

Minutes of a meeting of the Town Board of the Town of Riverhead held in the Town Hall on April 21, 1964 at 10:30 A. M.

Present:

Robert B. Vojvoda, Supervisor

Bruno F. Zaloga, Jr.  
Thomas R. Costello, Justices of the Peace

Vincent B. Grodski  
George G. Young, Councilmen

Also present: Alden W. Young, Superintendent of Sewers.

At this point of the meeting Justice Zaloga left the meeting room.

Justice Costello referred to the Minutes of the Meeting of the Town Board with the Fire Chiefs held on March 23, 1964 at 7:30 P. M., and recommended the following changes:

"Article 1-Section 105 on page 77: That the Town Clerk be directed to ask the Fire Chiefs if they would like the paragraph 'inserted' rather than 'omitted', as it is not known when the Building and Housing Codes would be adopted by the Town, and that the Fire Chiefs submit a report of their decision to the Board.

Section 802 on page 78: That a paragraph be added pertaining to periodic inspections of sprinkler systems and designating person or persons to make the inspections, and that the Fire Chiefs be requested to submit a report to the Board regarding this addition to said section." (End)

Justice Costello offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the minutes of a meeting of the Town Board held in conjunction with the Fire Chiefs of Fire Departments within the Town of Riverhead, for the purpose of discussing changes and/or additions to Town of Riverhead Fire Protection Ordinance No. 2, held in the Town Hall on March 23, 1964, be approved as corrected.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Absent, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

Justice Costello offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the minutes of a meeting of the Town Board held in the Town Hall on April 7, 1964 be approved as submitted.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Absent, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

Mr. Fred Buzen of Nadel Drive, Riverhead, N. Y., appeared before the Town Board and asked what is being done about the dedication of the playground in the Roanoke Homes area.

Justice Costello replied to Mr. Buzen stating that the Board will resolve this matter with Mr. Romano.

Police Chief Grodski reported to the Board that Sergeant Francis Bujnicki is presently confined to a hospital with a coronary blockage ailment, that he is expected to remain hospitalized for three or four weeks and thereafter to convalesce at his home for three or four months.

Police Chief Grodski also reported on the Police Facility stating that the quarters are in the final stages of preparedness and requested the Board to make inspection with the General Contractor, Architect and Police Committee and submit approval for moving. He further reported that all of the communication lines have been installed and that the State Police Instructor has been notified to instruct personnel in the teletype system.

At this point of the meeting Justice Zaloga entered the meeting room.

Councilman Young reported that the garbage receptacles have been delivered to the Highway Department.

The Highway Committee was directed to space the 15 garbage receptacles in the area of the village Main Street, and the Highway Department shall be responsible for discharging contents thereof.

Police Chief Grodski informed the Board that two locations in Polish Town, namely; Pulaski Street area and Chris's Store were badly in need of garbage containers.

The Board directed that barrels be placed in these areas.

The Tax Receiver's report dated April 15, 1964 was submitted to the Board and ordered placed on file.

A communication from Vincent G. Berger, Jr., Attorney for Valmont Builders, Inc., dated April 10, 1964 was submitted to the Board, said communication acknowledging request relative to open ponds on Northville Turnpike.

Communication was ordered filed.

A copy of a communication to the Riverhead Town Planning Board dated April 20, 1964 from Alden W. Young, tendering his resignation as Consultant to the Planning Board effective as of May 1, 1964 was submitted to the Board and ordered placed on file.

A communication from the American Legion Post 273, dated April 7, 1964 extending invitation to the members of the Town Board to attend the Dedication Exercises of new Post quarters on May 17, 1964 was submitted to the Board.

Communication ordered filed.

A communication from the Town of Southold dated April 17, 1964, relative to Notice of Hearing to Amend Zoning Ordinance was submitted to the Board. Communication was ordered filed.

A communication from John B. Rumpel dated April 17, 1964, expressing appreciation for the impartial treatment afforded the Fair Haven Committee by the Town Board at the Public Hearing held April 7, 1964, was submitted to the Board.

Communication was ordered filed.

A communication from the Riverhead Town Planning Board dated April 20, 1964 was submitted to the Board, reading as follows:

"WHEREAS, The Town Board of the Town of Riverhead did refer to this Board the petition by Mr. Morton Zahler to amend the Zoning Ordinance by changing the use district on a portion of Meetinghouse Creek Road, Aquebogue, New York, from Residence 2 to Industrial 1 with a stipulation that restrictive covenants would be placed on the land, and further this Board did approve the form of notice of hearing as to the context in the notice for hearing, and

WHEREAS, members of this Board did inspect the property and did attend the public hearing for change in zoning, and

WHEREAS, this Board believes that the proposed use being an extension of an existing Industrial 1 use district will provide for the best use of this parcel of land,

NOW, THEREFORE, BE IT RESOLVED that this Board does recommend to the Town Board that the Zoning Ordinance be amended to change the use district from Residence 2 to Industrial 1 provided that Morton Zahler does execute a declaration of covenants as set forth in the notice of hearing, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Town Board of the Town of Riverhead." (End)

The communication was ordered filed.

A communication from the Riverhead Town Planning Board dated April 20, 1964, relative to the Petition of Rene Gendron to amend Zoning Ordinance as referred to the Planning Board after the Public Hearing on said Zoning Ordinance change, was submitted to the Board, said communication containing resolution recommending the Town Board deny said request of Rene Gendron for Zoning Ordinance Change.

The communication was ordered filed.

A communication from Joseph Bloom, Attorney for Hosinger and Bode, Inc., dated April 15, 1964, making application for a franchise to construct, operate and maintain a Community Antenna Television, Closed Circuit Television FM and Wired Music System in the Town of Riverhead was submitted to the Board.

Justice Costello stated that when the Town granted a franchise to Cablevision it was his understanding that the Utility Companies would only lease their poles to one specific corporation.

After discussion, the Town Attorney was directed to write Hosinger and Bode, Inc., relative to their application, asking if they have secured any assurances from the L. I. Lighting Company and N. Y. Telephone Co., for use of poles.

