

Minutes of a Special Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, February 8, 1983 at 5:00 P.M.

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

Also Present: Richard Ehlers, Town Attorney

WAIVER OF NOTICE AND CONSENT OF SPECIAL MEETING

We, the undersigned, being all members of the Town Board of the Town of Riverhead, Suffolk County and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York, at 5:00 P.M. on the 8th day of February, 1983, and do consent to the holding of such meeting for the purpose of receiving comments on the amendments to Section 108-21A (10) of the Riverhead Town Code and any other matters that may come before the Board.

DATED: February 8, 1983

TOWN BOARD MEMBERS
 TOWN OF RIVERHEAD, NEW YORK

Joseph F. Janoski
 Supervisor

John Lombardi
 Councilman

Vincent Artale
 Councilman

Louis Boschetti
 Councilman

Victor J. Prusinowski
 Councilman

FILED:

Supervisor Janoski called the meeting to order at 5:00 P.M. and the Pledge of Allegiance was recited.

Richard Ehlers, Town Attorney: "Mr. Supervisor, this meeting has been called pursuant to a stipulation entered in the United States District Court for the eastern district of New York, Honorable Judge Platt, presiding, wherein it was agreed that a special town board meeting would be convened with the consent of the Town Board for the purpose of hearing any additional comment on the deletion of Chapter 108-21(A)10 of the Riverhead Town Code."

Supervisor Janoski: "Thank you, Mr. Town Attorney. I would recognize anyone who wishes to be heard and standing there, would you state your name and address for the record?"

V. Anthony Maggapinto, Counselor, Tooker & Smith, Legal Counselor representing Riverhead Pistol-Rifle Club: "Thank you Mr. Supervisor. We have requested and we are grateful for the opportunity to present the views relative to the proposed legislation, inactment or rather the deletion, I guess it's better characterized of this provision.

The proposal relates specifically to an area known as Agriculture A, in which the Riverhead Pistol and Rifle Club own certain property. They acquired this property as a membership club with the intent of constructing a club house and range as an accessory use. All of these matters, relating to this purchase and the use of the property were presented to the Zoning Board of Appeals of the Town of Riverhead and there is a full record of that.

I've had an opportunity now to review tapes, audio tapes of those proceedings and as a result of that, it's become apparent that the Code itself as it relates to definitions, the particularly, the membership club, non-profit is at best misunderstood and it's for this purpose that we suggest that perhaps the act of deleting membership clubs, non-profit as an authorized use within the district would be particularly inappropriate. It's a little bit like, well, aside from the fact that it seems to be a little bit like throwing the baby out with the bath water. It seems to render completely unavailable, legitimate use in an area where apparently was the intent of the Town through the Town Board to have such a use. I have been unable at this time to research particularly the legislative intent, but certainly I believe that the board is aware and wholly endorses that the membership clubs are an integral part of a community. They are in some respects accessory to the backbone of the community, the individuals being of course the backbone of any community and this provision has allowed for membership clubs to participate in a meaningful way in the community. Certainly the history of membership clubs, participation in a community, is somewhat different from that attached to industry or to other particular segments of a

PERSONAL APPEARANCES - continuedV. Anthony Maggapiato Continues -

community and I think the intent is manifest in that particular sense in the particular section.

I think what we would like to impress upon the board is that just deleting wholesale is not the appropriate legislation, but rather a further definition of what is intended, a fine tuning you might say, you might say of what is the intent of the town relative to the participation of membership clubs, or for that matter any other segment of within the community. We don't mean to suggest that there isn't legitimate interest in restrictions, not by any means, but the wholesale disregarding of, or eliminating you might say from certain district, zoning districts would be, I think be much too sweeping and unnecessary legislative act and I don't mean to suggest that the language as it is in the code now is sufficient. There are certainly not specific definitions which define what is a membership club, non-profit, but I ask you is a membership club, non-profit necessarily to be restricted to certain clubs as maybe suggested clubs like or organizations like the Red Cross or the Y.M.C.A., which you might say are eleemosynary organizations, philanthropic organizations that are chiefly concerned with the assistance of other people throughout the entire community, and I suggest that's not necessarily the case if in fact, as such was intended by the Town Board when this was this Code was enacted or the section of code was inacted. I think it would have been far clearer and in fact, I don't think that you would have had the subsequent identification in that same section which specifically spelled out, philanthropic and fraternal and social organizations. So in comparison, I think it's clear that the intent must have been that the membership club that was particularly responsive to private individuals, the private club you might say was intended to be included in the uses of a particular district. If I say the circumstances require that the definitions be more finally turned in order to make it clear what kinds of activity can take place, then I suggest that the further definition should be the route that is followed rather than the wholesale disregard or deletion as is now proposed.

