

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, August 7, 1984 at 7:30 p.m.

Present: John Lombardi, Councilman  
Victor Prusinowski, Councilman  
Vincent Artale, Councilman  
Louis Boschetti, Councilman

Also Present: Richard Ehlers, Town Attorney

Absent: Joseph F. Janoski, Supervisor

Councilman Boschetti called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

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

RESOLVED, that the Minutes of the Regular Board Meeting held on July 17 and Special Board Meeting held on July 24, 1984 are dispensed without objection and be approved.

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

The resolution was thereupon duly declared adopted.

#### BILLS

Bills submitted on abstract dated August 7, 1984 as follows:

General Town	\$364,963.91
Highway	129,291.61
SL	16,330.22
CF	2,526.15
Small Cities	556,183.41

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

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

General Town	\$364,963.91
Highway	129,291.61
SL	16,330.22
CF	2,526.15
Small Cities	556,183.41

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

Councilman Boschetti, "Good evening everyone. My name is Councilman Boschetti. I'll be presiding at this meeting tonight. As is usual, we have our department heads in the back row should anyone have questions of them of any particular interest or in their field that they may be covering. By way of information, I would like to let you know that Supervisor Joe Janoski was once again released from Central Suffolk Hospital last Sunday. We understand that he is home. He has strict orders to stay off his feet and we hope this time he obeys those orders so he can be back as soon as possible. I am also told that the Police Chief is also under medical care. I have not received a medical report or have heard anything from the family. But we understand that he is doing somewhat better, although, he may be undergoing further tests shortly. Reports Mrs. Pendzick."

REPORTS

- Conservation Advisor Council-Minutes of July 25, 1984 Meeting. Filed.
- Police Department-Report for the Month of June, 1984. Filed.
- Building Department-for the Month of July, 1984. Filed.
- Open Bid: Peconic Bay Boulevard Drainage Facilities. Filed.
- Open Bid: Snow Fence for the Highway Department. Filed.

OPEN BID - PECONIC BAY BOULEVARD DRAINAGE FACILITIES

Bid Date: August 2, 1984 - 11:00 a.m.  
Three Bids submitted.

- #1 NAME: PAV-CO ASPHALT, INC.  
ADDRESS: 615 FURROWS ROAD, HOLTSVILLE, NY  
TOTAL BID: \$59,565.00
- #2 NAME: FARMINGDALE SEWER CONST.  
ADDRESS: 510 BROADWAY, AMITYVILLE  
TOTAL BID: \$77,395.00

REPORTS Continued

#3 NAME: MUIRFIELD CONTRACTING  
 ADDRESS: P.O. BOX 148, GREENPORT, NY  
 TOTAL BID: \$67,000.00

OPEN BID REPORT - SNOW FENCE AND POSTS FOR HIGHWAY

Bid Date: July 24, 1984 - 11:00 a.m.  
 9 Bids submitted.

#1 NAME: CHEMUNG SUPPLY CORP.  
 ADDRESS: P.O. BOX 527, ELMIRA, NY  
 TOTAL BID: Snow fence: \$2,583.75  
Snow fence posts: \$3,885.00

#2 NAME: BRIGHTON STEEL COMPANY  
 ADDRESS: RD 2 BOX 267, HOPEWELL JUNCTION, NY  
 TOTAL BID Snow Fence: \$4,375.00  
Snow Fence Posts: 3,675.00

#3 NAME: MID-ISLAND LUMBER AND SUPPLY CO, INC.  
 ADDRESS: 415 ROANOKE AVENUE, RIVERHEAD, NY  
 TOTAL BID: Snow Fence: \$4,625.00  
Snow Fence Posts: 3,690.00

#4 NAME: SOUTHAMPTON LUMBER CORP.  
 ADDRESS POWELL AVENUE, SOUTHAMPTON, NY  
 TOTAL BID: Snow Fence: \$4,562.50  
Snow Fence Posts: 4,050.00

#5 NAME: EASTERN WHOLESALE FENCE CO.  
 ADDRESS: 274 MIDDLE ISLAND ROAD, MEDFORD, NY  
 TOTAL BID: Snow Fence: \$4,800.00  
Snow Fence Posts: \$3,915.00

REPORTS Continued

- #6 NAME: RIVERHEAD BUILDING SUPPLY CORP.  
 ADDRESS: 303 OSTRANDER AVENUE, RIVERHEAD, NY  
 TOTAL BID: Snow Fence: \$4,600.00  
Snow Fence Posts: \$4,125.00
- #7 NAME: MUTUAL STEEL CO.  
 ADDRESS: 76 NEWTON PLAZA, PLAINVIEW, NY  
 TOTAL BID Snow Fence: \$4,850.00  
Snow Fence Posts: \$8,885.00
- #8 NAME: RIVERHEAD AGWAY  
 ADDRESS: 713 PULASKI STREET, RIVERHEAD, NY  
 TOTAL BID: Snow Fence: \$5,302.50  
Snow Fence Posts: \$3,945.00
- #9 NAME: CAPITOL HIGHWAY MAT. INC.  
 ADDRESS: ROUTE 6  
 TOTAL BID: Snow Fence: \$32.00 50' Roll  
Snow Fence Posts: \$3.20 each

Irene J. Pendzick, "That concludes Reports."

Councilman Boschetti, "Thank you Mrs. Pendzick. Under Applications and Petitions."

APPLICATIONS AND PETITIONS

Directional Sign-County Seat Plaza (Waldbaums)	Filed.
Site Plan-Arthur Thurm (Revise layout of Mobile Home Park to reduce density)	Filed.
Site Plan-Stanley Mendelson (Addition to Stamens Building Supply, Sound Avenue, Wading River).	Filed.
Site Plan-George Nunnary (Storage of Gas & Welding Supplies, W. Main St., Riverhead.)	Filed.

APPLICATIONS AND PETITIONS Continued

Special Permit-Joseph Trocchio (Temporary Mobile Home in Manorville). Filed.

Change of Zone-Sullivan & Dzialakiewicz (Establish Laundry on Mill Brook Lane). Filed.

Irene Pendzick, "That concludes Applications and Petitions."

Councilman Boschetti, "Thank you. Would the Town Clerk now read the Correspondence to the Town Board."

CORRESPONDENCE

Suffolk County Treasurer, 7/18/84-Resolution and Check (\$107,835) for Mortgage Tax Allocation. Filed.

American Heart Assoc., 7/9/84-Cyclethon scheduled for 8/26/84. Filed.

Suffolk County Dept. of Planning, 7/13/84-Notice of Adoption of Local Law #8, Southold and Local Law #12, Southampton. Filed.

Brookhaven Town, 7/19/84-Adoption of Amendment to Code Chapter 30, Chapter 19 and Parade Permit for American Heart Association. Filed.

Southold Town, 7/19/84-Adoption of Local Law #8. Filed.

Sherry Johnson, 7/23/84-Letters from County Executive Cohalan on possibility of adding Manorville land to Peconic River County Park and to Ms. Lorna Salzman advising same. Filed.

H2M Corp., 7/20/84-Advising that water transmission mains via C. R. 105 are completed. (See Water Minutes) Filed.

N.Y.S. Dept. of Environmental Conservation-Notice of Public Hearings to be held on 8/28 and 8/29/84 Re: Freshwater Wetlands Map. Filed.

Southampton Town, 7/30/84-Asking if there are any objections to sign application made to town by David Catena, 106 Peconic Avenue. Filed.

George Hochbrueckner-Notice of Public Hearing re: Taxes due to LILCO withholding taxes for Shoreham, at County Center on 8/20/84, 3-7:00 p.m. Filed.

Irene Pendzick, "That concludes Correspondence."

Councilman Boschetti, "Thank you. The first public hearing is scheduled for 7:45. It has not yet arrived. So we will go to Unfinished Business."

#### UNFINISHED BUSINESS

Old River Road Recreational Park-Change of Zone for Recreational Use. "This is still before the Town Board. The Department of Environmental Conservation hasn't contacted us regarding their taking the Lead Agency status on this particular application. However, there seems to not be any movement on this particular application in as much as we're still waiting for a D.E.I.S. (that is a Draft Environmental Impact Statement) to be completed."

Robert Celic-Change of Zone and Special Permit for Nursery in Aquebogue. "That is still before the Town Board pending decision."

Kimbrooke Enterprises-Special Permit for 190 Condominiums on Sound Avenue. "The Town Board has declared itself Lead Agency and a D.E.I.S. is presently being prepared which we are right now awaiting."

Broad Cove-Request for extension of permit. "Once again the Town Board is going to be acting as Lead Agency and we are waiting for the 30 day waiting period to end so we can continue with that particular request."

Riverhead Motors-Revised Site Plan for Market-on-Circle. "We are right now (the Town Board) waiting for a revised site plan as submitted before further action is taken."

Councilman Boschetti, "At this time we have about six minutes to go until the first public hearing. So I would recognize anyone wishing to be heard on any subject. Bill."

Bill Nohejl, Wading River, "A while back (the Town Attorney here) I asked (I think you) Lou about the Sullivan Park in Wading River. I understand he won an appeal on Chapter 78 and at that time we had 30 days or so to reply. I asked you, Town Attorney, what is the situation that exists right now?"

Richard Ehlers, "Well, the 30 day period only began recently when we were served with a copy of the order. And Pete Danowski, who is the special council, has sent a letter to me advising me of that. And we are arranging a meeting with the Town Board for them to consider whether they want to take a further appeal or comply with the judge's order. Basically, the judge's order sends it back. Or the court order I should say, sends it back down to the Town Board to put such reasonable restrictions as the Board may see necessary, to eliminate its concerns. The primary concerns were the

PERSONAL APPEARANCES ContinuedRichard Ehlers, Continued

overcrowded conditions and the parking. The court, evidently feeling that those concerns could be met by the Board's restrictions, the jest of the appeal would be that our record was sufficient to show that no restrictions could cause proper compliance with that area. So that decision will be before the Board once they have their meeting with the council."

Bill Nohejl, "Now, I was concerned. I was hoping..."

Richard Ehlers, "The period has not run out and it will not run out without our action."

Bill Nohejl, "That's what I was concerned about. That it didn't go past the time and things I guess would go and more or less he would have a free hand."

Richard Ehlers, "Even if we don't prosecute a further appeal of his appeal, it has to come back before the Board for decisions as to what restrictions the Board wants to place on him. And then we get back to the question, are they reasonable within the court's decision? So we are not at the end of the road."

Bill Nohejl, "Will the public have any knowledge of what the Board decides prior to a resolution or us granting him certain things?"

Richard Ehlers, "The Board can determine to hold a public hearing if it wishes to consider what restrictions would be appropriate."

Bill Nohejl, "Thank you."

Councilman Boschetti, "Thank you Bill. There is approximately four and a half minutes if anybody cares to use them. Yes sir."

Steve Pientak, Aquebogue, "Regarding the Peconic Boulevard drainage area. I see it's listed on 524. Would that mean that it's out for bid?"

Councilman Lombardi, "There's a resolution tonight to pass it."

Steve Pientak, "Pass it?"

Councilman Lombardi, "Right. Do the work."

Councilman Artale, "We have already gone to bid."

PERSONAL APPEARANCES Continued

Steve Pientak, "Some of us are still in a quandary. I, myself, for example, have a cesspool cleaner coming tomorrow. I just about started to live there for a while. But the point I want to put across or ask at any rate is: have you any idea when it would be started?"

Councilman Lombardi, "How long?"

Richard Ehlers, "The resolution on tonight is to award the bid. So the engineer will confirm the contracts. That takes about a week. It takes a week to get the contract in. Generally there's a starting date within 30 days or so. So probably two or three months would be an outside time I would guess."

Steve Pientak, "Then we are running into the Fall again. That's what we were forewarning last Fall."

Richard Ehlers, "Well, they're moving as fast as they can. I think you have to appreciate that you're involved with the County as well as the Town government."

Steve Pientak, "Sometimes I don't appreciate whom I am within when I am running into all the discomfort. And I can assure you I get pretty well teed-off and my wife gets on my back and I get on hers and divorce proceeding. It's not the nicest thing in the world. Believe me when I tell you. And I've been struggling for many days. You know it gets really serious like I said. And last Fall we said first think you know, it's going to freeze up and the snow and the thaws and we're going through the same bit all over again. Let's hope we can push it through rapidly."

Councilman Lombardi, "We'll try to push it as fast as possible."

Steve Pientak, "Thank you."

Councilman Boschetti, "Thank you. There's two minutes remaining."

Henry Pfeiffer, "At the intersection of 25A and Sound Avenue and North Country Road there's a service station. I believe it's called "OK". I think at some time in the recent past, the Board through its muscle, managed to have some cars removed from there. Presently, the proprietor sets up a sign there advertising his rates which obscure the view of approaching cars coming eastward on 25. It makes it very dangerous. Particularly since it's now aggravated by the construction going on there. Can something be done about that?"

PERSONAL APPEARANCES Continued

Councilman Boschetti, "Thank you Henry. Well, we only have about one minute more to go. If somebody has something very quick. No. Ok. We'll just wait until 7:45 for the public hearing. The time is now 7:45. The Town Clerk will please 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, August 7, 1984 at 7:45 p.m. at Riverhead Town Hall, to hear all interested persons regarding: The Special Permit Application of Daroad Enterprises to operate a Professional Office for Accountants at premises located on the east side of Roanoke Avenue, south of Ackerly Street.

CORRESPONDENCE:

1. Suffolk County Dept. of Planning, July 20, 1984  
Requesting additional information on the application.
2. Joan Pebbles, August 2, 1984  
Stating that area in question is an established residential area; that traffic is very congested now, and another business in the area will generate more traffic; that the business hours of an Accountant's Office could go beyond the traditional 5 day week, daily schedule; and that she is opposed to the application and the operation of Professional Offices for Accountants at 1220 Avenue, Riverhead.
3. Environmental Quality Review Board, June 7, 1984  
That the application is a Type II Action which will not have a significant impact upon the environment.
4. Riverhead Planning Board, June 22, 1984  
Approving the application for a special permit by Daroad Enterprises.