Justice Costello further stated that if the Utility Companies will not lease their poles to another corporation than the request of Hosinger and Bode, Inc., for a franchise will have to be denied.

The communication was ordered filed.

A telegram from Reginald C. Smith, Attorney for Whelan, Davision, et al, Wading River, N. Y., dated April 14, 1964 advising the Board that purchase of materials for launching and landing of boats at the Wading River Town Beach violated Ordinance No. 27, was submitted to the Board.

After due discussion, the Town Clerk was directed to reply to Attorney Reginald C. Smith informing him that the matter has been referred to the Town Attorney and advising that it is the opinion of this Board that Ordinance No. 27 will not be violated by the laying of landing mats on town property, that the life-lines will be so placed at a footage greater than 100 feet being in compliance with Town Ordinance No. 27, that the Town Board is authorized by law to purchase any necessary equipment for the proper function of government and to further the interest of the people of the Town of Riverhead and that the purchase of landing mats as alleged in the telegram is not in violation of any town ordinance, also if Mr. Smith wishes to pursue this matter further that he has his remedy at law.

The telegram was ordered filed.

A communication from Donald Y. Stewart, M. D., dated April 16, 1964 indicating interest in serving the Police Department as Police Surgeon was submitted to the Board.

It was the opinion of the Board that if a Police Physician is hired by the Town at an annual salary he would be expected to answer all Police calls and not be limited to extremity injuries and trauma calls.

The Town Clerk was directed to acknowledge the above communication and the matter was tabled for further study.

The communication was ordered filed.

At this point of the meeting Justice Costello left the meeting room.

Councilman Grodski reported on the matter of the request for Rifle Range, stating that he has a petition of 400 signatures and that a suitable location is being sought by the Recreation Committee for the establishing of a Rifle Range.

Supervisor Vojvoda suggested to Mr. Wickham Tyte that he further pursue the matter of the regrading of his driveway with Supt. of Highways Alex Horton.

Supervisor Vojvoda reported that the Kiwanis Club has assured him they will assume the costs of the Life Swimming Program for 1964.

Supervisor Vojvoda reported on the matter of the request for Grumman's Buffer Zone, stating that the Navy Department has advised him that bid forms are being prepared and the Town Board will receive copies of same when ready.

Supervisor Vojvoda reported that the matter of appointing a Local Inspector to enforce the Town Bingo Ordinance was taken up with Frank Skobern,

Chief Investigator of the Bingo Control Commission at the morning Executive Session of the Board and that Mr. Skobern would be advised when a decision is reached regarding this matter.

Meanwhile the Chief of Police was directed to continue inspections of the local Bingo games.

The Town Board discussed the matter of calling a Public Hearing on Fluoridation and set the date of May 12, 1964, 7:30 P. M., Riverhead High School, Pulaski Street, Riverhead, N. Y., to hold such Hearing.

Supervisor Vojvoda appointed Justice Zaloga and Councilman Grodski as Committee to set date and arrangements for the Dedication of Elmer A. Stotzky Memorial Park, and report at the next meeting of the Board.

A discussion was held by the Board relative to the matter of the Wading Riverhead recreational facilities.

Supervisor Vojvoda reported as follows: That the Wading River School Dist. is willing to donate the building and grounds adjacent to the ball field for recreational purposes, that the only cost to the Town would be the moving of the building approximately 1000 feet, that the L. I. Lighting Company has a right-of-way in that area and he believes an agreement could be obtained to enter into a lease to locate the building on this parcel, that the Town Attorney has discussed this matter with Attorney Lapham of the Wading River School District and found the proposed plans are within the law.

The Recreation Committee was directed to secure estimates of costs for moving of the building.

The matter of acquisition of land at terminus of Roanoke Avenue for park purposes was discussed by the Board.

Councilman Grodski was directed to continue negotiations with the owners.

Police Chief Grodski informed the Board that Alden W. Young has secured the right-of-way on property for the installation of the gas tank for the Police Facility and that he was in hopes he could impose upon his good friend John P. Riesdorff, Water District Superintendent to lend his trench digger for the necessary excavation for said gas tank. The Board suggested that the Police Chief confer with his good friend on this matter.

Councilman Grodski reported to the Board that he has made an inspection of the paint job on the new Police Facility and he was thoroughly pleased with the end result.

Alden W. Young, thanked Donald Walsh, Fire Chief of the Riverhead Fire Department, on behalf of the Town Board for all he has done for the Town of Riverhead during his term of Office.

Fire Chief Donald Walsh was given a rousing round of applause by the members of the Town Board.

Fire Chief Donald Walsh thanked the members of the Town Board for all courtesies extended to the Fire Department.

Supervisor Vojvoda declared a Recess for lunch at 11:45 A. M. to reconvene at 1:45 P. M.

The Town Board reconvened at 1:45 P. M. with all members present.

At 2:00 P. M. Notice of Public Hearing was read and submitted to the Board relative to the Matter of the Petition of J. Douglas Stark and W. Bruce Stark to Amend Town Zoning Ordinance No. 26.

The Notice was ordered filed.

Supervisor Vojvoda declared the Hearing open to anyone wishing to be heard in favor of or in oppositon to said amendment.

Attorney Gordon Lipetz, representing Petitioners J. Douglas Stark and W. Bruce Stark appeared before the Board in favor of the said amendment.

Mr. Lipetz filed with the Board a "Consent of Owner" signed by Mr. I. Segal owner of property involved in said amendment.

Mr. Lipetz stated as follows: "That it is the claim of the Petitioners that the change in the Zoning from Industrial 2 to Industrial 1 will be of benefit to the Town and will in no way detract from the value of the surrounding or adjoining properties. It seems to me that in presenting a petition for a change of this nature where the area or adjoining owners are not adversely affected and there will be a resultant benefit to the town tax wise, and the marshy swamp area will be cleaned up, that there can be or shouldn't be no reason for objecting to this change."

