

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead, held in the Town Hall, Howell Avenue, Riverhead, New York, on Tuesday, June 18, 1996, at 2:00 p.m.

Present:

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| James R. Stark, | Supervisor |
| Victor Prusinowski, | Councilman |
| Mark A. Kwasna, | Councilman |
| James B. Lull, | Councilman |
| Otto Wittmeier, | Councilman |

Also Present:

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| Barbara Grattan, | Town Clerk |
| Robert Kozakiewicz, Esq., | Town Attorney |

Supervisor Stark called the meeting to order at 2:00 p.m. and the Pledge of Allegiance was recited.

Supervisor Stark: "Michelle, if you would lead us from the podium and turn that microphone on. Give you a little practice for what's coming up. That's it.

If the Board would join me down front. Thank you. Board, if you would kind of step out front. It is that time of year that we come to the conclusion of another educational year and we, on the Board, have saw fit to honor our two graduating classes in Riverhead and the four students who have been selected the valedictorians and salutatorians of their particular classes, both not only in Riverhead, but in Mercy High School. So if Michelle and Ryan Calvey would come up, and a nice round of applause for these two who have been selected respectively Mercy High School and Riverhead High School. Michelle spent a year with us pretty much as an intern this past year and Ryan we haven't met but are meeting today. On behalf of myself and the Town Board, I congratulate both of you, wish you continued success in your scholastic endeavors and where may you be going to college?"

Michelle: "Hofstra University."

Ryan Calvey: "Dowling College."

Supervisor Stark: "Dowling College, Hofstra-- keep them on Long Island. I think that's great, too. I'm going to read these-- we know their names, but these are certificates of merit from the Town of Riverhead.

WHEREAS, the future of our nation is dependent upon the education of its youth, the citizens of tomorrow, and

WHEREAS, both of these young people have excelled in his or her educational endeavors and has accomplished receiving the highest rank in his or her graduating class.

WHEREAS, in recognition of his or her achievements will serve as valedictorian of Riverhead High School and Mercy High School class of '96.

NOW, THEREFORE, I, JAMES R. STARK, Supervisor of the Town of Riverhead do hereby award this certificate of merit in recognition of their academic excellence.

IN WITNESS WHEREOF, I have set my hand and caused the great seal of the Town of Riverhead to be affixed this 18th day of June, in the year of Our Lord nineteen hundred and ninety six.

So if two members of the Board will present those-- and knowing that they have to give a speech graduating day, we'll let them say a couple of words here today."

Ryan Calvey: "Do I have to say something? I am very honored to receive this. I didn't really expect to have to say anything, but thanks a lot."

Michelle Wilenski: "I would like to thank everyone for the certificate and I would like to thank you for letting me complete my internship here at the Town. It was very interesting and I learned a lot from being here. Thank you."

Supervisor Stark: "Very good. Now, we have, you know they always say second is also ran, but I don't think so. In this particular case, the salutatorian of both schools-- one is in the name of Krista Whalen-- I think her mother is here, and Bob Duffy. Bob representing Riverhead, Mrs. Whalen representing Krista in the

Mercy High School. They basically say the same thing. I think that these two young people have achieved the same goals and they will continue their success. Bob, where are you going to be going to school?"

Bob Duffy: "Columbia University."

Supervisor Stark: "Very nice."

Mrs. Whalen: "My daughter, Krista, will be going to Boston College."

Supervisor Stark: "Very nice. That's the Big East. Villanova will take care of them. So, please extend to Krista our congratulations. And, Bob, would you like to say a few words?"

Bob Duffy: "Well, I didn't expect to have to say anything either, but I would like to thank you for the award. It's a great honor. Thank you very much."

Mrs. Whalen: "On behalf of Krista, I would like to thank the Town Board and the Town of Riverhead and Mercy High School and I think it's a great thing to recognize achievement in art students."

Supervisor Stark: "Thank you very much. There they are, ladies and gentlemen. Thank you all for coming and good luck to you in the future."

Also before we start this meeting officially, I would ask everybody to remain seated and kind of bow their heads in prayer for the recovery of Shane Daniels who has been transferred to Philadelphia for rehabilitation. The Town Board the other day received a call from Stony Brook Hospital asking for our help in finding transportation. Until our new ambulance comes in in about a month, don't quote me on this, papers, I didn't really know whether our ambulance could run all the way to Philadelphia and back. They are getting rather old but they do service the community well. They are safe.

Our Councilman Mark Kwasna who is a former employee of Peconic Ambulance which is now Trans Care, and I thank him on behalf of the Town Board and the Town and express to you Mark arranged for Trans Care to transport Shane to Philadelphia free of charge. Mr. Daniel

Curtis (phonetic), who I grew up with, was in yesterday to express his appreciation. So if we could just bow our heads for a few seconds, I would appreciate it. Thank you.

Is there a motion to approve the minutes of the Regular Town Board Meeting of June 4th?"

Councilman Lull: "So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried.

Reports, Barbara, please."

REPORTS:

| | |
|--------------------------|---|
| Tax Receiver | Statement of tax collections as of June 14, 1996 |
| Building Department | Monthly report for May of 1996 |
| Police Department | Monthly report for January, 1996 |
| Riverhead Sewer District | Discharge monitoring report for May |
| Open Bid Report | Benjamin-Corwin houses re-roofing two bids were received. They were opened on June 12, 1996 |
| Open Bid Report | Polish Town street light. Two bids received. Opened on June 14, 1996 |
| Open Bid Report | Benjamin-Corwin material list bid. One bid was received and it was opened on June 14th |

Open Bid Report

One 4TSU Asphalt Storage Unit.
One bid was received. It was
opened on June 17th

APPLICATIONS:

Site Plan

Temporary greenhouses - East
Coast Nurseries on Reeves Ave.,
Riverhead

Site Plan

Citgo Service Station - addition
of canopy, northwest corner of
Route 58 and Osborne

Site Plan

Riverhead Building Supply for a
new facility on Pulaski Street

Special Permit

Hunt-Liedtke Management, Inc.
of Hauppauge for a drive in
window in an existing building

Parade Permit

Roanoke Elementary School for
June 11th

Tent Sale

July 3rd through July 8th at the
Tanger Mall

Open Air Permit

Town of Riverhead Community
Picnic and Suffolk Theatre
Marquee Lighting

Petition

Requests extension of the
Riverhead Sewer District by
Riverhead Building Supply

CORRESPONDENCE:

182 Post Cards

In support of the Mid-Atlantic
Race Complex and requesting
immediate action by the Town
Board

Shoreham-Wading School District

Announcing the results of its election

Charles R. Cuddy, Esq.

Requesting approval of the special permit of Dr. McCarthy, DVM

Barbara Raynor

Is not in favor of Amp/Akzo expansion and would like the Town Board to take a good look at this place of business before making any decisions

Southold Town Clerk

Notice of enactments

Supervisor Stark: "Thank you. Because this is an afternoon meeting, the resolutions which normally are printed up Tuesday afternoon are now in the process of being printed and they will be here momentarily and I'll pass them out to people."

Public Hearing opened: 2:17 p.m.

Supervisor Stark: "Let the record show that the time of 2:17 has arrived. Would the Clerk please read the notice of public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting of a public hearing to be held at Riverhead Town Hall, Riverhead, New York, at 2:05 p.m., on Tuesday, June 18, 1996, to hear all interested persons who wish to be heard regarding the consideration of the proposed local law of the addition of Chapter 82 entitled, Nuisance Abatement, to the existing Riverhead Town Code."

Supervisor Stark: "Thank you, Barbara."

Robert Kozakiewicz: "This legislation deals with the addition to the Riverhead Town Code of a new chapter, Chapter 67, entitled Nuisance Abatement. Approximately one month ago I was asked to look at Brookhaven Town Code and the Suffolk County Crack House Code in order to prepare legislation which is being heard at today's public

hearing.

The purpose of this particular chapter is to codify in a single chapter what type of activity would constitute a public nuisance. There's a number of different instances by which a piece of property will be declared a public nuisance, provides for certain relief that can be sought by the Town, and various remedies that we can proceed upon. It's extensive, there's nine separate subsections. There's many different definition clauses and rather than try and go through them one by one, I think what I prefer to do is hear some of the public comment and if there's some questions that are raised by the public, hopefully I can address those questions.

