

Minutes of a Regular Board Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York on Tuesday, April 5, 1988 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Louis Boschetti, Councilman
Robert Pike, Councilman
Denise Civiletti, Councilwoman

Also Present: Patricia Moore, Town Attorney
Irene J. Pendzick, Town Clerk

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

REESOLVED, that the Minutes of Regular Board Meeting held on March 15, 1988 and Special Board Meeting held on March 28, 1988, are dispensed and approved without objection.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "The heads of some of the departments of town government are present should anyone have any question of them. And I'm happy to point out that Ms. Hogan, the Assistant County Executive, Suffolk County, is present and will be attending some of our meetings representing the County. Reports Mrs. Pendzick."

REPORTS

Tax Receiver: Collections as of March 30, 1988 being in the amount of \$16,186,096.69. Filed

Planning Board: Recommendation that Special Permit of Greg Gentile be approved (with conditions); final plats of "Manors at Baiting Hollow", Section 3 & 4; "Landworks Partnership"; Manor Lane Estates"; and K. Barra are approved; minor subdivision of Becker, Kujawski and Habitate American Corp. Filed

Building Dept.: Monthly report for March, 21988. Filed

OPEN BID REPORT - 4-Wheel Drive Vehicle - Building Dept. Filed

Bid Date: March 28, 1988
1 Bid Submitted

NAME: HERB OBSER MOTORS

ADDRESS: ROUTE 58, RIVERHEAD, NY

TOTAL BID: \$14,098.00

REPORTS, ContinuedOPEN BID REPORT - Roads and Drainage - Silver Linings.

Filed

Bid Date: March 31, 1988
3 Bids Submitted

NAME: LASER INDUSTRIES

ADDRESS: ROUTE 25, RIDGE, NY

TOTAL BID: \$369,789.00

NAME: MID-ISLE EXCAVATING

ADDRESS: 844 ROUNDSWAMP ROAD, OLD BETHPAGE

TOTAL BID: \$403,275.00

NAME: TRISON CONTRACTING, INC.

ADDRESS: P.O. BOX 802, LYNBROOK, NY

TOTAL BID: \$497,143.00

Supervisor Janoski, "Thank you. Applications."

APPLICATIONS & PETITIONS

Petition: 12 residents of Greenbrier Road, Wading River requesting a "No Parking" Zone in town parking lot for better vision of intersection. Filed

Site Plan: H.B.H. Home and Auto Outdoor Display (Install fence). Filed

Site Plan: Teppers Stationery (renovate store front). Filed

Site Plan: Riverhead Medical Office Building (construct building, East Main Street). Filed

Parade Permit: Combined Veterans Committee (5/30/88 at 9:00 a.m.). Filed

Petition: 61 residents signatures requesting denial of Bridge-water Estates project. Filed

Supervisor Janoski, "Thank you. Correspondence."

CORRESPONDENCE

Landmarks Preservation Commission, 3/28/88-Expressing thanks to the Board for preservation of "Eastlawn" and the establishment of a museum. Filed

Robert Tooker, 3/21/88-Requesting determination whether minor subdivision is excluded from moratorium under Section 6, or exemption required under Section 8 of Local Law 5-87. Filed

Sherry Johnson, 3/10/88-Expressing concern for development along Saw Mill River and submitting a draft of a "Saw Mill River Management Plan". Filed

Michon Griffing, 3/28/88-Submits resignation as CAC member. Filed

Southampton Town, 3/25/88-Asking if any objections to application of Suffolk County and Marine Midland Bank for automatic teller machines. Filed

County Legislature-Resolution requesting towns to establish a uniform system for addresses. Filed

Robert Andruszkewicz, 4/2/88-Advising Board of flooding conditions at south end of Church Lane and asking for a solution. Filed

N.Y.S. Dept. of Transportation, 3/31/88-Advising that analysis of speed limit on Twomey Avenue indicates lowering from 55 mph not appropriate. Filed

S.C. Dept. of Real Estate, 3/30/88-Notice of Public Hearing on 4/18/88 at 10:30 a.m. re: acquisition of property for drainage and intersection improvements. Filed

Supervisor Janoski, "Thank you. The scheduled time for the first public hearing has not yet arrived. We have a list of Unfinished Business. And once again, I will point out that in parenthesis is the indicator of where the particular application is in the process. Having said that, I will recognize anyone who wishes to be heard on any subject."

Nick DiPierro, Wading River, "I apologize for being a little late. But I see that one of the recommendations here is a recommendation that the special permit of Greg Gentile be approved. What does this mean? Please."

Supervisor Janoski, "The Planning Board reviews all special permit applications and makes a recommendation to the Town Board as to their feeling of whether it should be approved or denied. In this case, they recommended it's approval with specific conditions. The process does not stop there. The next step is for the Town Board to call a public hearing in which anyone interested in speaking to the Board on this application whether for or against and for whatever reason, would have an opportunity to do so. And then of course, the decision is up to the Town Board."