I believe it's been suggested that the provision should be deleted in order to close the loophole, a legal loophole which virtually allows virtually any type of activity that the predictability involved in such a, such a event is nil, it just doesn't exist you don't know who can do what. The theory presumable is that anyone can form a not for profit corporation and basically do anything that they wish and yet I suggest to you that that argument did not necessarily prevail before the Zoning Board of Appeals because in fact, although the purposes of the application of the Riverhead Pistol and Rifle Club were clearly defined, There were certainly no attempts to indicate an interest in another, they told it exactly what they wanted to do, they spelled out in extreme detail what it was they wanted to do, and yet even at that the Zoning Board of Appeals declined in their ruling in December to instruct the Building Inspector to issue the permit, so I don't believe it can be argued that even with the present setting of the law, the way the law is presently constructed, there can be a wholesale disregard, that basically anybody can do anything they want to and by a further fine tuning should the Town Board on behalf of the town deem it necessary be required then certainly that should be considered but in it's context of what it means.

PERSONAL APPEARANCES - continuedV. Anthony Maggapinto Continues -

We are simply suggesting that the preceived ill should be attended to by an appropriate type of legislation and not to just wholly eliminate from participation in an appropriate zone, the participation as I say of a membership club is just to radical a move, it's going to virtually eliminate the special distinction, normally afforded, any number of different types of clubs which I suggest to you enhance a neighborhood and a community and that if you consider that this provision had never existed, in other words, that there would be no need for you to now consider deletion because it never existed, think of all the numbers or the kinds of activities that you wouldn't have in the town today or at least in the certain areas in which they are now found. So at this time, we would like to impress upon the Board the, I believe, they should reconsider deleting and instead consider very seriously a further definition, according to the precede needs of the citizens of the town. Thank you."

Supervisor Janoski: "Thank you Is there anyone else who wishes to address the Town Board? Yes Sir."

Douglas Penny, 154 West Montauk Highway, Representing Rita Hodun and Dorothy Krukoski: "They are the owners of property that abut the property of the Riverhead Rifle Club. I also represented those individulas and several others in opposition to Riverhead Rifle Club application before the Zoning Board of Appeals several months ago.

The present zoning ordinance clearly does have a problem. I pointed that out to the Zoning Board during those hearings and I think the Riverhead Rifle Club application alerted the Town to that problem. The term membership club deals more with ownership of a piece of property than it does with the use of that property. The zoning ordinances are enacted in order to deal solely with use and not with ownership. After this sub-section is deleted, you choose to go that route, that does not mean a membership club cannot own property in Agricultural A Zone. It does not mean that a membership club cannot use a piece of property in that zone for any other permitted use in accordance with the ordinance. It simply means that a membership club cannot do what the Riverhead Rifle Club attempted to do and that was circumvent the intent of the ordinance, by coming in saying we're a membership club, therefore, we're allowed in Agricultural A, but we can do it because we're a membership club, it makes no sense and that's exactly why you're doing what you have intended to do at this hearing.

I can understand Mr. Maggapinto's concerns and I was glad to see that he stated his understanding of my concerns in his presentation but I would like you to take a little bit different approach than he suggested. I would like you to delete the non, the membership club designation from the ordinance at this time to get rid of this loop hole and then perhaps in the future consider further amendments to your zoning ordinance to address the problems that he presented to you. I think you've got to get this terminology out of your ordinance and you've got to do it now because otherwise, the tail of many dogs are going to start wagging and

PERSONAL APPEARANCES - continued

Douglas Penny Continues -

that's exactly what the Riverhead Rifle Club application was. That was a rifle range that was not a membership club and I don't want to see other non-profit agencies buying property in Agricultural Zones and putting up non-permitted uses just because they are a membership club, not for profit, so I urge you very strenuously to enact the proposed legislation to delete the term, and then perhaps consider in the future doctoring the ordinance a little bit more to address the problems that Mr. Maggapinto brought up."

Supervisor Janoski: "Thank you. Is there anyone else who wishes to address the Town Board? Yes, Ma'am."

Dorothy Krukoski: "I own property to the south of the land that they would like to build a rifle range along with my sister. I'd like to just to present a little map that's not very good, but it will show, give you an idea of a buffer zone. This states that this."

