

Minutes of a Regular Meeting of the Town Board of the Town of Riverhead,  
held on Tuesday, September 19th, 1972 at 7:30 P. M.

Present:

John H. Leonard, Supervisor  
Thomas R. Costello, Town Justice  
Robert G. Leonard, Town Justice  
Vincent B. Grodski, Councilman  
George G. Young, Councilman

Also present: Francis J. Yakaboski, Town Attorney  
Alex E. Horton, Supt. of Highways

Supervisor Leonard called the meeting to Order at 7:30 P. M.

Town Justice Costello offered the following resolution which was seconded  
by Town Justice Leonard.

RESOLVED, That the Minutes of the Town Board Meeting held on September  
5th, 1972, be approved as submitted.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice  
Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

#### BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined the following  
bills submitted on Abstracts dated September 19, 1972:

General Town	\$ 7,547.17
Highway Item No. 1	\$ 8,781.05
Highway Item No. 3	\$ 835.83
Highway Item No. 4	\$ 2,676.67
Special Districts	\$ 6,766.36

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

RESOLVED, That the following bills be approved for payment:

General Town	\$ 7,547.17
Highway Item No. 1	\$ 8,781.05
Highway Item No. 3	\$ 835.83
Highway Item No. 4	\$ 2,676.67
Special Districts	\$ 6,766.36

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice  
Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

REPORTS

Supervisor's, month of August, 1972. Filed.  
Recreation Department, month of August, 1972. Filed.

OPEN BID REPORTS - Two New 1973 Dump Trucks:

After being duly advertised, the following bids for Two (2) New 1973 Dump Trucks for use of the Riverhead Town Highway Department, were opened and read aloud by the Town Clerk on September 19th, 1972 at 7:45 P. M:  
Marin Ford Truck Sales, Inc., 1600 Rte 110, Farmingdale, N. Y. 11735

Year: 1973 Make: Ford Model: L-900 Delivery Date: 8 to 9 Weeks

Bid Price for Two 1973 Dump Trucks: \$20,475.76

Less Trade-Ins: One Used 1963 GMC Dump Truck and  
One Used 1965 International Dump Truck \$ 1,100.00

Net Price Delivered for Two 1973 Dump Trucks \$19,375.76

Cassel GMC Truck Sales Corp., 2 Access Road, Patchogue, N. Y. 11772

Year: 1973 Make GMC Delivery Date: 60-90 days

Bid Price for Two 1973 Dump Trucks: \$22,200.00

Less Trade-Ins: \$ 2,200.00

Net Price Delivered for Two 1973 Dump Trucks \$20,000.00

Otis Ford, Inc., Montauk Highway, Quogue, N. Y. 11959

Year: 1973 Make: Ford Model: LN900 Delivery Date: 60-90 days.

Bid Price for Two 1973 Dump Trucks: \$22,250.00

Less Trade-Ins: \$ 1,101.00

Net Price Delivered for Two 1973 Dump Trucks \$21,149.00

K. E. Y. G. M. C., 80 Gazza Blvd., Farmingdale, N. Y. 11735

Year: 1973 Make: G. M. C. Model: HM76213 Delivery Date: 90 days

Bid Price for Two 1973 Dump Trucks: \$22,350.00

Less Trade-Ins: \$ 1,000.00

Net Price Delivered for Two 1973 Dump Trucks \$21,350.00

K. E. Y. G. M. C. Sales Corp. 80 Gazza Blvd., Farmingdale, N. Y. 11735

Year: 1973 Make: Ford Model: H. M. 76213 Delivery Date: 90 days

ALTERNATIVE BID

Bid Price for Two 1973 Dump Trucks: \$23,334.00

Less Trade-Ins: \$ 1,000.00

Net Price Delivered for Two 1973 Dump Trucks \$22,334.00

Tryac Truck & Equip. Co., Inc., Rte 58, Riverhead, N. Y. 11901

Year: 1973 Make: International Model Fleetstar 2010A Delivery Date: 8 weeks Approx.

Bid Price for Two 1973 Dump Trucks: \$23,000.00

Less Trade-Ins: \$ 1,074.00

Net Price Delivered for Two 1973 Dump Trucks \$21,926.00

FILED.

PRIVATE BIDS-PURCHASE OF THREE (3) SURPLUS POLICE VEHICLES

	<u>McDonly Motor Sales</u> 14 Flanders Road Riverhead, N. Y. 11901	<u>Walthers Auto Wrecking, Inc.</u> P. O. Box 49, Peconic Avenue Medford, N. Y. 11763	
Purchase of three (3) Surplus Police Vehicles:	\$800.00	\$1200.00	Filed:

RESOLUTION

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

WHEREAS, In accordance with proper advertisement made for purchase of three (3) surplus police vehicles, no bids were received by the Town Clerk on the 5th day of September, 1972, and

WHEREAS, The Town Board had granted permission to Police Chief Stephen J. Grodski to seek private bids for the purchase of the three (3) surplus police vehicles, and

WHEREAS, In response to such requests for private bids, the following bids were received and read aloud by the Town Clerk on September 19, 1972 at 7:45 P. M:

	<u>McDonly Motor Sales</u> 14 Flanders Road Riverhead, N. Y. 11901	<u>Walthers Auto Wrecking, Inc.</u> P. O. Box 49, Peconic Avenue Medford, N. Y. 11763	
Purchase of three (3) Surplus Police Vehicles:	\$800.00	\$1200.00	

AND WHEREAS, The Town Board of the Town of Riverhead has deemed it appropriate and proper to accept the highest bids, to wit: that of WALTHERS AUTO WRECKING, INC. , for \$1200.00 for the purchase of the three (3) surplus police vehicles,

NOW, THEREFORE BE IT RESOLVED, That the Town Clerk of the Town of Riverhead be authorized to forthwith forward a Notice of Award to said successful bidder, and

FURTHER RESOLVED, That the Supervisor be and is hereby authorized to transfer ownership and registrations of the three (3) surplus police vehicles from the Town of Riverhead to Walthers Auto Wrecking, Inc.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

PETITION

Wading River Residents, dated 9/11/72, petitioning Town Board to revise Ordinance(adopted 4/19/67) #37, Regulating Use of Beach, and submitting recommendations for such revision. Filed.

Copies to Town Board, Town Attorney and Police Chief Grodski.

## COMMUNICATIONS

I. Reginald Young, dated 9/5/72, highly commending Tony Rubio for efforts performed as lifeguard. Tony with the assistance of two friends rescued Mr. Young and his boat. Mr. Young offered Tony a reward but he refused it. Filed.

N. Y. State Dept. of Transportation, dated 9/5/72, acknowledging receipt of request on prohibition of Parking-Rte 25, East of Sweezy Avenue. A survey will be made and the appropriate action taken. Filed.

L. L. Lighting Co., dated 9/11/72, submits survey on installing street light on Pole #15, Second Street, South Jamesport, within the South Jamesport Lighting District, at a cost of \$52.20 per annum. Filed.

George Wiehe, dated, 9/13/72, advising Town Board that his price for a permanent easement of 9000 sq. feet, more or less is \$5,000 (opinion of several appraisers is \$5,000 to \$7,500). This will include permission to install two man-hole covers as indicated on survey of Mr. Kart. Asking Town Board to act on this matter at once. Filed.

Town of Southampton, dated 9/19/72, submitting Notice of Public Hearing on proposed amendments to Zoning Ordinance. Filed.  
Copies to Town Agencies.

Harold Hochheiser, Financial Secy, dated 9/14/72, written for Board of Trustees Temple Israel. Thanking Town Board for amending ordinance to correct hazards existing due to parking in the immediate area of Temple Israel, at the corner of Northville Tpke and Ostrander Avenue and urging that the necessary signs be placed in the area just as soon as they can be secured. Filed.

Copy to Supt. of Highways.

Dept. of Transportation, U. S. Coast Guard, dated 9/14/72, relating to extension of time to commence and complete construction of a fixed bridge across the Peconic River between the Towns of Riverhead and Southampton, Suffolk County, New York. Filed.

Copies to Town Board, Town Attorney, Police Department and Supt. of Highways.

## RESOLUTION

Town Justice Costello offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That the Town Board of the Town of Riverhead, New York, oppose the delay of one year in the construction of CR 105 as written in a letter of the United States Coast Guard Department of Transportation under date of September 14, 1972, for the reason that the northern terminus of said road be Route 25 in Riverhead instead of Sound Avenue in the Town of Riverhead, New York, and a delay of one year in the construction would cause irreparable damage to the Town of Riverhead traffic congestion with the resultant harm thereto, and be it

RESOLUTION continued:

FURTHER RESOLVED, That copies of this resolution be sent to the United States Coast Guard Department of Transportation, County Executive John V. N. Klein, County Legislators Louis A. Fuoco, Jr., Thomas Strong and Beecher Halsey, County Legislature Presiding Officer Michael Grant and Suffolk County Environmental Quality Council Commissioner John Flynn.

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

PERSONAL APPEARANCES

Supervisor Leonard asked if anyone wished to be heard and the following responded:

John P. Riesdorph spoke to the Board on the complaint he raised on Sept. 5th, relating to a hole a foot deep in front of the Colonial Arms on East Main Street and stated this was a situation to be corrected by the Town and not by the State.

Mr. Riesdorph said that Mrs. DeFriest is very annoyed for the reason that cars are parked in front of her place daily and she doesn't make complaints for fear of reprisals.

He added that the sidewalk runs from Mrs. DeFriest to the corner and from there on it is a jungle and there are a few spots where people could very well break their ankles.

Mr. Riesdorph suggested that an inspection be made and perhaps a pedestrian walk be put in and a few trees planted.

The Town Board discussed the matter and no action was taken.

Edward Gadzinski, President of CSEA Riverhead Unit, asked for the contents of resolution No. 24.

Councilman Young answered saying, "it authorizes the hiring of John Leszczynski as Laborer in the Highway Department."

Mr. Gadzinski informed the Board that this man is doing "clerical" work and not that of a laborer.

