

Summary of the Minutes of the Town of Riverhead Board meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, September 20, 2016 at 7:00 p.m.

**PRESENT**

Sean Walter	Supervisor
John Dunleavy	Councilman
James Wooten	Councilman
Jodi Giglio	Councilwoman
Timothy Hubbard	Councilman

**ALSO PRESENT:**

Diane Wilhelm	Town Clerk
Robert Kozakiewicz	Town Attorney

The meeting was officially opened at 7:00 p.m. by Supervisor Walter with the Pledge of Allegiance followed by an Invocation by Kathy Berezny, Chaplain with the Riverhead Fire Department Ladies Auxiliary.

The Town Board presented a proclamation to Sal Mangano and Family, owners of Mangano-Tuthill Funeral Home, Riverhead, for their many contributions and service to the Riverhead community.

Councilman Dunleavy made a motion that the minutes of the September 7, 2016 Town Board Meeting be approved. Motion was seconded by Councilman Wooten. Motion carried by unanimous vote.

**CORRESPONDENCE**

- Jim Dreeben, Peconic Paddler – letter expressing concerns a to some disagreeable incidents and conditions at Grangebél Park

**APPLICATIONS**

- Sustainable Property Holdings LLC – Installation and Operation of Solar Energy Generating Facility (SCTM #006-1-7.2 & 98-1-21.1)

**PUBIC HEARING**

Supervisor Walter: “We have one public hearing. It is scheduled for 7:05 P.M. It is now 7:07 P.M. We are going to open the public hearing for the consideration of an application for Site Plan approval from J. Petrocelli Development Associates/Joseph Petrocelli to convert an existing two-story building for use as a restaurant with bar at 428 East Main Street, Riverhead. For the applicant I understand, Eric Russo, of Van Brunt, Juzwiak and Russo, PC. Do you have the affidavits of filing sir, mailing, publication?”

Eric Russo: “I thought they were provided already.”

Supervisor: "Did we get them?"

Diane Wilhelm: "Did you send them in?"

Eric Russo: "I thought that they..."

Supervisor: "OK, that's fine"

Eric Russo: "You have to double check. I don't have them with me. If that becomes a problem then we'll have a problem"

Supervisor: "It's not going to be a problem"

Diane Wilhelm: "I'll check"

Eric Russo: "That being said, good evening Mr. Supervisor members of the board. For the record my name is Eric Russo, with the Law Firm Van Brunt, Juzwiak and Russo, with office at 140 Main Street, Sayville, New York 11782. As indicated by the Supervisor, we are representing J. Petrocelli Development Associates, which is the general partnership at 100 Comac Street in Ronkonkoma, who has the Site Plan hearing as noticed by the Town Board at your last public hearing of August the 16<sup>th</sup> of 2016. We are here to address the Site Plan that has been provided to you in response to the revised comments that were received on August the 14<sup>th</sup> from Karin Gluth and you should have received a document which was provided to the Town Clerk for circulation as well as to the Planning Department that would outline all of the responses that are there as to those comments. That being said, our project, as you are well aware, is for construction of a twenty unit hotel and the conversion of a two-story building as a residence for restaurants and bar with a seating capacity of two hundred and six seats. There's a five story hotel that is being proposed in the twenty units five story structure. And this is situated 428 East Main Street in Riverhead. As you are aware the property is DC-1 Zoning Use District. And we have been before you on several occasions. The applications here before the Town were: Riverhead IDA on January 4<sup>th</sup>, 2016 and January 18<sup>th</sup>, 2016; Riverhead Town Board for the Parking District on May 18<sup>th</sup>, 2016; and the Landmark Preservation Commission on April 25<sup>th</sup>, 2016. We were before the Riverhead Town Board of Zoning Appeals on June 23<sup>rd</sup>, 2016; and the Architectural Review Board on June 22<sup>nd</sup>, 2016. And, finally, we were here at the Riverhead Town Board again, where you had to undertake a SEQRA determination as Lead Agency on July 19<sup>th</sup>, and we were back here again on August 16<sup>th</sup> for the Special Permit as it related to the hotel request.

The application has not proceed with determinations because of the SEQRA review. All of our comments and documents have been provided to Planning staff. Everything has been received within the last ten days. The application, is currently with all of the information, has been prepared by Young and Young, also by Nelson, Pope and Voorhis. And it's under review by your town staff. We're hopeful that after they've completed their review and after our presentation this evening that the staff, we've reviewed with them the possibility that we could close the public hearing this evening and accept written comments for a ten day period. And then, with the review completed be back before you on your next meeting, which I believe is October 4<sup>th</sup>, at which time

a SEQRA determination could be made. And once that is done we could go back to the Zoning Board of Appeals at that point and conclude there. Because, as I indicated to you in our prior hearing, the Zoning Board had come to the conclusion and sent a memo to the Town Board indicating that there was no opposition at the Zoning Board. And they were inclined to look favorably upon our application for the setback relief of three and a half feet. If that happens, you make the SEQRA review. ZBA will then be able to make it's determination on October 13<sup>th</sup>. And we could, hopefully, with scheduling permitting, come back before you on October 18<sup>th</sup>, and have decisions as it relates to the Parking District, as to the Special Permit Application and then as to the Site Plan which is being addressed and to be considered by you this evening.

