for April 20 <sup>th</sup> (Sec. 48-7 beaches and recreation centers, application for permit; fees)

Diane Wilhelm: "And I think that's it."

Councilman Dunleavy: "Do we have any reports from- any reports?"

I just have one. If anybody wants to report anything to FEMA call the supervisor's office at town hall in reference to the last rains that we had."

Public hearing opened: 2:16 p.m.

Councilman Dunleavy: "Other than that, it's- the time is 2:16. We have a public hearing for 2:05. Dawn- this is to consider a vehicle and traffic law, parking, standing and stopping prohibited of the Riverhead town code, Ravine Road, Wading River."

Dawn Thomas: "Other than what you said."

Councilman Dunleavy: "Okay, what happened was the last time we passed this, it was complete no parking on Ravine. The people up on Ravine Street only want a portion of their road on the left hand side, the west side, of no parking.

So this is a hearing to change that to just a no parking to the first intersection on Ravine Street in Wading River.

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Do we have anybody that wants to speak on this? If we have no speakers, we'll close this portion of it and keep it open for written comment to April 16<sup>th</sup>."

Public hearing closed: 2:17 p.m.  
Left open for written comment to  
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Public hearing opened: 2:18 p.m.

Councilman Dunleavy: "It is now 2:18, we have a 2:15 public hearing to consider— consideration of a proposed local law to amend chapter 108 of the Riverhead town code entitled zoning Article XXVI, site plan review, Section 108-130 review and approval required of the Riverhead town code.

Do you want to say something, Dawn?"

Dawn Thomas: "Yeah. I can just give a brief outline of the proposed local law which would amend the provision in our site plan review ordinance regarding de minimis alterations to buildings which are exempt from site plan review and it includes the addition of an application fee of \$250.00; it clarifies some of the language and expands some of that exemption, particularly with respect to handicap ramps and setbacks from property lines.

Just major— or minor housekeeping."

Councilman Wooten: "Well, I think it further defines what de minimis is, does it not?"

Dawn Thomas: "Yes. It clarifies. I think— well— "

Councilwoman Giglio: "That was the intent to set forth some guidelines so people would know when they read the code what exactly qualified for de minimis in kind rather than just leaving it up for interpretation from the building inspector or the planning director.

With all due respect, that if it did not fall under this criteria, it would be left up to the building— the head of the building department or the department head for the planning department to bring it to the appropriate board for a determination as to whether or not it could be considered de minimis.

And I have received on my desk as of this afternoon, a copy of some changes brought forth by the Riverhead Business Alliance. So I will give that to the clerk and we will get copies of that to all that are on the code revision committee and then the code revision

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committee will discuss these changes that are recommended by the Riverhead Business Alliance and move forward."

Councilman Dunleavy: "Can we get copies of that?"

Councilwoman Giglio: "That's what I said. The town clerk will distribute it."

Councilman Dunleavy: "Code revision?"

Councilwoman Giglio: "Yes."

Councilman Dunleavy: "Okay. Do we have anybody from the public who would like to speak on this? Please come up, Larry."

Larry Oxman: "Hello. Larry Oxman, speaking on behalf (1) as a member of the Riverhead Business Alliance, and (2) as a commercial broker in Riverhead.

When I took a look at the modification under site plan review, if you read it, paragraph 4 starts off by saying except as otherwise provided, site plan review and approval shall specifically not be required for, then under that you have subparagraph (a), (b), (c), (d), and (3). You've modified (f) to have further subparagraphs, and it starts off, the subparagraph, that under de minimis alterations that you do require an application and a fee which seems to kind of fly contrary to just what you had said at the top of the paragraph that it's specifically not required for.

So, I think it's in the wrong section. I think it's very confusing.

I know that this was tried to clarify the code but in actuality I think it's in the wrong section because you're talking about areas that typically do not require approval but yet you're having someone make an application and pay a fee.

And I agree with Councilperson Giglio that this has to be further refined. If someone is just changing a window, do they have to pay \$250.00, do they have to make an application? I think it really has to be thought out a little bit better.

Thank you."

Councilman Dunleavy: "Thank you. Good afternoon."

Dominique Mendez: "Dominique Mendez, Wading River, Riverhead Neighborhood Preservation Coalition.

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So, yeah, I had a couple of things. First, I noticed on line when you look up the code it says at the end of paragraph (f), it talks about does not materially affect the external appearance of the building or site, for example, i.e., replacement of doors and windows or the like. I don't see that here but that's on the net and that's important to me. If you're intending to strike that out or because that's how they quality and I think try to give you a feel for what de minimis changes were. They were only those things like, I thought, doors and windows. I looked at this today."

Dawn Thomas: "The reason you're probably not seeing it- if you're saying that the way the proposal reads on the internet is different than it is in the book, that's because we don't always publish the entire code when we notice it. We only publish what's being changed and so if there was something that wasn't being changed, we try to publish as little as possible because it's costly.

But we try to publish as much as we need to publish in order to have the public understand what's happening. So- and I have to look at it- "

Dominique Mendez: "Yeah. It was the end of a sentence though and it makes a big difference because- "

Dawn Thomas: "Probably- it probably is not being changed and so that's why- "

Dominique Mendez: "That would be very important to know because- "

Councilwoman Giglio: "Yea. I would be curious to look at the code book to see what she is saying is actually in the code book because I know there was a lot of back and forth when the previous board had discussed de minimis and in kind and I think that it was determined that if it was just a window and it was the same size window, that it wouldn't be included so maybe what was on line and what actually got posted on line is not- maybe something subsequent was adopted to eliminate that so I'd like to take a look at the code book."

Dominique Mendez: "Yeah. It said revised 10/12/2008."

Councilman Wooten: "Yeah, I remember when that went through. I remember the whole idea."

Dominique Mendez: "And then it was changed after it went through and maybe that never made it (inaudible)."

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Councilman Wooten: "And now it's been revised again to I guess give more teeth to it so we don't have- "

Dominique Mendez: "Right. But when you define de minimis and you say that an improvement or other alteration of any building which does not materially affect the external appearance of the building or site that is- for example, replacement of doors and windows and the like. It gives you a real feeling for what de minimis means."

Councilman Wooten: "Right."

Councilwoman Giglio: "Yeah, but you know what? I'm sorry, go ahead, finish."

Dominique Mendez: "This is quite different. So without seeing that struck out you don't realize the change, you see."

Councilwoman Giglio: "Right. I think the Riverhead Business Alliance had proposed to take that whole sentence out because any change that is even if it's considered de minimis and in kind, still has to go to the Architectural Review Board and the Architectural Review Board has to approve of the appearance of the building before they can actually get a building permit.

This just removes the step where they have to go back before the planning board for a site plan for a minor change to the building."