Councilman Boschetti, "Thank you Mrs. Pendzick. Is there anyone present representing the applicant? Mr. Smith."

Allen Smith, Attorney, "For the record, my name is Allen Smith, Attorney. The firm is Tooker and Smith at 1380 Roanoke Avenue, Riverhead. I have present with me this evening one of the principals of Daroad, Mr. David Kandell. Daroad Enterprises is himself and his two brothers and they will be the owners of this particular site should the wisdom of the Board result in the granting of this particular permit. I also have with me this evening the newest associate of our firm, William Moore, who I only mention because his interest in such things began as an intern here out of Riverhead High School. He's been away to both under-

PUBLIC HEARING ContinuedAllen Smith, Continued

graduate and graduate school and has now returned to town to practice law with our firm. The purpose of the hearing is to entertain the application by Mr. Kandell and his brothers for a office at this particular location for the purpose of an accountancy. Although the land will be owned by himself and his brother, it is anticipated that he (and quite possibly his father) will be the practitioner at the particular location. As you may know, his father has conducted an office in accountancy next to the Riverhead Fire Department on Second Street for a number of years. I believe it's 13 years in this particular town. And the operation (that Mr. Kandell will describe in a moment) that he wishes to establish is very similar to the operation that has been conducted on Second Street by his father for a number of years. The location is 1220 Roanoke Avenue. It's on the east side of Roanoke. It is between Ackerly and Hallock. For the purpose of the record and this particular proceeding, we have submitted for a filing with the Clerk, pictures of the location of their accountancy and medical uses on Roanoke Avenue taking them from the circle down almost to the tracks. There are approximate 13 such residences or former residences that have been converted to this type of professional service office building. And I'll file those if I may."

Councilman Boschetti, "Thank you."

Allen Smith, "We have presented to the Board for it's consideration as part of this application, a site plan. The site plan reflects that it is not intended or asked for to change any of the dimensions of the structure that currently exists upon the site. The site allows for the construction of the required number of parking spaces as currently called out by the Riverhead Town Code. What I would like to do at this point is to call Mr. Kandell forward and let him describe to you (the Board) and to anyone interested in the site and what he and possibly his father intend to do with this particular location. While he's coming forward, for the record, I will file with Mrs. Pendzick my affidavit of posting of the property as is required."

David Kandell, Accountant, "My name is David Kandell. As Allen previously mentioned, the Daroad Enterprises Organization which consists of myself and my 2 brothers, Robert Kandell and Adam Kandell. We wish to purchase this building in order to then rent space to a professional accounting office. This professional accounting office will consist of 2 principal C.P.A.s. One being myself and the other being my father, Wallace Kandell. As far as the hours, we plan on structuring our organization around.... It would basically be the same sort of hours that we have worked in the Town of Riverhead for numerous years. As Allen has mentioned, my father has been in practice for many years in the Town of Riverhead. I have been in practice in the Town of Riverhead for the last four and a half years. The way our organiza-

PUBLIC HEARING ContinuedDavid Kandell, Continued

tion would be structured would be the two principals and we would have one receptionist secretary and one computer operator. So there would be 4 people occupying the space. The hours that we would be working would be all year around. Our office would be open from around 9 o'clock in the morning to 5:30 in the evening. For the months of February 1, through April 15, our office hours would be Monday through Friday 9 to 5:30 and also Saturday 9 o'clock to 5 o'clock. In addition to that, for the 2½ months, February 1 through April 15, we would be working, at the maximum, 2 nights per week. In the past, what we have done is, we've worked either Monday and Tuesday night or Monday and Wednesday. And the hours which we would work would be continuing from the 5:30 p.m. normal closing time to 8:30 p.m. at night and we would be leaving the premises at 8:30 at night. From past experiences, they have shown us that the reason we work the night time hours is because of the fact that we have had staff and there's been an overload of work of course during our busy season and this gives us an opportunity to continue to get our work down within the time limits that we find necessary. Both Wallace Kandell and myself have discussed the possibility because of the fact that we currently work at home during tax season because of our position that it would might not be necessary to work the evening hours if it might be just the two of us as we anticipated. The hours on Saturday as I mentioned, would be from 9 to 5. And that, as I said, would only be for the 2½ month period. As far as traffic regarding people coming to our off in the night time, it's basically to accomodate our individual income tax clients who work during the day and find it necessary to meet with us either in the evening or on Saturday at their convenience. And we found in the past that there has not been a lot of people that like to be out in the evening as we do. We do not find it enjoyable to work in the evening either. We have had very few people come in the evening and we have found that it's just been a work time for us and our staff. And that would basically be the structure as far as time goes that we would be working in this location. Thank you for your time."

Councilman Boschetti, "Ok. Thank you Mr. Kandell. Allen, I'm going to have to recess this. Do you have any further presentation? Ok. This public hearing will be recessed momentarily. It's now 7:55. The Town Clerk will read a 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 held on Tuesday, August 7, 1984 at 7:55 p.m. at Riverhead Town Hall to hear all interested persons regarding: The proposed deletion 101-12 of the Riverhead Town Code, "West Street", Jamesport.

PUBLIC HEARING ContinuedCORRESPONDENCE

1. Mrs. Gail Beyer, June 12, 1984  
Requesting that parking be permitted on West Street for residents and guests.

PETITION

Signed by 18 residents of Jamesport requesting that parking be permitted on West Street.

Councilman Boschetti, "Thank you Mrs. Pendzick. Will the Town Attorney please explain this to us and members of the audience."

Richard Ehlers, "It occurred after some signs were positioned recently in the area that West Street appears twice in the Riverhead Town Code. In one section it appears as Designated No Parking. In one section it appears Designated Parking by Permit Only. The proposition before the Board this evening is to delete the section which makes it no parking. Which would therefore make the parking by permit section the only active section in the code. So that would be the proposition of the public hearing this evening."

Councilman Boschetti, "Thank you Dick. At this time I am going to recess this hearing and re-open the Daroad Enterprises public hearing once again. Yes. Mr. Harding I will recognize you."

Jacob Harding, 128 Hallock Street, "May I use this table please?"

Councilman Boschetti, "You may, providing you speak into the microphone. That's one of the ways we record."

Jacob Harding, "If you're not going to be able to hear me then say so."

Councilman Boschetti, "No. No. We need the microphone for you to be recorded. It's one of the ways we record your statements."

Jacob Harding, "May I use this table?"

Councilman Boschetti, "Of course. As long as you speak into the mike."

Jacob Harding, "Thank you very much. Can you hear me alright here."

PUBLIC HEARING Continued

Councilman Boschetti, "Can everyone hear Mr. Harding?"

Jacob Harding, "I should start off by saying good evening."

Irene Pendzick, "For the record Jack, would you give us your name and address?"

Jacob Harding, "Of course. I intended to. My name is Jacob Harding. I reside at 128 Hallock Street. The northwest corner of my lot is about 60 feet from the parking place planned for the (purpose) proposed owner of the lot planned for business use, the accounting offices. As Town Attorney, I drew the original zoning ordinance for the Town of Riverhead. I believe in zoning and a fair and sensible Master Plan. As to zoning, there are 3 main classifications. One: Industrial. Two: Business or Commercial. 3: Residential. The idea of good planning is to keep them apart. In this case we have a conflict between business and residential use. I caution you that great care should be taken to prevent any interference with an established residential use. It is not a pleasant matter for me to oppose a fellow property owner. I do so with great reluctance. The Town Board, using the Planning Board and the Zoning Board of Appeals should provide for transportation, comfort, and convenience, public health, safety and general welfare for the town's population. Beginning with Southern Boulevard and going north, there are already 12 professional offices on Roanoke Avenue. Mostly doctors and dentists. As far as I'm concerned, since it has reached and effected me and some of my neighbors and perhaps some of my clients, that is one too many. You're beginning to build one bridge too far. The location used by the applicant is a rather small lot with a small residence on it. The plan is to have a roadway go to the back of the lot, the east end, and establish a parking space there. The parking space will hold about 9 cars. The east end of that parking space (as I said before) will be rather close to the northwest corner of my residential lot. I suggest that you....."

TAPE ENDED

Jacob Harding, "....part of Roanoke Avenue. Either on the east or the west side of Roanoke, you should give all your attention to the solving of the problem of traffic congestion. At the present time, for a resident of Hallock Street or Ackerly Street wishes to get out of his street onto Roanoke Avenue, it is most difficult and at times almost impossible. First, you should get together with the State and the County and work on the plan that now confronts us, heading north of the traffic circle on Roanoke Avenue. Instead of do that, you are considering a plan which would make matters worse. Giving a special permit for an accountants office. I happen to live on a little block. Actually, I am on Hallock Street and it

PUBLIC HEARING ContinuedJacob Harding, Continued

continues quite a distance to the east. But I have a small roadway to my east. And on my block (this little block) between Hallock and Ackerly, there are 8 houses. This is the block. There's a property of DeGraff, the properties of people, the property of Harding. Then the property of Dick, of Mrs. Conklin, of Tuccio, now occupied by a tenant, of the applicant, and then Ciolino. There it is, a nice residential block. Now we have step one. There's a residential block with an office with parking spaces on it broken into (my) our little block. There's going to be others. I'll show you another possible break in. A couple of days ago in the newspaper, (Newsday) the following ad was placed by a neighbor of mine, Mr. Ciolino. Professional-residential/2-story. He's created a new category for himself but he's on the right track I guess. Because others have preceded him and it describes the house, the place and everything and he ends up with a telephone number, 727-1555 which is Mr. Ciolino's number. So taking the applicant and Mr. Ciolino, there is my little block. Now that's not the end of it. Tuccio is on the corner. Why should he miss the goodies? Put him in there on the south of Mr. DeGraff. It's in the hands of the attorneys. Why not put them in there? So then all you have on my little residential block is this with maybe a lot of parking spaces. The intrusion, the violation, the perversion of a zoning ordinance that which I drew many years ago there would probably be 36 parking spaces. Because the applicant's (inaudible) means the others are going to have at least 9. Some of the bigger houses may require more. So there's going to be at least 36 parking spaces there. Does that change the character of a neighborhood? Does that perhaps lower property value? You remember the preface to the zoning code and what it asks you as Board members to do. It might not be necessary (they say) to work in the evening hours."

Councilman Boschetti, "Mr. Harding. I'm going to have to interrupt you momentarily. Ok? I'm going to have to recess the hearing again so we can announce the public hearing that is scheduled for 8:05. You can just sit there and we'll be right back to you."

Jacob Harding, "That's perfectly alright."

Councilman Boschetti, "This hearing is now recessed. The time is now 8:05. The Town Clerk will please read a notice of public hearing."

PUBLIC HEARING ContinuedPUBLIC 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, August 7, 1984 at 8:05 p.m. at Riverhead Town Hall, to hear all interested persons regarding: The Special Permit Application of Enka Enterprises, Inc. To re-establish the use of a gasoline service station located at the intersection of Route 25 and Washington Avenue, Jamesport.

CORRESPONDENCE

1. Suffolk County Dept. of Planning, July 10, 1984  
That the application is a matter for local determination.
2. Riverhead Planning Board, July 23, 1984  
Recommends that the application be approved.
3. Carl Locker, July 22, 1984  
Asking for information regarding the sign posted on the premises, that building was going on without a permit sign being posted, and concerns regarding the safety of the gas tanks.
4. Carl Locker, August 7, 1984  
Sent in the following information:
  1. Map of gas station with notes of improvements done without a permit.
  2. List of tank tester.
  3. Copies of pages from County Sanitary Code Re: toxic and hazardous materials storage and handling control.

Also that he is very nervous about leaks into the ground water supply. Requests information liability if leakages pollutes his well.

Councilman Boschetti, "Thank you Mrs. Pendzick. Is there anyone here representing Enka Enterprises?"

Paul Sibener, Attorney, "Yes."

Councilman Boschetti, "Ok. May I ask that you just be patient. To avoid a segmented effect of information, we have right now 3 public hearings under way. So if you can make your presentation a little bit later, I'd appreciate it. Thank you. I will now recess the public hearing on Enka Enterprises and re-open the public hearing on Daroad Enterprises. Mr. Harding."

PUBLIC HEARING Continued

Jacob Harding, "Thank you. I'll try to get there before the next break. Now, does a bookkeeper work at night?"

Councilman Boschetti, "May I ask how much longer your presentation will be?"

Jacob Harding, "Five minutes maybe less."

Councilman Boschetti, "Ok. If you could, thank you."