Mr. Maurice Semel appeared before the Board and stated: "I am not in complete opposition to this change, but I understand and I am not quite certain of this, but is the change asked for the reason that a Trailer Court may be established?"

Mr. Lipetz replied to Mr. Semel: "We do not call it a Trailer Court or Park, we call it a Mobile Home Park. We think there is a genuine distinction, something more where people will live there permanently and not of a transient nature."

Mr. Semel: "I understand there is that difference, however, the thing I would be interested in seeing is that if a Mobile Home would be established there that a condition be stipulated and that is that this would be open to certain individuals as far as number of children involved.

The reason why many townships have placed bans on further expansion of mobile homes is that most school authorities feel that a mobil home or trailer court is not bearing its complete burden to care for the number of children that normally come from this type of development. This particular area rezoned with conditions that either certain percentage of the people dwelling on the mobile home court or a certain number of children be permitted for the total area, then I would have no objections whatsoever.

I know that the type of mobile home that the Starks maintain in Southampton township is of the highest caliber, that the School District is not overburdened with any tremendous number of children from this mobile home and I trust that the Messrs. Starks will bear this in mind when the proposed Riverhead Town Mobile Home is established."

Mr. Lipetz: "I would point out this, I don't believe that a condition restricting the number of children who can be in the development is constitutional. There is a reason why the Starks are running their Mobile Home Park in the manner they do. They envision in this Mobile Home Park, having retired people, people beyond the stage of rearing families. It is easier to run a Park with mature or elderly people in it, than it is with a large number of children. Now, the Park that they run now is not without children, they were there at the time the Starks purchased that Park, and they have a right to stay there.

As each family moves out that has children an effort is made and a preference given to get retired people or people who do not have children. So I think that the concern of the gentleman while understandable is one that would work itself out because of economic interests alone."

Mr. Semel: "I thank the gentleman for his remarks, this is the sort of a remark I had hoped to hear. Understandably there might be a family, two or three who might have some children who may soon be leaving them, this I would have no objection."

Justice Costello: "Would a permit for a trailer and/or mobile home be necessary for this?"

Mr. Lipetz: "It is my understanding that a permit or building permit would be necessary."

Justice Costello: "In other words, it would be licensed as a Mobile Home and/or Trailer Park. I am wondering if this Park you are contemplating would come under the Special Ordinance of our Trailer Park, Mr. Young, can you answer that?"

Mr. Alden W. Young: "They will have to submit a plan showing their design and layout, which must follow the requirements of the Camp Ordinance of the Town of Riverhead. They will have to get a permit and the permit is automatically issued when the requirements are met."

Justice Costello: "My question was that in addition to this variance you are requesting you would come under the Camp Ordinance?"

Mr. Lipetz: "Yes, Judge Costello, I think it should be so."

No one else wishing to be heard, Supervisor Vojvoda declared the Hearing closed.

Justice Zaloga offered the following resolution which was seconded by Councilman Young.

RESOLUTION AMENDING ZONING ORDINANCE  
NO. 26 AND THE ZONING MAP.

WHEREAS, A Public Hearing having been held by the Town Board of the Town of Riverhead at the Town Hall in said Town of Riverhead, New York, on the 21st day of April, 1964, upon the petition of J. Douglas Stark and W. Bruce Stark

to amend Ordinance No. 26 of the Town of Riverhead, known as the "Zoning Ordinance of the Town of Riverhead, Suffolk County, New York," and the "Zoning Map of the Town of Riverhead," after giving due notice thereof in pursuance of Sections 264 and 265 of the Town Law, and all interested parties having been given an opportunity to be heard thereon, and due deliberation having been had;

NOW THEREFORE, BE IT RESOLVED, That Ordinance No. 26 of the Town of Riverhead, known as the "Zoning Ordinance of the Town of Riverhead, Suffolk County, New York" and the "Zoning Map of the Town of Riverhead" is hereby amended by changing from Industrial II Use District to Industrial 1 Use District the following described parcel of land, located and being near Mill Road, at Riverhead, in the Town of Riverhead:

BEGINNING at a point on the westerly line of the land of Long Island Cauliflower Association distant southerly 1000 feet as measured at right angles to the southerly line of Old Country Road (County Road #58); and running thence from said point of beginning westerly on a line parallel and distant 1000 feet southerly of the southerly line of Old Country Road, which line is the northerly line of the Industrial 1 Use District, to a point in the easterly line of the land of Harry A. Finkelstein; thence northerly along the easterly line of the land of Harry A. Finkelstein to a point distant southerly 700 feet as measured at angles to the southerly line of Old Country Road; thence easterly on a line parallel and distant 700 feet southerly of the southerly line of Old Country Road to a point in the westerly line of the land of the Long Island Cauliflower Association; thence southerly along the westerly line of the land of the Long Island Cauliflower Association to the point or place of beginning.

BE IT FURTHER RESOLVED, That said amendment (including the amendment of the Zoning Map) be entered in the minutes of the Town Board and a copy thereof (exclusive of the map incorporated therein) shall be published once in the News-Review, a newspaper published in the Town of Riverhead, and a copy of such amendment together with a copy of the map incorporated therein shall be posted on the sign board maintained by the Town Clerk, and affidavits of the publication and posting shall be filed with the Town Clerk. Said amendment shall take effect ten days after such publication and posting.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

Justice Costello offered the following resolution which was seconded by Councilman Grodski.

WHEREAS, The Time Certificate of Deposit of the General Town/Planning Board Master Planning Account in the amount of \$10,400.00, deposited at the Security National Bank of Long Island will mature on May 4, 1964, be it therefore

RESOLVED, That the Supervisor is hereby authorized to redeem the aforementioned Time Certificate and that the principal and interest be deposited in the General Town Account and credited to the Master Planning Subsidiary Account.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Justice Zaloga.

RESOLVED, That Highway Bill submitted on Warrant dated April 21, 1964 as follows:

Machinery Fund Item No. 3, Papish Equipment Corporation, dated April 2, 1964 in the amount of \$634.16, be and hereby is approved.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

Justice Costello offered the following resolution which was seconded by Councilman Grodski.

