

Minutes of a Regular Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, March 23rd, 1976, at 7:30 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. Danowski, Jr., Town Attorney

Supervisor Smith called the Meeting to Order at 7:50 P.M. and the Pledge of Allegiance was recited.

Supervisor Smith announced that they had two hearings on the Agenda, the first on parking and stop signs and the second on the proposed noise ordinance.

He then outlined the rules as follows: "Due to the number of people that are present, we will limit each speaker to ten minutes. After everyone has spoken, anyone who wishes to address the Board again, may do so.

We will make available to you in the front of the room, a sign-up list, so that we may call people in order and have their names and addresses for the record.

Miss Block is recording for us, a transcript of what is being said, with reference to these hearings the tape recorder is tied into the microphone system, so we ask that all speakers, although it may be difficult to move from the center of the room to the microphone, we would appreciate it please, if you would speak from the microphone, so that it will record upon our tape, which we will then transcribe.

I have a number of announcements to make, before we ask you to step forward and sign up.

We are pleased to announce that we have completed this week, the acquisition of the Lane Parcel, immediately to the west of our new building here and shortly we will do some landscaping on the Howell Avenue side of the building and improve our appearance greatly.

We have stated during the campaign that we wish to upgrade the quality of the service to the Community that this Board give and in doing that we are entering upon an internship program, whereby young people, who are in our universities will come here and study urban problems as they occur in our Town, such as what we are addressing ourselves to this evening.

The first intern who will work with us and with the Cooperative Extension is Mr. Carl Rabeler. He is a student at Michigan State University and is specializing in urban studies. We already have several young men who are applying for summer internships with us.

The Contractors' Law, which was previously announced as being the subject of a hearing on the 6th, will be adjourned for consideration, to the second meeting of next month."

Supervisor Smith continues:

"I have several dates to call to your attention: Town Meeting '76, which I hope each and everyone of you will participate in. A committee meeting is being held in the Lutheran Church in Aquebogue this Thursday and I encourage those of you who belong to different groups to attend.

The Bicentennial Gala is being held April 3rd, 1976, that's two weeks away and I encourage you also to participate in that. It promises to be an enjoyable evening for all.

And lastly, for those of you who do not already know it, the Town Clean-Up Day which we began last year, will be held this year, on April 10th. Again, if your organization has not already become involved in that, please speak to me and I will see that you get the necessary information."

He then recessed the Meeting briefly to allow those wishing to speak at either or both hearings, to sign up.

Supervisor Smith re-opened the Meeting at 8:00 P.M. and asked that the Town Clerk read the affidavits of publishing and posting for the first Public Hearing - Traffic and Parking.

PUBLIC HEARING - Traffic and Parking

Town Clerk submitted affidavits of posting and publishing Public Notice Calling Public Hearing on proposed revision of the Parking and Traffic Ordinance No. 3, so as to eliminate the stop sign at the northerly intersection of Penny's Landing Road and Sound Shore Road and to eliminate the "No Parking" area on Meetinghouse Creek Road, south of Harbor Road, Aquebogue. Said Hearing to be held March 23, 1976 at 7:30 P.M.

The affidavits were ordered to be placed on file.

Supervisor Smith thereupon declared the Hearing open and asked if anyone wished to be heard and the following responded:

John Stravinski, Penny's Road, Riverhead stated that he believes the only reason elimination of this stop sign is being considered, is to accommodate private enterprise, namely Northville.

He further stated that he felt the stop sign was a definite safety factor because now the cars and trucks have to stop and can't speed around the corner.

He concluded by saying that if this hearing concerned the stop sign at Penny's Road and Sound Avenue, they should eliminate that one, because no one ever stopped there anyway.

Raymond Shea, Sound Shore Road, stated his opposition to the stop sign.

He further explained that in the winter time, it was very difficult to make a full stop, safely, at the bottom of that hill and then try to get going again, up the hill.

Harold Mezick, Meetinghouse Creek Boulevard, Aquebogue, stated that he has been a summer resident for thirty years and was responsible for getting the "No Parking" sign put up in the first place.

PUBLIC HEARING - continued:

He continued by saying that before the sign was erected, they had to have the police three or four times a night, in some cases, because they were threatened by shotguns, little girls being molested and residences robbed.