What the code has not addressed is the issue of forfeiture proceedings. Part of the reason for that is when I looked at the Brookhaven Town code, I did not see same in their particular ordinance which is Chapter 49B of the Brookhaven Town Code. I have calls in to Brookhaven and to see if they do have, in fact, adopted any provisions which would deal with the forfeiture but those are not in this particular version.

As I said, if there are questions from the public, I'll defer those at this time and wait to hear what they are."

Supervisor Stark: "Thank you, Bob. And this probably will be a series of at least three public hearings on this particular type of legislation so that when this Town Board finally considers enactment or denial of enactment, that we will have it in such a state of being that it will be accepted so as not to be disintegrated in a court challenge. So is there anybody in the audience who would like to make comment on this particular public hearing at this particular time. Yes, sir?"

Robert Wallace: "My name is Robert K. Wallace. Mrs. Grattan, that's spelled W-A-L-L-A-C-E."

Barbara Grattan: "Thank you, Robert."

Robert Wallace: "I understand that this nuisance law has the ability to confiscate property and in the writing you put out it didn't state such a thing. Now, my question is to the Town Attorney. What is this constitutional right on (inaudible)?"

Robert Kozakiewicz: "As I started out my comments, this particular version of legislation does not include a forfeiture provision which is the seizure of property. It is conspicuously absent because there are some questions whether the Brookhaven Town Code has, in fact, adopted same. I used the Brookhaven Town version as a guiding version when I drew up the Town's proposal that stands before you today.

As you may know, there is federal statute and state statute which provides for forfeiture procedures. The New York State forfeiture procedures are carried out by the District Attorney's offices throughout the State of New York and mainly used in connection with drug type of offenses are what readily come to mind. They have been found to be constitutional in those instances. There is also a federal provision which I think all of us are familiar with the no net policy that was adopted by the federal government a few years back that even one miniscule item of drugs were found on that particular piece of property, a boat, airplane or residence, they were moving upon same and forfeiting those property. Again, that's been determined to be constitutional.

However, again, I want to make it perfectly clear that this particular provision, this particular version of legislation that's before you, does not contain that type of relief."

Robert Wallace: "Do you know what the constitution says about it?"

Robert Kozakiewicz: "I'm not sure if I'm understanding what you're looking for. As I said, these cases have been challenged in the state, in the federal government, and they have been upheld."

Robert Wallace: "Do you have a copy of the constitution?"

Robert Kozakiewicz: "I'm sure I do. I don't have it with me."

Robert Wallace: "Well, would you like to read from my copy?"

Robert Kozakiewicz: "I'll defer to you. You can read from it."

Robert Wallace: "The 14th amendment of the constitution adopted in 1868. Section 1. All persons born and naturalized in the United

States are subject to jurisdiction thereof are citizens of the United States and of the state where they reside. No state shall make or enforce any law which should (inaudible) or immunity of citizens of the United States nor shall any state deprive a person of life, liberty or property without due process of the law nor deny any person within its jurisdiction equal protection of the law.

Now, I'm here not to fight for the criminal; I'm here to fight for the constitution of the United States. And one of the worst things that can happen to us is for the sake of (inaudible) is to nibble away at our constitution until we have none. Today's newspaper made it very clear that we have problems. I don't know whether you read Newsday or not about what's happening in the constitution. I thought I had a copy but I apparently didn't bring it. I have a copy here of-- if you care to look at it."

Supervisor Stark: "If you would like to enter that into the record, denoting that Barbara will enter it, so-- "

Robert Wallace: "It says the United States government is trashing the 1st amendment of the constitution. We know they are trashing the 2nd amendment of the constitution. We know the President ordered a search in Chicago without a search warrant. We're stepping on our American citizens in every way, fashion, or form. And I think that before you pass any law in this town to confiscate people's property, to think it over four, five, six, or seven times. Now these are all intelligent human beings up here. Don't let Riverhead be a part of trashing our constitution. Let Riverhead continue to uphold it."

Supervisor Stark: "Bobby, we'll certainly do that but I will not let criminals be part of trashing the constitutional rights of those of law abiding citizens. If this law can be adopted and written so that those inalienable rights that every citizen of this country has is not in any impaired, we will do it that way. If we cannot write it that way, we will not write it. But at the same instance, I will not allow as the elected official Supervisor of this town, and I think I have the 100% backing of my Board, to let the criminals that are out there in society trash our constitutional rights by either criminal activity, constant criminal activity, constant druck trafficking activity which threatens all of the inalienable rights of all of us and our children and what have you.

That's what we're reaching for. We will not abridge the constitution of the United States. We have no intention of trespassing upon the constitutional rights of the Americans. But we do have a fiduciary obligation as the elected body to do everything in our power to protect the citizens of the Town of Riverhead and the youth of the Town of Riverhead. And that's what our goal is. And as I said, this may be a series of at least one, two, or three public hearings and at the end of those public hearings, this Board will either decide that this law fits us properly and that we can enact it without abridging those constitutional rights of a law abiding citizen, or we will not enact it. And that's the way we will proceed.

But I think that's a two way street. There are those of us who are law abiding and there are those in our society that don't give a hoot about our constitutional rights. And I'm certainly not going to protect those people. And if we can write a law or code in the Town of Riverhead without endangering what you are referring to, we certainly will. But if we can't, we'll have to back up, slide over and come in from another way. But we will continue to rid this Town of criminal and drug activity."

Robert Wallace: "Thank you, Mr. Supervisor."

Supervisor Stark: "Thank you."

Robert Wallace: "I will wish to remind you that when you consider this law, you raise the axiom that if a law can be misused, it will be, and we cannot afford to have that happen."

Supervisor Stark: "Absolutely I agree with you 100%, Bob."

Robert Wallace: "Thank you."

Supervisor Stark: "Thank you. Is there anybody else who would like to make comment at this particular time on this particular public hearing? We will leave this public hearing open for two more weeks until the close of business for written comment because this is an afternoon meeting and it's not our normally scheduled evening meeting, so what does that take us up to, Barbara?"

Barbara Grattan: "I don't have a calendar, Jim."

Supervisor Stark: "Anybody have a calendar."

Robert Kozakiewicz: "I think it's July 2."

Supervisor Stark: "To the close of business a week from Friday which will be-- "

Robert Kozakiewicz: "How come a week from Friday?"

Supervisor Stark: "Two weeks."

Robert Kozakiewicz: "July 2nd, I believe. July 5th."

Supervisor Stark: "To July 5th. Any written comment that anybody would like to make that might be viewing this through Cablevision, we would be glad to accept and as I said previously, this will probably be the first of one, two, three, maybe even possibly four, but we are dedicated to seeking a solution that will give us the ammunition to protect our community from criminals and violators of the law."

Councilman Prusinowski: "-- this is one of our regularly four afternoon meetings-- "

Supervisor Stark: "As Victor said, this is one of our four regular afternoon meetings. We have one a quarter. So, I will close it officially right now but we will keep it open until close of business on July 5th. Thank you very much."

Public Hearing opened: 2:29 p.m.

Supervisor Stark: "Let the record show that the time of 2:29 has arrived. Would the Clerk please read the notice of Public Hearing?"

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall, Riverhead, New York, at 2:10 p.m. on Tuesday, June 18, 1996, to hear all interested persons who wish to be heard regarding the consideration of the change of zone of Helen Dris to provide for the Business A

Zoning Use District to the exclusion of the Industrial B Zoning Use District on property located at Washington Avenue and West Street, South Jamesport."

Supervisor Stark: "We will let the counsel for the applicant speak first."

Peter Danowski: "This is merely a repeat of a public hearing that has previously been held. My name is Peter Danowski for those who don't know who I am. The process with regard to Helen Dris' application began some two years ago. We are into our third year now and back in January of this year, I presented to this Town Board at a work session an alternate plan which would (inaudible) if, in fact, a change of zone were created.

Not to belabor the point of what's been said in the past, we are currently in the Industrial Zone in this particular area of South Jamesport. At the previous Public Hearing that they mentioned the various uses that could be put for this property under the current zone, we both filed for a special permit under existing zoning that would allow the same use if the special permit would be granted, at the same time we applied for a change of zone to eliminate many of the industrial uses and allow a resort business zone be created on the site.