PERSONAL APPEARANCES, Continued

Nick DiPierro, "And when will this public hearing take place?"

Councilwoman Civiletti, "Tonight we're authorizing the Town Clerk to publish a notice of that hearing which will be held on May 19th at 7:45."

Nick DiPierro, "May 19th?"

Irene Pendzick, "April."

Supervisor Janoski, "That authorizes the publication in the paper of the notice of public hearing. It will set the time."

Nick DiPierro, "It will be in the paper. And as far as the adjoining property owners go, they will also be notified?"

Supervisor Janoski, "Yes. Within 500 feet. Anyone living within 500 feet."

Nick DiPierro, "Five hundred feet butting up against the property lines?"

Supervisor Janoski, "Yes."

Nick DiPierro, "Ok. For now. Thank you."

Supervisor Janoski, "Thank you. Steve."

Steve Haizlip, Calverton, "The New York Department of Transportation has advised to not lowering the speed on Twomey Avenue and leaving it at 55 because my input is not going to mean anything to the state anyhow and it never does. But I'm going to say that I don't think it should be 55 because that's a secondary road. And as far as I'm concerned, all secondary roads in the town should be maintained at 40 miles an hour because of the conditions, the dips and the curves and the shoulders and so forth on and maybe farm equipment going back and forth and what have you. The next thing, I read in the News Review that I don't believe that the New York State Motor Vehicle Department is still allowing that building down there without toilet facilities or restroom facilities or whatever you want to call it. And you know good and well, you would not allow that to operate in this town as long as people are coming into facilities to be served, you won't allow it. Now, why is the state getting away with this? Mr. Sawicki, he's wrote to Patricia Abducci and what have you and we're not getting any results. Now, I want to go on record here protesting that and whatever you people want to do or take up any action, go ahead and do it."

Supervisor Janoski, "Thank you Steve."

James Adams, Overbrook Street, Reeves Park, "I heard some rumors when we just got back home. They're going to build a mini-market down there on the corner of Park Road and Sound Avenue. What does the town know about that?"

PERSONAL APPEARANCES, Continued

Supervisor Janoski, "That piece of property was zoned business and it has been for many years. There was a site plan approved there last year."

James Adams, "Last June. An action has now taken place?"

Supervisor Janoski, "I don't know if they have applied for their building permit. But if you have heard a rumor that they might be getting ready to build."

James Adams, "I had heard that. I had heard that the Town Clerk knows all about it. You know rumors don't you?"

Supervisor Janoski, "As the keeper of records of Town Board actions, I would expect that she would know that was approved."

James Adams, "May I go home then, rest assured that there will be no mini-mart on the corner of Park Road and Sound Avenue this year."

Supervisor Janoski, "There is going to be one."

James Adams, "There is going to be one. Well, I vehemently oppose it and I can get you three or four hundred people who will go along with me to oppose this for that very reason. If you look at Sound Avenue for a good ten miles, a few farm stands, one little gas station and then you have a Delicatessen up there in Jamesport. Why put it at Park Road and Sound Avenue? There's nobody living there except us few people in Park Road and we all have washing machines."

Supervisor Janoski, "What I would suggest you do is you come down and take a look at the file on the application."

James Adams, "May I have your permission sir?"

Supervisor Janoski, "Certainly, it's public record. And it is, in my opinion, a very attractive and well done facility. It's very rustic looking as I recall. I haven't see it for a while."

James Adams, "I believe it's a duplicate of what now exists opposite the King Kullen in Wading River, quite similiar."

Supervisor Janoski, "No."

James Adams, "No, not like that. Alright."

Supervisor Janoski, "Why don't you come down at least take a look at the file. Then you can express your opinions."

James Adams, "Do the citizens have a chance to do anything to prevent this?"

Supervisor Janoski, "Well, the... It is an allowed use because the property (as I say) is zoned business and has been since the inception of zoning in town. So that the only question becomes

PERSONAL APPEARANCES, ContinuedSupervisor Janoski, continued

one of site plan approval and that is a review of the layout of the property, the architectural landscaping, etc. That is the action that the Town Board takes and that was approved last June."

James Adams, "So we do have a second shot then when this..."

Supervisor Janoski, "No. That's already been approved."

James Adams, "So we don't have a second shot. Can we stand up there and picket?"

Supervisor Janoski, "That is your constitutional right under the first amendment."

James Adams, "I hate to go back and tell all those dear people that we've had it which we have according to what I've heard."

Supervisor Janoski, "It has been approved. It is an allowed use under the zoning."

James Adams, "Distressing, distressing. Thank you."

Supervisor Janoski, "Thank you. Let the record show that the hour of 7:45 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, April 5, 1988 at 7:45 p.m. to hear all interested persons who wish to be heard regarding: The Change of Zone Application of Martin & Jean Kart.