HIGHWAY MATTERS

Alex E. Horton, Supt. of Highways asked the Town Board what it plans to do with the Little Bay Drainage problem.

Harold Evans suggested the sump be cleaned out and a wall built around it. After further discussion the following resolution was adopted.

RESOLUTION

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

BE IT RESOLVED, That Alex E. Horton, Supt. of Highways be and is hereby authorized to proceed with repairs to Little Bay Drainage adjacent to George Wiehe's property.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Leonard recessed the meeting to hold a public hearing.

PUBLIC HEARING - 7:50 P. M.

Town Clerk submitted affidavit of posting and publishing Public Notice calling Public Hearing to amend Ordinance No. 26 Zoning Ordinance of the Town of Riverhead from Residential "C" Use District to Business "B" Use District, on property located on Oliver Street, Riverhead, New York on petition of Suffolk Land Holding Corporation.

The affidavit was placed on file.

Supervisor Leonard thereupon declared the Hearing open and asked if anyone wished to be heard.

Michael Hills, Esq., representing Suffolk Land Holding Corporation appeared before the Board and stated that the Riverhead Town Planning Board on July 12th, 1972, recommended that the petition be granted.

Mr. Hills outlined that this is a piece of property which the Jehovah's Witnesses own and the property is split as far as zoning - part of it is in Business B Use and a part is in Residence C and this petition asks that the whole property be zoned in the same manner.

Mr. Hills stated that an office building will be constructed here and respectfully requested that the Board grant the petition for the change of zone from Residential "C" Use District to Business "B" Use District.

No one else wishing to be heard and no communications having been received thereto, Supervisor Leonard declared the Hearing closed.

PUBLIC HEARING - 8:00 P. M.

Town Clerk submitted affidavit of posting and publishing Public Notice re-scheduling Public Hearing of adjourned Hearing for Special Permit on application of Rose Longi to erect garden apartments on Manor Lane, Jamesport, N. Y.

The affidavit was ordered filed.

Town Clerk announced that the following telegram was received by Supervisor John H. Leonard and the Town Clerk on September 18th, 1972:  
"I want to be on record that I am withdrawing my application of Manor Lane Gardens which hearing will be held on September 19th at 8 P. M. The advice of my attorney to proceed litigation with Article 78. Thanking you. Rose Longi."

Supervisor Leonard asked if anyone wished to be heard.

An unidentified man from Jamesport suggested the matter be withdrawn and stated he had no objection to Mrs. Longi withdrawing her application.

There being no further reason to continue the hearing, Supervisor Leonard closed the hearing at 8:03 P. M., and re-opened the meeting.  
No action was taken by the Town Board.

UNFINISHED BUSINESS

Decision on application of Golden Acres for Mobile Home Park Permit:  
Town Clerk to contact Petitioner's Attorney and ask him to prepare resolution for public hearing.

Temporary Tax Relief for Farming Industry:

Judge Costello suggested the Town Board meet in joint session with the Committee for further information on the matter.

Councilman Young stated he feels Mr. Reuter should give the Board his expert opinion on this matter.

Joseph P. Celic, Sr., Hubbard Avenue, Riverhead, asked Councilman Young to speak louder as he is interested in what he has to say about farming.

Councilman Young: "The County Legislature and Mr. Klein have come up with a plan where the farmers will come up with a tax relief if they agree to keep their property in "farm" a certain length of time. If the farmer agrees to farm for a certain length of time he will get some tax relief. Now, if he should sell his farm the tax relief he has gotten will have to be paid back, plus interest. Now this is just a tentative plan. We are considering it this way - we will have Mr. Reuter look into this. We will have the Planning Board consider this and all the public and anyone interested consider it. If you like it we will give it to you and if you don't want it, we won't.

Mr. Celic spoke at length and said: "Why don't you have the farmers speak on it. Why have the farmers sold all their land? This Town is dying - the people should have employment. This Town needs industries and new businesses to help pay taxes and employ the people. Riverhead has nothing to offer the young people. They don't come back here after they complete their education. The old people - where can they go? They should be given employment. I lost \$40,000 operating my farm the last few years and I should be in Yaphank in the poor house and on relief it I wasn't so proud. I think this Town should get business and get work and tax relief for the people. Why should we stand still? If we stop we will die rapidly."

Judge Leonard asked Mr. Celic if he will come to the "Tax Relief Meeting" and give his views.

Mr. Celic said he is anxious to do all he can for the betterment of this Town as this is the best Town in all of the USA and Europe, Asia and Africa.

Supervisor Leonard announced that he has received calls from farmers this week that are not in favor of this proposal.

J. Wilson Stout, presently a member of Town Planning Board and former Assessor, said as follows:

Temporary Tax Relief for Farming Industry continued:

(J. Wilson Stout) "In 1968, the Governor of the State of New York was concerned about the preservation of farm lands, particularly in and around the urban area. He appointed a commission comprising of 14 people - one of them from Riverhead - Mr. John Talmage. Hearings were held in all parts of New York State. One was held here at the Polish Hall. Many farmers were present and that resulted in a law passed in 1971 entitled a "Law for Preservation of Farm Lands." In the latest issue of the Assessors Topics prepared by the Assessors Association there is a very excellent explanation by one of the Senior Attorneys for the Equalization Board of the State of New York, giving a thorough explanation of the application of that law.