I've asked the Town Board to vote in approval of the change of zone. We've already had our required public hearing, and/or create a special permit for my client since we've already had the public hearing on that as well. This Board informed me they would prefer to have one more additional public hearing on the change of zone. That's why we're here today and I'm here to address any questions that might arise.

But I've asked this Board to grant the change of zone so we can move forward with the detailed site plan process. Thank you."

Supervisor Stark: "Thank you, Counselor. Barbara? We are going to hear from our Planning Board first. I'm going to get to you."

Barbara Blass: "This is my first time here."

Supervisor Stark: "That's all right. No problem. Hope it's not your last."

Barbara Blass: "Thank you, Mr. Supervisor. Members of the Town Board, ladies and gentlemen. For the record, my name is Barbara Blass and I am appearing as the Chairman of the Planning Board.

As part of the ongoing work of the Planning Board, we have been reviewing sections of the Town code as they relate to planning and zoning issues. And as a result of this work, we've been forwarding recommendations to your Board for consideration.

Most recently we made such recommendation-- we forwarded such recommendations on the Business A Zoning Use District and that was in April of this year. Essentially what these recommendations were among other things, was to remove the motel and/or restaurant as a permitted use and make them special permit uses. This is not the first time that this particular recommendation was made. As Mr. Danowski pointed out, this application originated back in 1994 and at that time when the change of zone request was referred to the Planning Board, we approved the change of zone to Business A subject to the Town Board making the changes in Business A-- "

Supervisor Stark: "Would that-- coming out of the Hamlet Study, Barbara?"

Barbara Blass: "That was another area in which that business also addressed. We discussed it quite at length at the Hamlet level. This is resort business. Resort business by its very nature exists along the waterfront and in town here, it's in sections along the bay and also on the sound. We think that an extra level of scrutiny is needed for any development along the water, especially commercial development.

If your Board approves the change of zone without changing the Business A as it currently exists, the result is that Mrs. Dris' application to build a motel and a restaurant would never come before the Planning Board. It would have no area whatsoever or avenue to be referred to the Planning Board because those are permitted uses under the current Business A Zoning Use District.

I think the-- certainly the people's best interests would be

served if the Planning Board had an opportunity for input into this application. And furthermore, the alternative project that Mr. Danowski has alluded to, was never seen by the Planning Board in its prior submission. We would never see it now. Our recommendation was based upon a totally different site plan, if you will.

I respectfully request that if you are considering entertaining those particular uses in that area, that you look at the recommendations we made for the revisions to Business A, perhaps hold a hearing on them, adopt those regulations and then you can entertain the special permit and the change of zone at the same time. This would allow the Planning Board to have an opportunity for input into -- we're talking about building a motel and a restaurant on a waterfront piece of property that could go on without any opportunity (inaudible). I don't think that's--."

Supervisor Stark: "Thank you. Is there anybody else who would like to make comment at this particular time? Yes, sir? Well, I tell you what, sir. I sat her down twice, we are going to let her come up now. I'm sorry."

Caroline Deceglie: "Good afternoon."

Supervisor Stark: "It's the one to your left that you actually have to speak into."

Caroline Deceglie: "Good afternoon. I retired in the Town of Riverhead (inaudible) and I chose not to leave New York. Okay. I had some property out in South Jamesport a number of years and upon a decision, my husband and I decided to build out in South Jamesport because of the area, because it's quiet, it's peaceful, and it's just beautiful. Okay."

I received this letter from Mr. Danowski and I was a little confused because it just says changing Zone A to B but it doesn't really, you know, explain what the reason is for this change. So having this letter by certified mail and signing for it, I felt I should come and find out exactly what this is about.

Now hearing the Planning Board, I'm very glad to hear what she's saying because I feel there is someone that is on my side. Now from what he is saying, a motel, I don't think I really want that in all

honesty because where my house is situated now, I'm in a cul-de-sac and I am facing the marina and I didn't know that Helen Dris is the owner of the Great Peconic Bay Marina and that she has, you know, this property there. And as I say, it's a beautiful area. I have a private beach which we belong to the association within my street, Sea Cove Estates.

I personally feel that it's not a good idea. I wouldn't want to have noise and cars and garbage that I don't know may or may not appear and I'm just-- I just don't feel I want this."

Supervisor Stark: "Okay. Thank you."

Barbara Grattan: "Ma'am, could you state your name for the record, please?"

Caroline Deceglie: "Yes. My name is Caroline Deceglie."

Barbara Grattan: "Okay. Could you spell the last name?"

Caroline Deceglie: "It's one word. D-E-C-E-G-L-I-E."

Barbara Grattan: "Thank you."

Caroline Deceglie: "Thank you."

Supervisor Stark: "Thank you. Is there anybody else that would like to make comment at this particular time? Sir, in the back. Go ahead. Yes, sir. Sir, if you would like to start kind of working your way around, I would appreciate it."

Joseph Patelli: "My name is Joseph Patelli."

Supervisor Stark: "Do you want to just pull-- Joe, do you want to pull that right down to you?"

Joseph Patelli: "My name is Joseph Patelli. I live on West Creek, adjacent to this particular piece of property that they are planning to build a restaurant and a motel. I hope you people on the Board realize what a motel means. That the farmers in South Jamesport who sell a parcel of land, they are only allowed to build one house on one acre or one house in two acres. Now this particular

woman wants to build 23 bathrooms on one acre or parcel of land. Now that's going to pollute the waters around us. And how about the traffic? You people on the Board don't realize (inaudible). Think about it. You should deny this request. And I can't see why they have to rezone this.

And another thing, years ago, she put up a fence. The fence was inspected by the zoning inspector and he rejected the fence. The fence-- the code states the fence should be (inaudible) six feet to the top of the barbed wire. Now I don't know if any of you people went out there to inspect it. It's seven feet-- seven foot six and I know it, I live right next door. And then another thing the code states that she should maintain (inaudible) 10 feet from the fence. Come over there, you'll see a jungle. Rats, ticks, you people inspect that area? I live next door to that area. She should be denied this permit. Thank you very much."

Supervisor Stark: "Thank you. Is there anybody else? Yes, sir?"

James Hayes: "My name is James Hayes. I'm the President of the Jamesport East Property Owners Association and I come to you as the President of that Association but also as a citizen. I found out about this plan during meetings of the Jamesport Civic Association, and I'm not sure that I can really be more eloquent than the people that have already been here. But I can tell you that the people in Jamesport are very concerned about this project for many of the reasons you've already heard. It's a very, very small community. It's peaceful. You can walk out there at night. Children can go around where they want to go, ride a bicycle, and what you are going to do if you put this motel in there is change the personality of the neighborhood. And I don't think the personality is going to be as friendly as the one that we have now. And I can tell you that I think you ought to really think about just what happens when you put in a place-- we already have one motel there. Another one, you know, is just going to cause more problems than we have right now. You are going to be bringing people that for a better word could be transients.

I think that you are just going to change the whole personality of that neighborhood and it's not going to be a better neighborhood than what we have and I think what my message is that's what the

people are really concerned about at this time. Thank you."

Supervisor Stark: "Thank you. Tony?"

Antonio DeGrasse: "Good afternoon. My name is Antonio DeGrasse. I live in Jamesport. I was just coming today to observe and when I heard about the marina-- "

Supervisor Stark: "Welcome to the real world."

Antonio DeGrasse: "Yeah, right. Have a good time. I've been-- last January, we formed a rowing club, the Peconic Bay Rowing Club. We now have 19 members and we row in that area. In fact, my friend mentioned a barbed wire fence. We've been putting up with that for the last I'd say five to seven years, the barbed wire fence has been there, the kids come out to play and everyone has to be careful. It's been a real pain with that particular person. I don't know what originated it, but it's been a problem.

But I'm concerned about the environment. It's nice to row; it's peaceful, it's quiet. The water is clean. And I wonder all those bathrooms or a motel in that spot, if indeed it would have some impact. Because it's sort of a peninsula, that little piece that sticks out. You have water on one side where the marina is and on the other side you have the sound. So in my judgment maybe you need to take a look at it and really go down there and see what it is. Because we're just getting started. There is a motel there now that seems to be doing okay, but it's been there a while. But I'm just concerned about sewage. Thank you very much."