Dominique Mendez: "Right. Well, that's- so my other comments. I'm not sure. To me it doesn't seem like these are necessarily minor but maybe you can clarify. I think the way it was written before, especially with the for example, did clarify that it was minor but I'm not sure that this does.

I did have the same concern that the \$250 would be applied to businesses who wanted to change their windows and doors who wouldn't have had to pay a fee. I did notice that and I agree."

Councilman Wooten: "Okay, I agree."

Dominique Mendez: "I agree with the Riverhead Business association on that. It doesn't seem like it should apply to them.

The impervious surface, wasn't really sure why that would need to be there. Isn't that already addressed?"

Councilwoman Giglio: "No, it's not because if somebody wants to put a dumpster enclosure or a dumpster on property on area of a site that already has paved area, then they should just be able to

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get a building permit to put the dumpster there and to put the enclosure around it.

It's not increasing the impervious surface so you don't have to refer back to the 15% lot coverage calculation."

Dominique Mendez: "So they're not adding any impervious surface. That's just putting a dumpster on the impervious surface that already exists?"

Councilwoman Giglio: "That's correct."

Dominique Mendez: "The 500 feet, before there was, well, shall not depict more than 500 square feet of space. So would that mean, of course, and then after it, it says you can exceed 500 square feet. But let's just take the first, you know, (f-3), does that mean you could add to your building 500 square feet and it would be de minimis?"

Councilwoman Giglio: "I believe the previous board adopted that it was up to 4,000 square feet was de minimis. Right?"

Dawn Thomas: "That was not (inaudible)."

(Inaudible comment)

Councilman Dunleavy: "(inaudible) on the committee, she knows all about this stuff."

Councilman Wooten: "Who?"

Councilman Dunleavy: "Jodi."

Councilman Wooten: "Well, Leroy, you were very much a part of this first de minimis so you would be aware of where we were trying to go back in October. And I think that was because we didn't like the verbiage or at least the public didn't like the verbiage of in kind and what that meant. So we tried to come up with de minimis to try and address the concern that the RBA had back then. So maybe you can give a history as to where we are at today and where this—we might be trying to go."

Dominique Mendez: "It's just that 500 square feet, I mean when you originally read it, it sounded like it was very small modifications—"

Councilman Dunleavy: "Leroy, maybe you could answer the question."

Councilwoman Giglio: "And right here if you look at (g) under the code, Dominique, it says— and this was adopted March 6<sup>th</sup> of

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2007. It says existing commercial buildings with floor areas of no greater than 4,000 square feet shall not be required formal site plan review by appropriate board. So it's— right— if it's less than 4,000 square feet.

And the way it's being change is if it's 500 square feet of non-habitable space which means it could be an awning, storage, a walk-in box for a restaurant. It could be a number of things that it not habitable. So, therefore, it's not affecting the seating, therefore, it wouldn't affect the parking."

Dominique Mendez: "Non-habitable meaning not just that you wouldn't be able to live there but that people— "

Councilwoman Giglio: "Occupy the space."

Dominique Mendez: "No CO— . Okay. Thank you."

Councilman Dunleavy: "Thank you."

Dominique Mendez: "Then, the handicapped ramp. Shouldn't that be in a separate item? Shall consider an exempt to handicapped ramps. Shouldn't that just be, you know, (h)? It doesn't seem to belong there. It seems to be— "

Councilman Wooten: "I'm sure it's redundant. I'm sure— "

Dominique Mendez: "Yeah, but it seems to be one of those things that isn't necessarily de minimis. It's just an exemption. So it should be a separate item."

Councilwoman Giglio: "Dawn, who typed this from the law department? If you agree, then you could change it."

(Inaudible comment)

Dawn Thomas: "I think it's one of the additional things that can be exempted in a de minimis application. So, for example, if you had an existing building with a ramp that needed to be in place, a conversion of a house to an office downtown is a good example, the lot sizes are very small and the only location you could put a ramp was in an area that was— would have otherwise violated the setback area, this allows and considers de minimis so it wouldn't require a variance or any other relief from any other board to allow that ramp to be constructed within 10— as long as it's within 10 foot of the property line.

So as long as it's no closer than 10 feet from the property line the installation of a handicapped ramp to convert a building from residential to commercial use would be de minimis provided, you know, that's all you needed to do in other words."

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Councilwoman Giglio: "You wouldn't have to go to the zoning board."

Dawn Thomas: "Correct."

Councilwoman Giglio: "Wouldn't have to go to the zoning board for a setback variance if it didn't meet the 35 foot side yard required because you maintained at least 10 feet for a drive thru for cars to get to and from."

Dawn Thomas: "It just simplifies that- those kinds of minor alterations to convert buildings and makes it more efficient."

Dominique Mendez: "So you're saying- back to the 500 square feet. What- why- what does that change do? Why was that change made? And then it's a 500 square feet shall not depict more than 500 and then it says although any alteration exceeding 500 may be considered de minimis when brought to the appropriate board. So it's five feet- 500 feet unless you ask for more and get granted approval. It's almost- I'm not really sure why."

Councilwoman Giglio: "Well, 500 feet is de minimis. It says determination of the building inspector and also the planning director. If it's more than 500 square feet, then it needs to be looked at a little bit closer.

It's not- the reason why it was designed, why the code is drafted the way it is, is so that they can go right in for the building permit. They don't have to file a site plan application with 14 copies of the site plan, with the application- 14 copies of the application, a full site plan review fee for something that is 500 square feet or less that doesn't impact the parking and it doesn't impact the number of seats."

Dominique Mendez: "But I thought you said that they wouldn't have had to apply for site plan anyway because it's 4,000 square feet. I thought that's what you guys- "

Councilwoman Giglio: "If the building is less than 4,000 square feet, then they can be considered de minimis for commercial."

(Some inaudible comment)

Councilwoman Giglio: "If the building is 5,000 square feet and they want to build a 500 or a 400 square foot vestibule with a cover on it so that people can park their car underneath and then go into a building, then it could be considered de minimis versus going for a full site plan review."

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Dominique Mendez: "Although doesn't that affect the external appearance of a building?"

Councilwoman Giglio: "That would go to the Architectural Review Board and this is going back to the code revision committee because the Riverhead Business Alliance feels that the— they struck that line out so we would be asking to meet with the Riverhead Business Alliance. I guess the town board would ask them to come in at work session and see why they feel that that should be stricken from the code."

Dominique Mendez: "The 250? Which?"

Councilwoman Giglio: "Well, you were just talking about the external appearance of the building, right?"

Dominique Mendez: "Oh. Right. Because you're almost— because— "

Councilwoman Giglio: "Under (f), they have— "

Dominique Mendez: "What you said, the sort of expansion you said, kind of contradicts affecting, you know, affecting the external appearance. It would affect the external appearance."