Supervisor Janoski: "Mrs. Krukoski, would you speak into that microphone so that this is recorded for the record? "

Dorothy Krukoski: "On the corner of this little map, it says range one mile be careful, it's twenty-two caliber, it's a photo copy of the, well, off a little box of shells and this red circle is where the rifle range is to be located as such and this circle encircles approximately a mile, so this is their buffer zone for what it says on this package, it says that the range is one mile of a rifle so this includes the expressway seventy-three, trailer parks whatever, Sound Avenue, that is roughly a mile circle.

Also at the Zoning Board of Appeals meeting, it was stated that this property was of absolute no use other than to use for a rifle range and it was in the minutes at that meeting we had someone by the name of the land use company do a research and there are other things that this property could be used for such as raising, it's all sandy bottom, but they said that it could be used for raising grass that is used on the dunes, the sand grass, it could be used for putting up green houses and it could be used, in other words, it could use solar heat, because of being in a hole and being you know, the sun would heat them and so forth, so it isn't that this property couldn't be used for anything else. My parents have owned that land, when my grandparents since about 1920-25 in that area and my father had turned it over to my sister and I just a year or two ago and we decided that we would like to keep it in the family and we had eight children between us and some of them may want to build on it someday or just farm it and if a rifle range goes in there, I don't see too much future in that whole area and there's also other people in that area that have been there as long if not longer. Thank you."

PERSONAL APPEARANCES - continued

Supervisor Janoski- "Thank you. Is there anyone else who wishes to address the Town Board? Yes, Ma'am, I'm sorry Fred, I didn't see your hand go up, I'll get you next."

Emma Danowski, Deep Hole Road, Calverton: "I own land from Deep Hole Road to Youngs Avenue and west of the middle of my property joins the sand pit and some of the members stated that it was twenty-six feet deep, well it's no more than about seven foot from my place and no more than maybe twenty-five feet away from my property where it should be fifty feet away, and of course the, our finest was practicing shooting there a few years ago and there were bullets flying all over the farms and one landed into the neighbor's living room and I've been there now sixty-four years already and I don't see what else I can say. Is there any questions from anybody?"

Supervisor Janoski: "Any questions? Nothing."

Emma Danowski: "So, I don't know, it seems that our finest when they practice there, they just open the door of it for the Rifle and Gun Club, and I don't think they should have been there in the first place because it's a farming section, we always had a nice peaceful neighborhood there and besides I just wonder where they're going to park when they have all these cars coming in with members, they don't have that much room for their parking. So, I don't think there's anything else I can say. Thank you gentlemen."

Supervisor Janoski: "Thank you, Fred."

Fred Kart, Aquebogue: "I'm a member of the Riverhead Pistol and Rifle Club. In fact, one of its founders.

First off, I'd like to say, that there was no intent to circumvent any zoning ordinance. It was our understanding that, that the non-profit club was an allowable use and because of that we purchased the property. Someone else must have thought the same thing because after we applied for our building permit, one indeed was issued to us and subsequently it was recidered for some reason, I suppose having to do with this floating recreational zone which we feel was an excuse that was used to recind the permit.

The other thing, I'd like to say is, Mrs, Krukoski brought up this thing that says range one mile which is printed on the twenty-two box, well, we all know that, that's the reason that we are trying to build a facility that you can shoot at, so you don't have to worry about range one mile. The safety range as designed is a very expensive building structure and it takes into account range and penetration of bullets, in fact is that from the firing line, when the weapons, if you want to call them that or sporting arms, as we like to call them, are used, no cartilage or projectile can escape the property. The area that we are intending to shoot

PERSONAL APPEARANCES - continuedFred Kart Continues -

toward is in deed about thirty feet deep, which can be seen from the plans which is submitted to the board when we put in our permit. We don't intend to shoot in the direction that the berm is low and as a matter of fact, that's why we feel this property is the only piece of property in the Town of Riverhead that can be used for this purpose because it already has a built in berm, which is an added safety factor. As far as their contention, that there are other uses that we didn't buy it to grow beach grass anymore than they bought their farms to fly airplanes out of it, they bought it to farm, fine, we bought this property to use as a range, a safe range and the anything other than that. I just feel that as Mr. Penny said that this, that our applications brought some short comings to the intention of the Town Board that may well be but I feel that we came, we are also members of the Town and we came with our application which was subsequently denied and I feel that that use should be allowed somewhere in the Town. If I would, I keep hearing about this stray bullet that wound up in somebody's living room, now I'm certain that if this stray bullet landed in my living room, I would sure in h--- go over and tell the police that they did indeed shoot in my living room, but obviously this never happened. It seems that wherever a range is built or is going to be built, someone always has a bullet come through their wall, nine times out of ten it falls in the baby's crib which we all know is hog wash. If they have in deed a documented case of this I'd like to see it, but no one has been able to show anything like that to me. I think that's about all I have to say."