Supervisor Stark: "Thank you. Is there anybody else who would like to make comment at this particular time? Yes, sir?"

Kenneth Blair, Jr.: "My name is Kenneth Blair, Jr. I live right on the corner of this road which will be-- I guess-- used to bring the people with their vehicles to this motel. There are many, many children around the area. And they are constantly playing-- you can't watch them. These vehicles that will be brought in there will be coming in and out, in and out. It took us almost four years just to get a stop sign put on the corner. We finally did get a stop sign put on the corner. I don't understand why people don't understand that you are changing a complete neighborhood. You are

making it into a business area. These are residential homes. These people are here every meeting. Don't the people's voices mean anything?"

Supervisor Stark: "That's the purpose of this public hearing."

Kenneth Blair: "But we-- "

Supervisor Stark: "Wait a minute. Time out, sir. Time out. This is an application which we have to hear the application. No decision has been made. This Board is listening to public comment. So don't make us bad guys until we ultimately become bad guys, if we ever do. We're in a position right now where we have to entertain an application, so, okay."

Kenneth Blair: "But now the zoning wants to be changed from A to B."

Supervisor Stark: "They've requested that. They have requested that, yes."

Kenneth Blair: "We can keep on doing this as long as the alphabet is long I imagine. I really don't know."

Supervisor Stark: "We certainly can but this application has changed from the original application. The original application, I believe, had a motel at one location and a restaurant entirely over by-- actually, in the other location. Now that has changed. We are now hearing the new one and we have the duty to bring it to the public for their public comment. Now, that's what we are doing here today."

Kenneth Blair: "Okay, if this thing was to go through, although it may just be a motel, what is to stop to say that this motel would not become now a halfway house, just to fill rooms during the off season? You can now have people coming in there that are just going to be put on say welfare that want to occupy rooms. Is that a difference there? I see you making a move. Go ahead. Okay."

Supervisor Stark: "These chairs are not very comfortable up here. They may look comfortable, but they're not that comfortable. So we keep shifting all the time."

Kenneth Blair: "That sounds good."

Supervisor Stark: "But I'm not talking about the heat, I'm just talking-- they're not physically a comfortable chair."

Kenneth Blair: "Just so I know. I know, I wanted to put up a patio. And I had to wind up going to the EPA because I couldn't put stakes into the ground because my property-- you are shaking your head yeah, but how do you build a house or I'm sorry, I shouldn't say house. How do you build a motel without putting something in the ground? Something has to support this. Was an EPA study done on this?"

Councilman Prusinowski: "You mean-- it's not EPA. It's DEC."

Kenneth Blair: "The DEC, okay. Was that ever done?"

Councilman Lull: "It's part of the process that will be coming."

Kenneth Blair: "So in other words, we vote on one thing and wait for the other?"

Supervisor Stark: "They have to obtain a DEC permit if they were to be allowed to build this. Believe me. We're hearing an application."

Kenneth Blair: "Okay, thank you."

Supervisor Stark: "Thank you. Is there anybody else who would like to make comment? Yes, sir? You have to let me remind you, this is a process the Board must go through."

Frank Bazzicalupo: "Good afternoon. My name is Frank Bazzecaliupo. I live on Scallop Lane."

Supervisor Stark: "You guys have to help her spell these names."

Frank Bazzicalupo: "Last name is B-A-Z-Z-I-C-A-L-U-P-O. First name, Frank. It's not Polish; it's Italian."

Supervisor Stark: "Some of those original Polish names are tough, too. Don't ever forget it. Tell me how to spell Prusinowski."

Frank Bazzicalupo: "I just would like to ask the Board about the Hamlet Study. Has it been passed yet? I mean I was here in '94 in a winter evening and we talked about it. We had people here from Suffolk County, the State. They sat in and talked about it. Is it passed yet?"

Supervisor Stark: "There are portions of it that have been addressed by the Board. It's still an ongoing committee work, such as the Aquebogue Hamlet, such as the Riverhead Hamlet, such as the Calverton Hamlet Study. They are still ongoing. We are expecting when they do come, sometimes they get by us, but when they send a recommendation to us, this Board sits down, goes over it, they have more conference with the Planning Board or the Hamlet. As the Hamlet finishes let's say recommendations, then I do believe the process is it goes to the Planning Board. The Planning Board analyzes it and I do-- I also know that Barbara as the Chairman sits on those two particular Hamlet Studies and has representatives on the other, so we are in the process of accepting data all the time.

I think the TDR aspect of the Jamesport has been accepted and voted upon and in place, so it's an ongoing process."

Frank Bazzicalupo: "Okay, get off that little topic."

Councilman Prusinowski: "Including the Main Road of-- Route 25 has been rezoned from Manor Lane to 105. So all that Main Road between Aquebogue and Jamesport, we've adopted that zoning on the Main Road. Some of the side areas like we're discussing tonight and we have one or two left in Aquebogue, we had pre-existing used based on this marina was built prior to zoning like a lot of things were in the town so this is where we are picking this up on a case by case basis. We do have a recommendation from the Jamesport Hamlet Study though. Barbara is correct."

Supervisor Stark: "And some of those recommendations-- Barbara is chairing an upzoning committee which is working hard to deliver on time. Don't shake your head no. But some of the recommendations are being held up to compare with the recommendations that will come out of the upzoning. The upzoning committee simply for everybody is that our population right now is around 24,000 people. If we were to build out every piece of land as it is zoned here today, we could explode to 65,000 - 70,000 people. We are talking about the quiet

Hamlet of South Jamesport where I grew up. And on Peconic Bay Blvd. I know it well. Knew it when it had seven bars in it, too. If you think it was-- you have quiet now compared to those days. But, these things are ongoing."

Frank Bazzicalupo: "Okay. I know about-- getting back to the quality of life in the South Jamesport area. You remember it when they had more, you know-- "

Supervisor Stark: "I may be a senior citizen, but I'm not that old. I do remember the (inaudible), and the Cameo, and the Bay View and all the other ones that-- and we had a good lot of Italian summer residents out here that had some names more difficult than yours."

Frank Bazzicalupo: "Well, I happen to (inaudible) this area. I grew up in Sag Harbor and I thought about the north shore being a lot quieter than the south shore, and now I own two homes on the north shore. I'm proud to say that I'm part of the Riverhead tax burden and I'm going to constantly pay my taxes and I like the area. I buy a little scallop shack. The history of scallop shacks. I'm still studying them. There must have been great areas. My father-in-law, my mother-in-law have a house down there and it just happened that we just flocked in this little peninsula."

Supervisor Stark: "That's exactly what they were, scallop shacks."

Frank Bazzicalupo: "And I'm still living in one of those little shacks. Every day we try to improve on the quality of life down there, the plan."

Supervisor Stark: "I believe they call it Scallop Lane, don't they?"

Frank Bazzicalupo: "Scallop Lane. That's where we are, Scallop Lane. We like the area. I happen to just know by (inaudible) and saying this is the place to move, it's like heaven. I decided not to go to Sag Harbor and move towards South Jamesport area. Now I find out, you know, great, marina, I could put my boat. It's great to have access to a marina. I came to the meeting in '94. We seen a plan. It was overwhelming. I felt-- I said, where did I move

to? I could have lived on City Island the way things change around here. The impact was devastating. I don't see a plan today on the newer version. You have-- you already have a new plan. Is it public?"

Supervisor Stark: "Yes, it is."

Frank Bazzicalupo: "It is? Is it here today so we can-- "

Supervisor Stark: "It's in the Town Clerk's office. But I'm sure that counselor would be more than happy to supply a viewing of it. It's in the Planning Department."

Frank Bazzicalupo: "Okay. Right. Because, you know, we always talk about the safety of the children. I'm sure the public wouldn't -- is that little dirt road, right off of West Street that takes us into Scallop Lane. I know you said you grew up in the area; it's a little peninsula. One lane in and one lane out. You have to wait at the turn when somebody comes down the road to get in and out. We heard the other plan-- is it abolished-- the first plan, is that correct?"

Supervisor Stark: "I believe this is-- I don't know. Counselor, you just keep track of all the questions that have been asked here tonight or this afternoon."