Councilwoman Giglio: "That's probably why they struck it. And then it would go to the Architectural Review Board. Because any application for a commercial building goes before the Architectural Review Board if the appearance is affected."

Dominique Mendez: "Okay."

Councilman Dunleavy: "Thank you."

Dominique Mendez: "Thank you."

Councilman Dunleavy: "Next."

Martin Sendlewski: "I have some extra copies of that mark up if you want it for the ordinance."

Councilwoman Giglio: "And you know what? The board members would probably want to take a look at it because (inaudible). I just got it on my desk right before the meeting."

Martin Sendlewski: "Good afternoon, Martin Sendlewski. I'm actually the president of the Business Alliance but I'm actually here wearing my business hat as a representative of my client, Jonathan Perkins from the Cooperidge Inn."

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We had submitted some changes to the building department that we feel fall under the de minimis code but in looking at the code, we do- I agree with the previous speakers that there are some things in here that are contradictory.

So in doing that, I just- I gave you a copy, I wanted to highlight a couple quick items and that is there's potentially a contradiction. I think you should go back and look at the- where site plan approvals are required and clarify that verbiage a little bit under item (b) and all other districts.

Here it says that it's required, this is again in (b), not the part that you're re-doing, will affect a change to the exterior of a structure. I think it would be better if you just said in where it's required, a site plan is required, where it requires a permit and it will affect a change of use of the affected structure or site which will affect a change to the area of the structure or site including but not limited to parking, loading, etc.

So, if you have a- if you're expanding a building substantially and it's going to require parking all that, that's what a site plan should be required for, you know, no doubt about it.

Going to the part that you're reviewing, under the de minimis applications under part (f) where you define how it's deemed de minimis under the building and planning department, you- all you have to say is that part of the sentence. The rest of it should be clarified under the bullet list that you have below.

So the whole item that says de minimis shall be limited to carrying out for the maintenance, improvement or alteration of any building which does not materially affect the exterior appearance of the building, you should just strike that whole line and then clarify what's de minimis below. It really doesn't need to be in there.

I didn't have this marked up in here but I agree with both of the previous speakers and Larry had mentioned about item 1. Maybe you just want to strike that, that there isn't a fee in an application. That it's just an evaluation by the planning department. That's just something for the board to consider.

But in either case, the problem that you have is that you talk about exterior changes to the building. You talk about this 500 square foot area. What happens is you're getting into a situation where you're trying to pin down what is de minimis a little bit too much.

In other words, now people look at it, gee, it's 500 feet; it's this, it's that. Basically if you just said that-- the thing about

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the impervious coverage in zoning is pretty straightforward and makes complete sense. Item 2, the way you have that written.

But item 3, what I would do instead of the 500 feet, is I would just say it shall not depict an alteration or change of use that is inconsistent with the intent of the existing uses or previous approval of the structure of site.

And the reason that I think it would be good to word it that way, for example, with my client at the Cooperidge Inn, they're affecting the exterior of the building. They're putting a door in place of a window. They want to put a patio that's on an impervious patio near that door for people who are waiting at the bar, that they can stand out, have a cigarette, whatever, get out in the air.

It really doesn't change the intent of what the business establishment is or how it's functioning. It's just a change that's in keeping with the character of the site, the business and what it is. And the reason that I added in there previous approval, is what-- we find a lot of times is when we design projects and we go through the approval process and then as you're going through construction, for whatever reason, whether it's detailing or whatever, sometimes there are minor changes made to a building as it's built.

And I'm talking about fairly minor changes, nothing of any drastic change, where every time you make a small change to a building, you know, whether it's just a door or something like that, you're sent back for another site plan amendment which makes no sense at all.

So I think if you left it a little bit more open, like very-- more open to commonsense interpretation by the planning staff and the building staff, it would be much more beneficial to businesses.

And for the exterior what you could add is that it requires an administrative review by the ARB and actually put that in there. So people know they can go to an ARB meeting and say look, we're making this minor change. They look at it and say yeah, that's consistent with what you are doing. They shoot out a note or tell the planning staff this is minor, we don't care about it. They write the de minimis determination letter. The owner gets a building permit. You know, that would be much more in keeping with what the businesses want to do.

Just to add to that, on a slightly separate note since we're talking about site plans. I was at the planning work session this morning for a project downtown, an alteration to the little gallery we're doing by Barth's. And we were informed that we were the first

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ones to come under a new format that they have for downtown projects where it's a re-submission review.

Really applaud what the town's doing. We sat down with the planning staff. They had a three page fill in the blank list of things that they wanted us to address. They had me initial it and they gave me a copy of it and they said, here, do this and come back with another plan that we'll check and then once we check it and we say, yeah, you picked up all of these bullet list items that we just went over, give the full submission for the approval.

That would be a nice thing to also extend to site plan approvals other than downtown, you know, all site plan approvals where you do that checklist and it goes through much quicker.

But in either case, with this de minimis issue, the less you try to pin down the 500 feet, this and that, just say look, if it's a minor change, it's not inconsistent with the intent of what is going on, there should be that flexibility and that commonsense judgment by the staff, the qualified staff here, to say, yes, that's the case.

And if the applicant disagrees they can go to the planning board or they can go to the town board and say, look, they said this is not de minimis, but we think it is and that board can make a judgment.

Jonathan may just want to add to that briefly.

Thank you."

Councilman Wooten: "I just have one question. I know in your notes and normally I don't address people in front of the cameras. But you put a number 5 in there that said exterior alterations shall be subject to administrative review by the Architectural Review Board. But we talk about de minimis so I don't know why that stuff has to be there if it's de minimis- "

Martin Sendlewski: "Well, yeah, you know- "

Councilman Wooten: "More than de minimis- "

Martin Sendlewski: "I agree with you even more. I think that's- you know what? That's- it's probably more of a safeguard on the town's part where if you're concerned about something that somebody is proposing, that you could have the fall back position where they say well, we'd like to have the ARB look at it. You know.

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Then if it's in an area that's a historic district or whatever, it sort of can open up a little bit of more input on it, just as a safeguard I guess.

But if you'd rather take it out and require none at all, that's even better."

Councilman Wooten: "Well, I think I'd be more (inaudible)."

Martin Sendlewski: "Right."

Councilman Dunleavy: "Thank you."

Jonathan Perkins: "Jonathan Perkins, Baiting Hollow, New York. I think Marty summed up exactly everything that I wanted to say.

I just wanted to make a point as a business owner in the town of Riverhead, simplification and I know you're looking into that, is the key for us as business people.