It is complicated and involves the County Executive with his staff creating agricultural districts and there are ways and means for any individual farmer to take advantage of that law if they see fit.

Mr. Stout suggested the members of the Board obtain copies of this law from the Assessors.

Mr. Stout informed the Board he attended meetings at the County Center when Mr. Klein was present. That Mr. Klein is acquainted with this law but he does not agree entirely with it.

Mr. Stout suggested the Board familiarize itself with the Law for Preservation of Farmlands."

Supervisor Leonard thanked Mr. Stout.

Mr. Celic stated that this meeting was poorly advertised as he was not aware that it was called at all.

NEW BUSINESS

Judge Costello told the Board that he has read that the Long Island Railroad Station in Riverhead is closing its ticket office and there is a sign on the Station reading "effective September 12th, 1972, this ticket office will be closed."

Judge Costello suggested a letter be written requesting reasons for the closing.

RESOLUTIONS

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

RESOLVED, That the Superintendent of Highways be and is hereby authorized to hire John Leszczynski as Laborer in the Highway Department at the hourly rate of \$2.75, effective September 5, 1972, for a probationary period of six months.

On the question Judge Costello: "I wrote a letter to every member of the Board saying that the usual procedure in hiring men should follow procedural steps- I understand that the man was hired on September 5th as a Laborer and earlier this evening Mr. Gadzinski says he is doing clerical work, and for those reasons, I oppose this hiring."

Mr. Horton: "This is the way I have always hired laborers and this is the way I was told everybody had to start as a laborer. Furthermore, it is my duty to tell a man what to do."

RESOLUTIONS continued:

Judge Costello: "Nobody is opposing your authority to hire people. All I am saying is you should have a procedure."

Mr. Horton: "Only for the Highway Department?"

Judge Costello: "For the whole Town. The only time I question your hiring is when you hire as a laborer and the person is doing clerical work."

Councilman Young: "We have never before had a procedure to hire laborers."

Judge Costello: "I am not trying to tie his hands Mr. Young. All I am saying is this - there was a man that was hired in the Riverhead Highway Department as a laborer - he belabored all day long on the phone and when he got \$1680 - he then retired and in his place instead we now have another man and he is breaking in on Rita's job and that's what laboring he is doing now and that's why I oppose it. Now you gentlemen can vote me down four to one - but I am still in opposition to it. Mr. Gadzinski is he doing laboring work in that department?"

Mr. Gadzinski: "A laborer is an unskilled person and this man is answering the telephone in the office and doing clerical work."

Larry Scudder suggested that Mr. Horton poll all of his employees and fill the administrative slot and from the vacancies left - fill with laborers. This way the more qualified persons will get the administrative spots and you can hire a man off the street for laborer and no one will have to question Mr. Horton's authority to do that.

Councilman Grodski withdrew his "second" and suggested the resolution be tabled for two weeks.

The motion was not entertained due to a lack of "second".

Supervisor Leonard recessed the meeting to hold a public hearing.

PUBLIC HEARING - 8:45 P. M.

Town Clerk submitted affidavit of posting and publishing Public Notice Calling Public Hearing in connection with proposed amendments to Zoning Ordinance No. 26 of the Town of Riverhead, as Amended, relating to Drive-In Restaurants. The affidavit was filed.

Supervisor Leonard declared the hearing open and asked if anyone wished to be heard.

COMMUNICATION

Town Clerk read a communication from Shepard M. Scheinberg under date of September 19, 1972, opposing the proposed change as ambiguous and impractical:

1. There is no definition for a restaurant under the present ordinance so how can one differentiate what is a restaurant and what is a drive-in restaurant.

PUBLIC HEARING - 8:45 P. M. continued:

2. There is no necessity to set forth a moratorium in the zoning ordinance as the facts should mandate that the Town Board deny an application for either a mobile home park or for a garden apartment complex - the Town Board should deny it or grant it upon the facts at the time of the application. Advertisement does not clearly set forth what the moratorium would be for - and asking the Board to give the entire matter further study before any action is taken. Filed.

A number of Attorneys turned out to oppose the proposed amendments as follows:

JOHN E. COHEN, Esq., representing Joseph P. Celic, Sr., said he was not objecting to the Drive-in Restaurant amendments but opposed the validity of the moratorium for a period of one year. He said renewals will be time consuming and costly and the non-transferability will affect the property owners right to sell. He objected to Section 205A-2, and asked the Town Board what motivates this moratorium - this death - for a period of one year.

JOHN J. MUNZEL, Esq., addressed the Board and said: "I agree with what Shep Scheinberg said and it is apparent that the proposals as drafted already have caused confusion in the minds of Mr. Scheinberg and Mr. Cohen. There is no definition of restaurant and the definition of drive-in restaurant is so broad to include any restaurant that might have any outdoor facility, including a simple patio.