Supervisor Janoski: "Thank you Fred, Teddy."

Theodore Krukoski, Calverton: "My wife, Dorothy Krukoski, is part owner of that property on the south side of the Pistol Range. I've been hit with gunfire and now when I hear a gun off, I look around and we're out in that field many a times and I don't want to have to, I keep one eye on the rifle range, while I'm out in that field and also I'm the foreman in charge of the landfill, which is approximately one-quarter of a mile to the east of this proposed range and we have hundreds of cars coming in the landfill every day and if something should happen, the town board will be responsible. Thank you."

Supervisor Janoski: "Teddy, before you go, just to clear, make sure the record indicates what you are saying, you weren't hit by gunfire at this location?"

Ted Krukoski: "No."

Supervisor Janoski: "During an armed conflict, during the war is what I mean."

Ted Krukoski: "No, I wasn't hit, I was hit out hunting, but."

PERSONAL APPEARANCES - continued

Supervisor Janoski: "Out hunting."

Ted Krukoski: "I'm still shell shot."

Supervisor Janoski: "Okay, thank you. In the back there."

Stanley Krupski: "I'd like to say one word about what Mr. Krukoski just said about the one quarter mile distance between the proposed range and the landfill area that there is basically densely wooded area, that's one thing I'd like to say about it. The other, I'd like to speak on behalf of my family, we're against your deletion of the proposed, the Section 10A. Thanks a lot."

Steve Blasko, Osborne Avenue, Calverton: "My property joins right along side of the shooting range or whatever they are going to put there and which I don't want, and this is all about I have to say."

Supervisor Janoski: "Thank you, Is there anyone else who wishes to address the Town Board? I have to see if anybody else, but if you want to come back after everybody has an opportunity, you certainly can. Is there anyone else who wishes to address the Town Board? Yes, Sir."

Wallace-Duggan, Sound Avenue, Riverhead, President of Riverhead Pistol Rifle Club: "I would like to take this opportunity to point out to the fact that at no time to the knowledge of myself or any other member of the Riverhead Pistol and Rifle Club has anyone ever fired on that piece of property. This has always been strict instructions within the club, that no one from our club, at any time was to use that property for firing or any other purpose. We have never been involved in any shooting or activity as far as that piece of property is concerned. If there has been shooting or firing discharging of firearms, it has not been from the Riverhead Pistol and Rifle Club itself. It has been from other parties which has been mentioned in the hearings that at one time Riverhead Pistol and Rifle Club itself. It has been from other parties which has been mentioned in the hearings that at one time Riverhead Police Department did use the range, now, we are not owners of the property, therefore, we cannot control people who may have gone in that area or possibly with legitimate hunting use in the adjacent area which is permitted, hunting on the land and so forth, so that at this point, we have never been involved, secondly, I would like to point out also too that the club is a family orientated club with youthful members who will be also enjoying the use of the property along with their parents so that it is not only a range facility, but it will be used as a membership club for the benefit of the memberships itself including our membership building and whatever range facilities that would be permitted to put up in that

PERSONAL APPEARANCES - continuedWallace Duggan, Continues -

area. We have presently at this point approximately one hundred members of the Riverhead Pistol and Rifle Club that would at this point with my saying that we are against the deletion of this particular wording from the Zoning Ordinance. We feel that it would be not in our favor particularly pending the present litigation. Thank you."

Supervisor Janoski: "Thank you. No, the same rule applies to you, Counselor. Is there anyone else who has not spoken yet and who would like to address the Town Board? That being the case Counselor, you're up."

V. Anthony Maggapinto: "Mr. Supervisor, let me just take a moment to share with you a definition which has been used relative to clubs. I believe it's a definition adopted by the City of Ithaca, as a way of further defining for its municipal code what a club is, and the reason I mentioned this is as for the Board to consider as not necessarily the precise wording but the thought that perhaps this further definition might serve the purpose which are perceived are necessary. Club membership, an organization catering exclusively to members and their guests on premises and buildings for recreational or athletic purposes which are not conducted not entirely for gain, provided they are not conducting any vending stands merchandising or commercial activities except as required generally for the membership and purposes of such club. The reason I mentioned that is not simply because the words themselves are important and more perhaps even should be adopted in their entirety but to indicate how this could be of a particular help in defining either with this language or another comparable language what was intended to be used by membership clubs in Agricultural A or any other district."