He concluded by saying that to eliminate this sign would do no good for the Town and the safety of the women and children in Hoccabuck Park would be jeopardized.

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the Hearing closed at 8:10 P.M.

Supervisor Smith then asked the Town Clerk to read the affidavits of publishing and posting for the second Public Hearing - Proposed Noise Ordinance No. 45.

PUBLIC HEARING - Proposed Noise Ordinance No. 45

Town Clerk submitted affidavits of posting and publishing Public Notice Calling Public Hearing on Proposed Noise Ordinance No. 45 of the Town of Riverhead, to be held on March 23rd, 1976, at 7:45 P.M.

The affidavits were ordered to be placed on file.

Supervisor Smith thereupon declared the Hearing open and asked if anyone wished to be heard and the following responded:

Supervisor Smith explained that this ordinance was a combination of a model noise control ordinance, developed by the U.S. Environmental Protection Agency and the local noise ordinance handbook, developed by the N.Y.S. Department of Environmental Conservation.

Chris Bermel, 1661 Old Country Road, Riverhead, asked if he could defer his statement until later on in the Meeting, after he had heard some other comments.

Richard F. Kessler, 19 Hurtin Boulevard, Smithtown, spoke on behalf of the Long Island Motor Cross Association stating that he felt it was a good idea to have a noise control ordinance in any township.

He then stated that it was impossible, in a span of ten minutes, to present any kind of intelligent discussion on certain provisions that should have been included in the proposed noise ordinance with reference to the Long Island Motor Cross Association.

He continued by saying that the legislative people at the American Motorcycle Association played a very major role in the noise ordinances adopted in Illinois by the Department of Environmental Protection in that State, as they pertained to motorcycles.

He then said that he was confused by this proposed noise ordinance, after reading certain sections that applied to motorcycles.

PUBLIC HEARING - continued:

He then asked: "Is it your understanding that this ordinance regulates the use of motorcycles on private property?"

Supervisor Smith stated that the standards they are considering dealing with the recreational vehicles, under 9.2 and give the sound limits as measured at fifty feet.

He then explained a second standard that was used in another part of the proposed ordinance.

Discussion followed.

Councilman Young asked a question, but was inaudible.

Short discussion.

Supervisor Smith stated that Mr. Kessler's ten minutes were up and further stated that if he wished to speak again, later in the Hearing, he could do so.

Jerry Gelfand, representing the New York Motorcycle Rights Organization, stated that if the Board reduced the limit of decibels allowed, they would be restricting the use of that particular piece of property.

He then suggested that the decibel level be raised, to allow motorcycles to run on that property. (Long Island Motor Cross Association property in Calverton)

Discussion followed.

Mr. Gelfand stated that this ordinance was an infringement of people's rights to use their own private property for their enjoyment.

Supervisor Smith stated that everyone has the right to quiet enjoyment on their own property and didn't want to be disturbed by racing motorcycles next door.

Mr. Gelfand asked for a compromise.

He further asked for a chance to present his case more fully, as to individual rights.

Supervisor Smith stated that that was the whole purpose of the Hearing tonight and if he or Mr. Kessler had additional information for the Town Board's consideration, they'd better hustle.

John W. Helfrich, Stony Brook, New York, stated that he was an Attorney, representing the Riverhead Raceway.

He then stated that the Riverhead Raceway has been there for twenty-five years and he sympathized, on one hand, with the people because of the noise factor, but stated, on the other hand, that they had to know that raceway was there when they moved there.

He continued by stating that it would be a terrible thing, if this ordinance suddenly infringed on the right of an established business.

PUBLIC HEARING - continued:

He then stated that the racing of automobiles is the second largest sport in the United States, attendance-wise.

Robert J. Pekar, West Middle Road, Riverhead, spoke about a book he had on Noise Pollution by the United States Senate.

He continued by speaking of the ill-effects of excessive noise on the human body and gave several results of doctor's studies on the dangers of noise.

He then stated that everytime you double the source of noise, the DB is raised by three.

Supervisor Smith told Mr. Pekar that his time was running low.

Mr. Pekar continued reading excerpts from the U.S. Senate book on Noise Pollution, including DB levels acceptable to the human ear.