The special permit section - the way I read it is that the special permit for a garden apartment would be issued for one year. Thus I as an applicant would come in, theoretically I might be granted the garden apartment, put it up - the following year you will refuse to extend it and theoretically I would have to tear down my garden apartment. I think this is quite preposterous and I don't think this is the intent.

Additionally the special permit is for a land use - not for an individual's use - and hence the non-transferable aspects are improper.

The special permit section either #44 or #45 as presently exists in our ordinance was carefully drafted with purposes of the ecology of the Town in mind. By adding the proposed section onto here you have thrown to question that entire section.

I also take exception to the alleged moratorium for sections 203, 205C, 206A, 207A, 207B and 208A. It deletes it for a period of one year. This would mean that automatically after one year the allowed uses would come back into the ordinance. This would be in effect an amendment to the ordinance and would not be an amendment as allowed in the Town Law and hence would be an invalid amendment now and in the future.

Also the amendment to Section 210 subdivision "j" means that it will not be permitted anywhere in the Town. My research in connection with certain junk yard cases - there is language in there that says the town ordinance or the zoning ordinance must allow for any legitimate use within the Town. And the prohibition of a legitimate use is very possibly invalid."

Mr. Munzel respectfully suggested that the Town Board not approve the proposals as made due to the fact that they raise a number of very substantial questions and are simply an invitation to a lot of extensive litigation.

PUBLIC HEARING - 8:45 P. M. - continued;

JOHN P. RIESDORPH said a handful of people brought about the proposals for the drive-in restaurants, and he doesn't feel a handful of people should dictate what people should do with their property.

Mr. Riesdorph pointed out that the Town of Southampton has MacDonalds, the Circle, the Motel, and Howard Johnsons and are getting taxes from all of this and the way some of the people in Riverhead are thinking, these places wouldn't be allowed in Riverhead today.

Mr. Riesdorph said that the Town Board represents all of the people in Riverhead and shouldn't take the opinion of just a handful of people.

MRS. RICHARD CAREY said it would be interesting to hear from the person who prepared these proposals and the reasons for the proposals.

EDWARD R. MUNSON, Building Inspector: "I would be in the position to have to enforce these amendments and I am sure that the ambiguity there would leave me hanging from a skyhook. My feelings are the same as those of the people that have already spoken against it."

CHARLES R. CUDDY, ESQ., said his Firm represents Metrohouse and on June 20th of this year held a preliminary hearing on 180 apartment house units to be located on Mill Brook Lane, East Main Street - subsequent to that hearing the matter was referred to the Planning Board and on July 12, 1972 a hearing was held before the Planning Board. Since that time the matter has been stalled in the Planning Board and hasn't been discharged. At this point Metrohouse feels it has complied with the law and would like to have the matter presented to the Town Board.

Mr. Cuddy said they would like to know why at this point there is a blanket prohibition against all apartment houses. That he has been told that the municipal facilities are inadequate and if that is so, he suggests that a hearing be held and that it be determined on individual basis.

Mr. Cuddy said that if apartment units are overburdening municipal facilities-at what point do they overburden.

Mr. Cuddy asked the Board to give these proposals further consideration and added that after 2-1/2 months there is consideration due the application of Metrohouse.

MORTON CERTILMAN, Esq., of New York City, N. Y., representing Seymour Malman, Developer, spoke his views on the proposed moratorium itself and as to the relationship of the moratorium to condominiums in general saying:

"At first I would like to add my remark to Mr. Munzel's remark relating to the legality of the moratorium itself and particularly to section 210 of the Industrial B District proposed amendment to that regulation provides "that all uses except for multiple family dwelling, apartment house, garden apartment or condominium and camp of type 2, cannot be granted by special permit."

I think we are getting into a problem and that is namely, that a condominium of itself does not belong in any zoning code and does not appear in any zoning codes in this country. Basically because a condominium is not a building structure. It is a legal entity

PUBLIC HEARING - 8:45 P. M. - continued:  
(MORTON CERTILMAN, Esq.)

created by statute. And if we were to have a moratorium adopted which provided that no condominium could be built in an industrial district - then theoretically nothing could be built in an industrial B district which is also a condominium and what I mean by that specifically is this. We can according to the ordinance under a section 210 industrial B district build a newspaper office, or any office or printing or publishing plant and I am sure you gentlemen are aware that condominiums both exist in the commercial areas as well as in the residential areas. And obviously an office building as a condominium if built in Suffolk County would not be the first built in this country or in the world and therefore if a condominium office building were built it would violate the industrial B zoning - if this moratorium is adopted and I am sure it was not the intent of anybody of adopting this moratorium.

Therefore, the wording of subdivision "j" as used in the proposed moratorium would make it impossible to build any form that is permitted under industrial B if it is built in the form of a condominium.

Last week Mr. Malman presented the scale model which is in this room and the story of the Shore Haven condominium to the Town Planning Board and one of the matters under discussion was whether the zoning ordinance itself related to condominiums generally and the fact that the words were missing from the ordinance. - - It is our position that a condominium as a legal structure established by statute should not be in a zoning ordinance, need not be in a zoning ordinance and is not in zoning ordinances as in almost every county in the state. The reason for it being clearly, that a condominium can be built as any kind of physical structure, therefore, theoretically a condominium could be built as a one family house, as a two-family house or as a multiple dwelling.

