

Minutes of a Meeting of the Town Board of the Town of Riverhead held in the Town Hall on Tuesday, November 17, 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: Shepard M. Scheinberg, Town Attorney.

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

RESOLVED, That the minutes of the meeting of the Town Board held in the Town Hall on November 4, 1964, be approved as submitted.

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.

Patricia S. Tormey, Chairman of the Zoning Board of Appeals appeared before the Board and called to its attention that all of the proceedings against the Zoning Board of Appeals have been satisfactorily completed by Special Counsel and further stated that there are no proceedings pending at the present time.

Mr. Henry Vail of West Main Street, Riverhead, N. Y., appeared before the Board making complaint on the number of trucks which are permitted to park along the roadside and on the sidewalk in the area of the Riverhead Motel, stating that his driveway has been blocked at times and cited an instance of a lady pushing a youngster in a carriage with two youngsters tagging behind who was forced to use the highway because of the position of the parked trucks.

Mr. Vail further stated that all measures taken by him to have the situation corrected have been to no avail and requested the Town to place warning signs to alleviate the dangerous practice.

The Town Board discussed the matter as presented by Mr. Vail with Police Chief Grodski and it was resolved that the Police Department patrol the area.

Police Chief Grodski appeared before the Board stating that it was his understanding that the eleven lockers obtained from the Highway Department for Police Department use were donated but it appears now that they were loaned on a temporary basis and that a request has been made by the Highway Superintendent for the return of same.

Police Chief Grodski further stated that the Police Department is in need of these lockers and requested permission to purchase the required eleven lockers.

The matter was discussed by the Board and it was resolved that the eleven lockers be permitted to remain in the Police Facility and that prices be obtained through County Bids on eleven lockers to be purchased by the Town for use of the Highway Department.

Police Chief Grodski addressed the Board in connection with the matter of housing and feeding costs of prisoners apprehended by State Police and stated that he has checked with various Towns and Agencies and has learned that there is no provision in the law for Towns to receive reimbursement from the Division of State Police for housing and feeding costs of prisoners.

Police Chief Grodski reported to the Board that Patrolman Leonard Griffing, Jr., has satisfactorily completed six months of his substitute appointment and inquired what the feeling of the Board is in regard to an increase in compensation.

The matter was referred to the Police Committee.

The matter of overtime pay for snow removal work was discussed by the Board. It was brought out that if such a policy is established by the Board that it should include the Sewer and Water Districts.

Supervisor Vojvoda informed the Board that the County of Suffolk is presently making a study of overtime pay and it was decided that the matter be tabled until the County's report is made available.

The Supervisor's Report for the month of October, 1964 was submitted to the Board and ordered filed.

A Summary Report of Official Returns of Votes Cast on Town Propositions at the General Election held on November 3, 1964 was submitted to the Board and ordered placed on file.

After being duly advertised Sealed Bids for Bulkheading on Peconic River in East Main Street Parking Area, Riverhead, N. Y., were opened at the Town Hall, Riverhead, N. Y., on November 6, 1964 at 10:00 A. M., by Helene M. Block, Town Clerk, as follows:

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Ralph T. Preston, Inc., Greenport, N. Y.

Total of bid based on 120 feet of bulkhead	\$4,734.00
49 Calendar days to complete the work	

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South Shore Contracting & Dredging Corp., 100 West Avenue, Patchogue, N. Y.

Total of bid based on 120 feet of bulkhead	\$6,080.40
30 Calendar days to complete the work.	

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H. S. Roberts, Inc., Rogers Avenue, Westhampton Beach, N. Y.

Total of bid based on 120 feet of bulkhead	\$5,376.00
30 Calendar days to complete the work	

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New Suffolk Dock Building Corp., Schoolhouse Creek, New Suffolk, N. Y.

Total of bid based on 120 feet of bulkhead	\$4,465.20
90 Calendar days to complete the work.	

The Bids were filed for the next meeting of the Town Board to be held on November 17, 1964.

A communication from New Suffolk Dock Building Corp., under date of November 11, 1964, making request to change completion date from 90 days to 30 days on Bid for Bulkheading submitted and dated November 6, 1964, was read to the Board and ordered placed on file.