With me this evening, I have, as part of the presentation, two individuals from Nelson, Pope and Voorhis. Who, if you have questions, will address and respond to them. One being, Mike Barusso. Who has assisted with the SEQRA determination and information and the review. And the other being, Barry Osman, who... Osman Barry, I'm sorry, who has addressed the traffic and parking issues as it relates to this particular project. What I would like, however, to do is just call to your attention, and you have it in the report or you should have it in the report you received, the pages as to Nelson, Pope's issues as it relates to traffic and parking. And in page 30 of that report it indicates as to parking counts that they did studies on: August 19<sup>th</sup> for a typical summer day of 2016, a Friday; Saturday, August 20<sup>th</sup>, during the Town "Polish Fair", a special event; as well as Thursday, August 25<sup>th</sup>, the "Riverhead Alive" event; and lastly, Saturday, August 29<sup>th</sup>, another typical, summer Saturday here in Riverhead. As to parking and access to and from the site. The determination and the report on page 31 indicates that the adequate parking spaces that are provided in the Riverhead Parking District for the use that's being proposed total 361. And the demand required would be 154 throughout the downtown area. And that they feel that the parking would be adequate for the use that's being proposed. In addition there was a review. And they have figures and information that they've provided in the report as it relates to the Supervisors concerns addressed and raised on August 16<sup>th</sup> about the crossing guard and the fact that the expense of the crossing guard has for this particular area of the downtown and as well, that we have talked about the Town would like to see the elimination of the crossing guard. That the applicant be responsible for, perhaps, some sort of mitigation measure that would work best. There's been discussion with the Highway Department. There's been discussion with the Police Department. There's review presently ongoing with the New York State DOT, who has jurisdiction over that area. And some of the alternatives were talked about was in activating signalization where people who were crossing the street would hit a button light would start and stop and allow people to cross. Another alternative was also discussed and is also written in the report, is a traffic signal. However, the reason we're reluctant to say and the applicant is willing to work with the best recommendation as determined by this Board, the staff, the DOT, Police and the Highway Department. But, the signal is also being raised as a problem in that it might delay traffic going east and west on Main Street. It may not be the full solution. Although, it may seem and appear that it is something that one would want. It might cause other problems throughout the rest of the downtown area. So they're waiting for the staff and all the respective agencies to come up with a review. Another suggestion is that they also pointed out, rerouting traffic on Ostrander so that it is one way. So that it's not coming into the downtown area. It's going out of the downtown area. However, this evaluation is still under review by your staff. And has to be discussed and determined by you based on the recommendations that everybody puts forth. We know, Mr. Supervisor, that your propensity is to go directly for the signal. And the applicant is prepared if

that becomes the obvious choice and best alternative to go there. However, if there are any other questions related to traffic, our staff person from Nelson and Pope is here and prepared to address that. As far as the issues as to SEQRA, I have Mr. Brusseau who is going to come up and quickly summarize it. And that would conclude our presentation, unless you have comments or questions specifically as to the Site Plan. That being the case, we have Doug Adams from Young and Young to address that as well. And if you have anything you wish to raise with the applicant, Mr. Petrocelli is here as well this evening. I have nothing further.

Supervisor Walter: "What I'm going to do, I spoke to Councilman Dunleavy. He is the responsible liaison for Traffic Safety Committee. So, they're going to take up the issue of the traffic light with the Traffic Safety Committee, which is the Police Department a civilian and Highway Superintendent. Councilwoman Giglio sits on it and one of our Engineers. And they'll weigh in on it and we'll take their recommendation."

Eric Russo: "Thank you. And I didn't go through the square footage of the building or the floors of the building. Because, as you're well aware it's in the documents. It's in the plan. And we went through that for the Special Permit for the hotel."

Supervisor Walter: "What I would like to do is incorporate, for the record, the entire public hearing for the Special Permit, if that's OK with you, into the record for this particular public hearing"\*

Eric Russo: "That would be acceptable. Because, if you recall, Mr. Voorhis was here from Nelson and Pope, who reviewed the Riverhead Town Code 301-141B and went through all the criteria that last time on August 16<sup>th</sup>. And did a quite comprehensive job. So, if we can incorporate that with this. We had hoped that we're were going to do two hearings at the same that night. It just didn't happen that way. So, that's why we're back here again tonight."

Supervisor Walter: "For the record, we will incorporate the hearing with no object of the council. I incorporate the public hearing in the comments for the August 16<sup>th</sup> hearing at 7:05 P.M. I don't have any other questions. Does the Board have any questions for the attorney?"

Councilwoman Giglio: "I'm just curious, as to how many off-site parking spaces that you have because I know that Mr. Petrocelli has purchased several parcels to provide his own parking even though several of his businesses are within the Parking District. So I'm just curious as to..."

Eric Russo: "Well according to the report, the report indicates that, and it's on page 30, the proposed project requires 154 parking spaces. It's on page 30. And it evaluates those spaces that are part of the Atlantis Hotel. It does not, because it's not part of the district or part of the downtown area, include any of the parcels that the Petrocelli's either lease or own outside of the area north of the downtown area. This is just an evaluation of the properties within the downtown district. So you can read the report and it gives you all of the numbers."

Councilwoman Giglio: "Right, but those are parking spaces that are within the parking district, correct?"

Eric Russo: "Yes"

Councilwoman Giglio: "So he owns properties..."

Eric Russo: "He owns property outside of it, which has not been included in the counts because that was not requested."

Councilwoman Giglio: "No, I'm not asking that, I'm just curious as to how many spaces he has in total from his own private parking."

Eric Russo: "I can confirm that number for you."

Councilwoman Giglio: "Thank you, and please include the new property access the street that we have an application for right next to the Pine Barrens Commission where he's proposing parking there as well."

