

10/15/85

982

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, October 15, 1985, at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Victor Prusinowski, Councilman
Vincent Artale, Councilman
Louis Boschetti, Councilman

Also Present: Richard Ehlers, Town Attorney
Allison Becker, Supervisor of the Day

Supervisor of the Day Allison Becker called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Minutes of Regular Board Meeting held on October 1, 1985 are dispensed without objection and be approved.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

BILLS

Bills submitted on abstract dated October 15, 1985 as follows:

General Town	\$666,569.90
PM	396.93
AM	1,108.00
Highway	130,892.16
Capital Projects	198,364.87
SL & ST	48,301.25
CF	2,951.24
Small Cities	121,953.56

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that subject to complete audit, the following bills be approved for payment.

General Town	666,569.90
PM	396.93
AM	1,108.00
Highway	130,892.16
Capital Projects	198,364.87
SL & ST	48,301.25
CF	2,951.24
Small Cities	121,953.56

10/15/85

983

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

Supervisor of the Day Becker, "The department heads are here if you have any questions. Reports."

REPORTS

Recreation Department-for month of August, 1985.

Filed

Open Bid Report-Police Telephone System.

Filed

Open Bid Report-Nutrition Van.

Filed

OPEN BID REPORT - POLICE TELEPHONE SYSTEM

Bid Date: October 7, 1985
1 Bid Submitted

#1 NAME: EXECUTONE L.I./SUFFOLK INC.

ADDRESS: 2990 EXPRESSWAY DRIVE SOUTH, SOUTH HAUPPAUGE

TOTAL BID:\$18,490.00

OPEN BID REPORT - NUTRITION VAN

Bid Date: October 7, 1985
1 Bid Submitted

#1 NAME: RIVERHEAD DODGE, INC.

ADDRESS: 642 WEST MAIN STREET, RIVERHEAD

TOTAL BID: \$16,082.25

Supervisor of the Day Becker, "Applications."

Irene Pendzick, "There are no applications."

Supervisor of the Day Becker, "Correspondence."

CORRESPONDENCE

*Richard and V. Avis Reeve, 10/9/85-opposed to application as spot zoning.

Filed

*Leonard & Michael McCombe, 10/9/85-objects to application as conversion of low density land to high density land and suggests land be kept farmland.

Filed

*Received within the 10 day reply period regarding Special Permit of Justin Purchasing to build a 20 married couple unit.

10/15/85

CORRESPONDENCE Continued

984

*Dr. Caryl Granttham, 10/6/85-lists 4 comments in opposition to application.

Filed

*William Kasperovich, 10/10/85-requests application be denied and lists many reasons.

Filed

Planning Board, 10/7/85-recommends that Route 25A rezoning in Wading River be rezoned Bus. CR as designated on map, with proposed Bus. CR changes; and that application of Fred Gallo be approved.

Filed

Environmental Quality Review Board, 10/3/85-recommending that application of Peter and James Van de Wetering is an unlisted action.

Filed

Henry Saxtein, 10/7/85-advising Town Board that Fred Gallo wished to amend special permit application by deleting request for single family home.

Filed

Wildwood Acres Assoc., Inc.-apologizes for necessity to leave last meeting early due to bus transportation arrangement.

Filed

*James Poro, V.P. Norstar Bank-states that Mr. Agoglia has shown excellent character and trustworthiness throughout the years with dealings with bank.

Filed

*A. Monahan, C.P. Manufacturers Trust-that Mr. Agoglia is well respected within his community and keeps his commitments.

Filed

*Craig Fuhrmann, 10/8/85-states that he has known Mr. Agoglia and that he is a devoted father and husband, a most caring person and has a close relationship with his God and wants to do good for others.

Filed

Edward Sadowski, 10/15/85-Submitting retirement as of January 4, 1986.

Filed

Supervisor of the Day Becker, "The time for the first public hearing has not yet arrived. So the Supervisor will read the Unfinished Business."

Supervisor Janoski, "Under Unfinished Business:

UNFINISHED BUSINESS

Kimbroke Enterprises-Special Permit for condominiums on Sound Avenue. That is before the Planning Board.

George Nunnara-Site Plan for storage of gas/welding supplies. That is still under consideration by the Town Board.

633 Associates-Site Plan for Office Building, 633 East Main Street. That is before the State Board of Review.

*Received within the 10 day reply period regarding Special Permit of Justin Purchasing to build a 20 married couple unit.

10/15/85

985

UNFINISHED BUSINESS Continued

Daniel Donahue-Site Plan for Post Office, Route 25, Calverton. That is under consideration by the Town Board and should be approved at the next Board meeting.

Augusta Schneider-Special Permit for freshwater wetlands application. That is under consideration by the Town Board.

Anthony Conforti-Site Plan for office building on Howell Lane and East Main Street. That is before the Town Board.

Al Steckis-Site Plan for manufacturing building, Wading River. That is before the Town Board.

Atrium Group, Ltd.-Special Permit to use 2 residential homes in industrial zone. That is before the Planning Board.

Fred Gallo, Jr.-Special Permit for storage building and single family residence. That is before the Town Board.

Barry & Janet Wedel-Site Plan to alter sign manufacturing building on West Main Street. That is before the Town Board.