Sue Duncovich, 17 Hilltop Place, Albertson, stated that she didn't understand the proposed Noise Ordinance very well because of all the legal terms, but it seemed to her that it was really against motorcycling and she didn't think that was fair.

She continued speaking in opposition to the proposed ordinance insisting that it was against motorcycling as a sport.

She then stated that everyone was afraid that motorcycling was going to ruin their Towns and it wasn't that kind of a sport.

She continued by asking if this decibel level applied to anything else, besides motorcycles.

Supervisor Smith stated that he liked motorboats, but his own boat would not meet the standard and he would have to muffle it.

Miss Duncovich stated they were willing to muffle the cycles, but these standards seemed to try and eliminate them.

Supervisor Smith explained the standards and how they would apply to the type of machines that Mr. Kessler was talking about and how the decibel level would affect that particular area.

Miss Duncovich said she didn't understand a thing the Supervisor said.

Supervisor Smith stated that he was sorry, but there was only one way to explain it.

Paul Kruse, 89 Bradly Place, Mineola, stated that there are fields for every other sport, why couldn't there be one for motorcycle riding.

Supervisor Smith stated that if the bikes that Mr. Kessler proposed to use, complied with the decibel standards and if it was found that the motor cross park was a permitted use on the proposed location, there very well might be a field for motorcycle riding.

Short discussion.

PUBLIC HEARING - continued:

Thomas Giancaspro, 3605 Ivy Drive, Bethpage, stated that the 76 decibels proposed by the Town Board was impossibly low for motorcycles and asked why the Town would only allow 76 decibels, when the State allows 88.

Alphonse Danowski, Middle Road, Riverhead, stated that the Long Island Motor Cross Association is only leasing that property, so nobody is infringing on anyone's rights to indulge in anything.

He then talked about all the people there from out-of-town and stated that they can go home and leave all this noise, but we have to live with it.

Chris Bermel, 1661 Old Country Road, spoke of mufflers that could be put on all types of motorcycles to make them meet the standards.

He then talked about perimeter property owners vs. noisy businesses.

He continued by saying that 1700 people live around the race track, 700 of which are elderly people, with aging problems and medical problems.

He then stated that when the racing season starts, he knows of at least 75 people that leave Glenwood Park and go to their children's homes or restaurants, anywhere out-of-town, just so they won't be upset by the noise of the race track.

He concluded by saying that the noise problems can be eliminated by muffling both cars and motorcycles.

Gary Pascucci, 361 Emory Road, Mineola, stated that he was a member of the Long Island Motor Cross Association and they were not trying to get around any noise ordinance, but he felt that 76 decibels was a bit too strict.

Steven Kleinberg, 3 Jerusalem Avenue, Hicksville, reiterated what his associates have stated previously, about silencers.

Maribeth Andresen, Church Lane, Aquebogue, stated that she had had an experience Saturday which involved three trail bikes and she couldn't even hear the woman next to her.

She then mentioned that up the Island, where most of these people are from, there is more industry and vehicular noises and they're used to a decibel level that is much higher than what we are used to out here.

She concluded by saying that she had a lot of trouble trying to hear what was going on tonight because of noisy people to the left of her and she felt it might be a little better if the people in the audience weren't quite so rude to the Town Board.

Supervisor Smith told Mr. Kessler that if he was going to come back to the Board with figures and statistics, he might check on the national DBA levels suggested by the manufacturer of his bikes.

He further stated that if these figures were correct, Mr. Kessler would eventually have to muffle his bikes to conform with the national DBA levels, anyway.

PUBLIC HEARING - continued:

David Newton spoke about the 88 decibel level, saying it was difficult to enforce and further that decibel levels in the %'s were now being considered, but an effective way to enforce the lower level has to be found.

Bill Cody, Glenwood Park, Riverhead, stated that he has lived there for 8 Years and the Riverhead Raceway has always promised that they would limit their races, but night after night, it's the same thing and the people in Glenwood can't get one evening's rest.

He further stated that the majority of the residents were not in the best of health, for one reason or another, and they need their rest.

He concluded by saying that the people in the park have given up because the raceway people just don't live up to their promises.

Jay Hulse, Wading River, stated that he and his brother are the 7th generation on the same farm and asked if the agricultural areas were exempt, as it stands now.