Jacob Harding, "I think sometimes a bookkeeper works at night. The applicant indicates that it might not be necessary to work the evening hours. I hope they have to work the evening hours for their good business, but somewhere else. I'm going to tell you the story of the birth of a monster. The name of the monster is called special permit applications. A special permit application means that under the code, you can make an application to screw up a residential neighborhood. It started a few years ago when the plan to permit a home professional office. That's the way all the other doctor's offices on Roanoke Avenue started. It started to come up. At that time, there were only about 7 uses that were permitted. I'll read you that particular part of it. It is called professional home office. It said only the office of studio or resident physicians, surgeons, dentists, lawyer, architect, musician, teacher was herein restricted. It was limited to their use and they could. But apparently that wasn't enough of the people that wanted to feed the monster. They knew that this beast was created and there they are. Accountants, archeologists, architects, artists, attorneys, bookkeepers, chiropractors, dentists, engineers, income tax prepares, doctors, (inaudible) podiatrists, (inaudible) physical therapists, surveyors, real estate agents or brokers. And in the ending paragraph, the professional offices of a person not determined by the Town Board to be similar to the above are also permitted. They really went somewhere there didn't they. Now gentlemen, you're really playing with people's lives, their dreams, and their hopes. Joan Peebles, my neighbor to the west, whose property on the northwest corner, will abutt on the applicant's lot, expended a great share of our worldly goods on sites to purchase a home in a residential area. She did this a few months ago. By the way, she wasn't sent a notice of this proceeding. Now, the monster rears up to get her. She has spent her money and it is the application of these applicants that should be stopped. I assume the applicant hasn't spent his money yet. In all probability, the sale is conditional upon him getting the special permit. Because they say the land will be owned by ~~Mr. Kandell~~ ~~you~~ ~~you~~ ~~know~~ the situation as well as I do. Don't take away Joan Peebles dreams. Stop the monster. There is also an ecological problem. Putting in a 10 foot buffer zone and shrubs does little to please me. I know from 60 feet away the parking lots are there. Maybe 9, maybe 18, maybe 27, maybe 36 or more. I have my lawn, my perennial bed, my garden, my flowers, my ferns because of the bird feeders and the bird bath, my squirrels and occasional visiting rabbits. Parking lots, lights for the same, cars

PUBLIC HEARING ContinuedJacob Harding, Continued

starting up, will effect all this. Instead of green space, I'll have black space, parking lots in a residential area. You change the character of the neighborhood and the character of my life. I am not going to let you. Please visit the area gentlemen. Councilman Lombardi, you live in the area. Don't you get the feeling that things are beginning to close in? Yes. A bridge too far. Commercialization is upon us. If I had one prayer, it would be: please God, don't make my neighbors and me spend the rest of our lives next to the parking lots or districts, parking lot or parking lots. Yes, commercialization. It is apropos to recite a short poem written by a very famous poet. "The world is too much with us. The lathe and the soothe. Getting and spending we will waste our powers. Little we have of nature that is ours. We have given our hearts away. A sordid boom." I am not going to way my arms and shout. I'll take this all the way to the Supreme Court of the United States. No. I am not going to do that. I am not. But I'd be willing to go as far as the New York State Board of Appeals. Thank you for your indulgence gentlemen. To express a wish for a rapid improvement of the Supervisor is in order. And as they say in the trade, have a good day."

Councilman Boschetti, "Thank you Mr. Harding."

Irene Pendzick, "Jack, would it be possible for me to get a copy of your statement?"

Jacob Harding, "I will submit this material to you, yes."

Irene Pendzick, "Thank you."

Councilman Boschetti, "Now that the attorneys for the opposing side of this question have spoken, I would ask any additional speakers to try to limit their comments to 5 minutes. Yes."

Robert Dick, "I am the property of Dick that my friend Mr. Harding spoke of and I am here on behalf of me family and that of Mrs. Elizabeth Conklin who is at 119 Ackerly Street. Mrs. Conklin's property borders the entire eastern boundary of the subject parking lot's eastern line of that lot. And I have, probably next to Mrs. Conklin, the most panoramic view of the back yard that is going to be made a parking lot. Prior to the hearing tonight, I came to Town Hall and I reviewed the application and I found out who the applicant was and I called for a meeting with him and he greeted me very warmly. And we spoke about a few different things so that I could voice my concerns and what his intentions were with the property. At the end of our meeting, I was convinced that he is making provision enough to suit me that he will build a natural border with mature shrubs. He told me so that it alleviated what objections I had to the thoughts of looking at black top instead of lawn. There's pro-

PUBLIC HEARING ContinuedRobert Dick, Continued

bably a selfish motive here also. I anticipate the termination of O.T.B. tickers, Dunkin Donut wrappers, and various other trash that blows our way in the westerly winds with a natural border. That's besides the point. I think the precedent is that we've had pretty good success on Roanoke Avenue with business established and the maintenance involved has been very satisfactory. I don't think either the Conklins or the Dicks have any major objections if the plans are carried out as I saw them originally. Over and above that and it would have nothing to do with the application persay, I have to agree with Jack in that I don't think you folks have the power on your own. But we should have some type of a meeting with other levels of government about the traffic situation on Roanoke Avenue when it comes to parking. We had a flea market at the Masonic Temple the other day on a Saturday morning and I found myself winding my way through the Heights down as far as Northern Parkway to get out on Roanoke Avenue. It was indeed a dangerous condition when there's parking there. And of course, John you well know. You can't get out of you own driveway, let alone the side streets when the traffic is back up all the way to Merritts Pond Road and what not. Of course that has no bearing on this application. I am confident that they are going to provide some indication to their clients that there is parking in the back yard and I don't think it's going to upset the neighbors who are living so close as the Conklins and the Dicks. But over all, I think, Roanoke Avenue from Northern Parkway on north to the circle, the entire length of the Heights, I think something should be done at least to the extend of having it posted as a no parking area. Thank you."

Councilman Boschetti, "Thank you. Yes."

Joan Peebles, 120 Hallock Street, "Gentlemen. For the record, I would like to say that I never received an official notice of this meeting tonight. It was only through my neighbor that I was made aware of the meeting. I am the individual that Mr. Harding spoke about that would have her dreams shattered if this special permit was granted to the individuals on Roanoke Avenue. I am a resident property owner in the Roanoke Heights Development Community of the Town of Riverhead. A neighborhood established at the turn of the well before I was born as well as the present members of the Town Board. My search for a desirable piece of real estate in a residential section of Riverhead was a lengthy pursuit that lasted several months, involved various real estate agents, and took many exhausting hours during the evening as well as on weekends. I was thrilled when I located my present property, 120 Hallock Street. A lovely parcel of land situated in an established residential neighborhood. The Roanoke Heights section of Riverhead is a beautiful, quiet, residential area where people take pride in their homes, property, and neighborhood. My northern property

PUBLIC HEARING ContinuedJoan Peebles, Continued

line is a mere 15 feet away from the parking lot proposed by Daroad Enterprises in the site plan for their accountants office. I believe that the Roanoke Heights Section of Riverhead was originally established as a residential area for homeowners, and should be preserved as a residential area free from business for its present owners, as well as future generations. 1220 Roanoke, the property under consideration for a special permit, is located in one of the last blocks free from business on Roanoke Avenue. It is situated south of the Route 58 traffic circle between Ackerly and Hallock Streets. Roanoke Avenue, a main throughfare to downtown Riverhead, is subject to heavy traffic. On weekdays at 12 noon as well as during the afternoon rush hour, the traffic is backed up from the Route 58 traffic circle to south of Hallock Street. The situation becomes worse on the weekends. It is extremely difficult and sometimes almost impossible to enter Roanoke Avenue and proceed either north or south. The proposed accountants office would only contribute to the already congested traffic situation on Roanoke Avenue. Finally I am concerned about the hours of business for accountants office. Most professional offices confine their business hours from 9:00 a.m. to 5:00 p.m. However, accountants often schedule their appointments at their clients convenience, which frequently involves evening appointments. At income tax time, the busiest time of the year for an accountant, it is not unusual for an accountant to work late into the evening as well as on Saturdays and Sundays. Residents of Roanoke Heights do not need to be disturbed by unnecessary business activity during the evening and on weekends. The Town Board has many available parcels of land in established business areas that would be suitable for an accountant's office. I am opposed to this special permit application by Daroad Enterprises to operate a professional office for Accountants at 1220 Roanoke Avenue, and I strongly urge the Town Board to deny this application. The Roanoke Heights Section of Riverhead should remain a residential area for homeowners free from business. This would not be the neighborhood that I viewed less than a year ago if this special permit is approved. Thank you for your consideration."

Councilman Boschetti, "Thank you. Is there anyone else wishing to address the Town Board on this issue? Ok. I declare the hearing closed."

7:45 PUBLIC HEARING CLOSED AT 8:21

Councilman Boschetti, "I will now re-open the public hearing regarding 102-12 of the Town Code concerning parking in Jamesport. Is there anyone present wishing to address the Town Board on this issue? Yes sir."

PUBLIC HEARING Continued

Robert Shuot, West St., Jamesport, "Good evening. If I understand the Board correctly at the present time, they wish to post signs back up on that street allowing parking for residents."

Councilman Lombardi, "By permit only."

Robert Shuot, "Excuse me."

Councilman Lombardi, "By permit only."

Robert Shuot, "By permit only. At the present time there are signs there for people to park there by permit only. I don't know if that area is to be used for bathing purposes? Is that why people are permitted to park in that area? Because it is a town beach?"

Councilman Artale, "It is part of the town beach."

Robert Shuot, "It is a town beach? There's no facilities there from the town."

Councilman Artale, "It's not that wide."

Robert Shuot, "There's no place for people to park there on West Street at this particular time. I have to call a policeman to leave my driveway to go anywhere. Especially on a weekend. There are a number of other things that go on in the neighborhood with people parking there. Mainly no facilities for the bathrooms. People defecate on property at different times. They're changing clothers in the open area. People walk across the property trespassing, removing flowers, or whatever, for their own purpose leaving trash. There's a boat storage shed to the west of our property. People to down and smash the windows. There's glass everywhere. At night it's a lover's lane. There's fighting going on. The usual lover's lane. And unless something is done, it's not possible for me to even get into my property as far as parking and what not. I don't know what else to say other than I wish they wouldn't make it a public area. There is a town beach in South Jamesport for the public to use. We don't really want to creat anomosity between our neighbors but I think the police of Riverhead have other things to do besides remove people for parking and chasing them away for making noise. Thank you."

Councilman Boschetti, "Thank you Bob. Anyone else wishing to address the Town Board? Yes."

Charles Diana, Campgrounds, Jamesport, "I am one of the property owners that reside at the campgrounds. Although, I was not one of the original signatures of the petition that you received, (I was out of town at the date) I would have signed it. The street at the end of West Street that borders on town beach, has been used for 3 generations of the local

PUBLIC HEARING ContinuedCharles Diana, Continued

people of Jamesport. I have personally been there every year for 10 years and I am satisfied that it is a safe place for families to be. It's very local. This parking by permit, I believe is the correct approach to the problem. It's consistent with the way we currently handle out business in all of Riverhead. I do not see any transients there. I've been there day and night, Saturdays and Sundays. I certainly would not permit my wife and children to stay there unattended if it was not a safe place to be. In any of the crime reports, I have not seen any vandalism recorded in any of the recent history. I haven't seen any reports of assaults on even people or property consistent with any of the complaints as previously mentioned. And I would assure you that as a resident, I would not permit the action if I had seen or do see any of the things happening that were just mentioned previously. So I support the current petition before the Board to delete the no parking and to permit parking by permit only. Thank you."

Councilman Artale, "Thank you."Councilman Boschetti, "Thank you. Is there anyone else wishing to speak before the Board. Yes sir."

Daniel Giebel, Riverhead, "When I retired 5 years ago I moved to Roanoke Garden Apartments in Riverhead. Now there's lots of things that annoy people. I can name a few by living in Riverhead Gardens what happens across the street in the parking lot. Now, that doesn't mean I am going to ask that nobody be allowed to go to the A&P or to Pergament because it may disturb me. Whether they shouldn't collect their garbage because it wakes me up in the morning. And I can't see why anyone just because they happen to live on West Street, don't want any of the rest of us in Riverhead to enjoy the nice beach we have there which in my opinion is better than any of the other town beaches. The one out at the official beach where they have the lifeguard in South Jamesport is full of stones. It is so shallow at low tide you can't even get up to your knees. The one at Iron Pier beach, that is completely destroyed and that is also full of rocks and stones. The best beach we have is at the bottom of West Street. I take my grandchildren there. I was there yesterday for a swim. I was there today for a swim and I don't see why people, because they happen to live on the block, want to keep all the other Riverhead residents out. I am strongly in favor of parking by permit. I thank you."

Councilman Boschetti, "Thank you. Yes Ma'am."

PUBLIC HEARING Continued

Josephine Haupt, S. Jamesport, "I've been a resident there for 45 years and I've been going to the beach there with my children, my grandchildren, friends and grandmothers and I don't think.... In fact this man that put up this stink, he doesn't even own property down there or pay taxes or anything. Where we are taxpayers and been living there all these years with our families. We had no trouble as far as garbage or anything, that's not true. We always pick up everything. If the children need to go to the bathroom or anything, they take them home or take them to the neighbors. What ever he said is really false. I am sorry I have to bring that up but that's the way I feel about it. I think it should be left the way it was all these years. There was no trouble before. Why bring it up now? There's not that many people living there during the summer time anyhow. If they take it away from these mothers and grandmothers and children, it's a sad time for things like that to happen. I am sorry. Thank you."

Councilman Boschetti, "Thank you. Is there anyone else wishing to address the Board on this matter? I can't see. I see a hand back there."

Jean Gilmore, S. Jamesport, "Good evening. My name is Jean Gilmore."

Councilman Artale, "Bend the microphone down. Just bring it down."

Jean Gilmore, "My name is Jean Gilmore and I live between Center and West Street. I own the property. I've lived there for 21 years. I have all kinds of abuse. People come in and take things from my property. People walk across my property. We had the police there the other day because of the vandalism. The windows across the street were being smashed. We have to call the police. My son has gotten two tickets....."

TAPE ENDED

Jean Gilmore, "....two people were using it as the bathroom, changing their clothes. They had sent the children to do their business behind our fence. We were having a barbecue one day and on the other side of the truck, there's a man standing there changing his clothes. Now I live there. I see this every day. Fourth of July, people barbecue on my beach. That's alright. I am not against the people using the beach or the town beach for whatever. But when they left, there was garbage all over the beach. They just up and left. They take things out of my yard. As I said, there's no bathroom facilities. There's no lifeguards down there. Somebody drowned on the street over last year on the town property. At night time the language is terrible. The kids down there screaming, yelling, drunk, driving and all kinds of language."