Eric Russo: "We can do that. That Site Plan is presently before you. And that parking area totals, I believe the number is 30. And the discussion about that, although it's separate for itself, is a consideration that we've had with the planning staff that we would like to include that parking as perhaps part of this but more specifically for the East Lawn House. Because, as we know there's the Historian there and the Wine Council there. And there are only three parking spaces there. And although it's within 200 feet we can add it to that building to allow in case there's further development or tenants at that building. So, you know it's within the general walking area."

Councilwoman Giglio: "Thank you"

Supervisor Walter: "We're not quite Sayville with our parking problem. But, we're getting there."

Eric Russo: "This is true. This is true. That being said I would ask Mr. Brusseau to come forward just to address his few points as it relates to SEQRA and that that would conclude our presentation."

Supervisor Walter: "Thank you sir."

Michael Brusseau: "For the record, my name is Michael Brusseau. I'm with Nelson, Pope & Voorhis, 572 Walt Whitman Road, Melville, NY. I'm a Certified Planner and a Certified Environmental Planner and Lead Accredited Professional with the firm. I'm here today to present environmental planning testimony related to the Expanded Environmental Assessment Form. Nelson Pope & Voorhis has visited this site. We have reviewed the plans. We have prepared the EAF and the EAF report which I know that you have now. And Nelson and Pope assisted us with the traffic and parking sections of the EEAF. In regard to the content and our environmental review, we focused on, I believe, on five topics. First one being community character. This would include cultural resources of local importance, effective building massing on street scape in nearby dwellings and visual impacts. In regard to some of the mitigation relating to community character,

we note that this project involves the restoration of the Preston House, which has some historic value to it. We also note that the architectural design achieves project design goals to restore and compliment the Preston House. It includes the hotel mixed use element in order to enhance the character of the community and promote economic growth. In regard to historic and cultural resources one of the issues was that there is a need for preservation of certain structures and architectural details and there's this issue of potential visual impacts or community character types of impacts. Again, you know, this is a project that does involve the restoration of the Preston House and continuation of it. The proposed five story building behind the Preston House is designed in terms with elements which will be architecturally unique will not compete with but will enhance the historic nature of the Preston House. The project has been designed to meet the design guidelines of the town and incorporate the town's input. The architecture of the project has been approved by the Landmarks Preservation Committee and has been reviewed by the ARB. And the project will include landscaping and other aesthetic elements that'll help to enhance the aesthetic qualities of the area. In regard to traffic related issues, Eric did touch on that. Again, Nelson and Pope prepared that study. And, I know that you have that in your possession. Basically the primary recommendation here is that traffic light which I know that you're going to investigate further. In regards to the parking, again, that was mentioned by Mr. Russo. The project is within a downtown parking district, we note. The applicant plans to provide valet parking. Excess parking is available within the walking distance of the site based on our parking inventories, or Nelson, Pope's parking inventories. And, of course, there's a shuttle that runs between parking lots for the Aquarium, which we believe this project could tap into as well. And then the final issue was solid waste odors, Vector Control and landscaping and screening. We go into quite a bit of detail into that. But, basically the project is going to essentially conform to the requirements of the code. There's going to be a six foot high wall enclosure with slats and the concrete that surrounds it will match the building façade. And, you know, routine collection and so on we think will help to address those issues and landscaping plan. So, just finally in conclusion, Nelson, Pope & Voorhis opinion is that the use is well suited to the site and area and advances the town's planning goals for the downtown area. The use is complementary and synergistically supports other uses in the area to create a vibrant downtown. Review of the project as proposed with available mitigations in place does not expect it to have a significant impact on the environment based on our environmental review. We believe that, based on previous correspondence from Mr. Voorhis from our firm, that the project does meet the Special Permit criteria that the town has. And, we would urge the Town Board to consider approving the Special Permit. And, I would be glad to take any questions that you may have.

Supervisor Walter: "I don't have any questions, any questions from the Board?"

Councilman Dunleavy: "No"

Supervisor Walter: "OK, are there questions from the applicant from the public? Not seeing any questions, does that conclude your presentation?"

Eric Russo: "That would. And in answer to Ms. Giglio's, the two parcels of property are just a little under 4 acres and about 100 spaces plus or minus in those two areas."

Councilwoman Giglio: "Thank you"

Supervisor Walter: “Good, so I’m going to close the public hearing and leave it open for written comment until September 30<sup>th</sup> in the Town Clerk’s office, 4:30 P.M. in the Town Clerk’s office. Mr. Russo?”

Eric Russo: “And I would appreciate it if it’s possible and the staff is coordinating its’ review and has no issues that we be back before October 4<sup>th</sup>.”

Supervisor Walter: “We’ll do our best.”

Eric Russo: “Thank you very much have a good evening.”

Supervisor Walter: “OK take care. Thank you Mr. Petracelli for investing in Riverhead.”

**Public Hearing Closed at 7:25 p.m.  
Left Open for Written Comment until September 30, 2016**

---

[Town Board meeting minutes from a public hearing held on August 16, 2016 at 7:19 p.m. annexed hereto at the request of the Town Supervisor, Sean M. Walter made at the September 20, 2016 public hearing opened at 7:07 p.m. closed at 7:25]

## PUBLIC HEARINGS

Supervisor Walter: “How many people want to speak on the first public hearing, the Petrocelli Conversion raise your hands? We’re going to hold that first because it will probably be the quickest public hearing. It is now 7:19 and the public hearing was scheduled for 7:05. It was a Consideration of a Special Permit of a J. Petrocelli Development Associates/Joseph Petrocelli to Convert an Existing Two-story Building for use as a Restaurant with a Bar and to Construct a Separate Five Story Hotel at 428 East Main Street, Riverhead (SCTM #0600-129-3-13) Mr. Russo will you fill us in on what’s going on.”