Frank Bazzicalupo: "No, because-- the first one was the-- "

Supervisor Stark: "I can't answer that question for you right now, but he has made note of it and when he comes back up he'll make an answer for you."

Frank Bazzicalupo: "Just I was concerned about the impact."

Supervisor Stark: "Okay, no problem."

Frank Bazzicalupo: "And the environment and the waterways. Thank you."

Supervisor Stark: "Thank you. Is there anybody else who would like to make comment before I bring the learned Counsel back up? Steve?"

Steve Swiatocha: "Steve Swiatocha from (inaudible). I'm a little confused or I just want to know, this change of zone, is this change in zoning necessary for Mrs. Dris to go ahead with the plan to build a motel and restaurant all on one lot? And I also would like to get a little bit of a description on what's allowed in the zone that now exists and the one that they are proposing to change."

Councilman Prusinowski: "It's half and half because I believe it's zoned Industrial A now and I-- and in Industrial A restaurants are by special permit only so you would need a public hearing anyhow. This Business A was recommended I believe by the Hamlet Study with the changes to Business A."

Supervisor Stark: "You can stay right up there, Steve."

Steve Swiatocha: "So in other words if-- she wants this change to what they call a Business A? Is that what they are-- "

Councilman Prusinowski: "Well, originally the Hamlet Study wanted to rezone it from Industrial A to another category. Business A was recommended to us with changes to Business A, the individual uses that are allowed. Same thing we did in Jamesport and Aquebogue made some uses, Steve, by special permit which mandated a public hearing. So what we are doing tonight is we're taking this from Industrial A-- "

Supervisor Stark: "This afternoon."

Councilman Prusinowski: "I'm sorry. Industrial A to Business A except that the Business A that's been published is for the existing Business A, which means that if we change the zone, the property can then-- all the property owner need to do is come in and file a site plan review process for the restaurant/motel. Has to meet side yard requirements, Health Department, etc., etc."

Steve Swiatocha: "So in other words, when you tell me if granted this change, she can walk in here without having a special-- "

Councilman Prusinowski: "Another public hearing."

Steve Swiatocha: "Another public hearing or special permit to

build this restaurant and the motel."

Councilman Prusinowski: "Right."

Steve Swiatocha: "What other uses fall into this zone?"

Councilman Prusinowski: "He's got it over there."

Supervisor Stark: "There's a whole list of them, Steve."

Councilman Prusinowski: "I know condominium uses, things like that. However, as you well know, or you don't-- I'm confusing you with somebody else because I know what you do for a living. I'm sorry. But at the Health Department, a lot-- unfortunately with these applications, this one drives me crazy being up here many years-- they haven't gone to the Health Department other than maybe a guy looking at it-- an engineer-- say, yes, yes, yes, you can get the flows. I know on the point when we went through the big long process, they finally went to the Health Department and got the approval, it was cut like down to nothing because the Health Department is becoming very, very strict on discharge because there's no sewer system there and if the worse case scenario is it would have to be a sealed system and it would have to pump out all the time. Which is probably-- could be recommended other than cutting maybe the square footage down. So they haven't been through the Health Department yet. Forget about the DEC and the rest of them. The Health Department is going to have a lot to say on the flows for the restaurant and the motel. Unfortunately, we're not to that point yet, Steve, because we're just talking about the change of the zone here."

The real principle for tonight is, do we do the change of zone as published or do we do the change of zone as recommended by the Hamlet Study, which is two different things. That's really what the question for the Town Board is tonight. Really the Town Board is not considering tonight whether or not to go forward with the site plan."

Supervisor Stark: "This afternoon."

Councilman Prusinowski: "I'm sorry. This afternoon."

Steve Swiatocha: "All right. So in answer to my question, if it is changed-- "

Councilman Prusinowski: "As the way it's published."

Steve Swiatocha: "As the way it's published now is she could walk in tomorrow-- "

Councilman Prusinowski: "With her site plan."

Steve Swiatocha: "With her site plan and get-- "

Councilman Wittmeier: "But she would be under great scrutiny if she did."

Councilman Prusinowski: "Well, yes. You would have the whole process and everything, but there would be no more public hearings required."

Supervisor Stark: "Okay, Steve, thank you. Is there anybody else who would like to make comment at this particular time? Ma'am, ma'am."

Peter, would you come up? This is like school, we don't shout out."

Peter Danowski: "Just so I could try to rehash this and correct some statements and see if we could all clearly understand what has transpired. Helen has a right under the existing zoning to build a restaurant, she does not need a public hearing. She does, however, need site plan approval and all the permits that are required before you get a building permit. So if the Town did not act, refused to grant a change of zone, she could still go forward with a site plan, ask for approval from the Town Board, and ultimately the Building Department to build the restaurant. That's under the existing Industrial Zone. She has that right to do it. Certainly, the Town Board could deal with things such as landscaping and parking and various issues that they do on every site plan review. And the Town's Planning staff, Rick Hanley, Brenda (inaudible), would take a serious look at the plan and we have hired Young & Young. Tom Wolfred (phonetic) is here today, and Howard Young has designed the site plan."

In addition, under the existing zone, we have a right subject to a special permit public hearing to build a motel. So it's not something the Town can as a matter of right deny to my client. We have already held the public hearing on the special permit as well as the change of zone. So there are alternate ways to proceed. I recognize Mrs. Blass' comment. We asked when we filed the special permit application when the change of zone was not granted after a period of approximately a year, to refer this matter to the Planning Board so we could get its recommendation so we could then get a special permit from the Town Board if the Town Board was not going to grant the change of zone.

We've been through the process and I have come back with an alternate plan, as is subject to the comments made here by the Board and to Steve's comment and to some of the people in the audience. Under the review process in the Town, the Town sometimes asks for, sometimes the client on their own. But react to comments from the public and from citizens in the area, we go back to our engineer and our surveyor and we say is there an alternate way to build out a site plan for the property that might address some of the concerns. And many of the concerns that people raised are meaningful and so we have produced an alternate plan. It's an alternate plan and we're willing to do either plan. This is the plan that some of you may not have seen but which became public at a public meeting of this Town Board back in January or February of this year. And what it does do, and it's on record with the Town Clerk and the Planning Department, and wherever, where a restaurant was proposed next to Steve's house, we now have proposed a single family residence. We have taken a separate building for the restaurant and moved it over to the motel sight so the restaurant and motel are in one specific area, farther away from West Street.

What that would mean when we build out the property, would be obviously we have discussion about a fence. The single family residence is proposed where the rusted out building is next to Steve's house. One of the interesting things if you thought a house, a residence was less (inaudible), it is not permitted in the Industrial Zone. So that's the one use that would require a change of zone and that would be to allow a single family residence next to Steve's house as one of the permitted uses within the existing concept of the business resort business zone. So I don't want you to think that we are withdrawing or not withdrawing. We're giving a

second idea, a second plan for, and if the Town said to us during the site plan review process we are going to grant you a site plan approval for the alternate plan, should that be the Town Board's desire, then we would go along with that alternate plan. It has been and is available for you to look at. I'll pull out my file, I'll show it to anybody that's here today."

Supervisor Stark: "It's being pulled out now."

Peter Danowski: "Okay. So my end line here is my client has rights under existing zoning. I always think it's very unfair to take clients who own property in a particular zone and all of a sudden because there's a use under existing zoning for the property to somehow try to legislate them out of existence. (inaudible) someone who owns a piece of property and has a right to build a house on it, you go apply-- your neighbors say they don't want a house next to me. Let's take it out of that zone. We have a right to do the restaurant. We have a right subject to special permit to do the motel. We have to go through the public scrutiny of the site plan review process with the Planning staff and the Town Board.

I'm saying if in the future with other applications of other people's properties you want to take the Industrial Zone completely out along the whole stretch of the front, fine, but at least grandfather my client who has had this application pending for over two years.

Any other comments, and I would be more than happy to address them. Try not to get belligerent up here. I just try to explain them."

Supervisor Stark: "I won't let you get belligerent. The site plan-- the alternative site plan will be-- it's being tacked up to the wall out in the hallway so as you leave you may be able to see it. I'll ask Counsel after this hearing, if he might want to stand out there and answer some questions and Rick Hanley will be out there. I believe it was Frank? There, I remembered. That old rusted out building is Carter's Boatyard."