Supervisor Janoski, "Thank you. Allen, representing the applicant."

Allen Smith, Attorney, "Members of the Board, this particular property is immediately opposite Kinney Chevrolet on Route 25 and just west of the intersection of 25 and Route 105. The most distinguishing feature of the property at the moment is about ten realtor signs out in front of it. It is a one family house with a garage behind it. It's approximately one acre in size. At the moment, the Riverhead Town Board has seen fit to zone the property as agricultural. The premise of Mr. Kart's, Mrs. Kart's application before the Board is a one acre site with a house and a garage on it. And at that particular location, may be used for a lot of things but it's really not an appropriate site for a farm or farm related service. We applied to change the use to the business zoning which we believe to be the appropriate use for a highly travelled roadway such as the one on which this parcel sits. The fact that the property is currently inappropriately zoned, is recognized by the resolution of the Planning Board that was referred to this Board after we appeared together with other persons who similarly have a problem with the

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PUBLIC HEARING, ContinuedAllen Smith, Continued

zoning that's in that location. Although the Planning Board did not recommend in this particular instance that it be changed to the Business "B" use, they did recognize that the agricultural use of the property was not appropriate and suggested that the entire area be changed to the Office Service zoning use. Mr. Kart and Mrs. Kart had the property on the market for over a year. Put simply, they are not receiving any interest in the property for either one family residence and/or for any of the permitted agricultural uses. Thank you."

Supervisor Janoski, "Thank you Allen. Is there anyone present who wishes to address the Board on the matter of this application? Yes, Paul."

Paul Baker, "I'm the president of the Organization of Riverhead Civic Associations. Our organization spoke to the Board on February 23rd and we submitted our letter to you regarding the redefinition of business use along Route 58, Route 25. We're concerned about this approach to land use in our town. We repeat our objections to changing land use at this time when we are asking farmers to except upzoning as part of our preservation of farmland. We are concerned about the tax impact that these uses may have and we hope that the town addresses this issue in all future application reviews. And lastly, we still prefer the redevelopment of our business community along the existing borders of the Peconic River. We are opposed to the rebuilding of a business center along Route 58. This duplication is far too costly to our town. Thank you very much."

Supervisor Janoski, "Thank you. Yes sir."

Jerry Heingartner, Kinney Chevrolet, "I just wanted it to be known and put in the record that I am very much in favor of commercial development on Route 58, particularly in the area that we just were discussing. Mr. Kart's property particularly. And I just would like it to be known on the record for my own personal view point, I think that too often the business people in town have not been heard and listened to in so far as development is concerned and this town is suffering from a tax base standpoint. I think the sooner the Town Board recognizes this in the community and including a civic group, that this town is not going anywhere down the road until it recognizes some commercial development, controlled commercial development. It's not happening. We're going backwards. And I think in the case of Mr. Kart as well as other people who that will be coming down here to ask for a change zone, I think it makes an awful lot of sense for the town today and in the future for tax increase, to tax the commercial developer. This gentleman hasn't got a prayer of selling this house on Route 58 as it's zoned agricultural. It just doesn't make sense. How's he going to sell his property? Nobody is going to buy a house in that artery at that point. So, I'm definitely in support (personally) and I know other business people are. I know people from Riverhead Chamber of Commerce are in favor of changes of zone on Route and I just want to go on record to say that. Thank you."

PUBLIC HEARING, Continued

Supervisor Janoski, "Allen. Where's Allen? This property is on Route 25 right?"

Allen Smith, "It's where they.... 25."

Supervisor Janoski, "Peter."

Peter Danowski, Attorney, "For other applicants who have matters pending, hopefully, in the future before this Board. I would note that I represent Walter and Marilyn Gatz who own an adjacent piece of property to Mr. Kart. They fully support Mr. Kart's application. I represent Lou Bonavita and his firm, Evergreen Homes who own the front portion of property on 25 fronting their residential development; Duck Pond Estates. I represent D.B.M. Coe which Herb Mandell and Richard Israel who own Riverhead Lanes parcel. All of these people wish the property zoned Business "B". I'd also note, as you are well aware but some of the public may not be aware of, this property was zoned Business "B" by a majority of a then existing Town Board some time ago. That rezoning was done at the request of Mr. Heingartner and his firm as well as Doug Sowinski who owned the piece owned by Walter and Marilyn Gatz. At that time, the Planning Board recommended the Business "B" rezoning and the majority of this Board that then existed the Town Board, voted in favor of the Business "B" rezone. So there's a historically precedent not long ago with our own Planning Board recommending the Business "B" district. I've noted in my applications the historical evidence but I think the comment made in opposition is somewhat interesting too when you consider that building along the Peconic River as an alternative, is really impractical to suggest at this moment. Because as we all know, we first had a moratorium along the river and we now have regulations along the river and I have yet to be advised by anyone on this Board or anyone from New York State that the original half mile limitation has been narrowed down officially so that building can take place without D.E.C. regulations in effect. So it's impractical at this point to suggest that West Main Street, for instance, which I would agree, needs something done, a face lifting for sure. And certainly perhaps, business there. Certainly, Route 58 and 25 to the point of County Road 105 should be zoned Business "B" and I recognize that the Board sometime ago had gotten some recommendations from a consultant with regard to the zones in the area. But I think most of the Board members were present at a work session in which Mr. Howard Young presented some schematics of the lot sizes with regard to the parcels on Route 58 extending into 25 and it is practically impossible to build under the current Office Service zone. The building envelopes don't exist. You have got to build with certain setback requirements and area requirements and no building exists. And as far as I'm concerned, for the clients that I represent, you condemned their property by placing the restrictions you have on the parcels in question. So I'm fully supportive of Mr. Kart as a life long resident. They've worked hard. They've existed on the chance. Give them the chance to make some money and sell their property. You've got the site plan approval process. You got a chance to require the necessary vegetation, screening, parking and drainage. You can review what the buildings will look like. It's not a question of not having the ability