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

RESOLVED, That New Suffolk Dock Building Corp., Schoolhouse Creek, New Suffolk, N. Y., the low bidder at \$37.20 per foot, total of \$4,465.20 for 120 feet, work to be completed within 30 calendar days, be awarded the contract to install bulkheading at East Main Street Parking Area, Riverhead, N. Y., and

BE IT FURTHER RESOLVED, That the Supervisor be empowered to execute the contract on behalf of the Town.

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.

A communication from the Riverhead Lions Club extending invitation to Town Board members to participate in the Annual Santa Claus Parade to be held on Dec. 6, 1964 at 1:30 P. M., was submitted to the Board, and ordered filed.

The Town Board expressed its appreciation to Vincent B. Grodski, Chairman of the Lions Club Christmas Celebration for the invitation and made a verbal acceptance to participate in the parade.

A communication from the Jamesport Fire Department under date of November 5, 1964, making request for the Town Engineer to locate by markers the exact spot for the installation of two fire wells in the Jamesport Fire District, was submitted to the Board.

The communication was ordered filed and the matter referred to Alden W. Young.

A communication from Wildwood Acres Association, Inc., dated October 7, 1964, making offer for its members to use cars and render financial means to help patrol Wildwood Acres area and cooperate in any way possible to help reduce and prevent crime, was read to the Board and ordered placed on file.

The matter was referred to Supervisor Vojvoda and Police Committee members Justices Costello and Zaloga for report at the next meeting of the Board.

A Forum Schedule of the Practising Law Institute on the Special Forum to be held at the Sheraton Atlantic Hotel, New York City, N. Y., was submitted to the Board and ordered filed.

The matter of attending the Forum was tabled for the next meeting of the Board.

A communication under date of November 11, 1964 from Charles Jehle, Chairman of the Riverhead Planning Board was submitted to the Board making objection to the proposal to increase the Planning Board to seven members and stating in part that he is certain the Planning Board can continue to operate efficiently and effectively with a five-member Board.

The communication was ordered filed.

A communication was read to the Board from Reginald C. Smith dated Nov. 10, 1964, submitting the name of Anthony F. Gadzinski for appointment to the Planning Board. The communication was ordered filed.

An application from Mr. Harry Smith for construction of Curbs and Gutters along 284 Elton Street, Riverhead, N. Y., was submitted to the Board and ordered placed on file.

The application was referred to Alden W. Young and Alex E. Horton, Supt. of Highways.

A communication from the Town of Brookhaven dated November 13, 1964 relative to Amendment to Group 3, of the Building Zone Ordinance was submitted to the Board. The communication was ordered filed.

A communication from Robert Gurland under date of Nov. 9, 1964, stating he is owner of land on Route 58 and requesting that the water district be extended to include his property directly across the proposed new shopping center, was read to the Board.

The matter was referred to Alden W. Young for reply and the communication was ordered filed.

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

RESOLVED, That the Superintendent of Highways be and is hereby authorized to raise the hourly salary of George D. Atkinson, Laborer, from \$1.95 per hour to \$2.10 per hour, retroactive to March 24th, 1964.

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.

WHEREAS, The Suffolk County Civil Service Commission held an examination for Assistant Superintendent of Recreation (#4-167) on October 10, 1964, and

WHEREAS, Aubrey Payne is a candidate on the eligible list,

NOW THEREFORE BE IT RESOLVED, That Aubrey Payne be and he is hereby terminated as a provisional appointee, and

BE IT FURTHER RESOLVED, That Aubrey Payne is appointed Assistant Superintendent of Recreation as a permanent appointment effective November 17, 1964, with a probationary period of six months from this date.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, No, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

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

RESOLVED, That the Supervisor be authorized to change the salary payment dates of all Town Employees who presently receive their salaries semi-monthly to 26 payment dates per year, and

BE IT FURTHER RESOLVED, That the Supervisor be authorized to change the salary payment dates of all Town Officials who presently receive their salaries on the last day of the month to coincide with the last payment date of the month of the salaried employees.

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.

