

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, May 25, 1976, at 7:45 P.M.

Present:

Allen M. Smith, Supervisor
George G. Young, Councilman
Francis E. Menendez, Councilman
John Lombardi, Councilman
Jessie Tomlinson, Councilwoman

Also present: Peter S. Danowksi, Jr., Town Attorney

Supervisor Smith called the Meeting to Order at 7:45 P.M. and the Pledge of Allegiance was recited.

Supervisor Smith stated as follows:

I do have some preliminary matters before we go to the Public Hearing. I would recognize the two young ladies who are here with us tonight. They represent the Tomorrow's World Club at the Riverhead High School and they are actively participating with us as representatives of Tomorrow's World for the Town of Riverhead in the preparation of the time capsule that will be dedicated as part of the dedication ceremonies here at the Town Hall on the 5th, to be opened at the Tricentennial. It's not too late if the Press wants to cover it, then if anyone wants to get their two cents in, as to what they feel should go into it, the young ladies would be receptive to a suggestion or two.

I would also point out that today is the final hour for anybody to criticize or comment upon the mural. Again, it is a project of the young people of Riverhead High School and it is something that is being done for the entire Town. We have thrown it open for comment and there comes a point when we cut off the comments and we get busy with the artistry and if anyone wishes to address the Board on that particular matter, later on, they may do so.

There are several other matters that I would like to discuss, but we'll have the Public Hearing first."

Supervisor Smith then recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 7:45 P.M.

Town Clerk submitted affidavits of Publishing and Posting Public Notice Calling Public Hearing in the matter of Petition for Amending Zoning Ordinance #26 to add permitted use for Business and Secretarial Schools in Business D District, also relating to Violations, Stop Orders and Tavern, by Special Permit of the Town Board.

The affidavits were ordered to be placed on file.

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

PUBLIC HEARING - continued:

Jacob Harding appeared on his own behalf and made the following statement:

"I am seeking an amendment to the Zoning Ordinance to provide an added use. In other words, under Section 208 - Business D District (General Business)- to amend Section 208A, Uses, to include the following as a permitted use under Paragraph (R) to add Business and/or Secretarial Schools.

Why do I have to do this? Because, the permitted uses, in present force, are unclear. It is possible that an interpretation could be made under uses now permitted in Business Districts under the following:

Section 1. Office, business, professional, utility. But an amendment would clarify the situation and leave no doubt and in my opinion, as an Attorney, it is the better procedure.

At the present time, schools, in the simple definition of the word "school" are allowed in Residence B and C areas. That specifically refers to Elementary and High Schools. Where are you going to put a Business School? You must put it somewhere. You have three choices: Residential, Business or Industrial areas.

It is my contention that it naturally fits into a Business District. That is where it belongs. It is not in conflict with present uses that are permitted.

As you know, I drafted the original Zoning Ordinance. Many changes have taken place since, but there is one Section of the Town Law that we used to refer to as the 'Bible Section' of the Zoning and it can be quoted as follows:

Purpose of the Zoning Law

'Such regulations shall be made with reasonable consideration, among other things, as to the character of the District and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of lands.'

It is my contention that a Business School belongs in a Business Use District. It is a private commercial enterprise - more than anything else. The proposed tenant that we have for 30 West Main Street (second floor), is the Long Island Business Institute. Its utility is Secretarial or Business School. This particular proposed school is aided, as far as students are concerned, by a program of the Veteran's Administration. It is also tuition assisted by the State.

There are the aspects of a training and/or trade school - not the simple definition of a school similar to a public school for Elementary education which you find in a Residence Use District.

It is a modern and complicated world today. Let us not get involved or confused in the semantics of the definition of "school".

Riverhead can be a good example - there are Music Schools, Dancing Schools, Karate Schools, Knitting Schools and Riding Schools. There are also Federal and State assisted schools of all sorts. And in the window of a Craft Shop on Roanoke Avenue, next to my store, there is a sign which says "classes". So let us head in the right direction and what is our best guide? Where are similar schools located in other Towns?"

PUBLIC HEARING - continued:

"I cannot present a better argument than this. My legal authority and precedent is a Telephone Book and the Classified Section at that."

He then listed several schools in nearby Towns on the Island and concluded by stating that he would be glad to answer any questions that the Town Board might have.

No one else wishing to be heard and no communications having been received, Supervisor Smith declared the Hearing closed at 7:55P.M. and re-opened the Meeting.

Supervisor Smith asked the two young artist of the mural if any changes had been made in the plans for the actual painting.

Peter Jones, Long Island Cablevision, stated that unfortunately, he was not present at the last Meeting when most of the criticism was raised, primarily by the Glenwood residents.

He further stated that he went up to Glenwood and visited several homes where in each case, it was found that the sets were at fault and not the cable system going into the park.

Walter Kowalsick, Riverhead, spoke about the fact that most of the channels on his TV went off on Sunday afternoon and how could that be an improvement?

Mr. Jones replied that they had a failure in the micro-wave system which they corrected as quickly as possible.

Mr. Kowalsick then spoke of other problems he's had with the cablevision going out in the middle of shows.