Rollin & Olga Hargis-Special Permit to add 23 mobile home lots at existing mobile home park on River Road Calverton. That is before the Planning Board.

Jack Van de Wetering-Special Permit for agricultural housing on Sound Avenue. That is before the Planning Board."

Supervisor of the Day Becker, "I will recognizes anyone who wishes to be heard."

Steve Haizlip, Calverton, "Acting Madam Supervisor and the rest of the Board members. I'd like to get an explanation because I don't quite understand this symbol on this traffic sign on Ostrander and the one that is coming down by St. John's Cemetery. It's put right on Ostrander but yet Northville Turnpike light and this Elton Street crosses. But the symbols are back up here. What is that trying to say? That you stop here?"

Councilman Prusinowski, "That says that when the light is red, you're supposed to stop up before Elton Street so you can allow the traffic to go in when they make a left turn across on to Elton Street."

Supervisor Janoski, "Well thank you for the explanation here and now. I believe they're going to have to be a little bit more lettering there because a lot of people just look at it...."

Councilman Prusinowski, "Steve I would suggest that you contact the state government. They, I think changed that and all the traffic signs are now going to be in symbols rather than explanations and words, if I remember right the last time I was at Motor Vehicles."

10/15/85

986

PERSONAL APPEARANCES Continued

Councilman Artale, "It's the State Department of Transportation."

Steve Haizlip, "That came from the State Department? Not local town?"

Councilman Prusinowski, "No."

Steve Haizlip, "Ok."

Supervisor of the Day Becker, "Does anyone else wish to be heard?"

Fran Vitollo, Wading River, "I'd like to apologize for the rude way we left two weeks ago, Joe and the Town Board members. Had Joe announced that you were going to change your format, maybe this wouldn't have happened. After coming here for 12 years, you decide at the last minute to change your format and I don't think that was pretty nice Joe."

Supervisor Janoski, "Well we thought (Fran) that we would try something because of the number of public hearings that were scheduled that night. It would have been quite a juggling act with the 10 minutes which is usually provided for the scheduling between them. I apologize if you're offended. But it is my job to try to find ways to make the Town Board meeting run a little smoother."

Fran Vitollo, "Yes. But it was bad timing Joe because we came here with so many people."

Supervisor Janoski, "You will also recall that what I did for your group was to have you put ahead because I knew the larger amount of people were here for that particular public hearing and you weren't scheduled until later. I asked the other people who were for hearings if they would mind if I put you first and I thought that was a gesture of kindness and consideration."

Fran Vitollo, "Yes. There was a yes and no there. But on the same token..."

Supervisor Janoski, "Your hearing was held and you decided to leave. My scheduling of the public hearings has nothing to do with your decision to leave a meeting."

Fran Vitollo, "Well, we're use to coming here for the last 12 years and having the hearings set on a specific time and then you threw us off."

Supervisor Janoski, "I don't understand your point. We moved you ahead."

Fran Vitollo, "I understand that."

Supervisor Janoski, "What is your point?"

10/15/85

987

PERSONAL APPEARANCES Continued

Fran Vitollo, "The point was that our hearing was set for 8:35. So we would have said what we had to do. The officer in charge (our president) said to keep our speeches short so we wouldn't have to detain the rest of the people here and this is what I felt."

Supervisor Janoski, "Well Fran, I don't understand. If I moved you ahead in the schedule and..."

Fran Vitollo, "Yes. But that was still 5 after 9 Joe after you got us up here. That was kind of late and our bus had to leave and we did want to hear some other things that were going on."

Supervisor Janoski, "Ok. I understand that. Ok. We're going back to the old method. One more maybe."

Supervisor of the Day Becker, "Would anybody else wish to be heard?"

Supervisor Janoski, "Ok. Let's wait a minute until it's 7:45."

Supervisor of the Day Becker, "Let the record show that the hour of 7:45 has arrived. The Town Clerk will read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 15, 1985, at 7:45 p.m. at Riverhead Town Hall to hear all interested persons regarding: Special Permit Application of Edward and Stacy Worth to use premises zoned industrial "A" for residential purposes located at West Lane, Aquebogue.

Supervisor of the Day Becker, "Is there anyone present representing the applicant?"

Robert Pike, Attorney, "You betcha. Thank you. Basically the application...."

Irene Pendzick, "For Nadia Bob."

Robert Pike, "Robert Pike, 155 Sound Avenue, Baiting Hollow, attorney for Ed and Stacy Worth. Basically the application is one for subdivision in an industrial zone and this is the industrial zone on West Lane north of the Photocircuits property. The reason we're here subsequent to a recommendation in favor of the Planning Board for the subdivision, the Town Code requires it. For the Board's information we have prepared full surveys indicating the 4 building envelopes and the outlay of the lots that Ed and Stacy Worth would like to pursue. Mr. and Mrs. Worth plan on building all 4 of the houses. Mr. Worth is responsible for the building in front of the North Fork Preserve and would be building similar

10/15/85

988

PUBLIC HEARING Continued

Robert Pike, Continued

style buildings at this particular area. He would like to set up his building business in Riverhead and work from his own home. The area is just north of the industrial area of Photocircuits behind Alfred Grossklaus' house and Walt Doroski's house and we faced the buildings away from the industrial area, put up some lines of trees to create a buffer between the area of the farmland to the north. I'm here to answer any questions. Certainly I believe the approval of this application would be in the interest of the Town."