Frank Bazzicalupo: "I just want to ask the Board again and Mr. Danowski, the '94 meeting that I was-- happen to just stumble coming out here, went to check on my home, that there was a meeting going on

and I was never informed by a letter or document. I feel I'm a taxpayer; I live adjacent to the property and I was never-- "

Councilman Prusinowski: "It's 500 feet for certified letters."

Supervisor Stark: "He's got to be well within 500 feet."

Frank Bazzicalupo: "My home is right next to Mr. Swiatocha."

Councilman Prusinowski: "Did you own the property at that time?"

Frank Bazzicalupo: "Yes, I have. I've been paying taxes. I mean, I know they have my address."

Supervisor Stark: "You certainly enjoy that."

Frank Bazzicalupo: "I asked Mr. Danowski the first time; they said they might have overlooked it. Now the public hearings, and I don't get a letter. Again, I found out through my mother-in-law that there was going to be a meeting. I took off from work today to come out."

Supervisor Stark: "Did you check with the US mail on it?"

Frank Bazzicalupo: "Riverhead always gets the tax bill to Scarsdale, let me tell you."

Supervisor Stark: "We make sure of that. We send it by messenger. Is there anybody else that would like to see-- yes, sir?"

Kenneth Blair, Jr.: "In changing the zoning, would that affect my home when I am right next to the marina, but now I would be in a different zone?"

Supervisor Stark: "No."

Frank Blair, Jr.: "Why?"

Supervisor Stark: "We are only changing-- they are asking for a change of zone on that particular parcel of land. You are not-- you, if-- my recollection, I don't know whether Rick is still here or not, you probably are zoned residential where you are."

Kenneth Blair, Jr.: "I'm not. If you look on the map-- it's industrial. So that would affect me."

Supervisor Stark: "Yes. It would bring you back into compliance. There is no residential supposedly to be in industrial. Why you were put in it-- "

Kenneth Blair, Jr.: "It's been there 135 years. I don't know."

Supervisor Stark: "Somebody put in in. Is there anybody else-- "

Barbara Grattan: "Can I have your last name? I have you Ken."

Kenneth Blair, Jr.: "B-L-A-I-R, Jr."

Barbara Grattan: "Wait a minute. B-L-A-I-R? Blair."

Kenneth Blair, Jr.: "What are they doing about this-- or are you aware of this barbed wire fence that's there? Is there anybody that has any kind of answer on that?"

Supervisor Stark: "You mean the one that goes down into the water?"

Kenneth Blair, Jr.: "It runs in back of my property. It goes around the whole thing. Nobody's been there. I mean this is barbed wire. It's six foot and then the barbed wire. I don't know if you ever lived with barbed wire. I did for 18 months."

Supervisor Stark: "I'm not going to ask you where it is. Yes, ma'am."

Dorothy Reeve: "I'm Dorothy Reeve of Scallop Lane. And I would just like to go on record as supporting Barbara Blass and I'm sort of anxious to get the (inaudible) for the Hamlet Study-- finished. But I guess this has really nothing to do with what is going on in this room today, but I'm really tired of having a (inaudible) before the Board when someone is trying to get a building permit or whatever. First we go through all this, people's blood boils, and then finally, okay, go ahead, you can build your house. But then you have to go through the DEC and all of this wasting your time. I don't understand why we can't change the way this procedure is done and start

out with the Health Department first. I mean, it seems to me grossly inefficient."

Supervisor Stark: "Well, you know, not to get into a long discussion, I think I, myself, if I were an investor, I certainly would investigate the problems that are going to arise along the process of my application. And in a situation like this, I'm sure-- I don't know whether they've been to the Board of Health or not. But when you mention the DEC, you struck a nice point. Write our State legislators and let's abolish them."

Dorothy Reeve: "I don't know how we get this done, but I mean-- "

Supervisor Stark: "We had an application up and I appeared in front of the DEC for four and a half years and cannot get a comment back or headway on it. If you want to talk about a cart in front of a horse, that cart is so far out. Okay, no problem. Thank you, Dorothy."

Is there anybody else at this particular time that would like to make comment? Way in the back on the right. You've got to come up here. We're unshy here. We're all friends up here, no problem. Is this on this particular Public Hearing?. Are you talking about this-- because we're in this Public Hearing. We're going to open up the podium to general comments in a little while. That gives you more time to get ready.

Is there anybody else at this particular Public Hearing that would like to make comment? If not, I will declare the Hearing closed."

Public Hearing closed: 3:10 P.M.

Public Hearing opened: 3:10 P.M.

Supervisor Stark: "Let the record show that the time of 3:11 has arrived. Would the Clerk please read the notice of Public Hearing?"

Barbara Grattan: "I have affidavits of publishing and posting

of a Public Hearing to be held at Riverhead Town Hall, Riverhead, New York, at 2:15 p.m., on Tuesday, June 18, 1996, to hear all interested persons who wish to be heard regarding the consideration of an amendment to Chapter 58 Dogs Section 58-4.1 Voluntary Surrender of an Identified Dog."

Supervisor Stark: "Thank you, Barbara. Robert."

Robert Kozakiewicz: "The Public Hearing is to consider the deletion of our present Section 58-4.1 and to substitute a newly revised provision. Again, the same Section 58-4.1, which is part of our Chapter 58 Dogs. It's to provide for-- well the change is-- previously we had in the provision which allowed an unidentified dog to be turned over to the Town and then it provided that the owner of such dog which seemed to contradict itself where it's an unidentified dog, it's being turned over by the owner. It didn't make a lot of sense.

That was one of the inconsistencies in the prior provision. The new provision will address that inconsistency, will provide for a surrender fee of \$20, will provide for the owner to sign a written consent to the Town similar to the prior provision, the distinction being that the dog could be immediately made available for adoption. However, it would also provide that the dog otherwise if it's not available or cannot be adopted, would be kept for a period of 10 days as set forth in the adjoining Section 58-4 of the Town Code which deals with adoption procedures or other procedures under the Town Code Ag & Markets Law.

I'll wait for any comments. Perhaps Mr.-- Councilman Lull can address some of the issues as well since this is an outgrowth of his committee."

Supervisor Stark: "Is there anybody in the audience who would like to make comment on this particular Public Hearing at this particular time? Being no comment, I will declare the Hearing closed."

Public Hearing closed: 3:14 P.M.

Supervisor Stark: "I am going to recess this Town Board meeting 'til 3:30. We will return at 3:25 to convene a CDA meeting to pass a resolution-- that's Community Development Agency. And then I will reconvene this Regular Town Board Meeting, and if the Board would join me in my office for an open session to discuss a particular resolution with our Planning Director, Rick Hanley. The press is invited to come. It is just the wording in a resolution and we will be back in about 10 minutes. Thank you."

Recess

Meeting reconvened 3:32 P.M.

Supervisor Stark: "Let the record show that the time is 3:32. I will reconvene the Regular Town Board Meeting. We are done with the Public Hearings for the day. The Chair will now recognize anybody in the audience that would like to talk to the Board on any given subject at this particular time. Ann?"

Ann Miloski: "My name is Ann Miloski and I live in Calverton and now that you passed the resolution with the Community Development Agency, I just want to wonder what effect the recycling plant will have on the marketability of the Grumman facility? Do you think that that will co-exist with the Grumman facility? Could I ask that of the-- "

Supervisor Stark: "No, you can ask that right up here."

Ann Miloski: "All right. I'm asking you."

Supervisor Stark: "You're asking me. My own personal opinion?"

Ann Miloski: "Yes."

Supervisor Stark: "I feel that it will have no adverse effect on the marketability of Grumman."

Ann Miloski: "Okay."

Supervisor Stark: "Remembering that Grumman almost identically within a couple hundred yards-- maybe 400 yards, no more than 1,000 feet away, Grumman had a landfill."

Ann Miloski: "That was before Grumman, that landfill."

Supervisor Stark: "That landfill was used during the existence of Grumman."

Ann Miloski: "And it was very tiny."

Supervisor Stark: "Well, it's two to three acres."

Ann Miloski: "Okay."

Supervisor Stark: "But it still had a landfill there and it was used as a landfill."

Ann Miloski: "Okay, and the other question, I was here before the work session and I understand that the East End Recycling facility has applied for an amended site plan."