PUBLIC HEARING ContinuedJean Gilmore, Continued

I wake up in the middle of the night and hear it all. Now, last year a woman came into my house at 2:30 in the morning. She just opened the door and walked in and I said to her: I said lady, you got to be out of your mind. My dogs are barking and she says: well, there was an accident there. She says I have to report it to the police. So I allowed her to use the phone and she said could I wait until the police come? I said yes. They came and she left and I didn't hear nothing. I called the Police Department and they said they went down and there was no accident there. In the meantime, this woman that was back and forth in my yard, called for people to come. They were running through the property calling for somebody who was supposed to be the driver of the vehicle that had the accident. She was very irrational. I don't know what her problem was. This is all kinds of nonsense that I've been living there with for 18 years and it's just getting worse. I am not against people going to the beach at the end of the boat ramp there but I am against the parking because I've got to take an awful lot of abuse. People park there without permits. They park there with even out of state plates. I can't stand there and call the police all the time. My fence, I had to have a new fence put up. People get stuck in the sand at least once a week. And when they can't get their car out, what they do is they rip the fence board off. They come knocking at your door, can I borrow a shovel. Can you give me a lift. Can you push me out. I live right there. I don't live two blocks away and my son is not a liar. That's all I have to say. Thank you very much."

Councilman Boschetti, "Thank you. Anyone else wishing to address the Town Board on this topic? If you wish to sir."

Robert Shuot, "As far as the town beach goes, how much property does the town have there as a beach?"

Councilman Boschetti, "I believe it's a 50 foot wide strip."

Robert Shuot, "Is that a town beach or is that a boat ramp?"

Councilman Prusinowski, "It's public property."

Robert Shuot, "Is it supposed to be used as a public beach or a boat ramp?"

Councilman Prusinowski, "It's public property. In the State of New York, public property means (for example) anything below the high tide mark is public property. You have the right to walk on the beach below the high tide mark. I.E. The 50 foot strip there is public property. If you are a taxpayer in the town of Riverhead, you have a right to be there. Now, the issue tonight is the parking. Whether or not you can park your vehicle and get out of your car and walk there. Just to explain that."

PUBLIC HEARING Continued

Robert Shuot, "The parking and people parking there only to go to the beach. The 50 foot strip does not accommodate (at high tide) the number of people that go down to that beach or the town property. Therefore, people are trespassing daily. Again, I get away from the parking. But they are using that beach and they are parking there for that reason. The one gentleman that stood up is one that at one time was trespassing and was asked not to cross through the property at the neighbors. Again, he has parked on the other street, walk across the property into the neighbors yard. I have (at times) peered out my southernly window to the Bay and have had people who were parking on that street peering back into my to see what was inside. Why are they there? Again, the people are parking there. They're not using the beach as a facility. They're everywhere. It's not just the beach. I wish that the town would not put up signs allowing people to park there. And if they do approve parking there, then they do create some facilities for the people. Some place to park and a place for them to change clothes and safety for the people that are there. Thank you."

Councilman Boschetti, "Thank you. Anyone else? Yes sir."

Frank Rossi, Point St., Jamesport, "I've been a resident of South Jamesport for about 40 years and this beach that is being described, I wish I went to quite often. Sounds pretty good. Sex, booze, drugs, nudity. I've been going to that beach for about 40 years and I've never seen any of that. Ok. So let's not distort the figures. Most of the people that attend the beach, ride bicycles. There are a number of bicycles and I would say on the average, there are no more than 5 or 6 cars there. But they are usually cars that are visitors or people who are visiting people who live in the town of South Jamesport and who drive down there. Most of the cars all have stickers on them. It is true. There are a number of cars that probably don't have stickers on them, but that is true all over. The people in South Jamesport who use the beach at West Street, are concerned that we will be denied the usage of that beach. Ok. We feel that we are residents of the town. We pay taxes. We should not be denied something that should be for the community. In order to support the community, there are a number of instances that I am sure (as a property owner) that I would probably agree does happen. But why deny 90% of the people for a small percentage of people who do misbehave? The concern of the people in South Jamesport is that the 90% of the people don't want to be inconvenienced because of the other 10%. Ok? Thank you."

Councilman Boschetti, "Thank you. Anyone else? Ok. I declare this hearing closed."

7:55 PUBLIC HEARING WAS CLOSED AT 8:39.

PUBLIC HEARING

Councilman Boschetti, "I will now re-open the hearing on Enka Enterprises and I believe that they have a representative. I want to thank you for your patience. If you could just wait a second. Ladies and gentlemen, we do have a public hearing in progress. Please keep it down."

Paul Sibener, "Thank you very much. Members of the Board, good evening. My name is Paul Sibener. I am the attorney for Enka Enterprises. If I may, I would just like to address myself to the correspondence which I had heard read before you. I think the best way I can state my clients position and why the application should be granted is to respond directly to the claims in the letter. First of all, regarding the safety of the tanks. I would like to indicate that prior to signing a lease with Mr. Allen Cardinale on April 23, 1984, we certainly ran very ample tank tests through Island Pump and Tank. Naturally there were no leaks found and certainly we would not want to come into premises as a responsible tenant unless those tanks were in excellent condition. Further, (as I am sure the Board is aware) we have seepage and environmental insurance just to make sure there are no problems. I would also like to indicate that pursuant to the terms of our lease with the landlord, we are prepared and we are in the process of making a very firm commitment to the upgrading of this particular location. Under the terms of our lease, we are responsible to deposit with the landlord in escrow (and this has been done since April) a monthly sum of one thousand dollars to insure that by no later than May of 1986 new fiberglass tanks are going to be installed at the location. We have filed with the town and Environmental Impact Statement. There is absolutely no storage of any dangerous materials whatsoever. Regarding improvements to the premises, I would like to mention to the Board and perhaps it is aware, but if not, I would like to clarify the fact that the landlord (Mr. Allen Cardinale) has presently pending, has an application for various improvements to other operation of the premises. The only operation of the premises that my client is concerned with is just the two pump islands and the office used for the operation of the gasoline operation. There are two other bays which Mr. Cardinale is seeking to renovate. His new application should be considered separate and apart from ours. However, for what it's worth, I would mention the fact that the landlord himself is making a substantial investment on the premises in an attempt to upgrade it. I would also like to indicate that Mr. Refik Peksen who is here with me this evening and is a Vice President and principal of the applicant, is a principal on two other gas stations. He does have an established presence here in the local area. He operates a station in Laurel under the brand name of Ocean and right here in Riverhead a gas station operated as a Getty station. They are both well run and clean exemplary gas stations. And we wish to assure the Board that if our application is granted, we would seek nothing less with this particular station here in Jamesport."

PUBLIC HEARING Continued

Councilman Boschetti, "Thank you. Do you have any additional presentation?"

Paul Sibener, "No I do not."

Councilman Boschetti, "Ok. Is there anyone present who has any comment on this application? Yes Steve."

Steve Haizlip, Calverton, "What's your name sir?"

Paul Sibener, "Mr. Sibener."

Steve Haizlip, "Mr. Sibener, you mention that in '86 they're going to put...."

Councilman Boschetti, "Steve. Could you please address your comments to the Board?"

Steve Haizlip, "I was trying to look that way."

Councilman Boschetti, "Please. Thank you."

Steve Haizlip, "Let's see if we can get it around here. You mentioned in '86 they was going to put in fiberglass tanks. But in the interim, that's something like 18 months away. So in the interim, he uses the present tanks that have been installed, has been tested. May I inquire as to the type of test and the method of test to insure that these old tanks (which have probably been there maybe 25, 30 years. I am just guessing) will hold up until that time."

Councilman Boschetti, "Thank you. You care to answer that?"

Paul Sibener, "I just got some interesting technical knowledge from my client who advises me, that these tests are good for a two year period. So in order to absolute be sure, tank tests should be done every two years. We just had one done when we took over. There is absolutely (and I think I can fairly say this) no one guarantee that any tank is not going to spring a leak. But certainly all that we can do as responsible citizens and prudent tenants, is to try to insure against the possible leakage by proper testing, insurance, and so on and so forth. Further, for what it's worth, it's my understanding that there's never been any particular problem with this location. While it's no guarantee, the best that we can do is have the test done by a responsible company which we have."

Councilman Boschetti, "Vic."

Councilman Prusinowski, "Will you supply the Town Board with a copy of the test results?"

PUBLIC HEARING Continued

Paul Sibener, "Absolutely. I'll be glad to get it into the...."

Councilman Prusinowski, "Submit it to the Town Attorney and the Town Clerk."

Paul Sibener, "Town Attorney and Town Clerk?"

Councilman Prusinowski, "Yes. Well, who do we submit it to? Give it to the Town Clerk when you get it during the week so we can have a copy of that."

Paul Sibener, "I will have it into you within the next 48 hours."

Councilman Boschetti, "Thank you. Is there anyone else who has a question or comment? Yes."

Carl Locker, Jamesport, "Good evening. I am the Carl Locker that has been writing you all those notes. In case you didn't know that. My interest of course, is with leekage of gasoling because I live just across the street. Ok. If these tanks are tested by a county approved tester (The county has a established list by the way.) and they comply with what the county says.... I am assuming when we're having this hearing to re-establish this gas station, that in my opinion that it means it was abandoned as a gas station. Ok. That's my opinion. The county has very specific rules in their code dealing with re-establishing abandoned gas stations and you go through hoop one to get to hoop two to hoop 3 to get to hoop 4. One thing it says, is you have to get a permit from the county prior to the testing of these tanks. I believe reply of that testing within 30 days to the commissioner of the county. Ok. And it also says that you can make no alterations or modifications to these tanks prior to doing this. Now, yes there was some-one there testing the tanks across the street. I personally witnessed it. What company the man was from, the truck did not have any name that I could remember even if it had one. Ok. But at the same time that testing was going on, there had been major modifications to those tanks. The ground had been dug up. New pipes had been put in. The map that is on file with the Town Clerk (which I also sent you a copy of ) shows a new gas island has been added. At the same time, all of these things are being tested. That's fine except the way I interpret the county rules, I assume that if you do these things you revert to A of the county rule and that says you put in double wall or fiberglass or some type of tank. If you take C you got to go back to rule A. I personally think rule C has been broken here. That means we go back to rule A. We don't wait until '86 to put in fiberglass tanks or double-lined tanks. We do it now. Ok. I would just like the Town Board to assure me that the property owner across the street that all of the county regulations will be followed. They try and safe guard my property. That's all I am asking. I would also like you to consider the work that

PUBLIC HEARING ContinuedCarl Locker, Continued

has been done. The wells have been blown out. Doors put on without a permit when the other business comes up on that property. Thank you very much."

Councilman Boschetti, "Thank you. Want to respond to that?"

Paul Sibener, "It's my understanding that the only real jurisdictional question here is this particular Town Board. I am personally unaware of the requirement to which the gentleman speaks of. Certainly I have no actual knowledge of what he's referring to. It's been my understanding that we have fully complied with everything the town requires. Perhaps one of you gentleman is in agreement that which he is deciphering something that I am unaware of. I am certainly more than..."

Councilman Boschetti, "Does a member of the Board have a comment to make? No."

Paul Sibener, "Thank you gentlemen."

Councilman Boschetti, "You're welcome."

Richard Ehlers, "There's no question that you have to comply with the County Health Department. You recognize the jurisdiction the County Health Department has and those are the regulations promulgated in part and that's the law (I think) this gentleman is saying. Is that he wants the Suffolk County Health Department regulations adhered to."

Carl Locker, "That's all I want. Right."

Paul Sibener, "Ok. Fair enough."

Councilman Boschetti, "Is there anyone else wishing to make a comment or ask a question? Yes Steve."

Steve Haizlip, "Since Carl (Mr. Locker) has brought in some new evidence or information, now I am beginning to wonder if an initial test was performed and since the pipes are deteriorated or rotten, they had to be dug up and all new pipe put in so it would hole air. Now we have still got the old tanks. I want to ask these questions because we want to protect the water down below."

Councilman Boschetti, "Steve, please. No dialogue. Do you want to respond to that? Ok. Do you have another question Steve?"

Steve Haizlip, "That was it."

PUBLIC HEARING Continued

Councilman Boschetti, "Ok. Thank you. Is there any-  
one else on this particular topic? Ok. I declare this hearing  
closed."

8:05 PUBLIC HEARING CLOSED AT 8:50.

Councilman Boschetti, "I also declare a recess for  
approximate 10 minutes to reconvene at 9 o'clock."

COUNCILMAN BOSCHETTI DECLARED A RECESS AT 8:50  
TO RECONVENE AT 9:00.

RESOLUTIONS

#433 NOTICE OF ADOPTION - REPEAL OF LOCAL LAW #2-1968 AND  
ADOPTION OF LOCAL LAW #1,1984 VEHICLES JUNKED AND  
ABANDONED.

(Tabled as two resolutions in July 17, 1984 meeting)

Councilman Artale offered the following resolution to  
be taken off the table and was seconded by Councilman Lombardi.

WHEREAS, public hearings were held on the 19th day of  
June, 1984, with regard to hearing all interested persons in  
the repeal of Local Law No. 2-1968 and the adoption of Local  
Law 1-1984, Chapter 100 of the Riverhead Town Code, to be  
known as "Vehicles Junked and Abandoned",

NOW, THEREFORE, BE IT

RESOLVED that Local Law No. 2-1968, known as Chapter  
100 of the Riverhead Town Code, "Vehicles Abandoned" be and  
is hereby repealed, and be it further

RESOLVED, that Local Law No. 1-1984, be and is hereby  
adopted in its place, to be known as Chapter 100 of the Riv-  
erhead Town Code, "Vehicles Junked and Abandoned".

LOCAL LAW 2-1968, REPEALED  
VEHICLES, ABANDONED  
CHAPTER 100

Section-100-1---Purpose

~~The-outdoor-storage-of-abandoned,-junked,-discarded  
and-unlicensed-motor-vehicles-on-private-owned-property-with-  
in-the-Town-of-Riverhead-is-detrimental-to-the-health,-safety  
and-general-welfare-of-the-community.--The-same-also-consti-  
tutes-an-attractive-nuisance-to-children-and-in-many-ways-im-  
perils-their-safety.--Such-storage-also-endangers-the-person-  
and-property-of-members-of-the-community-since-fuel-tanks-con-  
taining-gasoline-or-gasoline-fumes-may-easily-explode.--Such~~

RESOLUTIONS, Continued

storage-is-unsightly-and-depreciates-property-values.--The control-of-the-outdoor-storage-of-abandoned,-junked,-discarded and-unlicensed-motor-vehicles-on-privately-owned-properties within-the-Town-of-Riverhead-is-therefore-regulated-for-the preservation-of-the-health,-safety-and-general-welfare-of the-community.