Councilman Artale, "Mr. Supervisor."

Supervisor Janoski, "Yes."

Councilman Artale, "Mr. Pike, are these condominiums that they have over there?"

Robert Pike, "No sir. They are not."

Councilman Artale, "There are 2 units to each building?"

Robert Pike, "No. There would be... There could be if (inaudible) They would each be 4 individually units, single-family residences."

Supervisor Janoski, "Anybody else? Ok."

Supervisor of the Day Becker, "Is there anyone else who wishes to be heard?"

Joan Rogers, West Lane, "I have a letter from Mary Beth Andresen and I also would like to speak for myself and my husband. We would like to see our residences on West Lane rather than the industrial zoning that it has now and so we would like to further that cause for more homes."

Supervisor Janoski, "Do you want to make that part of the record?"

Joan Rogers, "Thank you."

Letter Submitted by Joan Rogers for Mary Beth Andresen.

Members of the Town Board
Dear Sirs:

It has come to my attention that a public hearing is being held tonight to upzone a parcel of land from industrial to residential on West Lane, Aquebogue. I would like to urge you to rezone the remaining parcels not actively engaging in industry on West Lane back to agricultural and residential which would be more in keeping with the present use and total area concerned. Thank you.

10/15/85

989

PUBLIC HEARING Continued

Supervisor of the Day Becker, "Is there anyone else wishing to be heard?"

Dan Wells, Farmer, "I'm the farmer who owns and operates the farmland north and west of said hearing properties tonight. I would like to state for the record that in past situations when housing goes up near a farm that problems do arise with people moving in not familiar with the farming area technics. And in your decision on this subdivision is going into residential, take into the affect what might happen if people move in to the area opposed to farm practices that have been going on much longer than they've been here. Thank you."

Supervisor of the Day Becker, "Is there anyone else who wishes to be heard? That being the case, I declare the hearing closed. There are 3 minutes remaining before the next public hearing, so we will act on resolutions."

RESOLUTIONS

#733 AUTHORIZES OVERTIME COMPENSATION - WATER DISTRICT.

(See Water District Minutes)

#734 TRANSFER OF FUNDS - WATER DISTRICT.

(See Water District Minutes)

#735 AUTHORIZES INCREASE OF SEWER TREATMENT PLANT OPERATOR TRAINEES.

(See Scavenger Waste District Minutes)

#736 APPOINTS ACCOUNT CLERK-TYPIST IN SEWER/SCAVENGER WASTE PLANT.

(See Scavenger Waste District Minutes)

#737 AUTHORIZES INCREASE OF SEWER TREATMENT PLANT OPERATOR TRAINEES.

(Same as Resolution #735)

#738 AUTHORIZES OVERTIME - HIGHWAY DEPARTMENT.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

RESOLVED, that the Superintendent of Highways be and is hereby authorized to pay time and one-half compensation for overtime for a total of 637 hours in the amount of \$8,248.43, in accordance with personal services abstract submitted and filed in the Office of the Town Clerk.

10/15/85

990

RESOLUTIONS Continued

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor of the Day Becker, "Let the record show that the hour of 7:55 has arrived. The Town Clerk will read the notice of public hearing."

PUBLIC HEARING - 7:55 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday October 15, 1985, at 7:55 p.m. at Riverhead Town Hall to hear all interested persons regarding: Special Permit Application of David Willmott, Sr. to construct and operate a non-nuisance industry, Ten Plex Movie Theatre within an existing building located on the south side of Route 58.

Supervisor of the Day Becker, "Is there anyone present representing the applicant?"

Allen Smith, Esq., "The building you know is the old Billy Blake's building. It has been occupied. It is a hundred and five thousand square feet. Approximately 50 thousand square feet of which has been occupied by Mr. Willmott and is the offices and presses of Suffolk Life Newspapers. Mr. Willmott proposes to take the westerly 27 thousand square feet of the existing building within its existing dimensions, erect interior walls within that 27 thousand square feet and segregate it into ten mini theatres. There is no new exterior construction. There is no parking. There are no new buildings and that is pretty much the story. You have a recommendation from the Planning Board and you have a recommendation (I believe) that is part of the record by the County recommending that if the use comes into existence that the traffic light be installed at Route 58. I'll answer any questions."

Supervisor of the Day Becker, "Is there anyone present that wishes to be heard?"

Daniel Fricke, Edwards Avenue, "I think its laudatory that a building which remained empty for a large number of years is being utilized in a positive way. I do think however, that when I drive by as I have for a lot of years and look at the ocean of blacktop without any interruption except lighting poles, I really think it's an undesirable way the building was originally designed, layed out and paved. Landscaped, let's put it that way. I also think that the design (although I'm not an architect) of the parking lot (I don't know the exact dimensions of it but I know it's large.) with no curbs, driveway obstructions. For the many years that the parking lot and the building was essentially abandoned, it sort of became a mini quick way for people wanting to take short cuts. I, having frequented on occasion shopping centers where there are large numbers of drivers trying to enter or exit simultaneously. One often borders on taking their life

10/15/85

991

PUBLIC HEARING Continued

Daniel Fricke, Continued

if not their vehicle in their hands to navigate around in those things. I think it would be highly desirable if the exterior of the building simultaneous with granting approval for operation of a Ten Cinema complex that improvements were done in the parking area which would clearly mark parking areas, separate navigation lanes to enter and depart so that people can't just drive wildly across the large area in any direction they wish. And also that some landscaping (which in my view is critical) be installed to increase the appearance, the esthetic appearance and also the desirability of parking in the place. I personally think it's an abomination to see a large area like that with solid blacktop with nary a bit of landscaping in the whole thing. I think there should be islands built with some trees therein in the islands for two reasons; esthetics and for safety. Thank you."