PUBLIC HEARING, ContinuedPeter Danowski, Continued

already under your ordinances to control how it will look, to control where traffic will flow. It's merely a question of whether you want to let it exist where nothing will be done with the property. All of my clients would say exactly the same thing that Mr. Smith has said. They've had their properties listed on the market for an extensive period of time and no one wants to buy the property to put a house on it and no one wants to put an office on it. We've reached somewhat of a saturation point on offices and I would say all together, we're out of luck with office space but there is a lot of office space being built. What is wrong with retail stores as long as you have control over how the site is going to look."

Supervisor Janoski, "Thank you Peter. Is there anyone else wishing to address the Board on this application? Betty."

Betty Brown, N.F.E.C., "I'm the Vice President of the North Fork Environmental Council. The North Fork Environmental Council strongly objects to the change of zone application of Martin and Jean Kart to downzone Agricultural "A" property to Business "B" on the Main Road in Aquebogue. Any such approval would be inconsistent with the town's planning goals and concepts to retail hamlets and commercial activity in tighter areas rather than spread them out along roadways. Route 58 Corridor serves as an east west corridor for Riverhead residents and visitors as well as year round and seasonal travelers to and from the Town of Southold to the east. To promote the efficient and safe flow of traffic is, I'm sure, a great concern of this Board. As it has been stated in the Raymond, Parrish, Pine and Weiner Study, the Route 58 Corridor and I quote, it would be desirable to maintain the low density character of the area and to discourage the expansion of commercial activity in the eastern portion of the Route 58 Corridor. Any amendment to the zoning code on this one acre parcel would constitute spot zoning and would certainly not benefit the health, welfare and safety of the residents of Riverhead. The applicant has applied for a change of zone as relief from hardship. He has stated that no interest has been expressed for the residential or agricultural use. And therefore, since it is on the market for many many months, he is unable to sell his property. We are aware of a recent sale on the north side of the Main Road in Aquebogue for 170,000 dollars as a residence. And we find it perplexing that no couple would be interested in this home as a first home. Perhaps 450,000 dollars is a little too steep to pay. The petitioner also makes known that garage, auto and boat sales operations have been conducted since the advent of zoning and that the parcel is only suited for business purposes. Some confusion lies in the use. As in the Assessor's Office, it is described only as a single family residence. The North Fork Environmental Council has been an advocate of sensible growth in the Town of Riverhead. We respectfully remind the Board that the Planning Board has denied this application approval and we ask you to deny it also."

Councilman Boschetti, "Excuse me, Mr. Chairman. I have a question. Where did you get 450,000 dollars from?"

PUBLIC HEARING, Continued

Betty Brown, "In front of the Kart parcel there are many many signs for sale. I called all of them and I spoke to all of the sales people and it has fluctuated from 425,000 to a now 450,000 dollars and they all but laughed. They're barely showing it."

Councilman Boschetti, "I just want to understand this clearly. You're saying that the one acre parcel that was cited a moment ago, the asking price for that is between 425,000 and 450,000 dollars? Thank you."

Betty Brown, "Yes. Thank you."

Supervisor Janoski, "Is there anyone else present? Mary Beth."

Mary Beth Andresent, Aquebogue, "Five years ago, a few of us in the Town of Aquebogue, went to bat over this property and the change of zone at that time. We went as far as Supreme Court. We did win at that time. We brought up many many things and I'm sure you can go back in the record; that of traffic congestion, that of the most hazardous intersection in the Town of Riverhead. I travel this intersection probably 15 to 20 times daily back and forth to school to pick my children up from school, everywhere. It is a horrendous intersection. Mr. Heingartner's big car carriers come in. They back up through that entire area to unload cars. The mess and the jam up is very very horrific. There is accidents there quite a lot. There's a lot of fender benders that never ever go to hospitals and what have you. Any further congestion in this area of a commercial network would be prohibitive. I suggest that this Town Board take a note from Southampton in the Water Mill situation where they were faced with a similiar situation of changing a zone in property to commercial property in an area that could ill afford it. And possibly think on those lines. We have areas in this town that are business zoned that are occupied. Adding more to those rolls at this point, I think is ludicrous. Thank you very much."