WHEREAS, The Riverhead Town Highway designated on a filed map as Sigel Avenue, has been known as Sigel Street, and

WHEREAS, The Town Board of the Town of Riverhead on November 4, 1964, changed the name of Sigel Street to Segal Street, and

WHEREAS, Segal Street should be designated Segal Avenue,  
BE IT RESOLVED, That the Resolution of the Riverhead Town Board of November 4, 1964 changing the name of Sigel Street to Segal Street be rescinded, and

BE IT FURTHER RESOLVED, That the name of Sigel Avenue, a Town Highway in the Town of Riverhead be changed to Segal Avenue, and

BE IT FURTHER RESOLVED, That the Town Clerk be directed to notify within ten days hereafter the Town Board of Assessors, the Town Planning Board, the Suffolk County Clerk, the Suffolk County Engineer, and the Post Office Department of the United States of the change of the above named name.

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.

RESOLVED, That the Smith Property, Roanoke Avenue, Riverhead, N. Y., be purchased by the Town of Riverhead for the sum of \$17,000.00, for use of a parking field and

FURTHER RESOLVED, That all costs be financed by means of a bond issue.

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 following resolution was offered by Justice Zaloga, who moved its adoption, seconded by Councilman Grodski, to-wit:

BOND RESOLUTION DATED NOVEMBER 17TH, 1964.

A RESOLUTION AUTHORIZING THE ACQUISITION OF LAND  
IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK,  
FOR A PARKING FIELD IN AND FOR SAID TOWN, AT A MAXIMUM  
ESTIMATED COST OF \$26,000, AND AUTHORIZING THE ISSUANCE  
OF \$26,000 SERIAL BONDS OF SAID TOWN TO PAY THE COST THERE-  
OF.

BE IT RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The acquisition of land in the Town of Riverhead, Suffolk County, New York, for a parking field in and for said Town, including incidental expenses in connection therewith, is hereby authorized.

Section 2. The estimated maximum cost of the aforesaid object or purpose is \$26,000. The plan for the financing of such object or purpose is by the issuance and sale of \$26,000 serial bonds of said Town, hereinafter authorized.

Section 3. To pay the cost of the aforesaid object or purpose, there are hereby authorized to be issued \$26,000 serial bonds of said Town of Riverhead, New York, and further details pertaining to said bonds will be prescribed in a further resolution or resolutions of this Town Board.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. It is hereby determined that the period of probable usefulness of the aforesaid object or purpose is thirty years, pursuant to subdivision 21 (a) of paragraph a of Section 11.00 of the Local Finance Law.

Section 6. It is hereby further determined that no down payment is required in connection with the aforesaid object or purpose, since the proposed maturity of the bonds herein authorized will not be in excess of five years.

Section 7. The faith and credit of said Town of Riverhead, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 8. The validity of such bonds may be contested only if:

- 1) Such bonds are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such bonds are authorized in violation of the provisions of the Constitution.

Section 9. This resolution which takes effect immediately, shall be published in full in the News-Review, together with a Clerk's Certificate in substantial conformity with Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Young	Voting - Yes
Councilman Grodski	Voting - Yes
Justice Zaloga	Voting - Yes
Justice Costello	Voting - Yes
Supervisor Vojvoda	Voting - Yes

The resolution was thereupon declared duly adopted.

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

-----X  
 In the Matter of the Petition of the  
 owners of more than one-half of the real  
 property fronting on Leonard Street and  
 Francis Street, private roads or rights of  
 way, for the improvement of said streets.  
 -----X

RESOLUTION AND ORDER  
AFTER PUBLIC HEARING  
FOR STREET IMPROVEMENT.