Supervisor Smith replied: "As it stands now, yes."

Mr. Hulse stated that they had to know how long that was going to last because of their business.

Supervisor Smith stated that there had been complaints with reference to agricultural uses, specifically helicopter spraying and irrigation pumps.

Mr. Hulse stated that he was a race car enthusiast and he was opposed to any noise ordinance.

He further stated that Senior Citizens complain too much and most of the ones living in trailer parks belong in a sanitorium.

Supervisor Smith called a recess at 9:00 P.M. and re-opened at 9:10 P.M.

He then made a statement about smoking in the building and stated that if anyone wished to smoke, they were to go outside.

Bill Sauter, Roll-In Park, Calverton, took exception to remarks made about the Senior Citizens belonging in a sanitorium and stated they were only opposing anything that would infringe upon their rights to enjoy a little peace and quiet once in awhile.

He then stated that a motorcycle park should not be located in a residential area and further that the Senior Citizens had the right to live the way they were accustomed to and to enjoy the things they moved to Riverhead for, in the first place.

Robert Cheshire, Calverton, stated that he lives within 3 or 4 miles of Grumman's, but he doesn't complain because they were there first.

He then stated that since then, they built the expressway next to him and now on a Sunday night, he can't hear Grumman's, because of the excessive noise.

PUBLIC HEARING - continued:

He stated that he can't even have company over on weekends because of the noise.

He concluded by saying that if the Town wants to stop the noise, they should start with "big brother". (referring to Grummans)

Supervisor Smith spoke of the difficulties in dealing with situations such as the noise from Grummans and/or similar situations with large complexes, such as governmental projects and airports.

Mae Shubert, Glenwood Village, Riverhead, congratulated everyone who spoke for their causes, young and old, except for the young man who stated that "most Senior Citizens in trailer parks belong in a sanitorium".

She further stated that she lives in a mobile home, not a trailer park and has to help pay the taxes, just like everyone else.

She then said that she took umbrage at the insult and asked for an apology.

She concluded by telling of the "swinging parties and lively dances" they hold up in Glenwood and stated that if this young man came up there, they would put him to shame.

Ken Schou, Assistant Promoter of the Riverhead Raceway, stated that his boss, Ed Hawkins would keep any promises that he might make and Ex-Chief Stephen Grodski gave him permission to use his name as a witness for Mr. Hawkins' character.

He then stated that he would like to obtain some information on DB levels and noise control statistics himself, because right now, they didn't know where the raceway stood.

Supervisor Smith stated that should the Board give him any leeway, he would only have two weeks in which to gather his information and present it to the Board in writing.

He then stated that that would apply to Mr. Kessler too.

Mr. Schou concluded his presentation by citing DB levels of several common applicances and tools.

Elmer Zeh, representing Long Island Farm Bureau, spoke about the agricultural exemption in the proposed noise ordinance and asked if that was a 24-hour exemption or a time limit exemption.

Supervisor Smith stated that it exempted the farmers from the second standard that was being discussed tonight.

Mr. Zeh asked if the Long Island Farm Bureau could have that in writing.

Supervisor Smith: "You've got it right here. I can't pull a switch on you without republishing the whole ordinance."

PUBLIC HEARING - continued:

Paul Podlas, Riverhead, asked the following questions:

"1. What happens when we use a chain saw on a Saturday or mow the lawn?

2. What happens when I take my boat out on the river? Will I get a summons?"

Supervisor Smith stated that the possibility exists.

Mr. Podlas asked to what degree.

Supervisor Smith stated that it would depend on how close he was to property lines.

Mr. Podlas then asked about construction equipment.

Supervisor Smith read the section of the proposed ordinance pertaining to construction equipment and stated that the equipment could be used by obtaining a permit.

He then stated that if construction equipment was used by private citizens it was exempt.

Discussion followed.

Mr. Podlas then stated his opposition to the ordinance.

Jerry Gelfand, representing the New York Motorcycle Rights Organization, spoke again saying that he thought Mr. Podlas brought up some good points about domestic tools, etc. and further stated that if the people really knew what this proposed ordinance entailed, no one would vote for it.