Supervisor Janoski, "Thank you. Is there anyone else present wishing to address the Board on the matter of this application?"

Councilman Boschetti, "Mr. Supervisor, before you close the meeting, I would like verification of this asking price and whether or not this in fact is the case."

Allen Smith, "The price is as stated. And if I could get to this client or any other client a price of that figure or even a greater figure, I would do so."

Councilman Boschetti, "Are you asking us Allen to consider this asking price and the fact that it's been on the market for a year, as evidence that it won't sell?"

Allen Smith, "That's not what I said. What I said is there are no offers on this parcel at any price."

Councilman Boschetti, "At that price? At any price. Thank you."

PUBLIC HEARING, Continued

Allen Smith, "The 170 that was mentioned by Mrs. Brown, I don't believe was sold for residential purposes and it was a profit. Now that type of price on a front footage of Route 25 or Route 58, you examine either the sale of the contract that exists for the property on the southwest corner 58 and Mill Road. I don't know that those numbers are wrong. The fact of the matter is whether the price is five cents or five hundred thousand dollars, this is not an appropriate site for a house. It's not an appropriate site for a farm. And whether somebody makes money selling it or owning it or carrying it, is not the issue of planning."

Councilman Boschetti, "I agree that maybe you have an argument either way. Perhaps you do. But the consideration of this Board, do you still want us to consider that this property has been on the market for a year and has not received any offers?"

Allen Smith, "That is correct and that's an accurate statement. If Mrs. Brown would like to buy the property for 200,000 dollars or five dollars, she's welcome to make an offer."

Councilman Boschetti, "Would it be considered?"

Allen Smith, "Every offer is considered. Whether it's taken or not, that's a wholly function of the client."

Supervisor Janoski, "Thank you Allen. Is there anyone else wishing to address the Board on the matter of this application? That being the case and without objection, I declare the hearing to be closed. Let the record show that the hour of 8:04 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

7:45 PUBLIC HEARING CLOSED AT 8:04

PUBLIC HEARING - 8:00 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, April 5, 1988 at 8:00 p.m. to hear all interested persons who wish to be heard regarding: The Installation of lateral water mains to be constructed at Raynor Avenue within the proposed subdivision of "Sandy Hollow Woods."

(See Water District Minutes)

8:00 PUBLIC HEARING CLOSED AT 8:07

Supervisor Janoski, "Let the record show that the hour of 8:07 p.m. has arrived."

PUBLIC HEARING - 8:05 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, April 5, 1988 at 8:05 p.m. to hear all interested persons who wish to be heard regarding: The Installation of a lateral sewer main to the Sandy Hollow Woods subdivision.

PUBLIC HEARING, Continued

(See Sewer District Minutes for 8:05 public hearing).

8:05 PUBLIC HEARING CLOSED AT 8:17

Supervisor Janoski, "Let the record show that the hour of 8:17 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:10 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, April 5, 1988 at 8:10 p.m. to hear all interested persons who wish to be heard regarding: Proposed Increase and Improvements to the facilities of the Riverhead Water District by the purchase of vehicles.

(See Water District Minutes)

8:10 PUBLIC HEARING CLOSED AT 8:46

Supervisor Janoski, "Let the record show that the hour of 8:46 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:15 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, April 5, 1988 at 8:15 p.m. to hear all interested persons who wish to be heard regarding: Proposed Increase and Improvement of the facilities of the Street Lighting District by the purchase of a Cherry Picker.

Supervisor Janoski, "A Cherry Picker is a truck that has a bucket on it that lowers and raises Larry up to the lights and back down again. Who is speaking on behalf of this proposal? Larry, are you doing it or is the Highway Superintendent here? Well, basically, the Riverhead Lighting District is in need of a truck that has the capability of raising Larry up and down so that he can fix those street lights and also traffic control signals in the town. It also maintains those. That's very important John and I'm glad you brought that up. Larry also changes the light-bulbs at Stotsky Park for the ball fields. Is there anyone who wishes to address the Town Board on the matter of buying a Cherry Picker for the Riverhead Street Lighting District: Mr. Kasperovich, I would have bet money that you had something."

William Kasperovich, Wading River, "I remember the word Cherry Picker because I heard it exactly 50 years ago. Thirty years ago. In '57. And I didn't know what a Cherry Picker was. I thought it was something that came, some sophisticated piece of machinery that came out of the orchards. So I had to learn what a Cherry Picker was. After considerable embarrassment and error and now I sit here 30 years later and hear my Supervisor use the word incorrectly."