WHEREAS, a petition dated October 2, 1964, was duly filed with this Board requesting the permanent improvement of Leonard Street and Francis Street, being private roads in this Town at Wading River, New York by certain permanent improvements thereof in the manner hereinafter determined upon by the Board, and

WHEREAS, said petition was duly signed by owners of real estate owning all of the entire frontage or bounds on both sides of that portion of said private roads or rights of way as set out on the map filed with the petition herein, and

WHEREAS, the said petition was duly acknowledged or proved as to each signer in the same manner as required of a deed to be recorded, and

WHEREAS, at a meeting of said Town Board duly called and held on the 6th day of October, 1964, an order was duly adopted by it and entered in its minutes, reciting the filing of such petition, the improvement proposed and the maximum amount proposed to be expended for the improvement as stated in such petition, to wit, the sum of \$17,000.00 and specifying that the said Board would meet to consider the petition and to hear all persons interested in the subject thereof concerning the same, at the Town Hall at 220 Roanoke Avenue in said town on the 20th day of October, 1964 at 11:30 o'clock, A. M.; and

WHEREAS, the said order, duly certified by the town clerk, was duly published and posted as required by law, to wit, a duly certified copy thereof was published in the "News-Review", the official paper of this town on October 8, 1964, and said copy of such order was posted on the 8th day of October, 1964, conspicuously on Bulletin Board, Town Clerk's Office, 220 Roanoke Avenue, Riverhead, N. Y., and

WHEREAS, a public hearing was duly held by this Town Board at the place and on the date and time hereinbefore mentioned, and at such place and time, the said Town Board did duly consider the said petition and hear all persons interested,

NOW, THEREFORE, after such hearing and upon the evidence given thereat and pursuant to the provisions of Section 200 of the Town Law of the State of New York, it is hereby

RESOLVED that this board does hereby determine that it is in the public interest to make the improvement petitioned for, to wit, by constructing a pavement of bituminous stabilized soil with an oil wearing surface, concrete curbs and any other necessary drainage structures and such other necessary work incidental to the above for the entire portion of said private roads as set out on a map filed with the petition herein and in accordance with Section 11, sub (a), sub 20 (c) of the Local Finance Law, and it is further

RESOLVED that Alden W. Young, as engineer for this town shall prepare definite plans and specifications and make a careful estimate of the expense and with the assistance of George L. Cruser, Esq., an attorney at law of Riverhead, New York, who is hereby employed for such purpose, shall prepare a proposed contract for the execution of the work; and that such plans and specifications, estimate and proposed contract shall be presented to the board as soon as reasonably possible; and it is hereby

ORDERED that the Town Clerk shall file a certified copy of this resolution and order within ten days hereof in the Office of the County Clerk of Suffolk County.

The adoption of the foregoing resolution was duly put to a vote for a roll call which resulted as follows:

AYES: Councilman Young  
Councilman Grodski  
Justice Zaloga  
Justice Costello  
Supervisor Vojvoda.

NOES: None

The foregoing resolution was declared unanimously adopted.

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

RESOLVED, That the following be and they are hereby appointed Dog Enumerators for the Town of Riverhead for the year 1965, pursuant to Section 108, of the Agriculture and Markets Law and to be compensated on a fee basis, pursuant to Section 123 of the Agriculture and Markets Law; Florence Kowalsick, Carolyn Meyer, August Viemeister, Mrs. August Viemeister, Gerald McCauley, Josephine Haupt, Carolyn Bre Meyer, Frank Cotter, Evelyn Cotter, Charles Kaiser and Kathryn MacDonald.

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 Councilman Grodski.

WHEREAS, A Public Hearing was held on May 19, 1964 on the proposed Excavation Ordinance No. 31, and

WHEREAS, As a result of aforesaid Public Hearing the Town Board considered that further revision was necessary, and

WHEREAS, Proposed Excavation Ordinance No. 31 was further revised,

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 a Public Hearing will be held on the 15th day of December, 1964, at 11:00 A. M. at the Town Hall, 220 Roanoke Avenue, Riverhead, New York to consider the adoption of Proposed Ordinance No. 31, known as the Excavation Ordinance of the Town of Riverhead:

**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**

The following uses and operations by an owner or lessee of premises or by his agent are hereby excepted from the application of this Ordinance:

- a. Removing topsoil, loam or sand from one part of his land 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 is made for the purpose of improving said property.
- b. Excavation or removing topsoil incident to the installation of public improvements or public utilities.
- c. Excavation by dredging operations within existing navigable waters.
- d. Construction of sewage disposal system.
- e. Any topsoil removal operation that would, but for its existence prior to the effective date of this ordinance, be regulated by this ordinance, provided that: The owner or lessee of the premises or his agent shall file within ninety days of the effective date of this ordinance with the Town Clerk of the Town of Riverhead a plan of the area so being utilized and proposed to be utilized, together with a brief statement of the present and contemplated future operations.
- f. Any excavation that would, but for its existence prior to

the effective date of this ordinance, be regulated by this ordinance, provided that the owner or lessee of the premises or his agent shall within ninety days of the effective date of this ordinance file with the Town Clerk of the Town of Riverhead a plan showing the following:

1. The area used, and proposed to be used for such excavation provided that no portion of the area used or proposed to be used be within 50 feet of a property line or roadway;
2. The depth of present and proposed excavation, provided that no proposed excavation shall be below the level of the ground water table.

together with a brief statement of the present and contemplated future operations.

**SECTION 3. Definitions**

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

- a. **Earth** — shall include sand, clay, gravel, mude, 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 2 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 abut 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 re-

moved 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 "
Redtop	10 "
Perennial Rye Grass	30 "
Alsike Clover	4 "
Wild White Clover	1 "

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 ex-

pire 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.

All persons wishing to be heard shall appear at the time and place aforementioned.

Dated: November 17, 1964.

HELENE M. BLOCK

Town Clerk

By Order of the Town Board  
Town of Riverhead

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 Town Board convened as a Board of Audit and examined all Town bills submitted on Warrants dated November 17, 1964, as follows: General Town - \$7,114.31, General Repairs Highway Item No. 1-\$4,228.62, Machinery Highway Item 3-\$1,042.63 and Miscellaneous Highway Item No. 4-\$740.85.

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

RESOLVED, That the General Town bills as submitted in the amount of \$7,114.31 be approved for payment, and

FURTHER RESOLVED, That General Repairs Highway Item No. 1 bills in the amount of \$4,228.62, Machinery Highway Item No. 3 bills in the amount of \$1,042.63 and Miscellaneous Highway Item No. 4 bills in the amount of \$740.85 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.

At this point of the meeting, Supervisor recessed the Regular Meeting to hold a scheduled Public Hearing.

At 11:00 A. M., Notice of Public Hearing on the Petition of Joseph Kohn Land Co. to amend Town Ordinance No. 26 known as the "Zoning Ordinance" was submitted to the Board.

The Notice was ordered placed on file.

Supervisor Vojvoda declared the Hearing open to anyone wishing to be heard in favor of or in opposition to the aforesaid Notice.

Supervisor Vojvoda called attention to a map showing the location of the area of land involved in the aforesaid Petition and stated that anyone wishing to study same may be permitted to do so.

Ręginâld C. Smith, Attorney, appeared before the Board representing Petitioner Joseph Kohn Land Co., a Detroit Corporation and submitted two large maps showing the area of the proposed improvement in the event that the ordinance is changed.

The maps were ordered filed.

Mr. Smith stated as follows: "The purpose of this application is merely to change from Farm 1 District to Industrial 1 District and it is proper and fitting to tell you what is proposed to be done with this land in the event it would change from Farm 1 to Industrial 1 District. We do not propose to change any other item of the Zoning Ordinance. The operation of a Drag Strip or racing of automobiles for one-quarter of a mile is not prohibited by the Town Law or any other ordinances which exist at this time. A word about the Petitioner-this Company is a Michigan Corporation which operates a similar business on the outskirts of Detroit, Michigan and is a very successful operation and not a reckless outfit. It is an organization that is associated with the National Hot Rod Association. The National Hot Rod Association is a Corporation with hundreds of these organizations affiliated with it which regulates the use of these lands, with emphases on safety. There are provisions for the safety of the automobile, for the safety of the observers, which provisions are elaborate and the primary purpose other than making profit, is to train young men in the operation of automobiles. "

Mr. Smith continued to state as follows: "The estimate of the increase in the value of this land by changing it to Industrial would be approximately doubled so that your assessment roll would immediately jump up on this being changed to Industrial. Furthermore, it is more than a road, it is an improvement. The estimated improvements over and above the land is somewhere between \$150,000 to \$200,000. I am afraid that some of our friends and neighbors look upon this proposal with considerable misgiving, and for that reason I have brought along testimonials from some very distinguished people in the United States, which include the Mayor of Detroit, Mayor of Muncie, Indiana, Francis H. Griswold, Lt. General of the U. S. Air Force and a score of other people who write about these things with knowledge and experience and all of them recommend the creation of these drag strips and their use for the training particularly of young people in the very scientific operation of automobiles."