Also we would like to take exception to the fact that by inference, and probably unintentionally the moratorium that is being sought relating to garden apartments and multiple dwellings, would probably spill over into condominiums by their nature. It is unusual to note that in the entire notice there is only one section that ever uses the word "condominium", and the other sections there is a mere deletion of this phrase.

If we were to carry through with the deletion it would mean that we have a moratorium which for some reason is not desired for the next year in Suffolk County. If that moratorium were passed it would obviate the possibility of constructing any form of multiple dwelling condominiums in the county and I think we must differentiate very clearly between a garden apartment or an apartment house and a condominium.

In so doing I would like to give you some idea of what a condominium can do to fit the needs of a community.

There is obviously a problem throughout this nation which relates to school taxes and a burden on the schools themselves. I have just completed a condominium constructed in Central Islip. 308 units or homes were sold in garden apartments, ranch and town houses. The structures were sold approximately to 50% of people who are divorced, singles, widows or widowers, and the number of school aged children in the development was one for every eight houses.

Now we are talking about a condominium that had no restrictions on school aged children - no restriction on the age of the people living there - a condominium that has all age brackets from newly married to elderly people.

PUBLIC HEARING - 8:45 P. M. -continued:  
(MORTON CERTILMAN, Esq.)

Surely if we took an average of \$1000 per home and we equated that to one child for every eight homes, we would have \$8000 worth of real estate taxes coming into this Town and to the school district for the purpose of supporting one child. You so well need that benefit.

The gentleman representing Metrohouse said he thought one of the reasons for the moratorium was the overburdening of the town facilities. It should be noted that most condominiums have their own recreational facilities, have their own sewerage treatment plants, have their own refuse removal, have their own rules and all of these burdens are taken off the taxpayers of the community.

Earlier this evening a gentleman spoke who obviously has been a resident of Riverhead for many years. He said he likes and would love to stay in Riverhead but it has several problems now as all towns do in this country. If you stop to think for a moment - what is a person who has been a resident in town for 40 or 50 years and whose children are grown up - where is he going to go - stay in that one family house where school and real estate taxes have become a burden to him?

The condominium has become the solution throughout the country for the person whose children have flown the nest and now sits in a home all by himself and frankly doesn't feel like supporting the school district without children. He can live out his life without worrying about cutting the grass and mowing the lawn.

I think by eliminating garden apartments, if you technically therefore would eliminate condominium garden apartments you would be doing a dis-service to the town. In a condominium we can preserve open space housing which cannot be done in one family housing and it will permit us to preserve our ecology.

In Suffolk and Nassau Counties, condominiums are the fastest growing forms of housing today. The reason basically stems from the fact that Suffolk County and Nassau County are Counties of home owners and not Counties of tenants traditionally.

A condominium is a form of real estate for a home owner and not for a tenant and that home owner pays his taxes, his own mortgage that is beneficial to the community as opposed to a garden apartment where the individual is not paying taxes."

Mr. Certilman asked the Board that in its consideration to adopting a moratorium they should consider the implications that it could include all condominiums.

WILBUR KLATSKY, Executive Vice President of Suffolk Community Development Corporation, addressed the Board and said:

"Fortunately I understand the problems the Town has - having practiced the art of planning for many years and I understand your efforts to have an opportunity to complete a master plan before growth makes a mockery of conclusions of any planning effort.

I ask the Town Board to consider one element of the population which rarely makes itself heard - that is the elderly. I represent a non-profit housing entity whose efforts are directed to providing housing in Suffolk County for those in need. One such effort concerns itself with an elderly housing complex in this Town. If the proposed moratorium takes place, many elderly couples and individuals in this Town would be deprived of housing currently under consideration.

I call your attention to the elderly population which has nearly doubled in the last decade. An increase from 1,235 to 2,326. These elderly are on static incomes and are facing enormous inflationary pressures.

PUBLIC HEARING - 8:45 P. M. - continued:

Mr. Klatsky asked the Town Board to seriously consider and hopefully respond to in a positive fashion - to be selective when considering its moratorium and to permit some vitally needed elderly housing to be built for the senior citizens who have served the community so well.

Mr. Jack Cushman said that we hired expert planners who made a study and who recommended this moratorium.

Mr. Cushman also said that perhaps now is the time to get in industry to encourage the younger people to return to Riverhead.

ROBERT L. TOOKER, Esq., thanked the members of the Town Board for publishing the proposed amendments and for relieving the unemployment problem amongst the lawyers in Riverhead.

Mr. Tooker said he is speaking to the Board as Joe Celic - as a native born in Riverhead (next door nursing home).

"A while ago a few of us brought some property on East Main Street. We had great hopes we could develop it for a purpose with several in mind - and one of them was garden apartments. The mystery writer of the advertised notice doesn't think we should have any more garden apartments in Riverhead at least for a time.

I suggest to you that passing a moratorium saying "I don't want to make up my mind for a year", is ducking the responsibility that you people have as members of the Town Board.