He then spoke of the fact that extreme noise levels are hazardous to one's health and stated that there are many things that are hazardous to one's health, such as smoking, choking on food, etc.

He concluded by saying that there has to be a happy medium, where this ordinance is concerned, without going to ridiculous extremes.

Supervisor Smith stated that there were many views concerning the aspects of the "Potato Patch Motor Park" and suggested several other areas where they could locate, without causing distress to anyone.

Mr. Gelfand reiterated that he was from the New York Motorcycle Rights Organization and stated that if he was not mistaken, Supervisor Smith just politely told them to go elsewhere and make their noise.

He continued by saying that no matter where they went, there would be complaints.

He then said that they feel their rights are being discriminated against.

PUBLIC HEARING - continued:

Councilman Young stated that everyone in the Town had to conform to this noise ordinance, not just certain people.

He then said that this ordinance will force the whole Town to give up a lot of freedoms that they've always had.

Councilman Menendez asked Mr. Gelfand where he lived and if they had a noise ordinance there.

Mr. Gelfand stated that he lived in Nassau County and the noise ordinance only went into effect after 11:00 P.M.

Extensive discussion followed.

Councilman Menendez then stated that since Nassau didn't allow noise, they're all coming out here and the Town Board has to draw the line somewhere.

Paul Begin, Oakland Ridge Mobile Home Park, Riverhead, east of the Riverhead Town Dump, stated that it is not a Senior Citizen Park, but they are always welcome.

He then spoke of the noise emanating from the machinery at the Dump, normal workday noise and Grummans, but further remarked that he could put up with that because everyone had to work to live and pay taxes, etc.

He concluded by saying that now motorbikes are being ridden on an old road behind his home and those and/or racing cars, he doesn't need to put up with.

He agreed with Supervisor Smith that these tracks should be located elsewhere.

Al Vetter, Riverhead, stated that he was a stock car fan and strongly opposed the noise ordinance.

He spoke of racing cars and motorcycles as a healthy outlet for people and the residents ought to be glad that they're racing on a track instead of through the streets and trailer parks.

Mr. Bermel stated he would like to correct some misinformation and went on to say that when Glenwood Park was first in the planning stages and then built, the raceway only ran stock-car races, which no one objected to.

He continued by saying that in the last three years, particularly the last two, the operators of the track brought in highly tuned cars that only amused the audiences because of the noise they generated and annoyed all the surrounding residents.

He concluded by saying that no one is trying to put the race-track out of business. The noise ordinance merely asks that something be done to control the excessive noise that's generated from the raceway.

Supervisor Smith stated that that was a fair statement.

PUBLIC HEARING - continued:

Mr. Schou talked about the racetracks and touched on a few of the points brought up by Mr. Bermel.

He then talked about mufflers for the cars and stated that in the fifteen years that he's been in the racing business, he never knew that these mufflers existed.

Mr. Kessler pointed out to the Board that they should not rush into an ordinance, just to eliminate one or two things.

He then talked about the exemption section in the ordinance and stated that according to what was previously said, the "Potato Patch Motor Park" was in an area that had exempt status.

Supervisor Smith stated that he had scored an academic point.

Mr. Kessler stated that lots of people had talked about a compromise, but he didn't think a compromise was an elected official telling them to get out and find another location, that was not in his jurisdiction.

Supervisor Smith made a rebuttal by saying that he suggested alternate locations to Mr. Kessler, some time ago, and he said no, he was going to open up on a certain date.

He further stated that the Town would get an injunction against Mr. Kessler and he turned around and made a statement to the press that the "Potato Patch Motor Park" would open up even earlier.

He then said: "You may think, Sir, that we are a push-over, but we're not. We will not take anything that we feel is contrary to the betterment of this Town!"

Mr. Kessler stated that in that particular note, he would not comment further on the pending litigation.

He then spoke about the issue of whether or not the Long Island Motor Cross Association was allowed to locate on that particular piece of property with reference to the zoning.

He continued by talking at length about the problems that could arise, if the Town succeeds in adopting the noise ordinance regarding the Motor Cross Park facility, trespassing, undesirable patrons, etc.

Supervisor Smith then stated that he had read the affidavit of their Lease and he believed that the owners would ask Long Island Motor Cross Association to put back the farm the way it was, if they insisted on leaving the Motor Cross Park standing there idle.