Mr. Smith submitted copies of the testimonials, which were ordered filed.

Mr. Smith referred to the Petition submitted to the Town Board on Nov. 4th, 1964, said Petition containing 186 signatures of residents and taxpayers in the Calverton Area opposing the Petition of Joseph Kohn Land Co. and submitted for filing a Petition containing 323 signatures of which number 119 being Riverhead residents) favoring the creation of a drag-strip.

Mr. Smith introduced Mr. Gilbert Cohn, Vice President of the Corporation and stated that Mr. Cohn has had considerable experience in the operation of drag strips and in organizing Hot Rod Clubs sponsored by various social and civic organizations throughout the Country.

Mr. Smith also stated that Mr. Ed. Eaton, former official of the National Hot Rod Association was present.

Mr. Smith concluded saying, "It is not necessary for me to take up any more of your time and preach the work and virtue of this application as I want to allow other people to be heard, but I will be happy to answer any questions that I can."

Justice Costello: "Mr. Smith, what is the approximate depth that this track will be away from the road in feet."

Mr. Smith: "Around 200 feet."

Councilman Grodski: "Mr. Smith, suppose the brakes fail."

Mr. Smith: "It will be very unfortunate for the driver, especially if he doesn't have a parachute, which only the pros who drive for exhibitions and who get paid do have. I want to point out that before any of these automobiles are permitted to participate either amateurs or professionals they go through a rigid inspection of the automobiles, an inspection of the driver's license and they are not allowed to race if they have a number of convictions. Also liquor is not allowed to be sold or brought upon the premises. Also if any member of this Association violates a rule they lose their standing in the National Association."

Richard Sawyer addressed the Board and stated that he is concerned with the safety of these races and more concerned with what this will do for the total good of the Town and inquired of Police Chief Grodski what the Police Department will anticipate on Saturday nights after the races as to the traffic on Routes 58 and 25.

Police Chief Grodski replied to Mr. Sawyer stating that there is no relation between a stock car or drag race as they are two different types of races and that Route 58 is designed differently from Route 25.

Richard Sawyer: "Yes, the races are different but the background is the same and I am still concerned about what will happen before and after the races."

John Hurley, resident of Westhampton Beach, owner of property in Timber Park Calverton, N. Y., addressed the Board and stated that he does not question the provisions for safety but he would like to hear what provisions have been made for abating the noise generated from this type of operation.

Mr. Hurley further stated that he is familiar with the noise generated from the local drag strip in Westhampton and the type of young adult this type of operation attracts, and added that while the operators may control the competitors he questioned the amount of control they may have over the audience.

Mr. Hurley further added that he understood that this type of operation has been largely outlawed in the western part of Suffolk County and that it is a Use that is prohibited, also that as a property owner he personally feels that property values will decrease. In concluding Mr. Hurley stated that if this were a question where a beach or a ball park or any facility were urgently required for local children or adults in weighing that against the disadvantages of noise and everything else you could justify such a change, but being that this proposed change is not a question of a recreational facility he emphatically stated he was opposed to the application.

William Wanat addressed the Board and stated that while he was not opposed to drag racing as such he is in complete agreement with the opinions as expressed by Messrs. Sawyer and Hurley.

Henry Vail addressed the Board and stated that he lives one-half mile south of the racing circle on Route 58 and the noise generated from the stock car operation should be toned down as residents within the area are unable to sleep.

Sondra Korus addressed the Board and stated she was in complete agreement with the sentiments as expressed by Mr. Hurley.

Rita Hodun addressed the Board and inquired how many cars were burglarized at the stock car races.