WHEREAS, The Town Board of the Town of Riverhead was petitioned by Mr. Rene Gendron to amend the Town of Riverhead Zoning Ordinance No. 26 by changing the Use District on Peconic Bay Boulevard in Jamesport, New York, from Residence 1 to Residence II with a stipulation to restrictive covenants that would be placed on the land, and

WHEREAS, A Public Hearing was held as to the proposed change on April 7, 1974, and

WHEREAS, The matter was referred to the Town of Riverhead Planning Board to make recommendations, and

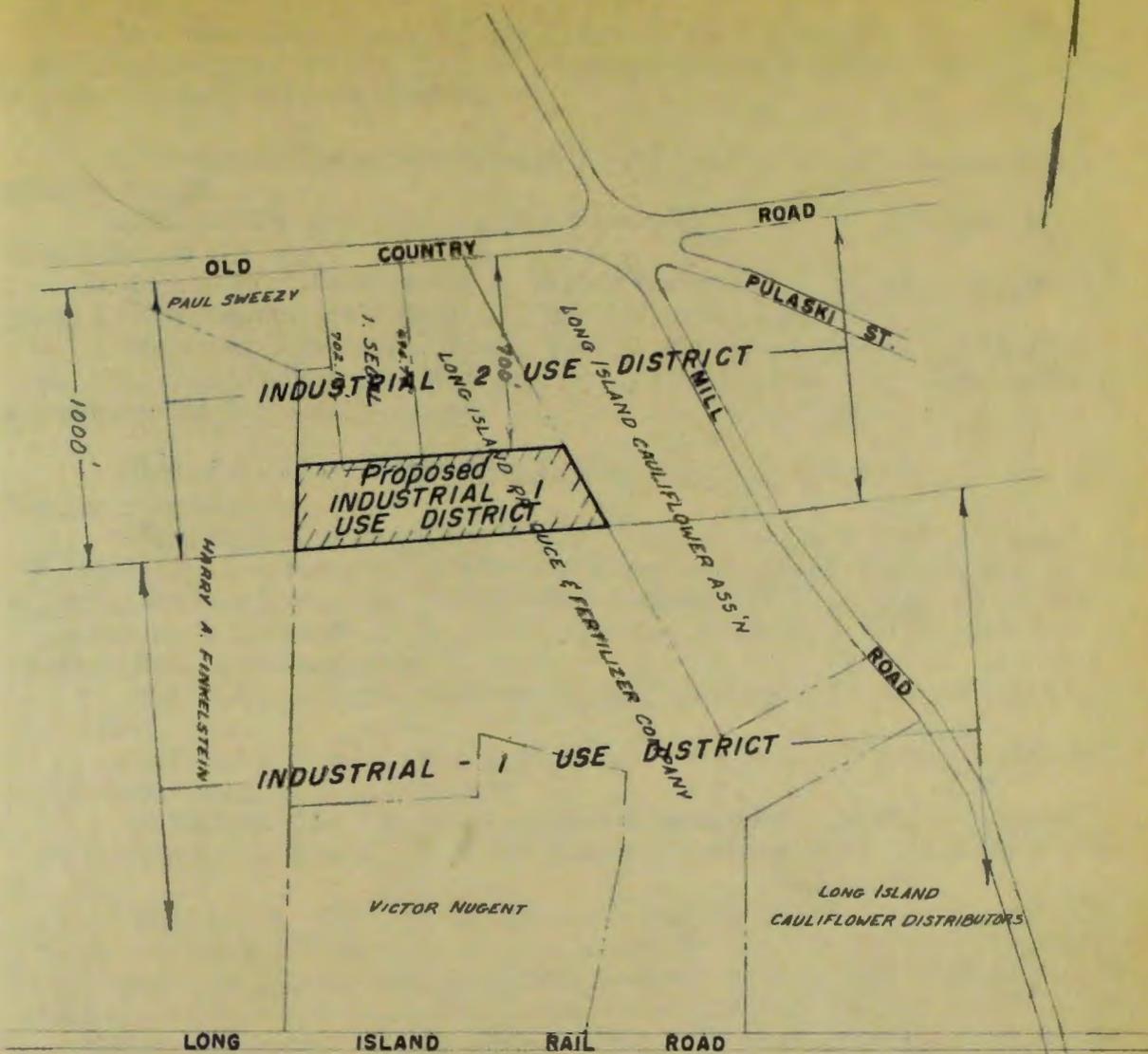
WHEREAS, The Town of Riverhead Planning Board sent the following communication to the Town Clerk of the Town of Riverhead setting forth the following:

"WHEREAS, The Town Board of the Town of Riverhead did refer to this Board the petition of Mr. Rene Gendron to amend the Zoning Ordinance by changing the Use District on Peconic Bay Boulevard, Jamesport, New York, from Residence 1 to Residence 2 with a stipulation that restrictive covenants would be placed on the land, and further this Board did approve the form of notice of hearing as to the context in the notice of hearing, and

WHEREAS, Members of this Board did inspect the property and did attend the public hearing for change in zoning, and

WHEREAS, A majority of the members of this Board feel that a denial of this request for change in zoning will not deprive the owner of the use of land as he may build single family and two family residences thereon and will conserve values of adjacent property and will be in accordance with the comprehensive plan for zoning of this area which was adopted in 1959, and upon which comprehensive planning many people in the area did purchase land because of the Use District which had been established, and

WHEREAS, a minority of the members did feel that the proposed use of the land as would be allowed based on the restrictive covenants the petitioner is willing to establish would not depreciate the values of adjacent properties, especially when it is recognized that this property adjoins a public bathing beach and parking area,



MAP TO ACCOMPANY PETITION FOR  
 PROPOSED CHANGE IN ZONING USE DISTRICT  
 RIVERHEAD  
 TOWN OF RIVERHEAD  
 SUFF. CO., N. Y.

SCALE: 1" = 600'  
 APRIL 1, 1964

ALDEN W. YOUNG, P. E. & L. S.  
 RIVERHEAD, N. Y.