Many times in business we are looking to change and do things for the better of our business and with the economy, things do change and I think our thoughts first are negative thought that the amount of work involved in getting anything approved through the town, isn't- wouldn't be worth it.

This patio for instance for me, I thought about this over a year ago and wanted to start it maybe eight, nine months ago and now we have a new committee here so I'm so happy that you guys are listening to our voice. Because it's something that seems to continually get delayed and you don't know where- someone comes back, then you need this, you need that.

For instance, my fall festival, I've been doing for 11 years, that's gone through permit, you don't need a permit. It's on my property. What do you need? And now it was determined that I don't need a permit because it's on my property.

So what I'm saying is it's simplification for us to do minimal changes because that's what our business requires as we grow or we change with the times. That's all. I wanted to make it mention. All right? Thank you."

Councilman Dunleavy: "Thank you."

Councilwoman Giglio: "And I just would like to say in response to the 500 square feet, I believe that was taken from another code from another township because there were proposals that were made for 1500 square feet of storage space as an addition onto

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a building where they were going to be hiring new employees to actually service the storage space or the file space so more parking would be necessary. So they limited it to the 500 square feet.

And speaking to the person that actually does code revisions for the other township, they limited the square footage because if you just left it wide open and put it as shall not depict an alteration or change of use that is inconsistent with the intent of the existing uses or previous approval of the structure or site, that you wouldn't need a site plan approval and you had a doctor's office that decided they wanted to build a 5,000 square foot addition onto the building for storage space which they're claiming isn't going to impact the parking, that that would fall under de minimis because it's not really considered habitable space.

So that was taken from another code but we will re-visit it in the code revisions. We just wanted to kind of bring it down but if there was an applicant that felt 500 square feet was too restrictive, they could bring it to the appropriate board and say well, we need 750 square feet or we need 1,000 square feet and this is why and that board, whether it be the planning board or the town board would make the determination of the significance and whether or not it needed a full site plan review."

Councilman Dunleavy: "Thank you. Do we have-- "

Dominique Mendez: "A follow up to that. Can I ask you? The other town that has the 500 square feet max, do they have then something like you have in (a)? Which is basically saying but if you'd like more than 500 feet, you know, ask and if we determine it's de minimis. Or does it just say it's 500 square feet max?"

Councilman Wooten: "Are you talking about the other towns?"

Dominique Mendez: "Yeah."

Councilman Dunleavy: "She's talking about the other towns."

Dominique Mendez: "It seems to me much more effective to just have a max if that's what it's for because otherwise-- "

Councilwoman Giglio: "Where are you?"

Councilman Dunleavy: "No, the other towns she's talking about."

Councilwoman Giglio: "I know. But I'm just trying to figure out where she's referring the other town to our code, what section."

Dominique Mendez: "(f)."

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Councilwoman Giglio: "108-130A or- "

Dominique Mendez: "No. I'm looking at, yeah, 108-130f3a. Because you were saying the 500 feet was from another town that adopted something and it seems-- so I was asking do they have- 500 max but then if you like to do more and you ask and we give approval. So it's- which seems then why put the 500 feet max because they'll always ask. That's the reality of it. So why not just put the 500 max otherwise they have to do a site plan approval.

And I'm wondering what the other town did that you took this- you said you based this on."

Councilwoman Giglio: "It was basically based on vestibules and covered entries into buildings where they felt that 500 square feet would be the maximum amount that would be needed in order to cover any entry into a building."

Dominique Mendez: "Right."

Councilwoman Giglio: "So that's why they put it at 500 square feet."

Dominique Mendez: "So they probably didn't say or more than 500 square feet or, yeah, I would suggest that that would come out because what's the point of having a max if it's a max unless you ask for more and we grant it to you.

I mean they can also go site plan."

Councilman Dunleavy: "Thank you."

Dominique Mendez: "And a quick- was there a- oh, patio. When you mentioned a patio, that would not fall under de minimis, would it?"

Councilwoman Giglio: "It depends on whether or not it's increasing impervious surface. If they're adding a patio onto a grass area or they're adding a patio onto dirt where there's a previous surface."

Dominique Mendez: "Isn't it habitable space the people go in, so isn't it habitable space?"

Councilwoman Giglio: "I'm sorry."

Dominique Mendez: "A patio."

Councilwoman Giglio: "If you're adding impervious floor area, then you're required to go for a site plan. So it depends on

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whether or not a patio has a previous surface. I mean, I don't know.

Newsday had an article a couple of weeks ago where they had the brick pavers that were actually porous at the Lynbrook library and they said that the drainage through the brick pavers was actually a better surface than gravel. I mean- because the water drained completely through it and it was the only dry spot in town.

So if it's a pervious surface or porous surface and the water can get through it then- "

Dominique Mendez: "I guess I'm focused, too, on the non-habitable space. I thought that that meant that if-- you could have people occupying the space. That that wouldn't fall under de minimis and a patio is for people to go on. Just like the porch or a tent. It's not- it's kind of a very different thing than adding storage."

Councilwoman Giglio: "Yeah. Every site plan is subject to their own conditions and their own covenants and restrictions based on public comment. So this is not allowing for additional people to be anywhere on the site if it's contrary to any covenants that have been filed."

Councilman Wooten: "If there's tables and chairs and (inaudible)."

Dominique Mendez: "Well, yeah. You generally do that if you have a- "

Councilman Dunleavy: "Well then you're adding people."

Councilman Wooten: "If you're putting a gathering area outside the bar where people can step outside and, you know, smoke or drink."

Dominique Mendez: "Right. So non-habitable would- "

Councilman Wooten: "A chair or tables, I'm sure there would be restrictions."

Councilman Dunleavy: "We'll take that into consideration."

Dominique Mendez: "Yeah. I'm just trying to figure out what that means. It seems like it opens up a lot."

Councilwoman Giglio: "The (inaudible) is really like for an enclosed area, the 500 square feet pertains to basically an enclosed area."

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Councilman Dunleavy: "Thank you."

Dominique Mendez: "Thank you."

Councilman Dunleavy: "Anybody else would like to talk, speak on this? If not, I'll close the open portion and keep it open for written comments until April 16<sup>th</sup>."

Public hearing closed: 2:48 p.m.  
Left open for written comments to  
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Public hearing opened: 2:49 p.m.

Councilman Dunleavy: "And now it's 2:49 and the 2:20 hearing to hear all interested persons with regard to whether the expansion of an existing storage barn on property owned by the Jamesport Fire Department on Manor Lane in Jamesport, New York must comply with the town code of the town of Riverhead."

Francis Yakaboski: "Good afternoon."

Councilman Dunleavy: "Good afternoon."

Francis Yakaboski: "Francis Yakaboski. I represent the Jamesport Fire District.