## Section-100-2--Definitions.

As-used-in-this-chapter,-the-following-terms-shall-have the-meanings-indicated:

ABANDONED-MOTOR-VEHICLE----Any-motor-vehicle-which-the owner-thereof-does-not-intend-to-use-on-the-public-highways. The-intent-of-the-owner-shall-be-determined-by-the-physical condition-of-the-motor-vehicle,-any-statements-as-to-its abandonment,-the-length-of-time-since-the-motor-vehicle-was last-used-on-the-public-highways,-whether-the-motor-vehicle is-currently-licensed-and-other-relevant-facts.--With-respect to-a-motor-vehicle-not-required-to-be-licensed-or-motor-vehicles-not-usually-used-on-public-highways,-the-intent-of-the owner-shall-be-determined-by-the-physical-condition-of-the motor-vehicle,-the-length-of-time-since-it-was-last-used-for the-purposes-intended,-any-statements-as-to-its-abandonment and-other-relevant-facts.

DISCARDED-MOTOR-VEHICLE----Any-motor-vehicle-which-the owner-thereof,-as-established-by-the-surrounding-circumstances, does-not-intend-to-recover-the-possession-of,-or-any-motor vehicle-of-which-the-owner-cannot-be-found-after-due-and reasonable-inquiry.

JUNKED-MOTOR-VEHICLE----Includes-every-vehicle-or-part-or section-of-a-vehicle-manufactured,-made,-altered,-or-designed to-be-operated-by-any-power-other-than-muscular-power,-whether in-running-condition-or-not,-or-without-a-motor,-that-is-not properly-and-currently-registered-as-a-motor-vehicle-or-does not-display-a-proper-and-current-registration-plate,-except vehicles-used-solely-for-recreational-and-farm-purposes-which have-been-licensed-within-the-preceding-two-(2)-years.  
[Amended-5-1-79,-7-3-79]

MOTOR-VEHICLE----Every-vehicle-originally-designed-and intended-to-be-operated,-drawn-or-driven-or-capable-of-being operated,-drawn-or-driven-upon-a-public-highway-by-any-power other-than-muscular-power.--For-the-purposes-of-this-chapter, the-term-"motor-vehicle"-shall-include-but-not-be-limited-to automobiles,-trucks,-buses,-motorcycles-and-trailers.

RESOLUTIONS, Continued

OWNER-OF-MOTOR-VEHICLE---A person, firm or corporation having the property in or title to a motor vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest in another person and also including any lessee or bailee of a motor vehicle having the use thereof under lease or otherwise.

OWNER-OF-PRIVATE-PROPERTY---A person, firm or corporation who is the owner, contract purchaser, tenant, lessee, occupant, undertenant, receiver, or assignee of private premises or private property located within the Town of Riverhead.

PREMISES-OR-PROPERTY---Includes all parcels of real property privately owned, situated in the Town of Riverhead, whether occupied or vacant.

UNLICENSED-MOTOR-VEHICLE---Any motor vehicle which may be licensed or registered with the State of New York and is not currently licensed or registered. The fact that a motor vehicle which may be licensed or registered with the State of New York does not display a current license plate or displays an expired license plate shall be presumptive evidence of the fact that such motor vehicle is not currently licensed or registered.

Section-100-3---Outdoor storage on private property prohibited.

A.--It shall be unlawful for any person, firm, or corporation, either as owner, occupant, lessee, agent, tenant, or otherwise of property within the Town of Riverhead, to store or deposit or cause or permit to be stored or deposited, an abandoned, junked or discarded motor vehicle, or part or piece thereof, on any private property within the Town of Riverhead, unless.

(1)--Such motor vehicle is stored or deposited on a premises legally used, operated and located for a junkyard, or

(2)--Such motor vehicle is stored or deposited in a completely enclosed building.

B.--It shall be unlawful for any person, firm, or corporation either as owner, occupant, lessee, agent, tenant, or otherwise of any private property within the Town of Riverhead, to store or deposit, or cause or permit to be stored or deposited thereon, an unlicensed motor vehicle unless:

(1)--Such motor vehicle is the inventory or part of the inventory of a new or used motor vehicle dealer located in compliance with the ordinances and local laws of the Town of Riverhead.

RESOLUTIONS, Continued

(2)--Such motor vehicle has been converted to and is actually used as a permanent building or structure for carrying on purposes in such manner and circumstances as authorized by the local laws and ordinances of the Town of Riverhead.

(3)--Such motor vehicle is a camping house or boat trail or otherwise stored and used in compliance with the local laws and ordinances of the Town of Riverhead.

(4)--Such motor vehicle is stored or deposited in a completely enclosed building.

Section 100-4.--Notice of Violation [Amended 10-15-68 by L.L. No. 3-1968; 5-1-79]

If the provisions of the foregoing sections are believed to be violated, the enforcing officer shall serve an appearance ticket, either personally or by registered, certified or ordinary mail, upon the owner, occupant or person having charge of such private property, to comply with the requirements of this chapter. The enforcing officer may determine ownership of any parcel of land in the Town of Riverhead from the current assessment roll of the town and may serve written notice upon the owner thereof by mailing such notice to the owner at the address listed on the current assessment roll.

Section 100-5.--(Reserved)

Section 100-6.--Penalties for offenses.--[Amended 10-15-68 by L.L. No. 3-1968, 5-1-79]

A violation of this chapter or any provision or part thereof by any person, firm or corporation is hereby declared to be an offense, punishable by a fine not to exceed two hundred fifty dollars (\$250.00) or by imprisonment for a term not to exceed fifteen (15) days, or both.--Any person, firm or corporation who shall resist or obstruct the duly authorized agents, servants, officers and employees of the Town of Riverhead in the removal and destruction of a motor vehicle shall be subject to the fines and penalties provided herein.--Each week's continued violation shall constitute a separate and additional offense.

Section 100-7.--Removal by town; charges; recovery by owner. [Amended 5-1-79]

A.--In the event that an owner, occupant or person having charge of private property is found guilty of storing an abandoned vehicle, such person shall be given a reasonable compliance with this chapter.--If such vehicle is not either removed or brought into compliance with this chapter within a reasonable time, the Justice of the Peace may issue an order directing the removal of said motor vehicle by the Riverhead Town Police or by a person engaged in the towing business within the Town of Riverhead.--The person having charge of the private property shall be required to pay the Town of Riverhead a fee for said towing.

RESOLUTIONS, Continued

~~The person responsible for the private property shall be required to pay a reasonable storage charge for every day after such removal. Said fees and charges shall be the same as established pursuant to Section 101-22A.~~

~~B.--Prior to releasing or surrendering such removed vehicle, the Riverhead Police Department shall require the vehicle owner to produce proper identification of ownership.--No vehicle shall be released from the pound by a desk officer until all removal and storage charges have been paid.--~~

~~C.--An impoundment form shall be used by police for each removal.~~

~~Section 100.8--Enforcement officers.--[Added 10-15-68 by L.B. NO. 3-1968].--~~

~~The provisions of this chapter shall be enforced by the Police Department of the Town of Riverhead.~~

Running line indicates deletion.

BY ORDER OF THE RIVERHEAD TOWN BOARD

IRENE J. PENDZICK, Town Clerk

LOCAL LAW 1-1984, ADOPTED

Chapter 100

VEHICLES, JUNKED AND ABANDONED

S100-1. Purpose

The Town Board of the Town of Riverhead recognizing that the uncontrolled placing or keeping of junked, abandoned, or discarded motor vehicles constitutes an unsanitary, unsafe, unsightly and dangerous condition, and recognizing that in order to protect and promote the public safety, health, and general welfare of the people of the Town of Riverhead, it is necessary to provide for the removal of such junked vehicles, hereby declares such junked vehicles, to be a public nuisance.

S100-2. Definitions.A. Terms defined.

JUNKED VEHICLE - Any motor vehicle, including a trailer (motorized or not) which is without a currently valid license plate or plates and is in such a rusted, wrecked, discarded,

RESOLUTIONS, Continued

dismantled, partly dismantled, inoperative or abandoned condition so as to be no longer intended or in condition for legal use on the public highways.

MOTOR VEHICLE - Every vehicle originally designed or intended to be operated, drawn or driven, or capable of being operated, drawn or driven, upon a public highway by any power other than muscular power. For the purposes of this chapter, the term "motor vehicle" shall include but shall not be limited to automobiles, trucks, buses, motorcycles and trailers.

OWNER OF MOTOR VEHICLE A person, firm or corporation having the property in or title to a motor vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest in another person and also including any lessee or bailee of a motor vehicle having the use thereof under lease or otherwise.

OWNER OF PRIVATE PROPERTY - A person, firm or corporation who is the owner, contract purchaser, tenant, lessee, occupant, undertenant, receiver or assignee of private premises or private property located within the Town of Riverhead.

PREMISES or PROPERTY - Includes all parcels of real property which are situated in the Town of Riverhead, whether occupied or vacant.

B. The enforcement officer shall make the determination as to whether any particular vehicle shall be classified as a junk vehicle and shall consider the following in making this determination: The physical condition of the vehicle, any statements at to its abandonment by the person in legal control thereof, the length of time it was last used on the public highways, whether the vehicle is currently licensed, whether the vehicle is currently licensed, whether or not the owner thereof intends to recover the vehicle or whether or not the owner thereof intends to recover the vehicle or whether or not the owner can be found after due and reasonable inquiry, and any other relevant facts.

100-3. Outdoor storage prohibited.

It shall be unlawful for any person, firm or corporation to store or place, or cause or permit to be stored or placed, a junked motor vehicle, or part or piece thereof, on any property within the Town of Riverhead, unless:

- (A) Such motor vehicle is stored or placed on a premises legally used, operated, and located for a junkyard; or

RESOLUTIONS Continued

- (B) Such motor vehicle is stored or placed in a completely enclosed building; or
- (C) Such motor vehicle is the inventory or part of the inventory of a new or used motor vehicle dealer located in compliance with the ordinances and laws of the Town of Riverhead; or
- (D) Such motor vehicle has been converted to and is actually used as a permanent building or structure for carrying on purposes in such manner and circumstances as authorized by the ordinances and laws of the Town of Riverhead; or
- (E) Such motor vehicle is a camping house or boat trailer otherwise stored and used in compliance with the ordinances and laws of the Town of Riverhead.

100-4. Notice of Violation; Service of Notice.

A. Whenever the enforcement officer shall determine that a vehicle at any location within the Town of Riverhead shall be classified as a junked vehicle, he shall serve an appearance ticket as hereinafter provided upon the owner, occupant, or person having charge of such private property, and upon the owner of, or responsible agent for said junked vehicle, to comply with the requirements of this chapter.

B. It shall be sufficient service of the appearance ticket if it is served personally upon the owner or person having charge of said junked vehicle or upon the owner, occupant or person having charge of such private property on which the junked vehicle is located. It shall also be deemed sufficient service of the appearance ticket if it is posted in a conspicuous manner upon the premises and upon the vehicle affected and a copy thereof mailed by certified or registered mail, return receipt requested, on the same day as such posting to the last known address of the owner of the junked vehicle and of the owner of the real property on which said junked vehicle is located at the same shall appear in the current assessment rolls.

100-5. Enforcement and Compliance.

In the event that an owner, occupant or person having charge of private property or other person responsible for such junked vehicle is found guilty of a violation of this chapter, such person shall be given a reasonable period of time to either remove the vehicle or bring it into compliance with this chapter. If such vehicle is not either removed or brought into compliance with this chapter within a reasonable time, the Justice of the Peace may issue an order directing the removal of said motor vehicle by the

RESOLUTIONS Continued

Riverhead Town Police or by a person engaged in the towing business within the Town of Riverhead.

100-6. Costs and Fees.

A. If the Town of Riverhead proceeds with the removal of a junked vehicle, the Town may let contracts therefor. The cost of such removal may be met from appropriations made therefor. The enforcement officer shall keep a record of such notices together with the procedure involved and the items of cost incurred-in-their execution. An impoundment form shall be used by police for each removal.

B. The person having charge of the private property on which said junked vehicle is located and the owner of such junked vehicle shall be required to reimburse the Town of for all costs and expenses incurred by the Town in connection with the proceeding to remove junked vehicles pursuant to this ordinance, including a reasonable storage charge for every day after such removal, and also including a reasonable charge for administration and handling expenses, said costs and expenses shall also be assessed against the land on which said junked vehicle was located and from which it was removed, and shall be and become a lien on said land as of the date of such assessment if reimbursement is not forthcoming from the above described responsible persons.

C. Notwithstanding the foregoing, and in addition to any other remedy, the Town of Riverhead may maintain an action against the owner of said junked vehicle and/or against the owner of the property on which the junked vehicle is located to recover the cost of the removal of such junked vehicle including a reasonable storage charge for every day after such removal, and also including a reasonable charge for administration and handling expenses.

D. The fees and charges referred to in this chapter shall be the same as established pursuant to Section 101-22 of this Code.

100-7. Recovery by owner.

A. Prior to authorizing the release or surrender of such removed vehicle, the enforcement officer shall require the vehicle owner to produce proper identification of ownership.

B. No vehicle shall be released from the pound by a desk officer until all removal and storage charges have been paid.

100-18. Penalties for offenses.

A. A violation of this chapter or any provision or part thereof by any person, firm or corporation is hereby declared to be an offense, punishable by a fine not to exceed two hundred fifty dollars (\$250) or by imprisonment for a term not to exceed fifteen (15) days, or both.