NOW, THEREFORE, BE IT RESOLVED, That this Board does recommend to the Town Board that the amendment to the Zoning Ordinance for a change in Use District from Residence 1 to Residence 2 on property of Rene Gendron at Peconic Bay Boulevard, Jamesport, New York, be denied," and

WHEREAS, The Town Board of the Town of Riverhead, felt that the recommendations of the Town of Riverhead Planning Board are in the best interest of the Town,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Riverhead does hereby deny the Petition of Mr. Rene Gendron to amend the Town of Riverhead Zoning Ordinance No. 26 by changing the Use District on Peconic Bay Boulevard, Jamesport, New York from Residence 1 to Residence II.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

Justice Zaloga offered the following resolution which was seconded by Councilman Grodski.

WHEREAS, The Town Board of the Town of Riverhead considers it advisable to enact an Excavation Ordinance to be known as Excavation Ordinance No. 31, be it

RESOLVED, That the following Notice of Public Hearing be published in the News-Review, the official newspaper of the Town of Riverhead:

PLEASE TAKE NOTICE that pursuant to a resolution adopted by the Town Board of the Town of Riverhead, N. Y., on April 21, 1964, a Public Hearing will be held at the Town Hall, Riverhead, N. Y., on May 19, 1964 at 3:00 P. M., Eastern Daylight Saving Time, for the purpose of enacting into law the following Excavation Ordinance to be known as Ordinance No. 31.

PLEASE TAKE NOTICE that pursuant to a resolution adopted by the Town Board of the Town of Riverhead, N. Y., on April 21, 1964, a Public Hearing will be held at the Town Hall, Riverhead, N. Y., on May 19, 1964 at 3:00 P. M., Eastern Daylight Saving Time, for the purpose of enacting into law the following Excavation Ordinance to be known as Ordinance No. 31.

ORDINANCE NO. 31,  
EXCAVATION ORDINANCE  
TOWN OF RIVERHEAD,  
NEW YORK

SECTION 1  
Declaration of Policy

It is hereby declared to be the policy of the Town of Riverhead to provide for the proper use of land to prevent all manner of excavations which create pits, holes or hollows in the earth, leaving it in a hazardous or dangerous state; or cause soil erosion which depletes the land of its natural vegetative cover and supply of organic material, renders such land unproductive and unsuitable for agricultural purposes and undesirable for building homes, resulting in lower land values. By this Ordinance the Town Board seeks to remove the danger of health and life caused by deep excavations remaining in the

ground; and the stripping of topsoil, thereby resulting in damage to agricultural crops through dust storms in dry weather, by exposure of the bare earth to wind action, and in wet periods, by pools of water which ordinance will promote the safety, health and general welfare of the people of the Town of Riverhead.

SECTION 2. Exceptions

Nothing contained in this Ordinance shall require a person to obtain a permit for or prevent a person from removing topsoil from one part of his lands to another part of the same premises when such removal is necessary as an accessory use, or is made for the purpose of farming or improving said property, or to obtain a permit hereunder for the installation of public improvements or public utilities; or for the installation of public utilities under a road opening permit, or for the removal of material by dredging operation, or the construction of sewage disposal systems.

SECTION 3. Definitions

As used in this Ordinance, the following terms shall have the meanings hereinafter designated:

(a) Earth—shall include sand, clay, gravel, mud, bog, and rock, but not topsoil.

(b) Excavation—shall mean the removal of more than 75 cubic

feet of earth from the ground in a vertical dimension of more than 3 feet for any purpose other than the improvements of land for permitted uses not otherwise regulated by this Ordinance or the purposes described by Section 2 hereof.

(c) Pit excavation—shall mean any excavation involving the removal of more than 1,000 cubic feet of earth leaving a hole or depression below the grade of the surrounding land.

(d) Bank excavation—shall mean any excavation involving the removal of more than 1,000 cubic feet of earth other than a pit excavation, including an excavation not carried below the grade of the street, road, or highway upon which the property fronts.

(e) Safe angle of repose—shall mean the final angle of a slope as determined by combining the natural angle of repose of the material of the slope with a planting of vegetation having a proper root growth to protect such slope.

SECTION 4.

Application for Permit

Before any excavation is commenced for any purpose other than those excepted in Section 3 of this Ordinance, and topsoil, earth, sand, gravel, rock, or other substance is removed from the

ground, the owner, lessee, or agent of the premises shall obtain a written permit therefor from the Town Board of the Town of Riverhead. For that purpose such applicant shall file with the Building Inspector of the Town of Riverhead a verified application in duplicate for such permit containing a detailed statement of the proposed work, together with a plan prepared by a duly licensed engineer or land surveyor of the State of New York setting forth in detail the following information:

(a) A detailed statement of the proposed work and 3-dimensional extent of the proposed excavation and exact condition of the plot or premises before the work proposed to be accomplished under the requested permit is commenced, and proposed condition of the said plot or premises as the work is completed.

(b) The plan shall include the elevations of all abutting properties to the extent necessary to indicate the existing drainage condition where the same affects the subject property.

(c) A duly acknowledged consent in writing of the owner of the premises and mortgagee, if any, including his or their addresses.

(d) Receipted tax bills or a certificate from the Receiver of Taxes of the Town of Riverhead and the County Treasurer of Suffolk County showing payment of all taxes or assessments to date against the property described in the application.

(e) A Certificate of the Commissioner of Public Works of the municipalities whose highways about the site of operation to the effect that the proposed excavation shown on the plan will not endanger such highways.

(f) A certificate from the Commissioner of Agriculture and Markets of the State of New York, or his duly appointed agent or representative, stating any topsoil to be taken in the area described in the application is apparently free of Golden Nematode of Potato.

(g) The purpose of the proposed excavation:

(h) The existing and the theoretical maximum ground water level at the location.

(i) After reviewing the application the Town Board may require additional information or waive any of the foregoing requirements where deemed necessary.