Riverhead is in a very difficult time. At least in my memory it's probably the most difficult time we've had. We've lost industry. We see commercial development all around us. Farmers are in a desperate plight. It seems to me it's the duty of you people as members of the Town Board not to say, "We don't want to make up our mind this year, we want to wait until next year". I think it is your duty to make up your mind right now as to what you want to do.

Garden apartments are not all bad. I know some really nice and lovely people who have lived in garden apartments. My wife lived in a garden apartment and I lived there with her too - my partner Chuck Cuddy and his wife lived in a garden apartment - in fact everyone of these lawyers in my office at one time or other lived in a garden apartment.

There is a darn good reason for that - when you are young you don't have the bucks to start a house. Especially a house on an acre of land in a rural area that costs \$30,000 to \$40,000.

What you are saying is - young people and older people - we don't want you around Riverhead - at least this year and we'll let you know next year whether we want you or not.

I think this is a mistake and your efforts should be directed towards whether or not a particular project is good for the Town. Is this a garden apartment or is this a drive-in restaurant that we want - is it in the place we want, is it of an architectural style we want, is it going to cause traffic confusion - is it going to cause trouble with our utilities - is it compatible with the things that are around us.

You have an ordinance today which gives you five people the right to say; "That's a lousy project, we don't like the density-we don't like the architectural style - we don't like the way it is financed - forget about it -you lost - come back with something else." You are not saying;"I want to hear about your project - I want to study it". You are saying; "Don't bother me - I'll think about it next year."

PUBLIC HEARING- 8:45 P. M. - continued:  
(ROBERT L. TOOKER, Esq.)

I think you have a responsibility in this time of crisis in the Town of Riverhead to decide what is good for the Town - what you want here and what you don't want here - on an individual basis - individual projects and reserve to yourselves the right to decide what is good and what is bad and don't say; "I'm going to make up my mind next year." Thank you."

Mr. Tooker was given a round of applause.

PEGGY SUDAN, representing the Mobile Home Owners Association, made objection to the moratorium and suggested permit requests be decided on an individual basis.

Supervisor Leonard announced that the Town Board will take time to further study the proposals before it reaches a decision.

Supervisor Leonard thanked everyone for coming and expressing their views.

No one else wishing to be heard and no further communications having been received thereto, Supervisor Leonard declared the Hearing closed at 9:25 P. M., and re-opened the meeting.

RESOLUTIONS

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

RESOLVED, That Highway bills submitted on abstract dated September 19, 1972, as follows: Miscellaneous Item 4, Capitol Highway Materials, bill dated August 29, 1972 in the amount of \$835.00, and Capitol Highway Materials, two bills dated September 5, 1972 totalling \$1,355.00; be and the same are hereby approved for payment.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

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

RESOLVED, That the Town Clerk be and is hereby authorized to advertise for sealed bids on Rock Salt for use of the Town of Riverhead Highway Department, for the period from October 15, 1972 to October 14, 1973, and be it further

RESOLVED, That specifications be prepared by the Superintendent of Highways, and bids to be returnable up to 10:45 A. M., on Tuesday, October 3, 1972, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Tuesday, October 3, 1973, at 10:45 A. M., at the Town Board Room, Town Hall, 220 Roanoke Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Rock Salt."

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

## RESOLUTIONS

Town Justice Leonard offered the following resolution which was seconded by Town Justice Costello.

RESOLVED, That the Town Clerk be and is hereby authorized to publish the September 21st, 1972, edition of the "News-Review", the official newspaper of the Town of Riverhead, the following Notice of Public Hearing:

## PUBLIC NOTICE CALLING PUBLIC HEARING

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of the Town of Riverhead at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, at 11:00 A. M., on October 3rd, 1972, to consider the proposed contract between the Town Board of the Town of Riverhead as the governing body of the Aquebogue Fire Protection District, of the Roanoke Fire Protection District and of the Calverton Fire Protection District, and the Board of Fire Commissioners of the Riverhead Fire Protection District. In general terms the proposed contract is for three years, 1973, 1974 and 1975, and the amounts to be charged to each district for fire protection for the year 1973 is as follows: Aquebogue Fire Protection District - \$6,150.00; Roanoke Fire Protection District - \$4,200.00; and Calverton Fire Protection District - \$4,650.00; for a total of \$15,000.00.

The amounts to be charged to each district for fire protection for the year 1974 is as follows: Aquebogue Fire Protection District - \$6,550.00; Roanoke Fire Protection District - \$4,500.00; and Calverton Fire Protection District - \$4,950.00, for a total of \$16,000.00.

The amounts to be charged to each district for fire protection for the year 1975 is as follows: Aquebogue Fire Protection District - \$6,950.00; Roanoke Fire Protection District - \$4,750.00; and Calverton Fire Protection District - \$5,300.00, for a total of \$17,000.00.

Any person desiring to be heard on the aforesaid proposed contract should appear at the time and place specified.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by Town Justice Costello.

BE IT RESOLVED, That the Town Board of the Town of Riverhead, hereby requests the Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to re-establish the maximum speed at which vehicles may proceed on:

"RESTRICTION OF SPEED on CREEK ROAD, in the hamlet of Wading River, Town of Riverhead, beginning at the intersection of SOUND ROAD and CREEK ROAD, thence west on CREEK ROAD to its terminus, a distance of .5 of a mile."