Steve Haizlip, Calverton, "Madam Supervisor and the Town Board. As Mr. Fricke has stated here he is concerned about safety of the parking lot and about the people zooming in and out and so forth. My concern is safety also. If we're going to have 10 individual movies in there, there's going to be a lot of smoke. Is the fire department considering some type of safety or is there going to be some type of sprinkler which in case of fire or someone gets happy in there and a blaze starts from a paper bag or something to put it out?"

Supervisor of the Day Becker, "Is there anyone else that wishes to be heard? Mr. Smith do you have anything to add?"

Allen Smith, "For the record I want it reflected that the client, a member of the team, David Willmott, Jr. is here and you may know it is a family enterprise and Dave is standing there in the back with me on this particular project. To answer the concern about fire safety; the structure is and will be built to both the state building code and the new fire code. The building at the moment is fully sprinkled and is already tied to the Riverhead Second Street Fire Station by an "ADT" type of alarm. I don't know if it's "ADT" or some other service agency on fire safety concerns that was announced."

Supervisor Janoski, "Allen, there seems to be a little bit of confusion as to who is going to be the operator of the Ten-Plex. Because Mr. Willmott is the owner of the property, he is making the application. Perhaps you could clear that up."

Allen Smith, "We have 2 parties that are negotiating with Mr. Willmott on a per square foot basis. The negotiations involve 2 avenues of approach. Either it being built by Mr. Willmott and a turn key operation to the operator or secondly, a different lease arrangement and a lower per square foot basis whereby the operator would come in and build the improvements. The lease terms are being discussed in terms of about 20 years."

10/15/85

992

PUBLIC HEARING Continued

Supervisor of the Day Becker, "Is there anyone else that wishes to be heard? That being the case, I declare the hearing closed." There is time for a couple of resolutions."

RESOLUTIONS

#739 TRANSFER OF FUNDS - HIGHWAY DEPARTMENT.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Supervisor be and is hereby authorized to transfer the following:

	<u>FROM</u>	<u>TO</u>
D5110.402 Gravel and Stone	\$40,000.00	
D5110.401 Road Oil		\$40,000.00

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#740 TRANSFER OF FUNDS - GENERAL TOWN.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Supervisor be and hereby is authorized to transfer the following:

	<u>FROM</u>	<u>TO</u>
A8160.495 Methane Supplies	\$4,000.00	
A8160.470 Repair, Parts and Labor		\$4,000.00

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#741 AWARDS BID FOR REBUILT CUMMINS DIESEL ENGINE - HIGHWAY DEPT.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, the Town Clerk was authorized to advertise for bids for one Rebuilt Cummins Diesel Engine for the use of the Highway Department and

WHEREAS, on the 1st day of October 1985, all bids received were opened and read aloud, and

WHEREAS, one bid was received, and

WHEREAS, the Highway Superintendent has recommended the purchase of one Rebuilt Cummins Diesel Engine.

10/15/85

993

RESOLUTIONS Continued

NOW, THEREFORE, BE IT
RESOLVED, that the bid be and is hereby awarded to Cummins
Metropower Inc., 105 South Service Road, Plainview, New York, in
the amount of \$6,500.00.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

Supervisor of the Day Becker, "Let the record show that
the hour of 8:05 has arrived. The Town Clerk will read the no-
tice of public hearing."

PUBLIC HEARING - 8:05 p.m.

I have affidavits of publishing and posting of a public
notice for a public hearing to be held on Tuesday, October 15,
1985 at 8:05 p.m. at Riverhead Town Hall to hear all interest-
ed persons regarding. Addition to Code, Section 52-8.1 Regard-
ing: Foundation Construction Permits.

TAPE MALFUNCTIONED
THE FOLLOWING EXERPTS ARE NOT VERBATUM

Richard Ehlers, This is an amendment to the Town Code to
add building foundation permits. The applicant would be able to
commence foundation construction but would have to post a 10% bond
of estimated cost of foundation construction cost as agreed upon
by the building inspector so that if foundation is abandoned and
construction of building is not completed it could be taken down.

TAPE BEGINS FUNCTIONING
THE REMAINDER OF THE MEETING IS VERBATUM

William Kasperovich, Wading River, "I'm happy to have such
a charming Supervisor. In all my years in the building construc-
tion world I've never run into anything that allows the foundation
to be built before the final plans are submitted for a building
permit. There might be an occasional situation where it would be
expedient or practical to have such a thing. However, for the
overall scheme of things for the concern of the entire township,
this is not an intelligent arrangement. There are many hazards,
drawbacks and complications that can and do arise when the founda-
tion is pushed ahead of the completion of the working drawings.
We have rather small geographic area to concern ourselves with in
this township. We have the usual sub-surface conditions consistent.
However, it is not consistent enough to say that the same condition
exists over the entire township. Nor does it say that buildings
of a nature that would be more concerned to the stability than most
structures will not arise. Now, I could go on for an hour in this
direction. But whoever dreamed this one up, should be sent back to
the boondocks. The foundation of a structure is a very very impor-

10/15/85

994

PUBLIC HEARING Continued

William Kasperovich, Continued

tant element of any installation. It is established after the building is designed. Now, we want to put the cart before the horse. It's bad enough that we don't give enough attention to the foundations in our normal building department function. Now to detach the supporting element of the structure prior to the submission of the working drawings of the structure, is an absolute no, no. And I can't strongly impress the difficulties that I could foresee if such a thing is written into our code. Thank you."