#### SECTION 5.

##### Plan for Rehabilitation

Each application must include the following data which may be referred by the Town Board to the Planning Board for its study and recommendations. In its study the Planning Board may require of the applicant additional data or information bearing upon and relating to the items hereinafter listed:

(a) A comprehensive plan for the rehabilitation of the entire area in which the applicant proposes to conduct excavation operations; it is intended that the plan include not only that site on which operations will be conducted during the year of the permit applied for, but all of the area susceptible to and available to the applicant for excavation operations in the future, as well as any portion of the area where excavations were performed prior to the date of this enactment. The proposed plan of rehabilitation shall set forth the ultimate contour and grade of the area upon completion of excavation operations, describing the areas, including berm and slope areas to be refilled, if any, topsoiled, seeded, shrubbed, or otherwise landscaped, and shall specify the amount and extent thereof to be performed on or before the expiration of the permit applied for. When applicable, such plan of rehabilitation must provide as the minimum that where partial rehabilitation is planned for the area, it shall bear a proportionate relationship to the estimated number of years of excavation operations contemplated.

(b) An estimate prepared by a duly licensed engineer or land surveyor of the State of New York of the total number of cubic yards of material available on the site of operations for removal, together with an estimate from a similarly qualified engineer of the total number of cubic yards of material proposed to be removed from the property during the term of the license applied for.

Before a permit will be issued, the plan of rehabilitation must be approved by the Town Board of the Town of Riverhead.

#### SAND BANK AND PIT EXCAVATIONS SECTION 6.

##### Sand Bank and Pit Excavations

(a) No pit excavations shall be made unless provisions for the prevention of any accumulations of water are made, the method of planning of such prevention to be approved by the Town Board.

(b) When required by the Town Board as necessary for the protection of the public, barriers consisting of wire fencing of the type known as chain link or cyclone fence, or its equivalent, of such height as shall be specified by the Town Board as necessary for the protection of the public considering the particular circumstances of the terrain and location, substantially erected and with no opening except necessary gates for ingress and egress shall be erected to prevent public access to the top of any pits or steeply graded slopes.

(c) All pit and bank excavations shall be so conducted and maintained to assure safe angles of repose for all slopes not supported by retaining walls. Angles of repose shall in no event be less than one and one-half horizontal feet for each vertical foot.

(d) No pit excavation shall be made within 50 feet of any property line and within 100 feet of any street. Within the 50-foot and 100-foot area a berm shall be established between the property line and the top of the slope, which berm shall have a minimum slope of one inch per foot from the top of the slope downward to the property line. Where the existing topography is such that a berm area has not heretofore been established and maintained, the plan required under Section 4(a) herein shall indicate the berm area available, the drainage to be provided, and the proposed method of protecting all slope areas.

(e) Dust-down or a similar dust layer shall be spread on access roads and other traveled areas used in connection with every pit or bank excavation, where required to protect the public and surrounding area against wind-blown sand and dust.

(f) No removal of earth from the ground shall be so made as to undermine, weaken, or deprive of support other lands in the vicinity, or to substantially obstruct, impede, or change the course of or the natural movement or flow of the water in, or otherwise adversely affect, any public waterway or public body of water or any waterway or body of water which is used as a part of any public drainage system.

(g) No removal of earth from the ground shall be made so as to expose to possible pollution, by salt water intrusion or otherwise, any underground water used as a public water supply.

#### SECTION 7.

##### Denial or Suspension

The Town Board may deny any application for a permit hereunder if it shall find that the proposed excavation will violate any of the provisions of Section 6 of this ordinance, and may revoke or suspend any permit issued hereunder if it shall find that the removal of earth thereunder violates any of such provisions.

#### TOPSOIL STRIPPING

##### AND REMOVAL

#### SECTION 8.

##### No Stripping or Removal

No stripping or removal of topsoil shall be made within ten (10) feet of any property line and upon completion of this work, the premises, if below grade, shall be graded to the level of the abutting highway or the original grade if the same were below the level of the highway. Dust-down or its equal, shall be spread to prevent dust from flying and there shall be left upon the surface of the land from which topsoil is removed not less than six (6) inches of topsoil. No topsoil shall be removed between the first day of October and the first day of April in the following year. All areas from which topsoil is removed shall, during the period between August 20th and October 1st, inclusive, be prepared into a loose level seed bed, limed, fertilized and seeded in the following steps:

(a) Apply ground limestone at the rate of one ton per acre.

(b) Apply 5-10-5 fertilizer at the rate of 600 pounds per acre.

(c) Disc area to work limestone and fertilizer into the soil to a depth of at least three (3) inches.

(d) Smooth area with a smoothing harrow.

(e) Sow the following seed mixture at the rate of 100 pounds per acre:

Timothy	30 pounds
Kentucky Bluegrass	25 pounds
Redtop	10 pounds
Perennial Rye Grass	30 pounds
Alsike Clover	4 pounds
Wild White Clover	1 pound

100 pounds

(f) Brush in seed lightly.

(g) Roll firm with ground roller.

**PROVISIONS APPLICABLE TO BOTH SAND BANK AND PIT EXCAVATIONS AND TOPSOIL REMOVAL**

**SECTION 9.**

**Bond or Cash Deposit**

Before the issuance of a permit, the applicant and the owner of record of the premises shall execute and file with the Town Clerk a bond approved by the Town Board of the Town of Riverhead in an amount to be fixed by said Board with a Surety Company as surety, and conditioned upon the faithful performance of the conditions contained in this Ordinance, the observance of all other municipal ordinances, and to indemnify the Town of Riverhead for any damage to Town property. In the event of a default, such bond shall be forfeited to the Town of Riverhead.

In lieu of such a bond, a cash deposit or deposit of negotiable securities may be made with the Supervisor of the Town.

**SECTION 10.**

**Fees**

The Officer designated by the Town Board to issue such permits shall charge and collect for each such permit an annual fee of:

(a) Sand Bank and Pit Excavations. A fee of \$100. shall accompany the application and a like sum with each application for renewal thereof.