PUBLIC HEARING, Continued

Supervisor Janoski, "Well, Bill why don't you tell us what the correct way is."

William Kasperovich, "A Cherry Picker is a collapsible boom with a mobile head. The bucket is not a mobile head, consequently, it is not a Cherry Picker. A bucket lift would be a more appropo description of what this piece of equipment is and it is not a Cherry Picker."

Supervisor Janoski, "Bill, wait a minute. You haven't told us whether you think we should buy this or not. That's the subject of the public hearing."

William Kaspereovich, "I don't know. If I probably looked at it, I probably would ask for a better piece of equipment so I won't dare."

Councilwoman Civiletti, "Mr. Kasperovich, what is a collapsible boom with a mobile head? What is that? What does it do? I understand what this is."

William Kasperovich, "If I was the power unit and this was the boom extended and retracted. At the end of the boom there is a device that is moveable. The Cherry Picker is moveable in 180 degrees. The bucket is not because it has to hold the open end of the bucket upward so it can turn. A Cherry Picker could have any kind of device mounted on the end of the mobile head."

Councilwoman Civiletti, "It's not necessarily for someone to get into it to change light bulbs."

William Kasperovich, "That is correct. It could be many types of devices."

Supervisor Janoski, "If she's not going to say it, I'm going to say it. That was an illuminating discussion. Is there anyone else who wishes to light up the room? That being the case and without any objections, I declare this hearing closed. We are going to simply recess the until ten minutes past the hour of 9:00 p.m."

8:15 PUBLIC HEARING CLOSED AT 8:51

TOWN BOARD MEETING RECESSED AT 8:51

TOWN BOARD MEETING RECONVENED AT 9:15

Supervisor Janoski, "The meeting will return to order. We will now take up the resolutions."

William Kasperovich, "Point of order."

Supervisor Janoski, "Mr. Kasperovich."

William Kaspserovich, "On the agenda for anyone wishing to be heard before resolutions."

Supervisor Janoski, "I did that Mr. Kasperovich. But I would certainly recognize you if you would like to address the Board on any matter on the agenda. You have the floor and the microphone."

William Kasperovich, "I have several items here of importance about with which I wish to talk to the Town Board and I don't know where to start. I forced my way in on a point of order. So I guess I have to start with resolutions. Resolution 237, I thought I offered some information, some concern but it seems I missed the whole point of how the Town Board functions. It seems that your solution to a problem is get a paint brush and paint it yellow. Now I can't think of you people having such mentality as to thinking that low. I find this very disturbing to think that a problem of concern is brought before you and still your only solution is to use a paint brush and you didn't even get the correct yellow. The propane people, Synergy and Conservative Gas, they've used the correct proper color for years now and it's not a bright yellow. There's no way to describe that. So you don't even get that straight. Here comes a resolution. You had a public hearing. You had things that you could look into or re-evaluate or think out but you add nothing. It seems I get up here and I beat my gums and I'm talking to deaf ears. I thought I would get... I didn't do it intentionally, that we have a potential time bomb in Riverhead. I didn't throw that in intentionally. That's the way my talk came out but it's true and yet you didn't change a d--- thing."

Supervisor Janoski, "That's because we did examine your testimony and then went to the proper officials and found out that your testimony was very much incorrect. That the safest..."

William Kasperovich, "When you say proper officials, if you don't name them specifically, to me it doesn't mean a thing. It's just eyewash. Unless you stipulate exactly by whose authority and by what basis you do this because I'll be at their door at 8 o'clock tomorrow morning and tell them where the h--- to get off."

Supervisor Janoski, "Well, I would suggest that you start with the County of Suffolk."

William Kasrovich, "That's alright. I would probably start with the state and some federal agencies."

Supervisor Janoski, "Well, we were told that the safest place to store this liquid petroleum gas was in fact, underground where you had testified that it should have been above ground. That was part of your testimony. The color yellow was once again, the color which was designated by the county. And what we are trying to accomplish here is that in case of an emergency, that emergency personnel would be able to recognize on site that a cap painted yellow would indicate that there is in fact, liquid propane gas stored underneath it. That's all it attempts to do."

William Kasperovich, "Well, I thought I made it plain that that's not enough. It is better than nothing, correct. Because yellow is used so indiscriminantly in this township that you write in a bright yellow, could be traffic, could be anything. I did mention some positive safeguards. I did mention what is to be done

PERSONAL APPEARANCES, ContinuedWilliam Kasperovich, Continued

when it is below the surface or underground. And that's what is my little gadget here. So you can't say I didn't say it. And for nothing."

Supervisor Janoski, "Bill you're running out of time, so if you would."