Eric Russo: “Good evening Mr. Supervisor and members of the Board. My name is Eric Russo and I’m with the law firms of Vanbrunt, Juzwiak & Russo with offices at 140 Main Street, Sayville, NY. I’m here tonight representing J Petrocelli Development Associates, a general partnership with offices at 100 Commack Street in Ronkonkoma. They are the applicant seeking the special permit for the hotel pursuant to Riverhead Town Code 301-4-141B and what the applicant has stated in the notice before you is seeking to convert the existing two-story building as a residence for use as a restaurant and bar with seating capacity of two hundred and six seats with the construction of a five story hotel with twenty unit for short-stay guests in the rear.

We have provided you with our application, updated copies of the site plan and proposed elevations and this evening I also gave you a binder which I’m, going to walk you through which explains the various stages in this application process which got us here this evening.

We have presented, there to my left, a copy of the building elevation with the building design as has been reviewed by the Riverhead Town Architectural Committee as well as the Landmark Preservation Committee and approved. There is on the site plan landscaping with trees and shrubberies and a u-shaped rear access driveway entering to the rear of the hotel and we have discussed and confirmed with the Planning Department that SEQRA in terms of this particular application has been designated as an unlisted action with no coordinated review required.

The site is known as 428 East Main Street in Riverhead and the property size is approximately twelve thousand eight hundred ninety-six square feet and it’s zoned DC 1 which is your downtown zoning district for use. This property as I indicated is on the northeast corner of Ostrander Avenue and East Main Street, Rotate 25 and it’s in the midst of a mixed use area; it’s commercial and residential uses.

The proposed hotel which we are seeking tonight as part of the Special Permit consists of approximately nineteen thousand seven hundred seventy-seven square feet with five floors and a cellar. The cellar area is eleven ninety. The first floor is twenty-eight forty-two; the second floor is thirty-nine fifty-two. The third and fourth floors are thirty-nine thirty-one as well as the fifth floor. The restaurant as I indicated has two hundred and six seats proposed with a hundred and twenty-seven on the first floor, fifty-eight outside and twenty-one in the wine cellar.

The purpose of the application this evening however is to address the Special Permit. I think at some point later in your meeting you’ll be scheduling a public hearing for the site plan review for September 20<sup>th</sup>. This particular application has been here in the Town of Riverhead since the inception of 2016. The applicant has obtained from the Riverhead IDA on January 4<sup>th</sup>

[Town Board meeting minutes from a public hearing held on August 16, 2016 at 7:19 p.m. annexed hereto at the request of the Town Supervisor, Sean M. Walter made at the September 20, 2016 public hearing opened at 7:07 p.m. closed at 7:25]

and January 18<sup>th</sup> approvals for financial incentives. On May the 18<sup>th</sup> this Board may remember that we had an application before you to include this particular site into the parking district which the hearing was closed and we are awaiting SEQRA determination in order to proceed as to that application.

The Riverhead Landmark Preservation Committee has approved as of April 25, 2016; the commission approved the proposed use as to its design with comments which I provided you a copy of. In addition, on June 23<sup>rd</sup> we appeared before the Riverhead Town Board of Zoning Appeals for a rear buffer landscape relief of three and a half feet where ten feet was required. The Board closed the hearing and again they're wait for the determination of SEQRA in order to make its final determination. However, in the binder I've provided you it shows that the committee sent an email to the Town Supervisor and the Planning Department indicating there was no opposition to the release sort and if SEQRA is granted the Board is leaning towards and in favor of granting the relief that was sort.

The Architectural Review Board on June 22<sup>nd</sup> reviewed the elevation that's before you this evening and with a stipulation as to the glass to be used is granted the application with request to see the final plans review. Which leads us back to your Board tonight which granted a SEQRA determination and granted yourselves as lead agency on July 19<sup>th</sup>.

The sections of the code that we must review this evening are Sections 301-312, A thru R as it relates to the Special Permit criteria. With me this evening is Chic Voorhis from Nelson, Pope and Voorhis who will review with you those criteria in a summary fashion. In addition, we have Doug Adams who designed the site plan if you have any questions that should come up but we would anticipate in making that presentation on September 20<sup>th</sup> at that time when we're doing the site plan review.

I've also provided you with various photographs of the downtown area and the residential streets that were taken within the last thirty days that show you what the character of the neighborhood is and what the conditions of the properties within the neighborhood are as well.

That being said unless you have any other questions for me I would ask Mr. Voorhis to come up and review conditions A thru R with you and I would like to point out that our anticipation this evening as it relates to this public hearing is that it would be held pending a SEQRA determination.

Our SEQRA process and all of the comments that are flowing from that are being addressed by Nelson, Pope & Voorhis and we anticipate that that's being completed within the next two weeks and then turned back to your Planning Department and Mr. Seeman for their review and finalization and comments. So I thank you."

Supervisor Walter: "Hold that thought for a second. I apologize for my Planning Department I usually let them go first. Why don't you give a status Jeff Seeman? I do apologize. I think you probably summarized a lot of what they were going to say."

Robert Kozakiewicz: "Do you swear the testimony you're about to give will be the truth, the whole truth and nothing but the truth so help you God?"