Supervisor Janoski, "Thank you Bill. I think you misunderstand. First of all, if I can say what he said in not legalities. What we have come across is the fact that the bureaucracy of the Health Department for example is back logged for many weeks, 6, 7, 8, weeks. And that because of weather conditions or other considerations it is a consideration that we allow the foundation to go forward while Health Department approval for example is being obtained. All of the drawings must be completed. The entire architectural work must be completed. So that in fact a building permit could be issued. The only thing that's missing is Health Department approval. What we have looked at is that because of their back log, there's no reason to delay a project if it in fact it meets all the other requirements of the building department and the Town Board. And that the safeguard of the posting of the bond which would guarantee the removal of the foundation should the Health Department or some other agency turn down their approval. I think it's sufficient to guard the best interest of the town. But the entire architectural package must in fact be submitted in such a way that a building permit should in fact could be given when the Health Department does give its approval."

William Kasperovich, "I'll fully appreciate that such a condition may exist in this point in time. But this does not mean that this will go on next year and the following year and the following year. This might be a back log for just this year. I have seen in our township a conflict of good construction with the Health Department. Now, we still have awkward pieces of land that we would like to see people build houses on and we have to work hand and glove with the Health Department. Now, we've let a few really scary situations go by. But this doesn't mean we should make allowances for this in our code. That's it. That's it."

Supervisor Janoski, "Thank you Bill."

Supervisor of the Day Becker, "Is there anyone else who wishes to be heard? That being the case, I declare the hearing closed."

8:05 PUBLIC HEARING CLOSED AT 8:15

10/15/85

995

PUBLIC HEARING

Supervisor of the Day Becker, "Let the record show that the hour of 8:15 has arrived. The Town Clerk will read the notice of public hearing."

PUBLIC HEARING - 8:15 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 15, 1985 at 8:15 p.m. at Riverhead Town Hall to hear all interested persons Regarding: The Proposal of the Town Board of the Town of Riverhead to Rezone Premises Along Route 25, Aquebogue, currently zoned Business B and Business C to Business CR.

Supervisor of the Day Becker, "Is there anyone who represents the applicant?"

Richard Hanley, "Ladies and gentlemen, members of the Town Board. The purpose of the proposed zoning amendment...."

Irene Pendzick, "Rick could you identify yourself for the record."

Richard Hanley, "I'm Rick Hanley, the Town Planner. The purpose of the proposed zoning amendment is to create a clearer distinction between the existing Business B which is the Town Shopping Center District and Business C which is the Town's neighborhood Business District. Presently they're the permitted uses of those two districts are almost identical. Generally the proposed code would provide for a less intense business development use and would eliminate certain permitted uses from the existing Business C District. The uses which would be eliminated include new/used car and boat sales, theatre, vehicle repair, gasoline service station, motels, game center, game rooms, boat, seaplane and trailer storage. A site plan review would be required of all permitted and special permit uses within the proposed district. Thank you very much."

Supervisor of the Day Becker, "Is there anyone present who wishes to be heard?"

Walter Binger, Main Road, Aquebogue, "Good evening, ladies, gentlemen. I'm Walter Binger, Main Road, Aquebogue. I'd just like to say that I feel the present Town Board has done a fine job on this zoning as it was written from scratch to reflect all the needs of the community which exist along the Main Road corridor. Residential and some existing businesses. And I do feel that this zoning does belong in this area."

Supervisor of the Day Becker, "Thank you. Is there anybody else who wishes to be heard? That being the case, I declare the hearing closed."

8:15 PUBLIC HEARING CLOSED AT 8:19

10/15/85

RESOLUTIONS

Supervisor of the Day Becker, "Let us proceed with the resolutions."

#742 APPOINTS ACCOUNT CLERK-TYPIST PERMANENTLY IN ACCOUNTING DEPT.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

WHEREAS, Lori U. Pipczynski was appointed provisionally as Account Clerk-Typist, and

WHEREAS, Lori U. Pipczynski sat for the Account-Clerk Typist Exam and successfully appears on the Civil Service list,

NOW, THEREFORE, BE IT

RESOLVED, that Lori U. Pipczynski be appointed permanently as an Account Clerk Typist with no increase in salary effective September 16, 1985.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#743 APPOINTS ACCOUNT CLERK IN THE ACCOUNTING DEPARTMENT.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, Frances Friszolowski sat for the Account Clerk Exam and successfully appears on the Civil Service list,

NOW, THEREFORE, BE IT

RESOLVED, that Frances Friszolowski be permanently appointed to the position of Account Clerk at Group 6, Step 3, \$14,273.13 of the CSEA Salary Schedule effective September 30, 1985.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#744 TRANSFER OF FUNDS GENERAL TOWN.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Supervisor be and hereby is authorized to transfer the following:

	<u>FROM</u>	<u>TO</u>
A3120.202 Microfilm	\$ 300.00	
A7180.110 Lifeguards	4,300.00	
A7180.120 Beach Attendants	1,300.00	
A7620.110 Touch Football	250.00	
		300.00
A3120.439 Miscellaneous		1,300.00
A7620.108 Softball		300.00
A7310.103 Swim Lessons		1,000.00
A7110.103 Part-Time Employees		3,000.00
A7110.430 Utilities		250.00
A7620.109 Physical Fitness		

10/15/85

997

RESOLUTIONS Continued

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Ok. We're going to stop there. Let the record show that the hour of 8:22 has arrived. I have a hearing that has been recessed at the last Town Board meeting in the matter of the application of Victor Pafundi. That's an application for a condominium unit in South Jamesport on Washington Avenue. Is there anyone present who wishes to address the Board on that matter?"

Supervisor of the Day Becker, "That being the case, I declare the hearing closed."

8:15 PUBLIC HEARING OF OCTOBER 1, 1985 MEETING CLOSED AT 8:22

Supervisor Janoski, "We will just wait the two minutes until the next public hearing."

Supervisor of the Day Becker, "We will proceed with the resolutions."

RESOLUTIONS

#745 BUDGET ADJUSTMENT-SMALL CITIES - COMMUNITY DEVELOPMENT.

Councilman Lombardi offered the following resolution to be TABLED which was seconded by Councilman Prusinowski.

RESOLVED, that the Supervisor be and hereby is authorizing the following Budget Adjustment:

SMALL CITIES - COMMUNITY DEVELOPMENT

	<u>FROM</u>	<u>TO</u>
SMC-82-8690.4 Contingency	\$5,000.00	
SMC-83-8690.0 Contingency	5,000.00	
SMC-83 Community Baptist Church/Planning		\$5,000.00
SMC-82 Community Baptist Church/Planning		5,000.00

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared TABLED.

#746 ADOPTS AMENDMENT TO CHAPTER 103-7.1 WASTE DISPOSAL OF THE RIVERHEAD TOWN CODE.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

WHEREAS, a public hearing was held on the 3rd day of September, 1985, wherein all persons wishing to be heard were heard regarding the amendment to Chapter 103-7.1 Waste Disposal of the Riverhead Town Code, Theft of Services.

10/15/85

998

RESOLUTIONS Continued

NOW, THEREFORE, BE IT
RESOLVED, that the following be and the following amendment
shall be added to Chapter 103-7.1 of the Riverhead Town Code:

CHAPTER 103-7.1
THEFT OF SERVICE

In addition to any penalty that may be imposed by the Penal Law of the State of New York it shall be a violation of this section for any person to deposit any material, including, but not limited to garbage, refuse, rubbish or trash in or around a container, placed upon private property for the convenience of the property owner, or such owners licensees, by any person not having express permission to deposit such material in or around such container.

and be it further

RESOLVED, that this amendment shall take effect ten (10) days after publication, and be it further

RESOLVED, that the Town Clerk by and is hereby authorized to publish and post a copy of this resolution.

*Underscore indicates addition

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor of the Day Becker, "Let the record show that the hour of 8:25 has arrived. The Town Clerk will read the notice of public hearing."

PUBLIC HEARING - 8:25 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 15, 1985 at 8:25 p.m. at Riverhead Town Hall to hear all interested persons regarding: The Proposal of the Town Board of the Town of Riverhead to Rezone Premises Along Route 25, Aquebogue, currently zoned Agriculture A to Business PB.

Supervisor of the Day Becker, "Call the Town Planner forward."

Richard Hanley, "The purpose of this action is to create a zoning district of professional business on the north side of Route 25 just east of County Route 105. Presently the area in question is zoned as Agricultural A. It has very large lots which run north and south. The frontage on 25 on the opposite side of the road is presently Business PB and the thought is that we should be uniformed in the development on that corridor. And the proposal is to rezone 500 feet of that area to Business PB. Thank you."

Supervisor of the Day Becker, "Is there anyone present who wishes to be heard?"

10/15/85

999

PUBLIC HEARING Continued

Bill Nohejl, Wading River, "I have no objections to the rezoning. Only one clarification. Any specified depth?"

Town Board, "500 feet."

Bill Nohejl, "500 feet. Just so I don't have a long indentation in and out. Ok. Thank you."

Supervisor of the Day Becker, "Thank you. Is there anyone else who wishes to be heard?"

Walter Binger, "I'd just like to clarify something on both the zoning in Aquebogue. It had been mentioned in prior meetings about the agricultural buildings be allowed or rebuilding of agricultural buildings or a new buildings as opposed to rebuilding. Is that all still going to be in there? I haven't seen that in black and white. Is that actually still being considered? Thank you."

Supervisor of the Day Becker, "Thank you. Is there anyone else present who wishes to be heard? That being the case, I declare the hearing closed."

8:25 PUBLIC HEARING CLOSED AT 8:29

Supervisor of the Day Becker, "Let us proceed with the resolutions."