RESOLUTIONS Continued

B. Any person, firm or corporation who shall resist or obstruct the duly authorized agents, servants, officers, and employees of the Town of Riverhead in the removal and destruction of a motor vehicle shall be subject to the fines and penalties provided herein.

C. Each week's continued violation of this chapter shall constitute a separate and additional offense.

100-9. Enforcement Officer.

The provisions of this chapter shall be enforced by the Police Department of the Town of Riverhead.

100-10. Severability.

If any clause, sentence, paragraph and/or section of this ordinance shall be adjudicated by any court of competent jurisdiction to be invalid, such judgement shall not impair or invalidate the remainder hereof, but such adjudication shall be confined in its operation to the clause, sentence, paragraph and/or section directly involved in the controversy in which the judgement shall have been rendered.

100-11. Effective Date.

This ordinance shall take effect immediately.

\*Underscore indicates addition.

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

The resolution was thereupon duly declared adopted.

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

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

The resolution was thereupon duly declared adopted.

#434 AMENDMENT TO SECTION 107-7 OF THE RIVERHEAD TOWN CODE CONSERVATION ADVISORY COUNCIL.

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

RESOLVED, that the following amendment shall be made to Section 107-7 of the Riverhead Town Code, duties of Conservation Advisory Council, as follows:

107-7. Procedure for issuance of permit; display of permit; inspections.

RESOLUTIONS Continued

B. The Conservation Advisory Council shall review all completed permit applications and provide a written-report decision to the Town Board and the applicant stating in writing its findings and conclusions within ~~twenty-one-(21)~~ sixty (60) days of its receipt of said application. However, such sixty (60) day time period shall not apply where an Environmental Impact Statement is to be prepared by the applicant, in which case said sixty (60) day period shall not commence until a Final Environmental Impact Statement has been accepted by the Lead Agency, exercising jurisdiction over the project. This decision shall be binding unless modified by the Town Board within ten (10) days of submittal by the Conservation Advisory Council to the Town Board. Such ten day period shall commence upon the lapse of three days from mailing of a copy of the decision of the Conservation Advisory Council to the applicant or service upon the Town Board, whichever shall be later. If either the applicant or the Town Board desires a modification of the decision of the Conservation Advisory Council, a public hearing shall be held upon prior reasonable public notice published in the official newspaper of the Town, the Town Board shall hold a public hearing on the permit application. The Town Board shall, after the required public hearing, then render a decision to deny, approve, or approve with conditions, the permit application with conditions or denial of a permit, the Town Board shall state, in writing, its findings of fact and conclusions. The decision shall be transmitted to the Town Clerk, who will advise the applicant of such decision by transmitting a copy of the permit application to the applicant, together with the decision and conditions, if any, imposed by the Town Board attached.

and be it further

RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to the Conservation Advisory Council.

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

The resolution was thereupon duly declared adopted.

#495 AUTHORIZES OVERTIME COMPENSATION - WATER DISTRICT.

(See Water District Minutes)

#496 ACCEPTS RESIGNATION OF NEIGHBORHOOD AIDE.

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

WHEREAS, Ruth Walsh did submit her letter of resignation from her position as a Neighborhood Aide.

RESOLUTIONS Continued

NOW, THEREFORE, BE IT

RESOLVED, that the resignation of Ruth Walsh from her position of Neighborhood Aide be and is hereby accepted effective August 24, 1984.

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

The resolution was thereupon duly declared adopted.

#497 INCREASES PETTY CASH ACCOUNT OF TEEN CENTER.

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

WHEREAS, by resolution #460 of July 17, 1984, This Town Board did establish an impressed petty cash account in the amount of \$50 for the Riverhead Teen Center, and

WHEREAS, it is now necessary to increase that petty cash account.

NOW, THEREFORE, BE IT

RESOLVED, that an impressed petty cash account in the amount of \$100 be established to be payable to and accounted by John Dunleavy of the Juvenile Aide Bureau.

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

The resolution was thereupon duly declared adopted.

#498 RATIFIES PUBLICATION OF HELP WANTED AD.

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

WHEREAS, due to the resignation of Ruth Walsh, a vacancy presently exists in the position of Neighborhood Aide with the Town of Riverhead Teen Center, and

WHEREAS, due to time constraints it was necessary to publish the attached Help Wanted Ad for a part-time neighborhood aide in the August 2, 1984 issue of The News-Review.

NOW, THEREFORE, BE IT

RESOLVED, this Town Board does ratify the action of the Town Clerk in the publishing and posting of the attached Help Wanted Ad in the August 2, 1984 issue of The News-Review.

## HELP-WANTED AD

The Town of Riverhead is seeking one part-time individual to serve as neighborhood aide in the Riverhead Teen Center. Applicants must be available for weekend work. Individuals should have some experience working with children, i.e., youth groups, sport programs, etc., and be willing to do related clerical tasks. They must also be able to supervise and plan youth activities and have a genuine interest in helping our young people. Interested individuals must submit

RESOLUTIONS Continued

an application to the Town Supervisor's Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, N.Y. weekdays between 8:30 a.m. and 4:30 p.m.

The Town of Riverhead is an Equal Opportunity Employer.

For further information, call Donna Sievers at 727-5969

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

The resolution was thereupon duly declared adopted.

#499 AMENDS SALARY OF JUDY DOLL, NEIGHBORHOOD AIDE.

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

WHEREAS, by resolution #406, Judy Doll was appointed to the position of Neighborhood Aide with the Riverhead Teen Center at the hourly rate of compensation, and

WHEREAS, that hourly rate of compensation was incorrect and requires amendment.

NOW, THEREFORE, BE IT

RESOLVED, that Resolution #406 be amended to indicate an hourly rate of compensation of \$5.05 for Judy Doll retroactive to June 25, 1984.

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

The resolution was thereupon duly declared adopted.

#500 TOWN HIGHWAY - LEGEND LANE - JAMESPORT.

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

WHEREAS, a certain subdivision map was filed in the Office of the Clerk of the County of Suffolk wherein said map was entitled, "Map of Legend Estates, Jamesport, Town of Riverhead, Suffolk County, New York", and

WHEREAS, plans for the construction of various improvements to said road known and designated as Legend Lane was submitted to the Planning Board of the Town of Riverhead, and

WHEREAS, the Town Board of the Town of Riverhead did approve said performance bond as to form, sufficiency, manner of execution and surety, and

WHEREAS, said road and other improvements have been completed in accordance with the plans and specifications of the Riverhead Town Planning Board, and

WHEREAS, the construction of the road has met with the approval of the Superintendent of Highways of the Town of Riverhead,

RESOLUTIONS Continued

NOW, THEREFORE, BE IT

RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent be and the same is hereby given that the Superintendent of Highways of the Town of Riverhead execute an order laying out a certain road known as Legend Lane with proper drainage facilities, the said Town road to consist of the land described in the deed dated July 3, 1968, and to extend as delineated therein, and be it further

RESOLVED, that this resolution shall take effect immediately.

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

The resolution was thereupon duly declared.

#501 AUTHORIZES ACQUISITION OF 11 CHARLES STREET, RIVERHEAD NEW YORK, FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

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

WHEREAS, the United States Department of Housing and Urban Development has agreed to sell certain real property located at 11 Charles Street, Riverhead, New York, which property is improved by a single family dwelling, and

WHEREAS, the Town of Riverhead desires, through its Community Development Agency, to acquire this property for the purpose of community renewal, and

WHEREAS, the price to be paid is \$500.00,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor or his designee be and is hereby authorized to enter into a contract to purchase real property known as District 0600, Section 105, Block 2, Lot 21, commonly known as 11 Charles Street, Riverhead, New York, for the sum of \$500.00 to be paid for from Community Development Funds, pursuant to Section 99 of the General Municipal Law,

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a copy of this resolution giving notice that at a regular meeting held on the 7th day of August, 1984, the Town Board of the Town of Riverhead duly adopted a resolution which is subject to a permissive referendum pursuant to Article 7 of the Town Law of the State of New York,

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

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#502 AUTHORIZES APPOINTMENT OF BEACH ATTENDANT TO DEPARTMENT OF RECREATION.

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

RESOLVED, that the following is hereby appointed to serve as Beach Attendant effective July 28, 1984 to and including September 3, 1984, to be paid bi-weekly at the following hourly rate and to serve at the pleasure of the Town Board:

Colleen Wiwczar           \$4.50

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

The resolution was thereupon duly declared adopted.

#503 AUTHORIZES APPOINTMENT OF BEACH ATTENDANT TO RECREATION DEPARTMENT.

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

RESOLVED, that the following is hereby appointed to serve as Beach Attendant effective July 21, 1984 and including September 3, 1984, to be paid bi-weekly at the following hourly rate and to serve at the pleasure of the Town Board:

Andrew A. McGuire       \$4.50

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

The resolution was thereupon duly declared adopted.

#504 AUTHORIZES OVERTIME - HIGHWAY DEPARTMENT.

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

RESOLVED, that the Supervisor be and is hereby authorized to pay time and one-half compensation for overtime for pumping for a total of 216½ hours in the amount of \$2,967.86, in accordance with personal services abstract submitted and filed in the Office of the Town Clerk.

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

The resolution was thereupon duly declared adopted.



RESOLUTIONS Continued

		<u>FROM</u>	<u>TO</u>
A 7620.101	Adult Recreation-Golf	550.00	
A 7620.106	Adult Recreation-Basketball	100.00	
A 7310.102	Youth Program-Wrestling	460.00	
A 7310.112	Youth Program-Soccer	100.00	
A 7310.113	Youth Program-Chaperones	100.00	
A 7310.109	Youth Program-Basketball	30.00	
A 7140.140	Playgrounds & Rec. Centers	.	
	Security Guards	2,200.00	
	A 7620.103	Adult Rec.-Tennis Inst.	550.00
	A 7620.103	Adult Rec.-Tennis Inst.	100.00
	A 7310.105	Youth Program-Tennis	460.00
	A 7310.105	Youth Program-Tennis	100.00
	A 7310.105	Youth Program-Tennis	100.00
	A 7310.105	Youth Program-Tennis	30.00
	A 7310.103	Youth Program-Swimming Lessons	2,200.00

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

The resolution was thereupon duly declared adopted.

#508 AUTHORIZES TOWN CLERK TO PUBLISH AND POST HELP WANTED AD FOR AUTOMOTIVE MECHANIC II.

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

WHEREAS, there is an available position in the Highway Department for an Automotive Mechanic.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below help wanted ad for a full-time Automotive Mechanic II, in the August 9th issue of The News-Review.

HELP WANTED

The Town of Riverhead, is seeking a qualified individual to serve in a full-time position of Automotive Mechanic II in the Highway Department. Applicants must have three (3) years experience in Auto Mechanics and eight (8) grades of schooling, or the satisfactory equivalent combination for the above education and experience. Interested individuals must submit an application to the Town Supervisor's Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, weekdays, between 8:30 a.m. and 4:30 p.m. after Monday, August 20, 1984. The Town of Riverhead is an Equal Opportunity Employer.

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

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued

- #509 AUTHORIZES TOWN CLERK TO PUBLISH AND POST HELP WANTED AD - MAINTENANCE MECHANIC II - SEWER DISTRICT.

(See Sewer District Minutes)

- #510 AUTHORIZES TOWN CLERK TO PUBLISH AND POST HELP WANTED AD - CUSTODIAL WORKER, P.M.

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

WHEREAS, there is an available position in the Town Hall for a Custodial Worker, P.M.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below help wanted ad for a full time Custodial Worker, P.M. in the August 9th issue of the News-Review.

HELP WANTED

The Town of Riverhead is seeking a qualified individual to serve in a full-time position of Custodial Worker, P.M. in the Town Hall. Interested individuals must submit an application to the Town Supervisor's Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, weekdays between 8:30 a.m. and 4:30 p.m. No application for this position shall be accepted after Monday, August 20, 1984. The Town of Riverhead is an Equal Opportunity Employer.

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

The resolution was thereupon duly declared adopted.

- #511 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: AMENDMENT TO SECTION 101-32 OF THE RIVERHEAD TOWN CODE, "VEHICLES AND TRAFFIC, ENFORCEMENT, DUTIES"

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

RESOLVED, that the Town Clerk is hereby authorized to publish and post the below Public Notice with regard to amending Section 101-32 of the Riverhead Town Code, "Vehicles and Traffic, Enforcement Duties".

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 21st day of August, 1984, 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 following amendment to Section 101-32 of the Riverhead Town Code, as follows:

RESOLUTIONS Continued

101-32. Enforcement; duties.

A. Generally. It shall be the duties of the Meter Officer, Town Constable and Police Officers of the Town of Riverhead to enforce the provisions of this Article, under such procedure as may from time to time be prescribed by resolution of the Town Board and to issue uniform traffic tickets or simplified traffic informations alleging such violation.

b. Violation reports. The Meter Officer, Town Constable and Police Officers shall report to the Town Board all apparent violations of this Article, and such report shall include the registration plate number of the vehicle involved, the date and time of the violation, the exact nature of the offense, the name of the operator, if ascertainable, together with other pertinent facts.

\*Underscore indicates addition.

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

The resolution was thereupon duly declared adopted.

#512 TRANSFER OF FUNDS.

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

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

HIGHWAY DEPARTMENT

	<u>FROM</u>	<u>TO</u>
D 5140.450 Trees	2,700.00	
D 5140.460 Uniforms		2,700.00

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

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#513 TRANSFER OF FUNDS - WATER DISTRICT.

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

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

	<u>FROM</u>	<u>TO</u>
Sw 0599 Appropriated Fund Balance	110,000	
SW 8320.430 Purchase & Installation		30,000
SW 9901.900 Transfer to Repair & Maintenance Reserve Fund		80,000

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

The resolution was thereupon duly declared adopted.

#514 TRANSFER OF FUNDS - HIGHWAY.

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:

LOCAL STREETS AND HUGHWAYS CAPITAL PROJECT

	<u>FROM</u>	<u>TO</u>
H 3501 State Aid	11,000.00	
H 5112.384 Engineering		11,000.00

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

The resolution was thereupon duly declared adopted.