Supervisor Janoski: "Thank you. Did you wish to talk again?"

Stanley Krupski: "I just want to clarify a little bit that my family has been in farming for sixty years not at the present time, but we still have farm property which is half way sold and if we get it back, I'd like to be able to sell it to whoever we please and one other thing was in the paper about the Suffolk County Sheriff's. I believe it was the Sheriff himself made a statement that he was looking at the armory for a possible alternative to put the overflow of inmates from the Suffolk County Jail in there, at present time, that is where we're shooting. If that should happen, there goes our shooting place. Thank you."

PERSONAL APPEARANCES - continued

Supervisor Janoski: "They're going to have one h---- of a battle from the Town of Riverhead on that one."

Before I close the public portion of the meeting, is there anyone else who wishes to address the Town Board?"

The public portion of the meeting having been over, we will now move on to the resolutions starting with Number 81."

RESOLUTIONS#81 ACCEPTS RESIGNATION OF RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY MEMBER

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

WHEREAS, ALPHONSO ANDERSON did submit his letter of resignation from his position of member of the Riverhead Industrial Development Agency.

NOW, THEREFORE, BE IT RESOLVED, that the resignation of ALPHONSO ANDERSON be and is hereby accepted effective February 8, 1983, and

BE IT FURTHER RESOLVED, that JOSEPH F. JANOSKI, be and is hereby appointed pro tempore to that vacancy effective February 8, 1983.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#82 AUTHORIZES SUPERVISOR TO SETTLE CLAIM AGAINST THE TOWN OF RIVERHEAD BY FRANCES GATZ

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

WHEREAS, in March, 1982, Frances Gatz brought suit against the Town of Riverhead,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to settle the claim of Frances Gatz in the amount of \$2,000, said payment to be made upon the receipt of a signed release by Frances Gatz.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#83 RESOLUTION DELETING SECTION 108-21A(10) OF THE RIVERHEAD TOWN CODE, MEMBERSHIP CLUB, NONPROFIT

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

WHEREAS, by resolution dated the 18th day of January, 1983, a public hearing was scheduled to be held on the 1st day of February, 1983, and

WHEREAS, a public hearing was held on the 1st day of February, 1983, and all those persons wishing to be heard were heard.

NOW, THEREFORE, BE IT

RESOLUTIONS Continued -

RESOLVED, that the following amendment be made to the Riverhead Town Code as follows:

§108-21. Uses

In the Agriculture A District, no building, structure or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for two (2) of the following permitted uses, special exception, or special permit uses and their customary accessory uses:

A. Permitted uses.

~~(10) -- Membership club, non-profit --~~

The vote, Boschetti, I move this amendment. Before voting, I'd like to point out that this amendment to the code has absolute no effect on the current and pending application of the Riverhead Rifle Club, and I vote, Yes. Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, also the Town Board does not have any direct jurisdiction over the matter now pending as far as the Rifle and Gun Club. This is an effort to clear up a problem with our codes. I vote, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Janoski: "Is there any other business? I, without objection the meeting is adjourned.

Douglas Penny: "I'd some, an explanation of Mr. Boschetti's statement as to it having no application to the Riverhead Rifle Club, the present litigation, I can understand that, but I don't want it to be taken unless I'm wrong that does not exempt the property owned by the Riverhead Pistol and Rifle Club from the provisions of your zoning ordinance. I mean you have not exempted that one particular property from the Agricultural A Zone, I don't think."

Supervisor Janoski: "No, no, the matter of the Gun Club is before the Zoning Board of Appeals and our action has to do with zoning and really has nothing to do what-so-ever with the matter before the Zoning Board of Appeals and the litigation that which came from that."

Douglas Penny: "That I understand, I just didn't want it to be taken as an exemption to that particular piece of property from the Agricultural A Zone. Alright, thank you."

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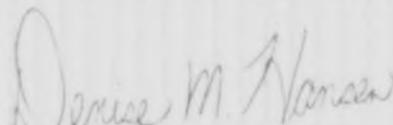
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Supervisor Janoski: "Is there anyone else who wishes to address the Town Board? Then without objection, the meeting is adjourned."

No one else wished to be heard at this time.

There being no further business on motion and vote, the meeting adjourned at 5:45 P.M.

DMH:bg


Denise M. Hansen
Deputy Town Clerk