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

1972  
RESOLUTIONS

Town Justice Costello offered the following resolution which was seconded by Town Justice Leonard.

BE IT RESOLVED, That the Long Island Lighting Company be and is hereby authorized to install one 7600 Lumen Mercury Vapor Street Light on Side #15, Second Street, South Jamesport, within the South Jamesport Lighting District, as per survey and plan submitted under date of September 11, 1972.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by Town Justice Costello.

BE IT RESOLVED, That pursuant to Section 108 of the Agriculture and Markets Law, the following be and are hereby appointed Dog Enumerators, effective October 1, 1972, for the purpose of preparing a list for the year 1973, of persons owning or harboring dogs in the Town of Riverhead, and to be compensated on a fee basis pursuant to Section 1 (a) of Chapter 447 of aforesaid Law:

Joan Hughes	Pat Pekar
Janet Merserean	Joan Edwards
Paul J. Rumpel	Ann Torel
Gale J. Sherman	Barbara Amerson

and,

BE IT FURTHER RESOLVED, That the aforementioned Dog Enumerators be paid a mileage allowance of 10¢ per mile by the Town of Riverhead.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by Town Justice Costello.

BE IT RESOLVED, That overtime compensation be paid to Edward Gadzinski for 40 hours worked at the Sanitary Landfill site the week of August 28, 1972, during Frank Columbus' vacation at the rate of \$4.15 per hour straight time for a total of \$166.00 and further be it resolved that overtime compensation at time and one half be paid to Edward Gadzinski for three (3) hours worked on September 4, 1972 for a total of \$18.67.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS

Town Justice Leonard offered the following resolution which was seconded by Town Justice Costello.

RESOLVED, That the Supervisor be and is hereby authorized to transfer the sum of \$5, 178. 00 from A909 General Town Current Surplus to 3510. 4 Dog Pound Expense for the purpose of meeting costs of Renovations to Dog Pound as per bid award made July 19, 1972.

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

Town Justice Costello offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That Irene Alexander be employed as temporary Clerk-Typist and to be compensated at the rate of \$3. 00 per hour, effective September 7, 1972, and to serve at the pleasure of the Riverhead Town Board.

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

Town Justice Costello offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That the bid for the purchase of Two (2) New 1973 Dump Trucks for use of the Riverhead Town Highway Department, be and is hereby awarded to MARIN FORD TRUCK SALES, INC., 1600 Route 110, Farmingdale, N. Y., 11735, at a cost of \$19, 375. 76, subject to its bid and specification form filed in the office of the Town Clerk, and

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

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

Town Justice Costello offered the following resolution which was seconded by Town Justice Leonard.

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In the Matter of the :  
Amendment of Town Ordinance No. 26 of the Town of Riverhead, known as "Zoning Ordinance of the Town of Riverhead, Suffolk County, New York", :  
effective June, 1959, as Amended. :

RESOLUTION

/2

-----X  
WHEREAS, The Town Board of the Town of Riverhead, Suffolk County, New York, has caused all matters and things to be done which are required by the Town Law in order that amendments and changes to the Zoning Ordinance No. 26, more

RESOLUTION continued:

particularly to the Zoning Map incorporated therein, may be adopted for the Town, NOW, THEREFORE, by virtue of the authority invested in it by Law, after public hearing duly held in the matter on the 19th day of September, 1972, at 7:50 P. M. prevailing time, the Town Board of the Town of Riverhead hereby adopts the following amendment and change to the Zoning Ordinance No 26, more particularly to the Zoning Map incorporated therein, and more particularly with respect to the property bounded and described as follows:

ALL that certain plot, piece or parcel of land situate, lying and being at the Town of Riverhead, County of Suffolk and State of New York, being known and designated as parts of lots 23 and 24 on Map of Oliver's Development, filed in the Office of the Clerk of the County of Suffolk on September 3, 1930, as Map #674, being more particularly bounded and described as follows:

BEGINNING at a point South 19 degrees 45' East a distance of 270.40 feet from the intersection of the southerly side of Old Country Road (County Road 58) and the westerly side of Oliver Street; running thence from said point of beginning South 19 degrees 45' East to a point 78.73 feet; thence South 70 degrees 15' West 165.00 feet to the land now or formerly of Leroy P. Raynor; thence North 19 degrees 45' West 146.75 feet; thence South 87 degrees 21' East 178.47 feet to the point or place of beginning.

To include this property above described as Business "B" Use District.

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

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Costello offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That ELSIE FLOOD of Riverhead, New York, be and is hereby appointed school crossing guard, effective September 19, 1972, to be compensated at the rate of \$2.50 per hour, payable bi-weekly and to serve at the pleasure of the Town Board.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

9/19/72

There being no further business on motion and vote, the meeting  
adjourned at 9:45 P. M., to meet on Tuesday, October 3rd, 1972 at 10:30  
A. M.

*Helene M. Block*

Helene M. Block, Town Clerk

HMB.