(b) Topsoil Removal. A minimum fee of \$25. for an area not exceeding 10,000 square feet. For areas exceeding 10,000 square feet the minimum fee shall be \$25. plus \$10.00 for each additional 10,000 square feet or fraction thereof.

**SECTION 11.**

**Limitation of Permits**

(a) Sand Bank and Pit Excavations: Such permits shall expire by limitation one year from the date of issuance unless the data submitted in accordance with the requirements of this Ordinance at Section 5 (Plan for Rehabilitation) demonstrates that the completion of such rehabilitation plan will require a period in excess of one year from the date of issuance of the permit. In that event, the Town Board may issue a permit for a period longer than one year, but, in no event, to exceed five years. In the event a permit is issued for more than one year, the applicant is required to submit annually on the anniversary date of the original permit the data required by Section 5 hereof, and pay the annual fee required in this Ordinance.

(b) Topsoil Removal: Such permits shall expire by limitation sixty (60) days from the date of issuance unless extended by the Town Board, and no permit or permits shall be granted:

(1) For removal of more than four (4) acres of topsoil from any one tract of land until full compliance with the ordinance is had under any existing permit for the same tract, except the preparation of the ground and seeding as provided in Section 8 hereof, and

(2) No permit shall be valid except between April 1st and October 1st of any year.

**SECTION 12.**

**Penalties**

For any and every violation of the provisions of this Ordinance, the owner, general agent, or contractor of a building or premises where such violations have been committed or shall exist, and the lessee or tenant of the premises where such violation has been committed or shall exist, and the lessee or tenant of the premises where such violation has been

committed or shall exist, and the owner, general agent, contractor, lessee, or tenant of any part of the premises in which part of said violation has been committed or shall exist, and the general agent, architect, engineer, surveyor, building contractor, or any other person, who knows, permits, takes part or assists in any such violation, or who maintains any premises in which any such violation shall exist, shall be guilty of an offense against the Ordinance, punishable by a fine of not more than Fifty Dollars (\$50.00) per day. Each day's continued violation shall constitute a separate additional violation of the Ordinance. Such fines or penalties shall be collected as like fines are now by law collected.

**SECTION 13.**

**Separability**

If any clause, sentence, paragraph, section or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part hereof, directly involved in the controversy in which such judgment shall have been rendered.

Dated: April 21, 1964

Helene M. Block, Town Clerk  
By Order of the Town Board  
Town of Riverhead, N. Y.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

Justice Costello offered the following resolution which was seconded by Councilman Grodski.

RESOLVED, That the Town Board does and hereby authorize one member of the Town Industrial Commission to accompany Supervisor Robert Vojvoda to Washington, D. C., on April 27, 1964 to attend a meeting of the Suffolk County Board of Supervisors with Senators Keating and Javits and other House Representatives for the purpose of securing information on possible aid to help the economy of Suffolk County, and

FURTHER RESOLVED, That the expenses incurred on this trip by the member of the Riverhead Town Industrial Commission shall be paid from the General Town Fund.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

Justice Costello offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the resolution as contained on page 182 of the Town Board minutes of the July 2, 1963 Meeting, reading as follows:

"RESOLVED, That Frank Zaleski, Mattituck, New York, be and he is hereby authorized to move the building at Wading River public beach to the parking area on the south side of Creek Road and to set said building on piers at a cost of \$645.00; \$500.00 for the moving and \$145.00 for piers", be and is hereby rescinded, effective immediately.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

Justice Zaloga offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the Chief of Police be and he is authorized to attend the Conference of the N. Y. State Police Chiefs Association, Inc., in New York City on July 19 to July 23, 1964, and that all necessary expenses related to this Conference be paid.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

Justice Zaloga offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the resolution as contained on Page 60 of the Town Board minutes of the May 21, 1957 Meeting, reading as follows:

"RESOLVED, That pursuant to Section 105 of the State Defense Emergency Act, the Town Board of the Town of Riverhead does hereby confer upon members of the Auxiliary Police, duly organized in said Town, the powers of peace officers, said powers so conferred being effective only during the course

of their drill or training periods or during enemy attack", be and it is hereby rescinded effective immediately.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

The matter of persons hired by organizations to maintain order and wearing uniforms and patches of the Riverhead Auxiliary Police was discussed by the Board.

It was resolved after due discussion, that such persons hired by organizations to maintain order should not be allowed to wear the uniforms of the Riverhead Auxiliary Police, that they should not have any connection with the Town of Riverhead on the uniforms, that they could wear the uniform with badge, but the patches would have to be removed, and further that such persons hired by organizations to maintain order, be deputized by the Suffolk County Sheriff's Office.

Justice Zaloga offered the following resolution which was seconded by Councilman Young.

RESOLVED, That Lieut. Palmer, Sgt. Romanski, Patrolmen W. Palmer and Robinson, be and they are hereby authorized to attend a Pistol Shoot in Washington, D. C., on May 15 and 16, 1964, and all necessary expenses related with this Shoot be paid.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

Supervisor Vojvoda reported on the Clam situation as follows: That a Committee met with the Conservation Department group relative to this matter and it has been decided to begin transporting the clams on May 4th, 1964 and to continue for nine days. That the clams will be planted in the area of the South Jamesport Beach and that after the clams have been planted, the area will be closed off for thirty days and will be watched by the Conservation Department.

It was suggested by the members of the Town Board that the taking of clams be limited to one or two bushels per person per day and the area for the taking of clams be restricted to residents of the Town of Riverhead.

Supervisor Vojvoda declared a Recess at 3:00 P. M., to hold an Executive Session with Mr. Russo of the State Building and Housing Code, to reconvene at 4 P. M.

The Town Board reconvened at 4 P. M. with all members present.

The Town Board convened as a Board of Audit and examined all Town Bills submitted on Warrants dated April 21, 1964 as follows: General Town \$5737.24, Highway General Repairs Item No. 1-\$633.89, Highway Machinery Item No. 3-\$1573.52 and Miscellaneous Highway Item No. 4-\$825.08.