William Kasperovich, "That is very true. I don't know how much the good lord left for me. I'm going to get on to two more items very shortly because I get somewhat emotional. I've been in the chemical industry long enough to have seen and helped take bodies and put pieces of bodies in rubber bags. Until you've lived through some of that, you don't have the proper respect for chemicals under pressure. And I get my hackles and I'll fight any man on the face of this earth that will go along with this sort of mentality. Now, the other point I want to bring up; last Thursday I was here. Your honor chose to be elsewhere and the AT&T people came here and made a presentation of some sophisticated, modern current thinking, advanced communication. Ok. It was my good fortune to corner a man out in the parking lot and say what the h--- are you doing about Wading River. I dial 911, I get somebody on the other end that doesn't know where I'm at and doesn't know the street names, doesn't even know County road 54. And the flames are consuming the house at this time. He says, we're looking into it. I said, well, what are you going to talk about today. It's within the Town Hall and the Police Department. Well, you people are getting into a lot of sophistication and artistic work and room development and painting and now you're going to be considering telephone improvements. But where is the man in need of assistance that has a telephone number that starts with 929. When he called out 911, he gets a switch board down in Yaphank and talks to strangers that don't know the township, don't know the conditions, don't know the street names. And yet, you bring in telephone improvements. We're not malfunctioning here. There's nothing here that is of immediate demand."

Supervisor Janoski, "As a matter of fact, Bill, we are addressing the point that you brought up at one of these Town Board meetings and that is; that we do not have the capability if we get an emergency call here, to transfer it over to the Police Department. With this new equipment, we'll be able to do so. You brought that up here. And let me say one more thing. This equipment will enable us to put in place an enhanced 911 to solve the problem that you speak of in Wading River."

William Kasperovich, "Well, I'm glad to hear you say that because the man and woman that was here told me out in the parking lot that they can say that it will do that."

Supervisor Janoski, "Well, they told me they could do it."

William Kasperovich, "Well, then they're telling the people different stories."

PERSONAL APPEARANCES, Continued

Supervisor Janoski, "Bill, you're really pushing over the time limit. So if you could please."

William Kasperovich, "I'll push one short one. I have in the past, Mr. Supervisor, asked you for an appointment to talk to you in your office. Several times over the last two years. I have asked at your convenience, day or night, Saturday or Sunday, anytime. And you have choose to tell me nothing. Well, nothing is also an answer. And I resent this and I resent this five minutes restraint because your door to your office is closed to me and my rights, legal rights to stand here and address the Town Board, I have learned where I stand. You will never again violate my constitutional rights, believe me. Even if I have to arm myself, you will never do that to me again. And you have a choice, you don't have to like your constituents and they don't have to like you. But when you lock the door to your office, then you are not earning your pay. And right now, as I see it, you're not earning your pay."

Supervisor Janoski, "Thank you Bill. We are going to take up the resolutions."

Resolutions #224-# 262 found on pages 451-519 of Resolution Book 1988.

#237 ADOPTS RESOLUTION RE: AMENDMENT TO CHAPTER 75 SECTION 75-4 OF THE RIVERHEAD TOWN CODE.

Councilman Boschetti, "And I would just like to add that I'm going to second this because the information we have indicates that this is the proper way to proceed."

#243 PROMOTES NADIA MOORE TO SENIOR STENOGRAPHER.

Councilwoman Civiletti, "It has been brought to my attention, I'd like to raise this comment that the February 1st date was prior to the calling of the Civil Service list so we can not do it retroactive to February 1st. We can do it to March 21st."

Councilman Pike, "How about we phrase it such that it's retroactive to the date as soon after February 1st it can legally be done. And if that turns out to be March 21st, that's when she gets it."

Councilwoman Civiletti, "It's okay with me."

Supervisor Janoski, "Okay."

Councilman Lombardi, "Let's do it that way."

Councilman Boschtti, "Is this a motion to amend?"

#245 AUTHORIZES SUPERVISOR TO ENTER INTO LEASE AGREEMENT WITH AT&T.

Councilman Pike, "We have, through the Supervisor's Office, re-evaluated the entire phone system in the Town Hall. Those of you who have called and I count myself among them, have discovered that

RESOLUTIONS, ContinuedCouncilman Pike, continued

you occasionally get a busy signal calling in here during normal business hours and too, takes a long time to get things answered. We're completely redesigning the phone system consistent with not only phone communications but with data communications and the ability to network between all the offices. It also improves the ability to communicate between this building and the building next door. The designers of the building next door put in a conduit to their... Congratulations to their foresight, we will have an integrated phone system between the two departments. The interesting thing about this is the technology involved duck tails with what we're doing with computerization and I was heavily impressed by the lack of price increase involved by doing it. So I do think Jack and Monique are to be congratulated on this one and possibly Joe had something to do with it. So despite that, I move 245."

Supervisor Janoski, "Before voting for this, I do want to point out once again that this will enhance 911 possible."