Simply put, we're looking to add 1200 square feet to our storage building which is currently 1500 square feet. The only additional impervious surface will be the concrete floor of the addition. Everything else is going to be pervious as it is now.

We're requesting that you exempt us from the site plan provisions, discussed here a little bit earlier.

Also our pre-existing rear yard on our existing structure is a little bit too close so we're asking also that you issue us the exemption so that we don't have to go to the zoning board for a variance on our rear yard."

Councilman Wooten: "The rear yard behind the existing-- "

Francis Yakaboski: "Yes. Behind the existing Morton building. The Morton is on the east side of Manor, across- "

Councilman Wooten: (Inaudible)

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Francis Yakaboski: "Right. It's right next door to the ambulance property. If there are any questions."

Councilman Dunleavy: "Thank you."

Francis Yakaboski: "Thank you."

Councilman Wooten: "You're increasing the size of the Morton building basically?"

Francis Yakaboski: "We're increasing the size by 1200 square feet. Same design, same exterior. It's just going- it will match what's there now."

Councilman Wooten: "The tents are taking up too much room in there?"

Francis Yakaboski: "Beg your pardon."

Councilman Wooten: "The tents are taking up too much room."

Francis Yakaboski: "We store tents inside. Any questions, I'd be happy to- "

Councilman Dunleavy: "Thank you."

Francis Yakaboski: "Thank you. Good day."

Councilman Dunleavy: "Anybody else with any comments on this hearing? If not, I'm going to close the hearing and not leave it open for any written comments because I think we're going to pass a resolution today on this."

Public hearing closed: 2:50 p.m.

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Councilman Dunleavy: "Now we have no- we don't have any more hearings, I'm going to adjourn the town board meeting and open it up to the Community Development Agency meeting."

Oh-- before that, do we have any comments on any of the resolutions? Let's go with the Community Development Agency resolutions. Any comments on the Community Development resolutions? Okay.

Now I'm going to adjourn the town board meeting."

Meeting adjourned 2:51 p.m.

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Meeting reopened: 2:56 p.m.

Councilman Dunleavy: "And reopen the town board for any comments on the resolutions that are presented today."

Sal Mastropaolo: "Sal Mastropaolo, Calverton. Resolution 239. You're extending the term for the security, the performance security for road and drainage by two years.

If you're going to extend the thing by two years, I don't understand why you're reducing the amount of the bond from \$215,000 to \$81,000. He obviously isn't finished so why are you reducing it if you're going to extend it two years?"

Councilwoman Giglio: "I can touch on this. This was actually reduced by planning board resolution #7 adopted on January 15<sup>th</sup> of 2009 so it was reduced last year and he is seeking an extension through December 21<sup>st</sup> of 2010."

Sal Mastropaolo: "Well I guess the question is was the planning board aware of the fact that he was going to extend it when they reduced it?"

Councilwoman Giglio: "You know, I discussed this this morning in work session with the planning board-- with the chair of the planning board, with Vinny Gordiello and said you know we're extending these performance bonds and we're extending-- and we need to follow up on where they are with getting the work done, you know.

We had tremendous flooding in (inaudible). Councilman Dunleavy and I went out and saw that. They have several homes that are in existence but they're not complete with the work yet and the drainage structures weren't completed and the road got flooded and, you know, we've had a lot of problems with that with subdivisions. So we're going to be staying on top of these subdivision reductions in bonds and also with the performance of the bonds to find out where they are with the project with the number of homes that are built versus the percentage of improvement for the roads and drainage."

Sal Mastropaolo: "Okay. 243, on the attachment. Are we still in the east lawn building?"

Councilman Dunleavy: "Yes."

Sal Mastropaolo: "Okay. I thought we were out of there. It's listed as one of the properties for that irrigation contract.

245. I don't understand why you have this resolution in there. It doesn't say with who and for how much. Security services. I mean-- "

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Councilman Wooten: "These are for the different lawn companies that we have (inaudible) throughout the town."

Sal Mastropaolo: "Well, shouldn't there be at least an attachment with, you know, who you're dealing with and how- "

Councilman Wooten: "There should- "

Councilman Dunleavy: "There should be an attachment. Yes. We'll make sure that- "

Sal Mastropaolo: "Yeah. There's nothing in there that says attached. So- "

Councilwoman Giglio: "Do you want to table it?"

Dawn Thomas: "Which one is this?"

Sal Mastropaolo: "245."

Councilman Wooten: "This is for the alarm companies that we're in contract with for different municipal buildings throughout the town."

Councilman Dunleavy: "We have to put the attachment onto it."

Councilwoman Giglio: "And that will identify which security agency is responsible for the building?"

Sal Mastropaolo: "I mean otherwise it's a useless resolution."

Councilman Wooten: "Arrow has some."

Councilman Dunleavy: "Wait. Do you want to come up and maybe speak about this, Bill? Dawn does?"

Councilman Wooten: "Yeah, I think Dan handles a lot of this, right? Dan McCormick."

Dawn Thomas: "I have to look and see. I'm not sure which attorney did it in the office."

Councilman Wooten: "I think Dan did it last time. I don't know if he did it this time."

Dawn Thomas: "But I don't (inaudible)."

Councilman Wooten: "Yes, it says (inaudible) on the bottom."

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Councilman Dunleavy: "We can table it and then we'll find out. Okay?"

Sal Mastropaolo: "Okay. 249. Just a couple of word corrections. On page 5, the second line in Section E. I think you have a wrong word there. It should be from not form. And on page 6, the fifth line down in Section 12, the next to the last word is incorrect. It probably should be take not taken."

Councilwoman Giglio: "You've got that, Diane?"

Sal Mastropaolo: "That's it."

Councilman Dunleavy: "Okay, thank you."

Sandra Mott: "Good afternoon. Sandra Mott, Riverhead. Just on two of your resolutions, please. 235, about the fees for your recreational- recreation spring and summer brochure.

We've already received them and I reviewed them and they're very interesting in concept but I know a lot of people who cannot afford some of the fees that you are asking. Some people can but I know a lot of people who can't.

Has there ever been a consideration as to scholarship or reductions based on income for particular trips, programs, etc.? I'm just throwing that out for the future. You can't do that now."

Councilman Dunleavy: "We do have reductions because of income and the chief is on that board. He gets the requests and they have a committee that goes over it and gives-- the chief of police."

Sandra Mott: "Oh, you actually have a format so people can inquire?"

Councilman Dunleavy: "Chief, do you want to talk on that?"

Sandra Mott: "For your PAL program. But what about elderly is what I'm concerned with, senior programs."

Councilman Gabrielsen: "Is there any particular one?"