Councilman Grodski offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the General Town bills as submitted in the amount of \$5737.24 be approved for payment, and

FURTHER RESOLVED, That Highway General Repairs Item No. 1 bills in the amount of \$633.89, Highway Machinery Item No. 3 bills in the amount of \$1573.52 and Highway Miscellaneous Item No. 4 bills in the amount of \$825.08, be approved for payment.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

Justice Zaloga offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the resolution as contained on page 65 of the Town Board minutes of the March 17, 1964 Meeting relative to the awarding of bid for two new 1964 Dump Trucks for use of the Highway Department be amended to include information concerning type of equipment and costs, and further

RESOLVED, That the amended aforesaid resolution shall read as follows:

"RESOLVED, That the bid for two (2) New 1964 Dump Trucks for use of the Highway Department, be and it is hereby awarded to Long Island Produce and Fertilizer Co., Inc., Pulaski Street, Riverhead, N. Y., for two 1964 Model R202 International Trucks, at a total cost of \$13,802.00, subject to its bid and specification form submitted under date of March 3, 1964, and

FURTHER RESOLVED, That the acceptance of said bid is subject to the approval of the Suffolk County Superintendent of Highways/Suffolk County Commissioner of Public Works,

NOW, THEREFORE, BE IT RESOLVED, That pursuant to Section 142 of the Highway Law, the Town Superintendent of Highways is hereby authorized to purchase, in accordance with the provision of Article 5-A of the General Municipal Law, with the approval of the County Superintendent of Highways, the following;

Two (2) 1964 Model International Dump Trucks, Model R202 with Gar Wood GC2 - 4/6 yard capacity - A60 hoist with 12.5 ton capacity - 6 yard tail gate with rear chute - 1/2 cab protector - flaps and reflectors - 8 gauge steel - 9 ft. x 7 ft. dump body,

for a maximum price of Eighteen Thousand Seven Hundred Ninety-Three and 80/100 (\$18,793.80) Dollars, delivered at Riverhead Highway Department, Osborne Avenue, Riverhead, N. Y., on or about May 1, 1964.

The Town Superintendent of Highways is hereby authorized, subject to the approval of the County Superintendent of Highways, to surrender to the Vendor One (1) 1954 International Dump Truck, and One (1) 1951 GMC Dump Truck, as part payment for the above machinery to be purchased. The term of payment will be as follows:

Trade-in Allowance	\$ 4,991.80
Check drawn on Machinery Fund	<u>13,802.00</u>
Total	\$18,793.80

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

Councilman Grodski offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the Town Clerk of the Town of Riverhead be and hereby is directed to advertise in the April 30, 1964, issue of the News-Review for sealed bids for the refreshment concession at the Iron Pier Beach in the Town of Riverhead, and further

RESOLVED, That the following Notice to Bidders be published in the News-Review the official newspaper of the Town of Riverhead:

"PLEASE TAKE NOTICE, That sealed bids for the refreshment concession at the Iron Pier Beach in the Town of Riverhead will be received by the Town Clerk, for the Town Board at 220 Roanoke Avenue, Riverhead, New York, up to 11:00 A.M. on May 15, 1964, at which time and place they will be publicly opened and read aloud. Plainly mark envelope containing bid "Bid on Refreshment Concession at the Iron Pier Beach. "

Bid forms may be obtained at the office of the Town Clerk of the Town of Riverhead, during the usual office hours.

The Town Board reserves the right to reject any and all bids.

Dated: Riverhead, New York  
April 21, 1964.

Helene M. Block, Town Clerk  
Town of Riverhead  
By Order of the Town Board.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

Justice Zaloga offered the following resolution which was seconded by Councilman Young.

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In the Matter of the :  
Application of Morton Zahler to amend : RESOLUTION  
or change the "Zoning Ordinance of the :  
Town of Riverhead, Suffolk County, N. Y. " :  
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WHEREAS, The Town Board of the Town of Riverhead, Suffolk County, New York has caused all matters and things to be done which are required by the Town Law in order that amendments and changes to the Zoning Ordinance No. 26, more particularly to the Zoning Map incorporated therein, may be adopted for the Town,

NOW, THEREFORE, By virtue of the authority invested in it by Law, after public hearing duly held in the matter on April 7, 1964, the Town Board of the Town of Riverhead hereby adopts the following amendments and changes to the Zoning Ordinance No. 26, more particularly to the Zoning Map incorporated therein, more particularly bounded and described as follows:

North by existing Industrial 1 Use District, West by Meeting House Creek, South by a line extended from the southerly side of Peconic Bay Boulevard, and West by Meeting House Creek Road.

To include this property before described in Industrial 1 Use District.

The Town Board further RESOLVES and ORDAINS that the Town Clerk of the Town of Riverhead is hereby authorized and directed to enter this amendment and change in the minutes of the Town Board, to publish a copy thereof, exclusive of the changed Map incorporated therein, once in the News-Review, the official newspaper published in the Town, and to post a copy thereof, together with said changed Map, on the signboard maintained by the Town Clerk pursuant to subdivision 6 of Section 30 of the provisions of the Town Law, and to file in her office affidavits of said publication and posting, and that this amendment and change to Ordinance No. 26, more particularly to the Map incorporated therein, shall take effect 10 days after such publication and posting.

ALL as shown on maps filed herewith, which maps show the changing of the property of Morton Zahler before described from Residence 2 Use District to Industrial 1 Use District.

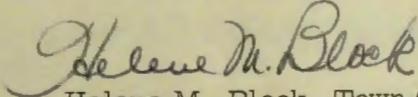
SAID proposed changes affect all the Town of Riverhead as shown and all parties in interest and citizens will be heard. By resolution of the Town Board, dated April 21, 1964.

Dated: April 29, 1964

Helene M. Block, Town Clerk  
Town of Riverhead, N. Y.  
By Order of the Town Board.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

There being no further business, the meeting adjourned at 4:30 P. M. to meet on Tuesday, May 5, 1964 at 10:30 A. M.

  
Helene M. Block, Town Clerk

HMB.