Police Chief Grodski replied to Mrs. Hodun stating that at any affair where many people assemble that antennas and glove compartments are usually rifled.

Rita V. Simandl addressed the Board and stated she was highly opposed to the application for the reason that such an operation attracts undesirables and will not provide the peace and tranquility due the residents and property owners.

Amelia Kobylenski addressed the Board and expressed opposition to such change.

Jacob Stein, resident of Hicksville, owner of property directly opposite the proposed drag strip operation, addressed the Board and stated that he favors the proposed creation of a drag strip for the reason that such application would produce business to all businesses in the Town of Riverhead. Mr. Stein continued at length and outlined his reasons for the desirability of such operation and concluded recommending the development of the proposed drag strip as a highly commendable sport.

Louise Polak addressed the Board opposing the application.

Irene Pendzick addressed the Board and called to its attention that the signers of the Calverton Petition had one week to prepare same and that no attempt to obtain signatures beyond the immediate Calverton area was made.

Helen Ruskowski addressed the Board and stated that Mr. Stein is not concerned with the noise such operation would produce for the reason that he only owns property here but does not reside within the area.

Robert Hulse addressed the Board and stated that most drag strips are operated on Sunday afternoons and people don't usually sleep at that time and should not be concerned about the noise factor.

Mr. Hulse further stated that he was in favor of such operation for if it were allowed to come into Riverhead it would afford him and his brothers and other young men who have built hot rods the opportunity to participate, that there are many young men who do not indulge in other sports but would be interested in erecting their own hot rods and keep them out of mischief.

Frank Ruskowski addressed the Board and inquired if the races would be operated on Sunday.

Mr. Smith replied to Mr. Ruskowski stating that the races would be operated on Saturdays and Sundays.

Mr. Ruskowski informed the Board that the residents of the Calverton area are bothered with the noise of the Grumann planes all week long with the exception of Sundays and if this operation were to come to Calverton that the residents would be faced with noise seven days each week.

Mrs. John Ambrose addressed the Board and stated that the farmers complain about noise from other areas but do not mention the noise generated by irrigation pipes.

Mr. Wanat: "I don't think anyone should be critical of noise generated by irrigation pipes for it should be noted that one farmer produces food for himself plus 27 other people."

Mrs. Simandl: "I am in sympathy with Mr. Hulse's opinions favoring the operation because of recreational possibilities but the area involved is prime Calverton land and if the Petitioner is concerned about outlets for young adults, I should think an attempt should be made to obtain an area that is better suited for this purpose."

George Schmelzer addressed the Board and stated that the area in question will never be suitable for a housing development in his opinion and while he can sympathize with the people who live within the area, he feels that Grumann has caused enough damage and the creation of a legitimate drag strip will not be harmful.

Al Shields addressed the Board and inquired where the youngsters would practice before and after the races and if they would use the Town roads.

Mr. Smith replied to Mr. Shields stating that all practicing would be held on the strip, that one of the reasons for the popularity of the sport is that there are 1-1/2 million amateurs participating in drag strip racing and that its value is that it takes hot rodders off the Town roads.

Mr. Smith referred to criticisms of the area picked for this operation and stated that there is no other place in Riverhead where the noise would be less and further stated that these people are looking for profit like every other business and there are 122 acres in this parcel and it is located next to Grumann's. Mr. Smith added that it is anticipated that if the area is zoned for Industrial Use that it will become too valuable to be operated as a drag strip within ten years so the Joseph Kohn Land Co. is not only interested in operating this land as a drag strip today but it is interested in further Industrial Uses on this property in the future.

Mr. Smith added that he believes that a drag strip in this area will attract a more presentable group of customers than has been pictured and that an emphasis will be put on no bundling allowed in automobiles.

Mr. Wanat: "As I have said before, I am not opposed to drag racing as such, however, this is prime land and a populated area and I am opposed to the creation of a drag strip on this land and say to Mr. Hulse that if he is an enthusiast of the sport what difference does it make to him where the drag strip is located."

Mrs. Simandl: "I wonder if Mr. Smith in all honesty would say that a drag strip in this area would stop the youngsters from racing on Town Roads."