Sandra Mott: "Are we talking about the same thing? The little yellow brochure that went out. Okay. I'm talking about senior citizens who can't afford \$75, 55, \$38 for- "

Councilman Wooten: "I wish Judy was here because I'm not- "

Sandra Mott: "Well, I'm just putting it forward for someone to look into as a possibility."

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Councilman Wooten: "We have a very active senior program in the town. I'm sure that take into consideration all of that."

Sandra Mott: "Very active but I still think that some people should be offered a scholarship or reductions, you know, based on income."

As to Resolution 238, it's very funny that I should be here with this particular resolution because I actually talked to Jill Lewis last week in the midst of all the flooding and so on which she was very kind to take my concern as to- I took into the city with the Long Island Railroad and- which is a very beautiful way to get into the city, two hours and fifteen minutes, underutilized resource it seems to me.

But there's a lot of trash on either side from tires to garbage to mattresses, etc. and I just spoke to Jill before I came in because of all the horror of the flooding, I refer to it as the northern version of Katrina, but she said that she was not able to connect with the MTA.

So I'm going to bring it forward now that you have this litter awareness and clean up that that be a consideration, that area from Riverhead all along when it enters Riverhead into I know to Brookhaven and maybe coordinate with Brookhaven because it's extremely pretty."

Councilman Wooten: "I tell you last year- I join this every year, we've been doing this for years, but last year I happened to be the one and say I'll take from Main Street to Ostrander along the tracks. I won't do it again, but- "

Sandra Mott: "Well, that's the point."

Councilman Wooten: "There must have been 40 bags of garbage there."

Sandra Mott: "Easy."

Councilman Wooten: "It was horrible."

Sandra Mott: "Easy. And the point is that if it's cleaned up once and people actually put maybe signs up that littering is prohibited, I know it's MTA, that's what you were saying and because of the union circumstances that volunteers doing it but if it could be presented in such a way, especially since the MTA is going down the tubes very fast, maybe they wouldn't mind some free help overseen by their staff, by their employees."

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And since it's coming up, May 1<sup>st</sup>, it's not a long time but I think it's enough time to coordinate something like that.

Thank you."

Councilman Dunleavy: "Thank you very much. Do we have any other comments?"

Dominique Mendez: "Resolution 249, I just had a couple questions. So, Dawn, you're going to be familiar with this. I was wondering- that's the one on Great Rock and the stipulation of agreement.

In the past stipulation, the one from last June, they- Great Rock was required to provide a list of the events. I just, you know, sat in here and tried to- I notice- I didn't see it, I might have missed it. Can you point me to where it is or is that part of this condition, you know, this stipulation?"

Councilman Dunleavy: "Will you repeat your question, please?"

Dominique Mendez: "Last- "

Dawn Thomas: "Yeah. If you look at paragraph 16, page 8."

Dominique Mendez: "Page 8? Okay."

Dawn Thomas: "It says the defendants further agree that all other terms and conditions contained in the June 2, 2009 stip not set forth herein shall remain in full force and effect."

Dominique Mendez: "So that means- "

Dawn Thomas: "That will be the same procedure."

Dominique Mendez: "Same procedure. Okay. Are there any other substantial differences between that old- "

Dawn Thomas: "No. The only thing really that was happening here was the imposition of the fine for the non-golf course related event that we determined had taken place."

Dominique Mendez: "Right. Okay, that's it. Thank you very much."

Councilman Dunleavy: "Sal, to go back to- Sal, to go back to what you said. The security agreements are not for public disclosure because of the security reasons so that's why they're not attached."

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Dawn Thomas: "Just for town board."

Councilman Dunleavy: "Okay. Do we have any more comments on the resolutions? If not, we'll start with the resolutions.

Diane, you want to start calling them?"

Resolution #234

Councilwoman Giglio: "Ratifies the submission of a grant application to the New York State Affordable Housing Corporation for funding to support the town of Riverhead home improvement program. So moved."

Councilman Dunleavy: "And seconded.

Moved and seconded. Please vote."

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

Resolution #235

Councilman Dunleavy: "Ratifies the setting of fees for the 2010 recreation spring/summer brochure. So moved."

Councilman Wooten: "Second."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #236

Councilman Wooten: "It amends an agreement with VeriClaim as third party administrator. So moved."

Councilman Gabrielsen: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #237

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Councilman Gabrielsen: "Authorizes the submission of an application for funding for \$100,000 specifically for the Anti-Gang Initiative for At Risk Age groups through OJJDP FR10 earmarks programs."

Councilwoman Giglio: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Councilman Wooten: "What's the age group? Yes."

The Vote (Cont'd.): "Dunleavy, yes. The resolution is adopted."

Resolution #238

Councilwoman Giglio: "Designates May 1, 2010 Riverhead Litter Awareness and Clean up Day. So moved."

Councilman Dunleavy: "And seconded.

Moved and seconded. Please vote."

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

Resolution #239

Councilman Dunleavy: "Approves extension of security posted by Gendot Homes in connection with the subdivision entitled Osborne Acres (road and drainage improvements). So moved."

Councilman Wooten: "I'll second."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #240

Councilman Wooten: "Approves extension of security posted by Richard Olivo in connection with the subdivision entitled Shade Tree Acres - Section 2 (road and drainage improvements). So moved."

Councilman Gabrielsen: "And seconded."

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Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #241

Councilman Gabrielsen: "Authorizes the town clerk to advertise for bids on an arched steel building. So moved."

Councilwoman Giglio: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #242

Councilwoman Giglio: "Authorizes the supervisor to execute a license agreement with East End Oysters to allow the installation of floating upweller systems (FLUPSY) in East Creek. So moved."

Councilman Dunleavy: "And seconded."

Moved and seconded. Please vote."

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

Resolution #243

Councilman Dunleavy: "Authorizes the supervisor to execute a professional services agreement with S&L Irrigation, Inc. So moved."

Councilman Wooten: "I'll second."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #244

Councilman Wooten: "244 authorizes the supervisor to execute an agreement to place Suffolk County Community College students interns in the Town of Riverhead Senior Citizen Center. So moved."

Councilman Gabrielsen: "And seconded."

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Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #245

Councilman Gabrielsen: "Authorizes the supervisor to execute a security agreement. So moved."

Councilwoman: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #246

Councilwoman Giglio: "Authorizing certificate of exemption pursuant to Chapter 62 entitled Excavations and Chapter 110 entitled Stormwater Management and Erosion and Sediment Control of the code of the town of Riverhead. So moved."

Councilman Dunleavy: "And seconded."

Moved and seconded. Please vote."

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

Resolution #247

Councilman Dunleavy: "Authorizes the settlement of legal action against the owners, tenants, occupants and mortgagee of the property located at 70 Main Road, Aquebogue, New York. So moved."