Jefferson Murphree: "I do, Jefferson Murphree for the record, Building and Planning Coordinator. We got revised plans last date of August 8<sup>th</sup> and Karen Booth our planner prepared

08.16.2016

[Town Board meeting minutes from a public hearing held on August 16, 2016 at 7:19 p.m. annexed hereto at the request of the Town Supervisor, Sean M. Walter made at the September 20, 2016 public hearing opened at 7:07 p.m. closed at 7:25]

August 15<sup>th</sup> a memo addressed to you and to the applicant. We're going to be working with the applicant on revising those plans in anticipation of the public hearing next month. As the applicant's attorney alluded to we're waiting for a SEQRA determination before any of the actions can be enacted upon. We were looking for the Town Board to make that decision after the close of the public hearing on the site plan application next month. Jeff Seeman of (inaudible) is here this evening. He prepared a staff report back in February. Chic Voorhis has now been retained and I know he's actively working on and addressing Mr. Seeman's comments and as Mr. Russo pointed out we should be getting revised information from Mr. Voorhis within the next few weeks in anticipation of the public hearing next month so by the time we have the next public hearing next month most of the SEQRA questions will be finalized and either answered by the applicant or will be in the process of answered by you the lead agency."

Supervisor Walter: "This is a type two action."

Jefferson Murphree: "No, unlisted no type two (inaudible)"

Supervisor Walter: "Do we have anything, Mr. Seeman?"

Jefferson Murphree: "Unless you have any questions of Mr. Seeman or myself."

Supervisor Walter: "We may. John do you want to hold your questions until the rest of the presentation?"

Councilman Dunleavy: "Jeff, people might now know this area. Is this a mixture of residential and businesses? I know there's dental offices and there used to be a lawyer's office on Ostrander Avenue. There's a shopping center just east of this area on the north side and a restaurant on the south side east of this area. So it's a mixture of residential and business, am I correct in saying that?"

Jefferson Murphree: "Yes."

Councilman Dunleavy: "Ok, just so people realize that it's not going into a residential area it's going into a mixture of area."

Jefferson Murphree: "That is correct."

Supervisor Walter: "Thank you John. Jeff, we may have questions."

Eric Russo: "That being said, Mr. Supervisor and members of the Board, I would also just like to point out that as to the timing of approvals we have also looked at your schedule and because parts of your approvals requires SEQRA determination, after your SEQRA determination is completed and reached in its conclusion the Zoning Board has to grant its approval in order for you to go forward in granting approval as to site plan and the special permit. So, this application may continue in the month of October based on the schedule of the September 20<sup>th</sup> hearing and

08.16.2016

[Town Board meeting minutes from a public hearing held on August 16, 2016 at 7:19 p.m. annexed hereto at the request of the Town Supervisor. Sean M. Walter made at the September 20, 2016 public hearing opened at 7:07 p.m. closed at 7:25]

then your schedule for October 4<sup>th</sup> and October 18<sup>th</sup>. We hope it all will be concluded by the end of October.”

Supervisor Walter: “Thank you Sir.”

Eric Russo: “I have nothing further and Mr. Voorhis will come forward.”

Supervisor Walter: “Mr. Voorhis if you can raise your right hand.”

Robert Kozakiewicz: “Do you swear the testimony you’re about to give will be the truth, the whole truth and nothing but the truth so help you God?”

Chic Voorhis: “Yes I do. Good evening Mr. Supervisor and members of the Board. For the record, Chic Voorhis from Nelson, Pope and Voorhis, 572 Walt Whitman Road in Melville and I’m a certified planner, certified environmental professional and recognized as an expert and performed work in those respects for this Board as well as others for the town.”

Supervisor Walter: “Not only are you an expert in your field Sir we’re very familiar with your body of work.”

Chic Voorhis: “Thank you; and I’m here of course on behalf of J. Petrocelli Development Associates for the Special Permit in the DC 1 for a hotel at the subject site as described by Mr. Russo tonight. I’m very familiar with the sited area. We did traffic work, parking counts, other (inaudible) and planning work in the area under a Department State Grant for a recently completed project for the town and I believe that I’ll be able to address all of the special permit criteria as contained in Subsection 312 of the Zoning and Land Development Code of the Town of Riverhead, specifically with respect to A thru R for the hotel use.

As Eric said the site is at the northwest corner of Ostrander and East Main Street. The proposed use conforms to zoning under a special permit for the hotel and the project involves adaptive reuse of the Preston House for a two hundred and six seat restaurant as noted on the site plan prepared by Young & Young as well as the five story hotel with twenty units.

I believe this use is complementary to the other uses in the area. It provides dining and overnight accommodation options in the downtown area of Riverhead where there are many attractions, services and activities within a safe walking distance. The site is located in a number of districts, again we recognized some of the things that Mr. Dunleavy referred to. It’s in the downtown urban renewal area, the empire zone, business improvement district, the downtown historic district and as Mr. Russo said the town has expressed an intent to place this parcel in the parking district once the SEQRA process is complete.

Our firm has also been retained as was indicated to address the staff report dated February 29<sup>th</sup> and we will do that fully. We have had conversations with Mr. Seeman regarding parking and traffic counts and different activities that were expressed in that February memo that we will be inventorying and conducting those analyses and that will be submitted under separate cover. Based on the work we have done to date I’m able to provide insight and information on parking and traffic to satisfy these special permit considerations.

08.16.2016

[Town Board meeting minutes from a public hearing held on August 16, 2016 at 7:19 p.m. annexed hereto at the request of the Town Supervisor, Sean M. Walter made at the September 20, 2016 public hearing opened at 7:07 p.m. closed at 7:25]

The considerations are A thru R. The first is site suitability and we believe that the site location and the districts that I mentioned, the mixed uses in the area, the proximity to other activities, the intent to place it in the parking district, the walkability of the site in my opinion this site is ideal for the proposed use. The immediate area is serviced by parking and bus as well as shuttle transportation. There are nearby uses along the Riverfront and other restaurants as well as the aquarium right in the central area so the synergy of these uses make the site particularly suitable for the proposed use and that's really one of the first and most important of the considerations that the Board has; that the area of the site is sufficient.