Mr. Smith in responding to Mrs. Simandl stated: "A record was made in California before the Pomona operation started and revealed that the automobile violations of youngsters under 25 diminished 35%."

Brewster Griffing addressed the Board and spoke at length favoring the operation of a drag strip in this area.

No one else wishing to be heard, Supervisor Vojvoda declared the Hearing closed at 12:10 P. M.

At this point Mr. Reginald C. Smith addressed the Board and stated, "I have attended many public hearings before the governing bodies of the Town of Riverhead and I wish to say that this has been better presented from the audiences' part and more orderly and more gentlemanly than any other hearing I have attended."

Supervisor Vojvoda thanked Mr. Smith for his remarks.

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

WHEREAS, The Town Board of the Town of Riverhead was petitioned by Joseph Kohn Land Co. to amend the Town of Riverhead Zoning Ordinance No. 26 by changing the Use District on Peconic Avenue in Calverton, Town of Riverhead, New York, from Farm 1 Use District to Industrial 1 Use District, and

WHEREAS, Pursuant to a Notice for Public Hearing published on the 5th day of November, 1964, in the News-Review, a Public Hearing was held as to the proposed change on November 17, 1964, and

WHEREAS, The matter was referred to the Town of Riverhead Planning Board to make recommendations prior to the Public Hearing, 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 referred to this Board for preliminary study and report the petition of Joseph Kohn Land Company to amend the Riverhead Town Zoning Ordinance No. 26 by changing from Farm 1 Use District to Industrial 1 Use District a parcel of land situated at Calverton, New York, and

WHEREAS, a representative of petitioner and attorneys for petitioner appeared before this Board and presented its plans and ideas for the proposed development of this area, and

WHEREAS, this Board reviewed the petition together with map of the parcel of land and of the adjacent areas,

NOW, THEREFORE, BE IT RESOLVED that this Board does recommend to the Town Board that petition of Joseph Kohn Land Company is in proper form and this Board has no corrections for the present with regard to the area or the parcel of land as described in petition, and

BE IT FURTHER RESOLVED that this Board reserves its final recommendation until after public hearing to be held by this Town Board, and

BE IT FURTHER RESOLVED that this resolution be forwarded to the Town Board of the Town of Riverhead." (end of Planning Board letter), and

WHEREAS, the Town Board of the Town of Riverhead felt that the aforementioned proposed change in Use District is not in the best interest of the Town of Riverhead,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead does hereby deny the petition of Joseph Kohn Land Co. to amend the Town of Riverhead's Zoning Ordinance No. 26 by changing the Use District on Peconic Avenue in Calverton, Town of Riverhead, New York from Farm 1 Use District to Industrial 1 Use District.

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

There being no further business, the meeting adjourned at 12:35 P. M., to meet on Tuesday, December 1, 1964 at 10:30 A. M.

*Helene M. Block*

Helene M. Block, Town Clerk

HMB.

Also present: Heard in testimony, this witness.

Police Chief Grodski advised before the board that he had reviewed the accident report of Officer Christopher P. ... and advised the board that the accident occurred on ...

RESOLVED, That the minutes of the meeting of the Town Board held on the 27th day of November, 1964, be approved as reported.

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

Police Chief Grodski advised before the board that he had reviewed the accident report of Officer Christopher P. ... and advised the board that the accident occurred on ...

Police Chief Grodski advised before the board that a speed sign be installed at the intersection of ... and that the ...

Police Chief Grodski advised before the board that he had reviewed the accident report of Officer Christopher P. ... and advised the board that the accident occurred on ...

Justice Costello advised the board that he had reviewed the accident report of Officer Christopher P. ... and advised the board that the accident occurred on ...

Police Chief Grodski advised before the board that he had reviewed the accident report of Officer Christopher P. ... and advised the board that the accident occurred on ...

Mr. John P. ... advised the board that he had reviewed the accident report of Officer Christopher P. ... and advised the board that the accident occurred on ...

Councilman Grodski advised before the board that he had reviewed the accident report of Officer Christopher P. ... and advised the board that the accident occurred on ...