Mr. Jones explained some aspects of the system and reception procedures and stated that he would be glad to send a technician to Mr. Kowalsick's house and check the problem.

Discussion followed.

Supervisor Smith spoke of a Public Hearing to be held on June 15th, re parts of codification on parking and zoning.

He then stated that the final public hearing on codification will be held on June 29th.

COMMUNICATIONS

Mike Kreshon, dated 5/21/76, advising the Town Board of his retirement as a Heavy Equipment Operator at the Sanitary Landfill, effective, May 21, 1976. Filed.

Frank Block, dated 5/21/76, advising the Town Board that due to ill health he is retiring as Laborer at the Sanitary Landfill, effective, May 21, 1976. Filed.

RESOLUTIONS

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

RESOLVED, That the following fund transfers be approved and entered into the Town books:

DS9010.8 N.Y. State Retirement	\$312.00	
DS9045.8 - Life Insurance		\$312.00
A9010.8 - N.Y. State Retirement	268.00	
A9015.8 - N.Y.S. Police Retirement		268.00

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, The Town Board of the Town of Riverhead has been notified by the Receiver of Taxes that one, Stacia Gatz, 898 Roanoke Avenue, Riverhead, New York, has, in fact, made an overpayment of taxes in the amount of \$184.96, in that the Town of Riverhead has received payment in the sum of \$235.96, rather than the more appropriate amount of \$51.00,

NOW, THEREFORE, BE IT RESOLVED, That the same Stacia Gatz, be reimbursed for her overpayment of taxes in the sum of \$184.96, and that the Receiver of Taxes and Supervisor take whatever steps necessary to see that this amount is reimbursed.

The vote, Lombard, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith.

The resolution was thereupon declared duly adopted.

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

RESOLVED, That John Kalba be and he is hereby appointed to fill the vacancy created by the resignation of Robert Donnelly on the Board of Assessment Review for the unexpired term of five years.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith offered the following resolution which was seconded by Councilwoman Tomlinson.

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 and other statutes made and provided in connection with the amendment of the Town Zoning Ordinance #26, of the Town of Riverhead, as Amended.

RESOLUTION - continued:

NOW, THEREFORE, BE IT RESOLVED, That this Town Board hereby ordains and enacts the following amendment and that Zoning Ordinance #26, be amended as follows:

FIRST: By adding a new Subsection 208 (A) 1.r. to Permitted Uses in the Business D District as follows:

"r. Business and secretarial schools"

SECOND: By amending Section 404 (1) - VIOLATIONS, to read as follows:

"1. A violation of any provision or requirement of this Ordinance or violation of any statement, plan application, permit or certificate approved or issued under the provisions of this Ordinance shall be deemed an offense, punishable by a fine not exceeding Five Hundred (\$500.00) Dollars or imprisonment for a period not to exceed six (6) months or both such fine and imprisonment."

THIRD: By repealing Subsection 209 (A) 1.n., and adding a new Subsection 209 (A) 2.k., as follows:

"k. Outdoor theatre, golf driving range, archery, outdoor swimming pool and similar outdoor recreational uses by special permit of the Town Board."

FOURTH: By adding a new Section 402 (B) - STOP ORDERS, as follows:

"Section 402 (B) - STOP ORDERS

"The Building or Zoning Inspector upon investigation of any violation of this Ordinance shall have the authority hereby to post a Stop Order in a form approved by the Town Board. Said Stop Order shall be posted at the site of said violation. It shall be a further violation of this Ordinance to remove said Stop Order or continue the use or construction specified in said Stop Order until the violation is corrected or adjudicated."

FIFTH: By correcting Sections 205, 208 and 209 to show Subsections in each use district reading as follows:

"Tavern by Special Permit of the Town Board."

BE IT FURTHER RESOLVED, That the Town Clerk be and she is hereby authorized and directed to enter said change in the minutes of the Town Board and to publish a copy thereof in the News-Review, the official newspaper of the Town of Riverhead for such purposes, and to post in the Town Ordinance Book as maintained by the Town Clerk, all pursuant to the New York State Law.

RESOLUTION - continued:

The adoption of the aforesaid amendment to Zoning Ordinance #26, of the Town of Riverhead as amended, shall take effect ten (10) days after such publication and posting.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith stated that there would be one last chance to speak on Cablevision's rate increase request, as the Town Board was preparing to settle the matter, one way or the other, on June 1st. Short discussion followed.

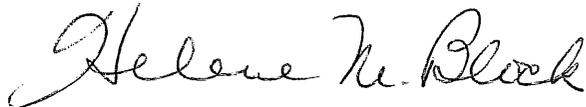
Supervisor Smith then asked Mr. Jones if all the other Town Boards had acted on his application.

Mr. Jones replied that he is still waiting for Southampton.

After a short break to allow discussion, the Town Board stuck by its decision to vote on the matter, "win, lose or draw", on June 1st.

Supervisor Smith spoke to the two young painters and stated that Miss Giffers will be out on Friday at 3:00 P.M., to give the final once-over and set up a work schedule for the actual painting of the mural.

There being no further business on motion and vote, the Meeting adjourned.



HMB/mhj

Helene M. Block, Town Clerk