Mr. Russo mentioned the hearing before the Zoning Board of Appeals the only relief sort is for a landscape buffer of ten feet to be relieved down to three and a half feet and it was determined that the site plan benefits from a turnaround driveway so that guests at the site can be managed properly by the management of the hotel. There is heavy landscaping on the north property line as well as throughout the site and I think that the sites configuration is well designed by Young & Young. It uses the adapted reuse of the existing house, situates the proposed hotel and provides landscaping throughout as well as good circulation. So, in my opinion the site is suitable in terms of size and the layout."

Supervisor Walter: "For the record Mr. Voorhis does Mr. Petrocelli own the property immediately to the north?"

Chic Voorhis: "That is my understanding, yes."

Supervisor Walter: "That's our understanding as well (inaudible) Mr. Russo can answer that question."

Eric Russo: "In answer to your question, the property immediately adjacent to the north is owned by a separate LLC known as Ostrander Avenue LLC and its managing members are similar to those as are the existing application."

Supervisor Walter: "My point was the buffer is a buffer to his own property."

Chic Voorhis: "Correct and I will refer you to Mr. Russo's handout with the exhibits that were included and there is a four page document dated today's date, August 16<sup>th</sup> that goes through the criteria so I will just summarize some of the key points and complete the testimony for the purpose of the special permit.

Item C is suitability as related to area uses and that speaks to what's in the surrounding area. Are there churches, schools and is there unsuitability. In this case there are no churches and schools but a theater and other activities in the area really make the use appropriate and therefore we do meet that condition.

Access facilities; there is an offset suggested of seventy-five feet from an intersection. The proposed access to Ostrander is a hundred and thirty feet north of the intersection and access is suitable.

Curb cut approvals; we are addressing the DOT memo. We will be looking at any of the items that they've outlined but there's just the one access on Ostrander and if you know the site

08.16.2016

[Town Board meeting minutes from a public hearing held on August 16, 2016 at 7:19 p.m. annexed hereto at the request of the Town Supervisor. Sean M. Walter made at the September 20, 2016 public hearing opened at 7:07 p.m. closed at 7:25]

there are already curb cuts there. It's fenced, there's a parking area and we're looking to improve that for the proposed hotel use.

Emergency conditions; Young & Young have designed a plan that meets design requirements. It will be reviewed by the Fire Marshall. Fire service will be indicated. Appropriately it will go through site plan review and must conform to New York State building code.

Off street parking is very important. There is a reference to that under Item G in the criteria but as I said this is in the parking district and you'll see in the third page of the documented that I presented, we looked at on street parking in the area, we looked at parking management in the area. There's dedicated parking for the aquarium. There's available parking to the north. There's shuttles including that parcel in the parking district providing for management of the guest of the facility and utilizing the existing parking in the area parking will be properly managed at the site.

One of the other's is buffer yards and landscaping which I mentioned there is that minimal relief but a heavy landscaped plan is provided for screening meaning aesthetic considerations. There are no other special set back requirements that we believe were needed. The use will have the semipublic aspect of outdoor dining but there's suitable outdoor public space in the area.

Obviously the site's designed for proper storm water, waste water and refuse management including a trash receptacle with masonry walls and sufficient height and gates for screening and the site is well served by municipal facilities in the area.

Most of the others are fairly minor issues that you can read for yourself in the report but based on my assessment of the special permit criteria specifically A thru R, it's my professional opinion that the proposed use is completely consistent with the considerations that the Town Board must make for the hotel use in the DC 1 under the 301-312 and I believe the use is well suited to the site and area, that it advances town planning goals for the downtown area, that's it's complementary and synergistically supports other uses in the area to create a vibrant downtown and I urge the Board to consider approval of this special permit once the SEQRA process is complete."

Supervisor Walter: "Thank you Sir. I do have some questions. Do you have other?"

Eric Russo: "Mr. Walter the only thing I was going to share with you was the comments that were provide to us as of August 15<sup>th</sup> by Karen (inaudible) have already been reviewed by Young & Young. They've already addressed them in revisions to the site plan and comments and responses back and after the hearing tonight hopefully tomorrow or the next day they will be resubmitted to her so that can proceed with the site plan. We have nothing further to add. Mr. Petrocelli is here if you have any questions of the managing member property owner and I would close at this time unless you have questions of us."

Supervisor Walter: "Ok, I do have a question. Always looking at the bottom line so here's the question. Just for the one crossing guard it costs the town twenty thousand dollars a year to cross the aquarium, just one and we have additional crossing guards. In the latest comments Karen you mentioned we should have a mechanized crossing light, maybe not a traffic signal but a mechanized crossing signal across Main Street. Given what it's costing us and the fact that we are now in the height of the aquarium season to keep everybody safe shutting southbound traffic on

08.16.2016

[Town Board meeting minutes from a public hearing held on August 16, 2016 at 7:19 p.m. annexed hereto at the request of the Town Supervisor, Sean M. Walter made at the September 20, 2016 public hearing opened at 7:07 p.m. closed at 7:25]

Ostrander Avenue so that that intersection can be properly managed by the one crossing guard we think that the town is going to have to ask you guys to put some sort of signalized cross in there because it is difficult on its best day to get through Main Street and what we have now is problematic so from my perspective, again always looking at the town's bottom line, I think I'd like your side to explore something with the Planning Department that would alleviate some of the need for a crossing guard or you can just provide a fulltime crossing guard there but it has become difficult, I'll just say that, for getting across the intersection. So, I will be pursuing that with the planning staff and with you folks during the site plan process. Does the Board have any?"