Mr. Kessler said he would not comment on any aspect of the litigation because that belonged in a courtroom.

He continued speaking on their right to locate in Riverhead and providing a facility for their members.

Mrs. Shubert spoke in defense of Supervisor Smith and Mr. Bermel and stated that maybe she misunderstood, but Mr. Kessler sounded like he was threatening the Town Board.

PUBLIC HEARING - continued:

Maribeth Andresen, Aquebogue, spoke on leaving the established businesses alone and dealing with the new things, as they come, because of the fact that the decibel level system is going to be so hard to enforce.

She then asked what a "residential real property boundary" meant in the proposed ordinance.

Supervisor Smith told her to read 3.2.2.8 in the ordinance.

Mrs. Andresen said that there had to be some sort of rewriting in the section on animals, etc., as many people have animals in all parts of Town.

Mr. Bermel asked if he read correctly in the paper that this motorcycle facility intends to erect a building to manufacture parts and sell them.

Supervisor Smith stated that at a prior meeting of the Board, it did enter into the discussion.

Richard Anderson, Middle Road, Riverhead, expressed his concerns on the effects of the proposed noise ordinance with reference to his farm, domestic tools and sport machines.

Norbert Klinger, Massapequa Park, stated that he didn't think the Town was afraid of the noise, he felt they were afraid of outlaw groups of motorcyclists coming into the Town.

He asked the Board not to deprive these kids of their recreation.

Discussion followed.

Supervisor Smith talked about Laconia, where they have this type of track and stated that it cost them \$10,000 for their own Police Force for two races.

He went on as follows: "They get between 40,000 and 60,000 spectators. They hire 100 additional police officers for their own force. They have a National Guard Unit that stands by, 80 to 100 State Police in attendance and 100 Sheriffs in attendance. They believe that the total tariff to the taxpayers and various municipalities of Laconia Notch and the State of New Hampshire for those weekends is \$100,000. There are many sides to the Laconia Notch Issue.

Mr. Gelfand objected from the floor.

Mr. Klinger stated that a track like this will bring money into the Town and boost the economy.

Mr. Gelfand stated for the record: "You brought up the fact that Laconia spends about \$100,000 a year on services rendered for police protection and such.

PUBLIC HEARING - continued:

Supervisor Smith stated that he said Laconia spent \$10,000 for two races and their own testimony to the New Hampshire Legislature stated that they spent \$100,000 on each of the big races for police protection.

He then said that that was their testimony, not his.

Mr. Gelfand said that the people should be aware of the fact that the Town can get 2 to 3 times more than the \$100,000, back in revenue from this facility.

Supervisor Smith stated that that was a decision for the people of the community to make.

Herman Abbey, Hampton Bays, said that the comparison between Laconia and Riverhead was like a Little League Game with a Mets Game in the city, regarding costs for protection.

He further stated that Laconia hosts national races and Riverhead would only handle local meets, thereby making the cost much, much lower for police protection.

Paul Smith, Riverhead, stated that he didn't know why there should be exceptions to the proposed ordinance. If the Town Board is going to pass a bill, what's good for one, is good for everybody.

Mr. Klinger stated that he felt the Board was discriminating against the motorcyclists.

William Nohejl stated that the out-of-towners were trying to tell the Town that they should have this Motor Cross Park and that decision should be made by the Townspeople of Riverhead, not someone from up the Island.

Mr. Pekar stated that the Motor Cross people know that the Town doesn't want them.

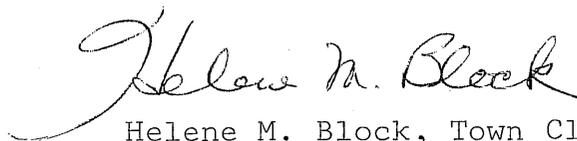
He then stated that everyone's life is at stake regarding the worsening of noise levels and that's why they were here tonight.

He continued by saying that if the Town doesn't do something about it now, it will be too late to do anything.

He concluded by saying: "We the people that live here, let us decide how we're going to run, govern and control our Town, not you from New York City and Massapequa Park."

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the Hearing closed at 10:42P.M.

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



Helene M. Block, Town Clerk