Councilman Wooten: "I'll second."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #248

Councilman Wooten: "Authorizes the settlement of legal action against the owners, tenants, occupants and mortgagee of the property located at 21 Cross Road, Wading River, New York. So moved."

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Councilman Gabrielsen: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #249

Councilman Gabrielsen: "Authorize the settlement of legal action against the owners, tenants, occupants and mortgagee of the property located at 141 Fairway Drive, Wading River, New York. So moved."

Councilwoman Giglio: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #250

Councilwoman Giglio: "Authorizes the supervisor to execute an inter-municipal agreement with the County of Suffolk for County Road 58 a/k/a Old Country Road/Pulaski Street road improvement. So moved."

Councilman Dunleavy: "And seconded."

Moved and seconded. Please vote."

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

Resolution #251

Councilman Dunleavy: "Authorizes Dunn Engineering Associates, P.C. to proceed with Calverton rail construction administration. So moved."

Councilman Wooten: "Seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #252

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Councilman Wooten: "It approves the Chapter 90 application of Our Redeemer Lutheran Church and School for a fundraiser carnival and flower sale. So moved."

Councilman Gabrielsen: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #253

Councilman Gabrielsen: "Approves Chapter 90 application of Railroad Museum of Long Island (Riverhead Railroad Festival 2010). So moved."

Councilwoman Giglio: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #254

Councilwoman Giglio: "Approves the Chapter 90 application of Riverhead Bay Motors for used car sale. So moved."

Councilman Dunleavy: "And seconded."

Moved and seconded. Please vote."

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

Resolution #255

Councilman Dunleavy: "Ratifies publication of NYS DEC notice of complete application of extension 75B to the Riverhead Water District. So moved."

Councilman Gabrielsen: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #256

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Councilman Wooten: "Authorizing the dedication of the fish passage in Grangebél Park to Robert B. Conklin. So moved."

Councilman Gabrielsen: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Councilman Dunleavy: "Yes. And I'm proud to do this."

Diane Wilhelm: "The resolution is adopted."

Resolution #257

Councilman Gabrielsen: "Approves Chapter 90 application of East End Arts & Humanities Council, Inc. for the 14<sup>th</sup> annual community mosaic street painting festival. So moved."

Councilwoman Giglio: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #258

Councilwoman Giglio: "Approves the Chapter 90 application of Eastern Energy Systems, Inc. for a 100k wind turbine ribbon cutting ceremony. So moved."

Councilman Dunleavy: "And seconded."

Moved and seconded. Please vote."

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

Resolution #259

Councilman Dunleavy: "2009 highway fund budget adjustment. So moved."

Councilman Wooten: "I'll second."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #260

Councilman Wooten: "260 offers support to New York State Legislature for the authorization of an advisory non-binding referendum in the towns of Brookhaven, East Hampton, Riverhead, Shelter Island, Southampton and Southold on the creation of the Peconic Bay Regional Transportation Authority to replace the Metropolitan Transportation Authority (Senate bill #S.6664A/Assembly bill #A.9861A.) So moved."

Councilman Gabrielsen: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #261

Councilman Gabrielsen: "Approves the Chapter 90 application of Legacy Marketing Partners, Pepsi family fun event at K-Mart. So moved."

Councilwoman Giglio: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #262

Councilman Gabrielsen: "Reappoints member to the recreation advisory committee. So moved."

Councilwoman Giglio: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "I'd just like to point out that this reappointment of Marjorie Acevedo has been an asset for the recreation advisory committee. Yes."

The Vote (Cont'd.): "Wooten."

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Councilman Wooten: "I don't know her but yes."

The Vote (Cont'd.): "Dunleavy, yes. The resolution is adopted."

Resolution #263

Councilman Dunleavy: "263 I'm going to let you offer this because it's your resolution."

Councilman Wooten: "Okay, thank you."

It authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 92 entitled Highways, Streets and Sidewalks to ensure the timely removal of damaged utility poles on town highways. So moved."

Councilman Dunleavy: "And I second this."

Moved and seconded. Please vote."

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

Resolution #264

Councilman Wooten: "It ratifies authorization to publish advertisement for snack vendors to be utilized by the town of Riverhead. So moved."

Councilman Gabrielsen: "And seconded."

Councilman Dunleavy: "Moved and second. Please vote."

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

Resolution #265

Councilman Gabrielsen: "Authorize the supervisor to accept a matching grant in the amount of \$74,178.12 from the Suffolk County Water Quality Protection Restoration Program and Land Stewardship Initiative regarding the Oakleigh Avenue Baiting Hollow drainage project Phase I. So moved."

Councilwoman Giglio: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

The Vote: "Giglio."

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Councilwoman Giglio: "Yes. And I would like to thank John for all of his efforts on this Oakleigh Avenue. He has been non stop trying to get this project done. So it's on its way. Good job, John."

Councilman Dunleavy: "Thank you."

The Vote (Cont'd.): "Gabrielsen."

Councilman Gabrielsen: "I'd also like to thank John for all his effort in getting this finished. Yes."

Councilman Dunleavy: "Thank you."

The Vote (Cont'd.): "Wooten."

Councilman Wooten: "John, yes."

The Vote (Cont'd.): "Dunleavy, yes. The resolution is adopted."

Councilman Dunleavy: "We're finally getting it finished."

Resolution #266

Councilman Gabrielsen: "Appoints a recreation advisory council representative to the Riverhead Open Space/Park Preserve Committee. So moved."

Councilwoman Giglio: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #267

Councilman Dunleavy: "Authorizes attendance of one police department employee to NY/NJ Regional Fugitive Task Force training. So moved."

Councilman Wooten: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Councilman Wooten: "Atlantic City, huh? Yes."

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The Vote (Cont'd.): "Dunleavy, yes. The resolution is adopted."

Resolution #268

Councilman Wooten: "It awards the Calverton rail access rehabilitation contract. So moved."

Councilman Gabrielsen: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #269

Councilman Gabrielsen: "Ratifies the reinstatement of a public safety dispatcher I and places him on a leave of absence. So moved."

Councilwoman Giglio: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Councilman Wooten: "I'm going to say yes. I don't know-- "

Councilman Dunleavy: "Why are we giving him a leave of absence? I don't understand."

Councilman Wooten: "Yes to the reinstatement."

Councilwoman Giglio: "I don't remember him asking for a leave of absence. I remember reinstatement at the work session."

Councilman Wooten: "Maybe he's not ready to come back yet."

Councilman Dunleavy: "Tara, do you know anything about this?"

Tara: "Yes. This came from personnel and-- "

Councilman Wooten: "He has to leave his other employment or (inaudible) 30 day notice. Is that what it is?"

Tara: "Exactly. (Inaudible)."