#515 TRANSFER OF FUNDS - P.A.L.

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

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

	<u>FROM</u>	<u>TO</u>
PA 2705 Donations	2,000.00	
PA 3120.400 P.A.L. Expenses		2,000.00

RESOLUTIONS Continued

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

The resolution was thereupon duly declared adopted.

#516 APPOINTS HOME CHORE HANDYWORKER.

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

WHEREAS, Thorwald Danstrup had been appointed to the position of temporary Home Chore Handyworker, and

WHEREAS, it is the desire of the Town Board to have Thorwald Danstrup to continue with the Home Chore Program  
NOW, THEREFORE, BE IT

RESOLVED, that Thorwald Danstrup be and is hereby appointed to the position of Home Chore Handyworker at the hourly rate of compensation of \$3.75 effective August 1, 1984.

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

The resolution was thereupon duly declared adopted.

#517 AUTHORIZES SUPERVISOR TO EXECUTE CONTRACT AND DELIVER DEED, RE: MOLLIE TRENT.

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

WHEREAS, the Horton/Osborne Avenue Relocation Project includes the relocation of residents from that area to another area in the Town of Riverhead, and

WHEREAS, the Town of Riverhead, through the Community Development Office, has purchased and renovated a home on Osprey Avenue, and

WHEREAS, the Town of Riverhead wishes to purchase property owned by Mollie Trent in the Horton/Osborne Avenue area and relocate Ms. Trent to the Osprey Avenue house,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to execute the subject contract of sale and deed with regard to the purchase and sale of properties necessary to complete the transaction with Mollie Trent, subject to a permissive referendum, and be it further

RESOLVED, that the Town Clerk is authorized to publish and post this resolution giving notice that at a regular meeting held on the 7th day of August, 1984, the Town Board of the Town of Riverhead duly adopted a resolution which resolution is subject to a permissive referendum pursuant to Article 7 of the Town Law of the State of New York.

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

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#518 AUTHORIZES THE SOLICITATION OF BIDS FOR ONE 1985 ONE TON WRECKER.

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

RESOLVED, that the Town Clerk be and hereby is authorized to advertise for sealed bids for the purchase of a 1985 One Ton Wrecker for use by the Riverhead Town Police Department and be it further

RESOLVED, that the Town Clerk be and hereby is authorized to open and publicly read aloud said bids at 11:00 a.m. and to make a report of the results of said bids to the Town Board at the next scheduled Town Board meeting following the opening of the bids.

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

The resolution was thereupon duly declared adopted.

#519 AUTHORIZES THE SOLICITATION OF BIDS FOR PORTABLE AIR COMPRESSOR.

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

RESOLVED, that the Town Clerk be and hereby is authorized to advertise for sealed bids for the purchase of one (1) Portable Air Compressor for use by the Riverhead Water District and be it further

RESOLVED, that the Town Clerk be and hereby is authorized to open and publicly read aloud said bids at 11:15 a.m. on August 23, 1984 at Town Hall, 200 Howell Avenue, Riverhead, New York, and to make a report of the results of said bids to the Town Board at the next scheduled Town Board meeting following the opening of the bids.

(Also see Water District Minutes)

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

The resolution was thereupon duly declared adopted.

#520 AUTHORIZES ATTENDANCE OF POLICE OFFICER AT JUVENILE OFFICERS' ASSOCIATION TRAINING CONFERENCE OF NEW YORK STATE.

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

WHEREAS, the 1984 Juvenile Officers's Association Training Conference is being offered September 30th, through October 4th 1984 in Lake Luzerne, New York, and

RESOLUTIONS Continued

WHEREAS, Police Officer David G. Cheshire has expressed a desire to attend said conference, and

WHEREAS, it is the recommendation of Chief Palmer that attendance of Officer David G. Cheshire at this conference is in the best interest of the citizens of the Town of Riverhead.

NOW, THEREFORE, BE IT

RESOLVED, that Police Officer David G. Cheshire be and is hereby authorized to attend the Juvenile Officers' Association Training Conference to be held Sept. 30th through Oct. 4th 1984 at Lake Luzerne, New York, and

FURTHER, BE IT RESOLVED, that the fee of \$60.00 be authorized for registration fees, that \$288.00 be authorized for lodging expenses, and that Officer David G. Cheshire receive an advance of \$150.00 to cover the cost of transportation and meals. All expenses shall be fully receipted by Officer Cheshire on his return and shall be taken from the budget of the Juvenile Aid Bureau.

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

The resolution was thereupon duly declared adopted.

#521 AUTHORIZES OVERTIME COMPENSATION TO TOWN HALL EMPLOYEES.

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

WHEREAS, surplus cheese was distributed from Town Hall on Saturday, July 28th from the hours of 9 a.m. to 12 noon.

NOW, THEREFORE, BE IT

RESOLVED, that the following employees receive the indicated overtime compensation:

Verna Campbell	4 hours @\$ 9.5547 = \$38.22
Elizabeth McKay	4 hours @\$10.9169 = \$43.67
Jean Worthington	4 hours @\$11,2674 = \$45.07
Monique Cawley	4 hours @\$14.7783 = \$59.11
Lorraine Miller	4 hours @\$13.3931 = \$53.57

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

The resolution was thereupon duly declared adopted.

#522 AUTHORIZES OVERTIME COMPENSATION FOR MAINTENANCE EMPLOYEE.

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

RESOLVED, that the following employee of the Maintenance Crew be paid time and one-half overtime compensation due to the vacation of the night custodian.

RESOLUTIONS Continued

Joseph Celic                    21 hrs.    @\$10.8816 = \$288.51

BE IT FURTHER RESOLVED, that the explanatory report relating to aforesaid overtime be filed in the Office of the Town Clerk.

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

The resolution was thereupon duly declared adopted.

#523    EXTENDS MORATORIUM ALONG COUNTY ROUTE 58 WEST OF DOCTORS PATH.

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

WHEREAS, on the 20th day of March, 1984, this Town Board declared a moratorium along County Route 58, West of Doctors Path, for a period of ninety days, and

WHEREAS, on the 19th day of June, 1984, this moratorium was extended for an additional 60 days, and

WHEREAS, this moratorium is about to expire,

NOW, THEREFORE, BE IT

RESOLVED, that the moratorium originally declared March 20, 1984, and thereafter extended on June 19, 1984, be and is hereby extended for an additional 60 days, and be it further

RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to the Building Department, Zoning Board of Appeals and Planning Board.

and be it further

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

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

The resolution was thereupon duly declared adopted.

#524    AWARDS BID FOR PECONIC BAY BOULEVARD DRAINAGE TO PAV-CO ASPHALT, INC.

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

WHEREAS, the Town Clerk was authorized to publish and post an advertisement for bids for the Peconic Bay Boulevard Drainage Project, and

WHEREAS, on the 3rd day of August, 1984, all bids received were opened and read aloud, and

WHEREAS, three bids were received, and

WHEREAS, by letter dated August 3, 1984, H2M engineers for the Town of Riverhead, did recommend that the bid be awarded to Pav-Co Asphalt, Inc., of Holtsville, New York, in the amount of \$59,565.00

RESOLUTIONS Continued

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Peconic Bay Boulevard Drainage Project be and is hereby awarded to Pav-Co Asphalt, Inc., of Holtsville, New York, in the total bid price of \$59,565, Pav-Co Asphalt, Inc., being the lowest responsible bidder, and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Pav-Co Asphalt, Inc.

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

The resolution was thereupon duly declared adopted.

#525 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE  
RE: REVENUE SHARING HANDICAPPED REGULATIONS.

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish as a display ad and post the below Public Notice:

PUBLIC NOTICE  
REVENUE SHARING HANDICAPPED REGULATIONS

THIS NOTICE is published pursuant to the requirements of Section 51.55 of the Revenue Sharing Regulations, as published in the Federal Register on October 17, 1983. Section 51.55 prohibits discrimination against qualified individuals because of their handicapped status.

The Town of Riverhead, State of New York, has designated the following person as the contact to coordinate efforts to comply with this requirement. Inquiries should be directed to:

MR. ROBERT SCHEINER  
COMMUNITY DEVELOPMENT OFFICE  
200 Howell Avenue  
Riverhead, New York 11901  
516-727-3200  
8:30 a.m. to 4:30 p.m.

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

The resolution was thereupon duly declared adopted.

#526 APPROVES SITE PLAN OF STAMENS BUILDING SUPPLY.

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

WHEREAS, a site plan was submitted by Stanley Mendelson for Stamens Building Supply, Sound Avenue, Wading River, New York, for a building permit for an addition to a retail and wholesale building supply, and

WHEREAS, this Town Board has reviewed the site plan submitted as prepared by Louis T. Romeo dated June 2, 1984, with the Building Department revisions noted thereon,

NOW, THEREFORE, BE IT

RESOLVED, that the site plan submitted by Stanley Mendelson for Stamens Building Supply, Sound Avenue, Wading River, New York, for a building permit for an addition to a retail and wholesale building supply as prepared by Louis T. Romeo most recently dated June 2, 1984, with the Building Department revisions noted thereon, be and is hereby approved subject to the following:

1. Any and all restrictions and/or limitations as outlined in the Riverhead Town Code as it may from time to time be amended.

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a certified copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk and filed with the Town Clerk.

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design.

4. That the entire parking area and exterior area of all buildings shall be maintained on a daily basis in a neat and orderly way free of litter and debris and if such maintenance is not adhered to the Town Board may revoke the Certificate of Occupancy which may result from this site plan approval.

5. Trash receptacles of a decorative design shall be maintained at the entrance of the building.

6. That the property shall be maintained on a weekly basis by the owner of the property. In the event that the property is not maintained on a weekly basis, the Town may, upon two days written notice, enter upon the property for the purpose of removing rubbish and debris and clean the property of noxious weeds, grasses and other growth, mow the property trim the trees, and do all things necessary to restore the property to a neat appearance and the expenses thereof shall be borne by the owner of the facility upon presentation of a bill by the Town. In the event that such amount is not paid within ten (10) days of the presentation of such bill, the amount of the bill shall be added to the tax bill covering the property.

7. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a stantion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto.

RESOLUTIONS Continued

8. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code, with regard to type, thickness, and grade. Specifically, the applicant shall maintain the parking field free from all pot-holes and with identifiable striping.

9. That the Town Board may designate fire zones as they may see fit and it is agreed that the owner of the premises shall sign any and all documents as may be required to designate fire zones.

10. Asphalt curbs are to be installed on both the easterly, westerly, and rear planting areas.

11. As noted on the revised site plan dated June 2, 1984, plantings are to be placed on the east, west, and rear planting areas.

12. CCA ties are to be installed around the front and southwest planting areas.

13. Plantings are to be placed on both the front and southwest planting areas as noted on the revised site plan dated June 2, 1984.

14. If the adjoining property is developed at a future date, the new curb cut to be placed shall be joined with the westerly curb cut on the westerly side of the property which is the subject of this site plan approval.  
and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded by the Town Clerk to Stanley Mendelson of Stamens Building Supply and the Riverhead Building Department.

DECLARATION AND COVENANT

THIS DECLARATION made the \_\_\_\_ day of \_\_\_\_\_, 1984, by Stanley Mendelson, with offices at Sound Avenue, Wading River, New York, Declarant,

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Wading River, Suffolk County, New York, more particularly bounded and described as set forth in Schedule A annexed hereto as provided by the Declarant, and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead and the owner and prospective owners of said parcel that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan, said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office, and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel,

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed does hereby make known, admit, publish, covenant and agree that the said premises hereing described shall hereafter be subject to the following covenants

RESOLUTIONS Continued

which shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors, and assigns, to wit:

1. Any and all restrictions and/or limitations as outlined in the Riverhead Town Code as it may from time to time be amended.

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design.

3. That the entire parking area and exterior area of all buildings shall be maintained on a daily basis in a neat and orderly way free of litter and debris and if such maintenance is not adhered to the Town Board may revoke the Certificate of Occupancy which may result from this site plan approval.

4. Trash receptacles of a decorative design shall be maintained at the entrance of the building.

5. That the property shall be maintained on a weekly basis by the owner of the property. In the event that the property is not maintained on a weekly basis, the Town may, upon two days written notice, enter upon the property for the purpose of removing rubbish and debris and cleaning the property of noxious weeds, grasses and other growth, mow the property, trim the trees, and do all things necessary to restore the property to a neat appearance and the expenses thereof shall be borne by the owner of the facility upon presentation of a bill by the Town. In the event that such amount is not paid within ten (10) days of the presentation of such bill, the amount of the bill shall be added to the tax bill covering the property.

6. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a stantion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto.

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code, with regard to type, thickness, and grade. Specifically, the applicant shall maintain the parking field free from all pot-holes and with identifyable striping.

8. That the Town Board may designate fire zones as they may see fit and it is agreed that the owner of the premises shall sign any and all documents as may be required to designate fire zones.

9. Asphalt curbs are to be installed on both the easterly, westerly, and rear planting areas.

10. As noted on the revises site plan dated June 2, 1984 plantings are to be placed on the east, west, and rear planting areas.

RESOLUTIONS Continued

11. CCA ties are to be installed around the front and southwest planting areas.

12. Plantings are to be placed on both the front and southwest planting areas as noted on the revised site plan dated June 2, 1984.

13. If the adjoining property is developed at a future date, the new curb cut to be placed shall be joined with the westerly curb cut on the westerly side of the property which is the subject of this site plan approval.

IN WITNESS WHEREOF, the Declarant has hereunto set his hand and seal the day and year above written.

\_\_\_\_\_  
STANLEY MENDELSON

STATE OF NEW YORK )

ss.:

COUNTY OF SUFFOLK )

On this \_\_\_\_ day of August, 1984, before me personally came STANLEY MENDELSON, \_\_\_\_\_ of Stamens Building Supply; that he did read the above declaration and covenant and understands its contents; that he did swear to me that he executed same.