RESOLUTIONS

#747 RESOLUTION DENYING SPECIAL PERMIT APPLICATION OF BERNARD STERLER.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, Bernard Sterler has applied for a special permit for the erection of sixty-two (62) savonius type wind driven electrical generators on 14.9 acre plots in Aquebogue on West Lane for the purpose of illuminating and heating fourteen (14) 2,500 square foot greenhouses, and

WHEREAS, the Town Board has referred this matter to the Planning Board and is in receipt of the Planning Board's recommendation that the application be denied, and

WHEREAS, the Environmental Quality Reveiw Board has recommended that the proposed application is an unlisted action, and

WHEREAS, a public hearing was held on October 1, 1985, and all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board makes the following findings:

1. The applicant proposes to construct sixty-two (62) windmills at a height of seventy-five (75) feet which exceed the permitted height of thirty-five (35) feet. By resolution dated June 25, 1984, the applicant was granted a height variance for the erection of the savonius windmills. However, since construction has not commenced within one (1) year of this approval, the variance granted by the Zoning Board is no longer in effect.

10/15/85

1000

RESOLUTIONS Continued

2. Unrefuted testimony was given at the public hearing that a demonstration windmill, erected by the applicant, was destroyed during the recent Hurricane "Gloria" and that a piece of the windmill travelled approximately one-half (½) mile to a residence where it embedded in a tree.

3. The application is an unlisted action pursuant to SEQR and as such is an unlisted action with a significant impact on the environment.

4. The presentation by the applicant at the public hearing did not address the application as filed, nor has such application been amended by the applicant.

5. The use of the property will impair the reasonable and orderly use of other properties in the neighborhood.

6. The hazards to the neighborhood from the location of sixty-two (62) seventy-five (75) foot windmill outweighs any advantages to be gained.

7. The health, safety, welfare and order of the Town will be advantageously affected.

8. The erection of the windmills is not in harmony with the general purposes and intent of the Town Zoning Ordinance.

and be it further

RESOLVED, that special permit application of Bernard Sterler be and hereby is denied, and be it further

RESOLVED, that the Town Clerk is hereby authorized to send a certified copy of this resolution to Bernard Sterler and the Building Department.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#748 AUTHORIZING THE SUPERVISOR OF THE TOWN OF RIVERHEAD TO EXECUTE CONTRACT ON BEHALF OF THE TOWN BETWEEN BERNARD J. SCHUMEJDA, STEPHEN D. SCHUMEJDA AND HENRY C. REITER TO THE TOWN OF RIVERHEAD.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, the Planning Board has approved the minor subdivision submitted by Bernard J. Schumejda, Stephen, D. Schumejda and Henry C. Reiter, which approval is contingent upon negotiations of a transfer of land between Bernard J. Schumejda, Stephen D. Schumejda and Henry C. Reiter and the Town of Riverhead, and

WHEREAS, such transfer of land has been reviewed by the Conservation Advisory Council which recommends such transfer.

NOW, THEREFORE, BE IT

RESOLVED, the Supervisor of the Town of Riverhead is hereby authorized to execute a contract of sale for a simultaneous transfer of land between Bernard J. Schumejda, Stephen D. Schumejda and Henry C. Reiter to the Town of Riverhead covering premises shown on the attached survey at Jamesport, subject to a permissive referendum, and be it further

10/15/85

1001

RESOLUTIONS Continued

RESOLVED, the Town Clerk is hereby authorized to publish and post a copy of said resolution which is subject to a permissive referendum pursuant to the Town Law.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#749 AUTHORIZING THE TOWN BOARD OF THE TOWN OF RIVERHEAD TO ACCEPT BOND OF MOHRING ENTERPRISES, INC. IN THE AMOUNT OF \$210,000.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, a Subdivision Map entitled "Map of Peconic Bay Gardens" submitted by Mohring Enterprises, Inc. has been approved by the Planning Board, and

WHEREAS, upon recommendation of the engineers, the Planning Board has determined the cost of the improvements to be constructed thereon to be in the amount of \$210,000, and which requires the improvements to be completed by June 17, 1986, and

WHEREAS, Mohring Enterprises, Inc. has submitted a Bond, which has been approved as to form and sufficiency by the Town Attorney's Office.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts the Bond of Mohring Enterprises, Inc. dated October 15, 1985, and be it further

RESOLVED, that the Town Clerk send a certified copy of this resolution to the Planning Board and Mohring Enterprises, Inc.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#750 AUTHORIZING TOWN CLERK TO ADVERTISE NOTICE TO BIDDERS.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to advertise the below Notice to Bidders with regard to the Rehabilitation of Town Hall H.V.A.C. System (Rebid), 200 Howell Avenue, Riverhead, New York.

TOWN OF RIVERHEAD
ADVERTISEMENT FOR BIDDERS

Notice is hereby given that sealed proposals for the rehabilitation of Riverhead Town Hall H.V.A.C. System, 200 Howell Avenue, Riverhead, New York, will be received by the Town of Riverhead at the Town Clerk's Office, Town Hall 200 Howell Avenue, Riverhead, New York, until 11 a.m. prevailing time on Tuesday, October 29, 1985 at which time and place they will be publicly opened and read aloud for the following contract:

10/15/85

1002

RESOLUTIONS Continued

Rehabilitation of Town Hall H.V.A.C. System (Rebid), 200 Howell Avenue, Riverhead, New York.