Councilman Dunleavy: "Well the, sometimes we have one, the other day we had three crossing guards there so I concur with the Supervisor that something has to be done with that intersection because to take three people to manage that intersection, I know it's a cross walk and you put signs up but people do not stop with people in the crosswalk. It takes somebody to get out there and stop them so I think you might think of a permanent crossing guard that could be there to help the town out."

Supervisor Walter: "Or a mechanized."

Councilman Dunleavy: "Mechanized but you have to go through the state for that because it's a state highway. If someone's there directing traffic you don't have to go through the state for that. We're revitalizing Main Street and Mr. Petrocelli is here and I want to thank him because he's done a lot for Main Street, the aquarium, the Hyatt Hotel. He bought the (inaudible) house and if you go past the (inaudible) house you see what kind of construction he's turning in, that was falling apart but that's bringing East Main Street up. So this is part of his giving to the town to revitalize East Main Street and I just want to thank Mr. Petrocelli for all he's done for the Town of Riverhead and he doesn't live here so he's just coming here just to put these projects and bring them to Riverhead so thank you very much."

Supervisor Walter: "And we concur with those sentiments. He and his family and the (inaudible) family has made some wonderful investments and we thank you. Does any of the other Board members have any comments?"

Councilman Wooten: "I'm looking forward to the renderings. I know you'll have to do something on the west side of that building to hide that property next to you."

Supervisor Walter: "I'm going to close the public comment portion and leave it open for written comment for thirty days. Is that going to work with the Planning Department?"

Eric Russo: "No what I wanted to add in response to your comments about the crossing guard; there was a May 25<sup>th</sup> letter which I provided you a copy of from the New York State DOT. We're in the process of addressing those comments and concerns and we are going to complete a traffic analysis as part of their investigation and also to respond to Karen (inaudible) comments as well. So that information may reveal what would be best and appropriate to address the concern that you're placing. However, I just want to remind everybody that the expectations under the

08.16.2016

[Town Board meeting minutes from a public hearing held on August 16, 2016 at 7:19 p.m. annexed hereto at the request of the Town Supervisor, Sean M. Walter made at the September 20, 2016 public hearing opened at 7:07 p.m. closed at 7:25]

Riverhead Town Urban Renewal Plan and all of the process that has brought us here over the decade and a half between the hotel and the Hyatt and this proposed activity which is revitalized downtown is yes, it was a combined effort, a joint effort, a financial commitment on the part of the Bissett, Petrocelli family as well as the Riverhead Town Supervisor at the time and his predecessor to allow this to go forward. So I'm sure we'll find an amicable and suitable arrangement that will benefit everybody. I thank you."

Supervisor Walter: "What we'll do I'll leave the written comment open until September 20<sup>th</sup> so that kind of ties it all in together."

Eric Russo: "Because I would anticipate, I would hope that by then we would have back all of the information, planning would have reviewed it and been able to come back with some sort of recommendation, the very least the end of that hearing you could adopt the SEQRA finding and conclude that we could then proceed and then after that once you do that step the Zoning Board can act, I think we're put on for September 26<sup>th</sup> which is your next Zoning Board meeting then we would have to be back to you October 4<sup>th</sup> or October 18<sup>th</sup>."

Supervisor Walter: "Ok, so if I, you don't have an objection to leave it open for written comment for the SEQRA."

Eric Russo: "We have no problem with that."

Supervisor Walter: "Ok, so that's what we're going to do. I close the public comment portion Diane and I leave it open for written comment in the Town Clerk's office and we'll make it till 7:00 p.m. because people will be here, with the Town Clerk. Thank you Sir. I apologize does anyone from the public wish to comment? Alright I close the public comment portion and leave it open for written comment until September 20<sup>th</sup>."

**Public Hearing Closed at 7:47 p.m.  
Left Open for Written Comment until September 20, 2016 at 7:00 p.m.**

---

**COMMENTS ON RESOLUTIONS**

Comments on resolutions were made by Sal Mastropaolo

**RESOLUTIONS****Resolution #704**

Councilman Dunleavy: “Riverhead Water District Capital Project Closure #30027, so moved”

Councilman Wooten: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #705**

Councilman Wooten: “Riverhead Water District Capital Project Closure #30130, so moved”

Councilwoman Giglio: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #706**

Councilwoman Giglio: “Riverhead Water District Capital project Closure #60013, so moved”

Councilman Hubbard: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #707**

Councilman Hubbard: "Riverhead Sewer District Main Plant Blower Repair & Misc. Expenses Budget Adjustment, so moved"

Councilman Dunleavy: "Seconded"

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

### **Resolution #708**

Councilman Dunleavy: "Old Orchard at Baiting Hollow Water Capital Project Budget Amendment, so moved"

Councilman Wooten: "Seconded"

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

### **Resolution #709**

Councilman Wooten: "Grants Special Permit of Joseph Cuccia for Indoor Recreation Facility Known as "The Cage", so moved"

Councilwoman Giglio: "Seconded"

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

### **Resolution #710**

Councilwoman Giglio: "Ratifies and Approves Contract Extension for 162 Founders Path, Baiting Hollow Demolition and Reconstruction Project, so moved"

Councilman Hubbard: "Seconded"