\_\_\_\_\_  
The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, absent.

The resolution was thereupon duly declared adopted.

#527 APPROVES POLISH TOWN STREET FAIR & FESTIVAL AS PER REQUIREMENTS OF SECTION 46-1 OF THE TOWN CODE.

Councilman Lombardi offered the following resolution seconded by Councilman Prusinowski.

RESOLVED, that the requirements of Chapter 46, Section 46-1 and Section 46-2 of the Riverhead Town Code; Drinking alcoholic beverages on Town property; for the Polish Town Street Fair and Festival scheduled to be held on August 18, and 19, 1984, are hereby waived from the hours of 10:00 a.m. to 6:00 p.m. in the area outlined as follows:

From the intersection of Pulaski Street and Marcy Avenue, easterly on Pulaski Street to the intersection of Pulaski Street and Hallet Street; and from the intersection of Pulaski Street and Osborne Avenue, south on Osborne Avenue to the intersection of Lincoln Street; thence in an easterly direction on Lincoln Street to the intersection of Hallet Street.

RESOLUTIONS Continued

and be it

FURTHER RESOLVED, that this approval is subject to all the conditions, rules and regulations imposed by the State Liquor Authority, State of New York.

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

The resolution was thereupon duly declared adopted.

#528 ESTABLISHES POLICE COMMISSIONER AND DESIGNATED CHAIRMAN.

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

WHEREAS, both the Supervisor of the Town of Riverhead and the Riverhead Chief of Police have been and are still under medical care and the dates of their return to normal duties are not yet ascertainable; and

WHEREAS, the Town Board of the Town of Riverhead believes a proper chain of command must exist between itself and its Police Department at all times; and

WHEREAS, the formal chain of command remains broken due to the sustained absence of the Supervisor and Police Chief.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Town Law the Riverhead Town Board hereby designates Councilman Boschetti as Police Commission Chairman and be it further,

RESOLVED, that Councilman Lombardi and Artale are hereby designated as members of the Police Commission hereby established and be it further

RESOLVED, that this resolution shall control in any particular circumstance of a contradiction with any prior resolution concerning a Riverhead Town Police Commissioner or commission.

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

The resolution was thereupon duly declared adopted.

#529 AMENDMENT TO CHAPTER 96, "TRASH, RUBBISH, AND REFUSE DISPOSAL.

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

RESOLVED, that the following amendment shall be made to Chapter 96 of the Riverhead Town Code, "Trash, Rubbish, and Refuse Disposal".

## CHAPTER 96

## TRASH, RUBBISH, AND REFUSE DISPOSAL

96-1. Accumulations on Occupied Premises, Prohibited.

RESOLUTIONS Continued

Every person who is the owner of land lying and situated within the Town of Riverhead or who occupies, rents, or leases any such land and all appurtenances thereto shall keep such land and all appurtenances thereto free and clear from all trash, rubbish, garbage, weeds, grass, refuse or other objects.

96-1. Failure to Remove Refuse, Weeds and Trash.

A. Authority to remove. In the event the owner, occupant or tenant of such land shall fail to remove such weeds, trash, garbage, grass, refuse or other objects that cause such land to be a nuisance in the Town, the Town shall have the authority as provided for herein, to enter onto such land and clean the same and to charge the cost or expense of such action against the owner and establish a lien in the manner herein provided.

B. Town Board Action. Any person, corporation or association which is the owner of real property in the Town of Riverhead shall be required to remove the items set forth in Subsection A which may exist upon its land when directed to do so by resolution of the Town Board, pursuant to the authority provided under sections 64 and 130 of the Town Law.

C. Notice to be served. Whenever the Town Board shall adopt a resolution requiring the owners of land to remove rubbish or debris which exists thereon, the Town Board shall specify the time within which such work shall be completed. Such notice shall set forth with reasonable certainty the location at which the condition exists and the manner in which the removal work shall be performed. The owners shall be given at least ten (10) days from the date of mailing of the notice within which the work shall be performed, and in any event such notice shall grant a reasonable time, giving due consideration to the amount of accumulation of rubbish or debris and the location thereof. Notice of the adoption of a resolution requiring the removal work may be served upon the owners of the property at which the condition exists by ordinary mail, addressed to the last known address of said owners.

D. Failure to comply. Whenever a notice or notices referred to in Subsection C of this section has been served and the owners shall neglect or fail to comply with such notice within the time provided therein, the Town Board shall authorize the work to be done and shall provide for the cost thereof to be paid from general town funds as directed by resolution.

E. Manner of Assessment of cost upon real property. In any case where it shall be necessary for the Town Board to have the work performed due to the failure of the owner to comply with the Town Board's resolution, the Town shall be reimbursed for the cost of the work performed or the services rendered at its direction, by assessment or levy upon the lots or parcels of land where such work was performed or

RESOLUTIONS Continued

such services rendered. So much of the actual cost as was actually incurred upon each lot or parcel and the charge therefor shall be assessed and collected in the same manner and in the same time as other ad valorem Town charges.

\*Underscore indicates addition

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

The resolution was thereupon duly declared adopted.

Councilman Boschetti, "That takes care of resolutions. At this time, I will recognize anyone else who wishes to address the Town Board on any matter. Nora."

Nora Brewer, Wading River, "Mr. Deputy Town Supervisor and gentlemen of the Board. I would like to ask this question."

Irene Pendzick, "Excuse me. You forgot to give your name and address. I know you but."

Nora Brewer, "Nora Brewer, Wading River. Does this Town Board have any jurisdiction of the performance of the reception of the new cable vision set up? Such as a bond or warranty or something of that kind? Because the reception really leaves a lot to be desired. It's actually worse than what we had before. And the company is not too courteous to complaintants and they are not too swift coming to find out what the problem is. You know the seniors in my community, they depend on cablevision for their entertainment, for company. Ladies that are house bound and so forth and so on. And when they call the cablevision company they give them a hard time, etc. etc."

Councilman Artale, "Nora. We are meeting with representatives of cablevision tomorrow afternoon and if you will give me a list of the problems that you're experiencing in your area, I will be sure to bring it up to them."

Nora Brewer, "Ok. Do you want me to tell you or should I write them down?"

Councilman Boschetti, "If you want to put in on the record go ahead and mention them."

Nora Brewer, "Well it's staticy. It's jumping up and down. Programs. There are times when you can't get anything at all like from 4 in the afternoon to about 5:30 or so and many many of the people have this. They come to me because they know I come to these meetings and they ask me to kind of speak for them. And also, when the reception goes on it goes out. The voice goes out. That of course could not have anything to do with the cablevision itself."

PERSONAL APPEARANCES Continued

Councilman Prusinowski, "Nora, which channels are affected?"

Nora Brewer, "Practically all the channels. Especially you know like 4 and 2 and 5. A lot of them watch 5 because there are re-runs of old programs. And 12, 8. Practically all of them. 13."

Councilman Artale, "I can guarantee you'll hear from cable-vision."

Nora Brewer, "Thank you very much. I appreciate that."

Councilman Boschetti, "Nora. One question I have before you sit down. To your knowledge, what area is effected? Just your immediate residential?"

Nora Brewer, "That's the only area I have contact with so I really don't... That's as far as I know. But I do know that there are many many people complaining."

Councilman Artale, "What's the name of your section?"

Nora Brewer, "Ramblewood. Well, Wading River."

Councilman Boschetti, "Thank you."

Nora Brewer, "All of Wading River area."

Councilman Lombardi, "I've got it in my mind."

Nora Brewer, "Ok. Thank you gentlemen."

Councilman Boschetti, "Steve. Do you want to address the Board?"

Councilman Artale, "Nora, leave me your phone number tonight will you please."

Steve Haizlip, "On July the 3rd, Mr. Prusinowski was absent. But the rest of you were aware of this article that I brought up in Suffolk Life about Mr. Russo. I wrote a letter to Mr. Russo of the Suffolk County Legislature and at this date (this letter is dated 7/6) he hasn't responded. I haven't received a reply back in the paper or Suffolk Life. I have called about it and they said; Well, whatever space is available, maybe we'll put it in. The title of this letter is "To Set the Record Straight." Now, Mr. Russo made a statement that the voters voted in the legislature. The legislators were not voted in as I had said before. They were put there by the courts. Now, I noticed that we have about seven newspapers here, approximately. Five at the very less. I am going to leave them on the table and maybe they will be good enough to set the record straight. Because this goes back to many years and these younger generations out here is taking what is in the paper as gospel. And it was not. I would like for the younger people and some of the middle aged

PERSONAL APPEARANCES ContinuedSteve Haizlip, Continued

to be brought up to date. That the people of Suffolk County did not vote these legislators in. It was put there by the courts. By Mr. "Bianci" and Mr. Frederick Block."

Councilman Prusinowski, "Steve. This is in reference to the creation of the legislator as we know it today from the Board of Supervisors."

Steve Haizlip, "It was wrote right in here that present day...."

Councilman Prusinowski, "Ok. That's going from the Board of Supervisors to the legislation today."

Steve Haizlip, "It's all well explained. Would you like me to read it?"

Councilman Prusinowski, "No. I think just to tell you I know Suffolk Life's position has always been that (editorily) Dave has always been in favor of the Board of Supervisors. Did you write a letter to the editor of Suffolk Life? Is that what you're saying? Or did you write a letter to Mr. Russo?"

Steve Haizlip, "I wrote a letter to Mr. Russo."

Councilman Prusinowski, "Ok."

Steve Haizlip, "And I sent a copy to Suffolk Life."

Councilman Prusinowski, "Ok."

Councilman Artale, "Steve. You may be interested in knowing that yesterday the legislator met with the expressed intent of finding out whether or not they would like to abolish the legislator. And the presiding officer wouldn't allow it out of committee."

Steve Haizlip, "I understand that. They set it up for themselves for another year."

Councilman Artale, "Guaranteed."

Councilman Lombardi, "I'd do the same thing."

Steve Haizlip, "I would like to go back to July the 3rd when I quoted a subject about Edwards Avenue and Jericho Turnpike. And again I am make a statement with all respect to the Highway Superintendent. I am not bypassing him. I am bringing it up to this Board because the Board is the people that has to have this knowledge if they are going to hire an engineer to study this condition. Then they will have to authorize the bonds as such to do. Now. The other 3 gentlemen, Mr. Lombardi, and Vince and Lou know what I said. But I will bring you up to date quickly."

PERSONAL APPEARANCES Continued

Councilman Prusinowski, "I am familiar with the problem because you mentioned this to us before."

Steve Haizlip, "Ok. So I won't elaborate no further but it stands and something is going to happen there. Wheels, exhaust pipes, oil pans have already come off. River Road is not much better."

Councilman Artale, "You're referring to the crown in the road where it dips."

Steve Haizlip, "I am referring to the crown on Jericho Turnpike and also in River Road. Maybe River Road is about 50% better. But Edwards Avenue is in very bad shape. Inaudible."

Councilman Artale, "I haven't heard that road called Jericho Turnpike in a long time."

Steve Haizlip, "I remember like it was the day before."

Councilman Artale, "Yes I know. I know."

Councilman Boschetti, "Thank you Steve. Bill."

Bill Nohejl, Spoke from audience and beginning was INAUDIBLE. I strongly suggest that the Town Board get in touch with the D.O.T."

Councilman Boschetti, "Thank you Bill. Sir."

George Trent, Horton Avenue, "I guess you know why I am here. At the last meeting I told you about the mess you got on Horton Avenue. They said they was going to clean it up. You never did."

Councilman Prusinowski, "Well, we went down there and pumped out Horton Avenue."

George Trent, Spoke from audience and was INAUDIBLE.

Councilman Prusinowski, "We did inform our Community Development director (Robert Scheiner) about the problem and we'll have to remind him. We can't fill it in while it's wet but we can clean it up."

George Trent, INAUDIBLE.

Councilman Prusinowski, "It was brought to his attention. There must have been a reason why it wasn't done."

Councilman Lombardi, "There was too much water."

PERSONAL APPEARANCES Continued

Councilman Prusinowski, "There was too much water because I know we had to go down there and pump."

George Trent, "I would appreciate it if you would do something."

Councilman Lombardi, "Has the water decreased down there? Gotten lower? Is the water lower in that area?"

George Trent, "Yes it's been lower now."

Councilman Lombardi, "Because when you were talking about it the water was high and there was no use putting sand in there because it would go right down."

George Trent, "Now you could do it." Inaudible.

Councilman Boschetti, "Just let me see if there's anyone else. Does anyone else want to address the Town Board? Ok. Steve you have one more time."

Steve Haizlip, "I brought it up in October about trying to get that area on the sidewalks around there with those high weeds and so forth. The latest event that has happened there was.... (Inaudible) By the way, the owner of Dunkin Donuts has asked me to bring up the subject and I told him I would. I am as good as my word. There is a huge hole in front of his door and it's getting bigger and deeper. Now, Sunday there was rain coming down. People's vision was obscured on their windshields and they were driving by and hitting that and jumping and it digs it deeper every time. He informs me that he has gotten in touch with the landlord. The landlord is late in responding to him but the landlord is early in responding to him on the first of the month for the rent. I don't know how you treat a situation like this. Parking fields, someone says are private. But people go in there and shop.... (Inaudible) The policemen can go in there and write a ticket up for handicap zone. He can write up a ticket if a car is not in the white stall. Whether the Town Board or not can do anything about this, I am bringing it to your attention. That big hole is there and it is going to hurt somebody. As of now, I don't think it's breaking any axels but it's going to. And the west side of that place in the back is in a horrible shape also. I think there's like.....(Inaudible)"

Councilman Boschetti, "Thank you Steve. Anyone else before we end the meeting? Ok. I declare this meeting ended."

There being no further business on motion or vote, the meeting adjourned at 9:53 p.m.



Irene J. Pendzick  
Town Clerk

IJP:nm