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Councilwoman Giglio: "Okay. Through April 13, 2010. So is that a paid leave of absence or is that— is it a paid leave of absence or is he unpaid leave of absence?"

Councilman Dunleavy: "It must be unpaid. We don't pay leave of absence."

Councilwoman Giglio: "Okay."

Councilman Wooten: "Okay, yes, yes."

The Vote (Cont'd.): "Dunleavy, yes. The resolution is adopted."

Resolution #270

Councilman Gabrielsen: "Authorize the release of security of Harriman Estates at Aquebogue LLC, subdivision entitled Harriman Estates. So moved."

Councilwoman Giglio: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #271

Councilman Dunleavy: "Authorize the release of security of Traditional Links LLC. So moved."

Councilman Wooten: "Seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #272

Councilman Wooten: "Authorizes town supervisor to execute Cellular Communication leases with the Riverhead water district and Metro PCS New York LLC. So moved."

Councilman Gabrielsen: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

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Resolution #273

Councilman Gabrielsen: "Rejects bids for Calverton Sewer District sanitary pump station upgrades, general, mechanical and electrical, contract no. CASD 0504-G. So moved."

Councilwoman Giglio: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #274

Councilwoman Giglio: "Authorization to publish advertisement for automotive parts for the town of Riverhead. So moved."

Councilman Dunleavy: "And seconded."

Moved and seconded. Please vote."

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

Resolution #275

Councilman Dunleavy: "Ratifies authorization to publish advertisement for diesel fuel for use by the town of Riverhead. So moved."

Councilman Wooten: "Seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #276

Councilman Wooten: "Authorization to publish advertisement for food products for the town of Riverhead. So moved."

Councilman Gabrielsen: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

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Councilman Dunleavy: "Yes, and I hope somebody bids on it this time."

Diane Wilhelm: "The resolution is adopted."

Resolution #277

Councilman Gabrielsen: "Authorization to publish advertisement for truck parts for the town of Riverhead. So moved."

Councilwoman Giglio: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #278

Councilwoman Giglio: "Appoints temporary secretary to the Board of Assessment Review. So moved."

Councilman Dunleavy: "And seconded."

Moved and seconded. Please vote."

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

Resolution #279

Councilman Dunleavy: "Riverhead sewer treatment plant upgrade capital project budget adoption. So moved."

Councilman Wooten: "Seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #280

Councilman Wooten: "280 extends the bid contract for well and pump testing for the Riverhead Water District. So moved."

Councilman Gabrielsen: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #281

Councilman Gabrielsen: "Approves amended site plan of Zenith Building. So moved."

Councilwoman Giglio: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Councilman Dunleavy: "Yes, and it's a move toward Main Street. So I vote yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #282

Councilwoman Giglio: "Authorizes town clerk to publish and post a public notice for a local law to consider amendments to Chapter 108 entitled Zoning of the Riverhead town code (Article VIII accessory apartments). So moved."

Councilman Dunleavy: "And seconded."

Moved and seconded. Please vote."

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

Resolution #283

Councilman Dunleavy: "Authorize the town clerk to publish and post public notice of public hearing to consider a proposed local law for an amendment of Chapter 101 entitled Vehicles & Traffic of the Riverhead town code, Section 101-3 stop and yield intersections; railroad crossings; parking fields. So moved."

Councilman Wooten: "Seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #284

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Councilman Wooten: "Authorize the town clerk to publish and post a public notice for a local law to consider an amendment to Chapter 108 of the code of the town of Riverhead entitled Zoning Section 108-3 definitions, floor area. So moved."

Councilman Gabrielsen: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #285

Councilman Gabrielsen: "Authorize the town clerk to publish and post public notice to consider a local law to repeal Article XXXIII, Business E Highway Commercial/Service Zone of Chapter 108 entitled Zoning of the Riverhead town code. So moved."

Councilwoman Giglio: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Councilman Dunleavy: "We don't have Business E Highway, so we're crossing this whole section out. Yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #286

Councilwoman Giglio: "Authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, home occupation in accessory buildings. So moved."

Councilman Dunleavy: "And seconded.

Moved and seconded. Please vote."

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

Councilman Wooten: "This is for a public- yes."

The Vote (Cont'd.): "Dunleavy, yes. The resolution is adopted."

Resolution #287

Councilman Dunleavy: "287 is to pay the bills. So moved."

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Councilman Wooten: "Seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Diane Wilhelm: "Now we have two off the floor."

Councilman Dunleavy: "We're going to take two off the floor."

Resolution #288

Councilman Wooten: "Resolution 288, determines zoning compliance for proposed storage building expansion for the Jamesport Fire District firehouse and exempts project from setbacks and site plan review. So moved."

Councilman Gabrielsen: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

Resolution #289

Councilman Dunleavy: "We're going to take another resolution off the floor. Councilman Gabrielsen."

Councilman Gabrielsen: "Okay, Resolution #289 authorizes SYSTRA to proceed with professional services for the construction of the Calverton rail rehabilitation. So moved."

Councilwoman Giglio: "And seconded."

Councilman Dunleavy: "Moved and seconded. Please vote."

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

And that is it."

Councilman Dunleavy: "And that ends our resolutions. Does anybody have anything to say to the town board about any subject."

Sandra Mott: "Any subject. Guess what mine is? Well, hopefully, Sean is okay. He's on vacation, you say? Sean is not

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here. Okay, because I really wanted to direct a couple of things to him specifically but I'll jump over that.

I'm going to make a general comment. You know how you're flipping papers and trying to find code and so on and so forth. Didn't we put in some kind of a media program or equipment here that we could all see what you're looking at exactly from the code? Because it's very difficult when, you know, you all are discussing it up there and we can't really follow. Isn't there some-

Councilman Dunleavy: "We don't have any equipment like that."

Sandra Mott: "What' that on the wall?"

Councilman Dunleavy: "We don't have any cameras to show what we're looking at up here."

Sandra Mott: "You don't have a projector that you can buy to project the information onto the wall?"

Councilwoman Giglio: "We have a-

Councilman Dunleavy: "We're having a very big budget deficit."

Councilwoman Giglio: "We - "

Sandra Mott: "Yeah, yeah, yeah. I don't want to hear budget. I know all about the budget. I'm just asking in general for the public information."

Councilman Wooten: "You get here early enough you get copies of the resolutions and read through them."

Sandra Mott: "The point is it is 2010 and I don't have a computer, I don't want a computer but the point in fact is I think it would be helpful especially when it was back and forth on specific topics-

(At this time, the disk malfunctioned and failed to record the rest of the meeting)

(Collective response to adjourn): "Giglio, aye, Gabrielsen, aye; Wooten, yes; Dunleavy, yes."

Meeting adjourned: 3:45 p.m.

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