Supervisor Stark: "Yes, ma'am."

Ann Miloski: "And the original site plan was by Omni Associates and they were leasee contractors and-- not leasee, they were contracting to buy the property. Now I understand in this plan that they are leasing the property from the owner."

Supervisor Stark: "They had an option in the original to have a long term lease or actual outright ownership of the land."

Ann Miloski: "Well, I haven't checked in to it that thoroughly but what I checked in to, that's what I found. And I feel that this site plan needs a new environmental impact statement to address the above that they (inaudible) these notices on. And that now since 1991 there's a big difference. The traffic impact is at least 30% more than the original plan and if the Grumman facility comes out to be what is being proposed, the traffic impact will be very great and I think that has to be-- "

Supervisor Stark: "I have instructed the Planning Department to address that same subject."

Ann Miloski: "And I feel that-- "

Supervisor Stark: "Per your request."

Ann Miloski: "-- I think they really need a new permit and they have to go through the whole procedure again. Thank you."

Supervisor Stark: "Thank you. Anybody else who would like to address the Board? Yes, sir."

William Kasperovich: "William Kasperovich from Wading River. About the Grumman facility. When we speak of the waste and the landfill on the facility by Grumman, we've got to keep in back of our minds that they thumbed their nose at the Health Department and many other officials that wanted to come in there and correct things. So the history of what is there is really meaningless. We've got to take it from today."

Supervisor Stark: "It really isn't meaningless, Bill, and I don't mean to interrupt you but it is one of the 11 sites on the Grumman site that's being addressed by the Department of Navy and will be addressed by the Board of Health as possible contaminated areas."

William Kasperovich: "Yes, that's today, yes, okay. But a lot of this contamination was caused by Grumman by their obstinancy and their refusing to participate with good environmental practice."

Supervisor Stark: "Well, that's a benefit of being on a federal preserve I guess."

William Kasperovich: "Well-- "

Supervisor Stark: "They supersede and overrule and don't have to play by the local rules and regulations of a local municipality."

William Kasperovich: "Yes, that's true but that doesn't make them God Almighty as we-- "

Supervisor Stark: "That doesn't make them right, no."

William Kasperovich: "-- as we hearing about the FAA and now they have had the pleasure of (inaudible) a philosophy of they couldn't approach them. They had the last word and that was it."

This is (inaudible) but in another sense they are not infallible. Now the thing that's the (inaudible) my coming here and hearing this. The thing I wanted to put forth to the Board is that on this site, there are some aspects-- that would be advantageous (inaudible). Now this should be written or unwritten by the Town Board so as not to conflict with people that come in and want to use or take over a certain piece of land when in truth in the back of our minds we want to take it for the township. Now this will take a bit of doing and a bit of work and I think it should be put in the process so we don't come up with obstructions for people that want to come in that we would like to encourage their coming in. We can't come in after the fact and say, no, no, no. We have found that for ourselves.

I think it's an important thing because we don't have a second choice once we encourage a organization to come into the scene. It will be a bad reflection on the entire township."

Supervisor Stark: "I agree with you, Bill."

William Kasperovich: "So, without going into specific items and situations, if it's a general (inaudible) because there are things that we should take over and there are places that we should keep for our use or in conjunction with somebody else for our use. Thank you."

Supervisor Stark: "Thank you, Bill. Is there anybody else? Yes. Bill, why don't you come out at the same time so you're ready to roll?"

Rolph Kestling: "Rolph Kestling, Wading River. Last October I spoke to the Board and this in reference to the Hulse Landing Road project from Park Street down to the Sound. At that time you told me in your own words, we are getting ready to go into bid for it, we're going out to bid for it and, hopefully, if the weather permits, we will be starting it before the winter.

All right, I realize the winter snafued everything. Now, I understand there was a large grant from the State of New York (inaudible). I also read not too long ago in the newspaper, that the State said if you don't use the grant for the intended purpose, you have to return it and you can't recycle it to anything else. You can use it or lose it. I got a feeling a year is up already and I

don't see a bit of work being done on that project."

Supervisor Stark: "And you won't until after Labor Day. That is when it is scheduled to start. Right after Labor Day. And that grant is still active. We will not disturb all the land up there and go through a summer of activity and people coming and going. We experienced that at Reeves Beach. We got through it without getting our heads chopped off, it came close to it. But that project is scheduled to start."

Rolph Kestling: "It is out to bid then."

Supervisor Stark: "I don't know whether it's out to bid, but it's all ready to roll."

Rolph Kestling: "Not to get confused-- "

Supervisor Stark: "Monies are set aside, engineering is done."

Rolph Kestling: "I don't want this to be confused with the other over-- that's being done at Wildwood Acres. I'm talking-- "

Supervisor Stark: "No, no. This is-- I know exactly the project you're talking about. It is 50% our cost and 50% through the grant. It is ready to roll."

Rolph Kestling: "I'll see you after Labor Day."

Supervisor Stark: "I'm sure you will."

Rolph Kestling: "Thank you."

Supervisor Stark: "Thank you. Is there anybody-- Bill."

Bill Roberts: "Bill Roberts, Baiting Hollow. This whole Omni, East End Recycling situation puzzles, bothers, annoys, a lot of people, especially those impacted by the occasion and especially the members of the Greater Calverton Civic Association, of which I am a Trustee. That battle will be discussed at tomorrow's meeting of the Association."

Correct me if I am wrong, but the Town gave approval to Omni to

construct a 500 ton a day facility."

Councilman Prusinowski: "Bill, we're having a meeting with our attorneys on Monday. We have a lot of issues that are unclear and there's a question whether or not the agreement is being followed according to the documents that we have signed in the past. I-- without getting too specific, so, I don't think too many people are going to answer that, anything pertaining to that. If you would like to come to the meeting scheduled for 10:00, Monday morning here you will probably learn a lot more then."

Bill Roberts: "All right."

Councilman Prusinowski: "Okay. Seriously, we have to get-- Frank is going to come in and update us. As you know, we have been wrangling with them for three years now legally and we've extended them lines and we have a series of papers now in the house that's floating around the building and the Board has to get clearer where we actually are with them. And we have a meeting scheduled for 10:00, which you are welcome to attend."

Supervisor Stark: "I don't know whether I can allow that invitation. There may be a portion of it open, Bill, there may be a portion of it in executive session to be quite frank and honest with you."

Councilman Prusinowski: "I thought it was a Special Town Board Meeting."

Supervisor Stark: "Well, the Special Town Board Meeting would be the public, but there will be some discussions prior to that that will be in executive session because of the possibility issue."

Councilman Prusinowski: "But afterwards though-- "

Supervisor Stark: "I respectfully request-- "

Bill Roberts: "All right, I appreciate that information. I certainly will be down there on Monday. One thing I want to make sure that we keep in mind, however, Grumman was not a factor in 1993 or the exodus of Grumman was not a factor in 1993. We are very interested in developing that property and we have a tourist overlay

plan there and we are concerned that we don't have a garbage overlay plan."

Supervisor Stark: "Thank you, Bill. Is there anybody else that would like-- yes, sir?"

Sandy Sajek: "Sandy Sajek, Calverton, New York. I was just wondering if you have a new plan now for the East End Recycling and if it gets through and you are going to go and have another hearing-- "

Supervisor Stark: "They have requested a site plan amendment. That is being analyzed by the Planning Department right now which probably sometime between now and Friday, I will convene this Board for a work session to discuss that."

Sandy Sajek: "Could we be at that work session?"

Supervisor Stark: "You certainly can. I don't know how I am going to get it all out to everybody, but I would check with Town Hall in case I call for one. I'm waiting-- I really can't tell you now. As soon as the Planning Department tells me that they have analyzed it completely. It probably would be closer to Friday, if not, it would be Monday morning definitely."

Sandy Sajek: "I will be here Monday at 10:00 anyway."

Supervisor Stark: "No problem."

Sandy Sajek: "No, because if you have an amended plan, I would assume that there would be another hearing."

Supervisor Stark: "Not necessarily."

Sandy Sajek: "Well, how-- from what-- "

Supervisor Stark: "An amended site plan, that's-- there is a site plan that has been presented to the Town Board. Now they are asking for an amendment to a change in it. It doesn't require a new Public Hearing of any sort or another. It's part of the site-- we do it all the time. What I have asked the Planning Department is to analyze that requested amendment to the site plan and does it, in fact, change any of the process that took place prior to it."