Specifications may be obtained at the Town Clerk's Office at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York.

Each proposal must be accompanied by either a Bid Bond or Certified Check in the amount of five (5%) percent of the total bid, made payable to the Town of Riverhead, as assurance that the bid is made in good faith.

The right is reserved to reject any or all bids, to waive any informalities, and to accept the lowest responsible bid which in the opinion of the Town Board, is in the best interests of the Town.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#751 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: SPECIAL PERMIT APPLICATION OF FRED J. GALLO.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Town Clerk is hereby authorized to publish and post the below Public Notice with regard to the special permit of Fred J. Gallo, Jr., to construct a storage building as an accessory use to a retail business located at 1005 East Main Street, Riverhead, New York.

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 6th day of November, 1985, at 7:45 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the special permit application of Fred J. Gallo, Jr. to construct a storage building as an accessory use to a retail business located at 1005 East Main Street, Riverhead, New York.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#752 AUTHORIZING TOWN CLERK TO ADVERTISE NOTICE TO BIDDERS.

(Same as resolution #750)

#753 AUTHORIZING THE TOWN BOARD OF THE TOWN OF RIVERHEAD TO ACCEPT BOND OF CLARENDON HOMES, INC. IN THE AMOUNT OF \$65,000.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

10/15/85

1003

RESOLUTIONS Continued

WHEREAS, A subdivision Map submitted by Clarendon Homes, Inc. has been approved by the Planning Board, and

WHEREAS, upon recommendation of the engineers, the Planning Board has determined the cost of the improvements to be constructed thereon to be in the amount of \$65,000, and

WHEREAS, Clarendon Homes, Inc. has submitted a Bond, which has been approved as to form and sufficiency by the Town Attorney's Office.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts the Bond of Clarendon Homes, Inc. dated the 15th day of September, 1985, and be it further

RESOLVED, that the Town Clerk send a certified copy of this resolution to the Planning Board and Clarendon Homes, Inc.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#754 APPOINTS PURCHASING AGENT FROM PROVISIONAL TO PERMANENT.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, William D. Heard was appointed provisionally to the position of Purchasing Agent, and

WHEREAS, William D. Heard sat for the Purchasing Agent Exam and successfully appeared on the Civil Service List.

NOW, THEREFORE, BE IT

RESOLVED, that William D. Heard be permanently appointed to the position of Purchasing Agent, at no increase in salary, effective September 9, 1985.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#755 AUTHORIZES OVERTIME FOR TOWN HALL EMPLOYEES.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

WHEREAS, on Friday, September 27, 1985, Hurricane Gloria did strike this area, and

WHEREAS, many residents were left without electrical power, and

WHEREAS, Supervisor Janoski felt it necessary to keep phone lines to Town Hall open.

NOW, THEREFORE, BE IT

RESOLVED, that the following employees receive time and one half overtime compensation for hours worked while manning the switchboard on Saturday, October 5, 1985.

VERNA CAMPBELL - 5 hrs. @\$10.293 = \$51.47
AGNES TERRY - 6 hrs. @\$12.438 = \$74.63

10/15/85

1004

RESOLUTIONS Continued

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Accounting Office.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#756 RATIFIES PUBLICATION OF PUBLIC NOTICES RE: NOTICE TO BIDDERS (WATER DISTRICT BUILDING MODIFICATIONS) AND NOTICE OF COMPLETE APPLICATION OF WATER EXTENSIONS 25, 26, 26, 29, 30, AND 31.

(See Water District Minutes)

#757 AUTHORIZES RENOVATION OF RAYNOR AVENUE PUMP STATION - SEWER DISTRICT.

(See Sewer District Minutes)

TAPE MALFUNCTIONED

REMAINING 5 MINUTES OF MEETING IS NOT VERBATUM

Councilman Lombardi, Requests permission from the Supervisor to speak.

Supervisor Janoski, Grants Councilman Lombardi permission.

Councilman Lombardi, Introduced a resolution from the floor: RESOLVED, that Sharon Wendelken be re-appointed to a 5-year term on the Zoning Board of Appeals.

RESOLUTION WAS NOT SECONDED AND NOT ENTERTAINED

Supervisor of the Day Becker, Made a statement thanking the Supervisor and the Town Board for a memorable day in her life and a rewarding experience. She concluded that although she had enjoyed the day and liked being Supervisor, she "really wanted to be a ballerina" when she grew up.

Supervisor Janoski, Recognizes anyone wishing to be heard.

Steve Haizlip, Said that he didn't understand exactly what was going on, but that he attends a lot of meetings including the Planning Board and the Zoning Board of Appeals. He has had an opportunity to observe these Boards and he thinks that Sherry Wendelken is doing a good job on the Zoning Board.

Henry Pfeiffer, Observed that he had a lot of time to think in the dark after the hurricane and although the many departments involved were doing a good job, he suggested the Town use this opportunity to categorically list the lessons learned for use in the future.

10/15/85

1005

PERSONAL APPEARANCES Continued

Steve Hailzip, Called attention to the date of the hurricane having been stated earlier as September 25th.

Town Board, Assured him that the date has been corrected.

There being no further business on motion or vote, the meeting adjourned at 8:38 p.m.



Irene J. Pendzick
Town Clerk

IJP:nm