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

**Resolution #711**

Councilman Hubbard: "Accepts the Resignation of a Homemaker, so moved"

Councilman Dunleavy: "Seconded"

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

**Resolution #712**

Councilman Dunleavy: "Accepts the Resignation of a Homemaker, so moved"

Councilman Wooten: "Seconded"

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

**Resolution #713**

Councilman Wooten: "Authorization to Publish Advertisement for Ambulance Body Remounts of 2003 & 2006 PL Custom Type III Ambulances to New 2017 Ford E450 Chassis for Use by the Town of Riverhead Volunteer Ambulance Corps, so moved"

Councilwoman Giglio: "Seconded"

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

**Resolution #714**

Councilwoman Giglio: "Authorizes the Supervisor to Execute an Agreement with County of Suffolk Office for the Aging (AAA Transportation Program), so moved"

Councilman Hubbard: "Seconded"

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

**Resolution #715**

Councilman Hubbard: "Authorizes Parking Lot Lease Rider Between Riverhead Parking District and Riverhead Enterprises, LP, Regarding Parking Lots Contiguous with 127 East Main Street; 203-207 East Main Street; 209 East Main Street; 211 East Main Street; 213 East Main Street, so moved:

Councilman Dunleavy: "Seconded"

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

**Resolution #716**

Councilman Dunleavy: "Authorization to Extend Contract Nunc Pro Tunc with Wedel Sign Company, Inc. for Signage for the Town of Riverhead, so moved"

Councilman Wooten: "Seconded"

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

**Resolution #717**

Councilman Wooten: "Adopts Amendment to Social media Use Policy for the Town of Riverhead, so moved"

Councilwoman Giglio: "Seconded"

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

**Resolution #718**

Councilwoman Giglio: "Authorizes Town Clerk to Publish ad Post a Notice of Public Hearing to Consider a Proposed Local law for an Amendment of Chapter 301 Entitled, "Zoning and Land Development" of the Riverhead Town Code, so moved"

Councilman Hubbard: "Seconded"

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

### **Resolution #719**

Councilman Hubbard: "Authorizes Town Clerk to Publish and Post a Public notice to Consider Adopting a Local Law to Override the Tax Levy Limit Established by and Set Forth in Article Two §3-c of the General Municipal Law, so moved"

Councilman Dunleavy: "Seconded"

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

### **Resolution #720**

Councilman Dunleavy: "Approves the Chapter 255 Application of Sport Car Club of America New York Region, so moved"

Councilman Wooten: "Seconded"

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

### **Resolution #721**

Councilman Wooten: "Ratifies and Approves the Chapter 255 Application of Riverhead Elks Lodge #2044 (Lawn Mower Races and Children's Bicycle Races, so moved"

Councilwoman Giglio: "Seconded"

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

### **Resolution #722**

Councilwoman Giglio: “Authorizes the Supervisor to Execute Stipulation of Settlement with Civil Service Employees Association, Inc. Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 (CSEA), so moved”

Councilman Hubbard: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

### **Resolution #723**

Councilman Hubbard: “Authorizes the Supervisor to Execute a Agreement with black Women Enterprises for Use of Town Board Meeting Room, so moved”

Councilman Dunleavy: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

### **Resolution #724**

Councilman Dunleavy: “Authorizes the Supervisor to Execute an Agreement with Can’t Forget Productions LLC (Netflix) for Use of Town of Riverhead Premises and for Police Department Personnel and Vehicles in Connection with a Television Production, so moved”

Councilman Wooten: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

### **Resolution #725**

Councilman Wooten: “Authorizes the Release of Security of Riverhead Cement Block Company Inc. Drainlayer for Riverhead Sewer District, so moved”

Councilwoman Giglio: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #726**

Councilwoman Giglio: “Accept Performance Security of Manzi Hoes East, LLC (“Old Orchard at Baiting Hollow” Residential Subdivision0, so moved”

Councilman Hubbard: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #727**

Councilman Hubbard: “Order Establishing Extension No. 62R – Old Orchard Subdivision at Baiting Hollow, NY - Riverhead Water District, so moved”

Councilman Dunleavy: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Hubbard, yes; Giglio, no; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #728**

Councilman Dunleavy: “Rescinds Res. #633 of 2016 (Denies Chapter 255 “Special Events” Application of Starfish Junction Productions LLC “Long Island Potato Festival”) and Approves the Chapter 255 “Special Events” Application of Starfish Junction Productions LLC “Long Island Potato Festival” – October 2, 2016, so moved”

Councilman Wooten: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #729**

Councilman Wooten: “Rescinds Res. #635 of 2016 (Deies Chapter 255 “Special Events” Application of Starfish Junction Productions LLC “Pour the Cure: Hard Cider Festival – Long Island”) and Approves the Chapter 255 “Special Events” Application of Starfish Junction

Productions LLC “Pour the Cure: Hard Cider Festival – Long Island” – October 1, 2016, so moved”

Councilwoman Giglio: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

### **Resolution #730**

Councilwoman Giglio: “Ratify Resolution to Authorize the Town Clerk to Formally Request that the Suffolk County Board of Elections Renumber the Propositions to Appear on the November 2016 Ballot, so moved”

Councilman Hubbard: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

### **Resolution #731**

Councilman Hubbard: “Pays Bills, so moved”

Councilman Dunleavy: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Councilman Dunleavy: “I make a motion we adjourn.”

Councilman Wooten: “Seconded”

Supervisor Walter: “Moved and seconded, all in favor aye? Opposed? Abstentions? Town Board meeting is closed.”

Meeting Adjourned 7:45 P.M.