Councilman Prusinowski: "Environmental review."

Sandy Sajek: "Environmental review."

Supervisor Stark: "Yes, or SEQRA or what have you. Okay."

Sandy Sajek: "So if they come up-- then you have another hearing?"

Supervisor Stark: "Yes. Thank you. Is there anybody else who would like to make comment at this particular time? If not, let us take up the resolutions."

Wait a minute, Ann?"

Ann Miloski: "Ann Miloski from Calverton. Where do you get the information on what is required from site plans and rules and regulations that the Town Board follows for these procedures?"

Supervisor Stark: "Rick Hanley has all those. The Planning Department."

Ann Miloski: "It's all in the book?"

Supervisor Stark: "It's all in the book. Thank you. If not, let us take up the resolutions."

Resolution #471

Councilman Prusinowski: "Authorizes an increase and improvement for the Riverhead Water District. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #472

Councilman Lull: "Order establishing the extension of #48, West Main Street, to the Riverhead Water District. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #473

Councilman Kwasna: "Resolution authorizing the issuance of \$75,050 in serial bonds to pay for the acquisition and installation of new water mains for extension #48 to the Riverhead Water District which is West Main Street. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #474

Councilman Wittmeier: "Order authorizing increase and improvement for the Riverhead Water District extension #49. So moved."

Councilman Kwasna: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All those in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #475

Councilman Prusinowski: "Order establishing extension #49, Middle Road and Harrison Avenue. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #476

Councilman Lull: "Resolution authorizing the issuance of \$75,000 serial bonds to pay for the cost and installation of new water mains for extension #49, Middle Road and Harrison Avenue, to the Riverhead Water District. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #477

Councilman Kwasna: "Awards a bid for extension #45, Phase 3, Riverhead Water District Northville area. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #478

Councilman Wittmeier: "Approves the site plan of East Coast Nurseries. So moved."

Councilman Kwasna: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Before you get into the next one, Carol, could you see if you could find Russell or Lori for me? Lori, I need to talk to you for a second. Go ahead."

Resolution #479

Councilman Prusinowski: "Declares lead agency for a extension of the Sewer District. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #480

Councilman Lull: "Awards bid for milk. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #481

Councilman Kwasna: "Extends contract office supplies, furniture and equipment. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #482

Councilman Wittmeier: "Authorizes amendment to the Community Development Block Grant. So moved."

Councilman Kwasna: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #483

Councilman Prusinowski: "Order calling for a Public Hearing for the establishment of a proposed extension to the Riverhead Sewer District along Route 58, Tanger Factory Outlet. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #484

Councilman Lull: "Determination of significance of special permit (site plan) petition of Hunt-Liedtke Management, Inc. (McDonalds). So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #485

Councilman Kwasna: "Authorize the publication of ad for the Suffolk County revolving loan fund. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #486

Councilman Wittmeier: "Authorizes attendance of Assessors at seminar. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #487

Councilman Prusinowski: "Declares lead agency for action Rapid Recovery Towing special permit. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #488

Councilman Lull: "Is a resolution of the Town of Riverhead recommending acquisition of land and pledging use of funds received under the Suffolk County Drinking Water Protection Program, the quarter per cent sales tax program. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #489

Councilman Kwasna: "Authorizes the Town Clerk to publish and post public notice regarding yard sales in the Town of Riverhead. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #490

Councilman Wittmeier: "Rejects bid and authorizes Town Clerk to republish and repost a notice to bidders for Benjamin/Corwin re-roofing project. So moved."

Councilman Kwasna: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #491

Councilman Prusinowski: "Approves site plan of Citgo service station. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #492

Councilman Lull: "Authorizes the republication of notice to amend Community Development Block Grant program. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #493

Councilman Kwasna: "Approves the site plan of Riverhead Osborne Realty - gas station and convenience store. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #494

Councilman Wittmeier: "Appoints summer intern to Assessor's Office and Engineering Department. So moved."

Councilman Kwasna: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #495

Councilman Prusinowski: "Authorize the Supervisor to execute change order No. 2 for the Peconic River Waterfront Improvement Project. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Opposed? Motion carried."

Resolution #496

Councilman Lull: "Awards the bids for the Benjamin/Corwin material list bid. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Opposed? Motion carried."

Resolution #497

Councilman Kwasna: "This is a resolution of the Town of Riverhead requesting funds for landfill capping and closing or other purposes pursuant to Suffolk County Charter C12-5D in the Suffolk County Drinking Water Protection Program. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #498

Councilman Wittmeier: "It's a budget adjustment to the General Fund. So moved."

Councilman Kwasna: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #499

Councilman Prusinowski: "Amends the site plan of Crystal Clear Car Wash. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #500

Councilman Lull: "Authorizes the execution of agreement with Harry Wilkinso who will act as snack vendor at Iron Pier Beach, Reeves Beach, and Wading River Beach. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #501

Councilman Kwasna: "Authorizes execution of an agreement with the State of New York. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

Supervisor Stark: "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #502

Councilman Wittmeier: "Water extension #48 capital project, West Main Street. So moved."

Councilman Kwasna: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #503

Councilman Prusinowski: "Approves the special permit petition of St. John the Baptist Roman Catholic Church. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. The discussion here-- oh, okay. Any other discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #504

Councilman Lull: "Awards bid for one asphalt storage unit. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #505

Councilman Kwasna: "Approves special permit petition of David McCarthy. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #506

Councilman Wittmeier: "Approves application of Town of Riverhead, which covers the East End Arts community picnic June 26, 1996, Suffolk Theatre Marquee lighting, and a Grucci illuminations display and other things. So moved."

Councilman Kwasna: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? During the discussion, I would like to invite all residents of the Town of Riverhead up to Giorgio's at Fox Hill where we will have a kick-off fund raiser for the restoration of the Suffolk Theatre. It's \$25 a ticket and all monies received will go to the actual restoration on Wednesday, June 26, what you see downtown right now is the restoration of the facade and the parapet plus the marquee will be officially lit but we will have life on Main Street. We don't want to let you inside yet. It's pretty rough in there, but it still retains its art deco history and we will be soon going out to bid on the restoration inside. But the fund raising committee has done a lot of work. We expect 400 to 500 people at Giorgio's Thursday night

we expect I don't know how many people to come down to the official lighting.

I think those of us who grew up in Riverhead and traveled to the Suffolk Theatre in its day, it will be nice to see the marquee back lit. We will probably use it for coming events for all kinds of organizations in town so I cordially invite you to kind of wander downtown on June 26th for the official lighting. It will be a picnic; it will be bands. We have two 50 piece bands coming and we picnic on the East End Arts property and also Thursday night, starts at 6:00 at Giorgio's for the opening dinner and Padre you are invited to come up and give the Theatre a blessing. With that, is there any other discussion, if not-- all in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #507

Councilman Prusinowski: "Approves special permit and change of zone of Suffolk Old Farms Apartments. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #508

Councilman Lull: "Approves Bill Hennenlotter as lifeguard/fill-in water safety instructor to the Riverhead Recreation Department. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #509

Councilman Kwasna: "509 is a resolution our friends in Wading River have been waiting for. After a little discussion, we will approve the site plan of St. John Baptist RC Church. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All those in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

We appreciate the cooperation, go back to really-- we didn't want to get into a fight with a stronger power but I think the shingles are a lot more attractive and will do more for the area. So good luck, our prayers will be with you that you raise enough money and the continued attribute to our community as you have in the past.

Is there a motion to pay the bills?"

Councilman Prusinowski: "So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Councilman Prusinowski: "And I want to make Resolution 511. Amends site plan of The Knolls at Fox Hill. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Going back to the one before that, Vic, 510, motion carried. All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "511, moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

I would like to also announce that our playground at Stotzky Park will have its grand opening at 5:30, Monday night. We would like to say it's a grand opening but as we've been building it, we've been invaded by the children wanting to get in there, so I think they've really had the official opening of it, but this will be the official opening of it this Monday night.

Being no further business, this meeting is adjourned."

Meeting adjourned: 4:04 P.M.

*Barbara Dutton
Town Clerk*