#253 GRANTING CHANGE OF ZONE APPLICATION OF AUGUSTA SCHNEIDER

Councilman Pike, "This is one of two resolutions before the Board tonight concerning the application of Augusta Schneider. This one simply realigns the line between the Office Service zone and the Residence "C" zone to the north spinning it on a central access to provide for more Office Service area on the parcel. That should have major tax advantages if it's developed for office service development compared to residential. I move resolution 253."

#257 APPROVES SITE PLAN OF BELINDA BENDER (H.B.H. HOME & AUTO.

Councilman Boschetti, "I move to amend. The amendment I would like to make regards stipulation number five; that the wording should be; landscaping should be accomplished in accordance with a landscaping plan which is approved by the Town Board and that's my motion."

Supervisor Janoski, "Is this subject to site plan review? The landscaping is not indicated on the site plan."

Councilwoman Civiletti, "At the work session Brenda had indicated it at I don't know who's request."

Supervisor Janoski, "Certainly it makes sense to amend it to approval by the Town Board."

Councilman Pike, "She can't move until she's got an approval. So why not just do it once and get this landscaping plan and hold it until then. I move to table."

Supervisor Janoski, "Anybody want to table this? There being no second on the motion to table, I'm not going to take it up. Is there a move on the amendment to include landscaping approved by the Town Board."

RESOLUTIONS, Continued#261 APPROVES SPECIAL PERMIT OF AUGUSTA SCHNEIDER WITH CONDITIONS.

Councilman Pike, "There have been three various drafts of the Augusta Schneider permit circulating today. And in a conference about a half hour ago, it was clear that there is a mover and seconder and majority support for this resolution. So I will move version one of resolution 261. This approves the special permit of Augusta Schneider with a number of conditions. The primary condition that is unusual is that it requires for ten percent of the project put on the market primarily marketed to citizens of the Town of Riverhead at developers cost. I'll have other comments, but I'll move on that version of 261."

Councilman Boschetti, "Well, there's undoubtedly a number of positive aspects to this particular project. There's also a few negative aspects. And one of the most troubling to me is the language contained in this particular resolution which states in the 17th paragraph under findings; there is a need in the Town for houses at prices which can be acquired by Riverhead residents of median income. While it's a noble concept and in some instances, worthy of praise, that the developer is even willing to consider providing houses at per cost or rather providing dwelling units, up to 16 dwelling units at per cost. That language indicates that this Board is thereby endorsing an effort to make reachable, by people who make median incomes, these particular units. Since we don't know what those costs will be and since the developer does not either, I think it's totally inadequate and incorrect for us to pass on a resolution which indicates that these units will in fact be available and could be purchased by residents of median income. And because of that, I believe that this particular troublesome aspect of this application and project. It has not been overcome by the balance of it and therefore I will stand opposed to it."

Councilman Pike, "I also want to make a few comments in the record here and I have had a very interesting afternoon. I spent from about 6 o'clock until sundown this evening wandering the site here thinking about what my primary responsible here as a town member and I find myself torn. I am a lawyer. And as a lawyer, I'm pledged to respect and honor an existing law in the Town of Riverhead. If I have a problem with that law, I have an obligation to try and change it. While we have talked about changing this particular law, no one member of this Board ever offered a resolution to change this particular law. We're talked about it. It's never appeared on this agenda. I think that in future that as we learn, that may be an appropriate thing to do. Now, as a public official, I have two ranges of possibilities. One is to, as I've tried to do in other areas of town, to make very large leaps of change to fundamentally change the path we're taking and we have clearly done that in the southwest quadrant of this town to protect the water supply by upzoning. And there is another way of doing things and that is a incremental way where you take things a little step at a time. I think that unless they are clearly wrong, that the laws of this town should be respected. And that there is a law that allows this development to go forward. It is, to some extent, consistent with good planning principles. There will be a relatively higher density in this neighborhood but it is not a density that is higher than the neighborhood that I grew up that is some two blocks from

RESOLUTIONS, ContinuedCouncilman Pike, Continued

here. Do I live in a bad neighborhood? I don't think so. It is a project that will have water and sewer to the site. If we do not allow this sort of project to go ahead, the sewage out of the resulting residential subdivision, would not be treated and you would have nitro loading straight into the ground water. It has some other advantages. In the long run, it is a mixed development. There is an office service project that is part of this site that will help balance the cost of providing services to this site. I can agree with Lou on a number of things but the yield here is relatively high. It is the highest one that I voted for in the Town of Riverhead but it is consistent with that planning principle that says that higher density development should be in the hamlet and it will be one that I will be asking this Board to support in other forms in the future. I think the fundamental question that came down from standing on the site, is do we need this kind of housing in the Town of Riverhead. I know from my own real estate practice, that the highest demand for real estate for housing is between the 100,000 and the 150,000 range. If you have a house in that range on the market right now, it will sell very very quickly. If you have it over that price, it will not sell as quickly. Therefore, we really have that choice. Whether or not we're going to meet the market demand in that area or whether we're going to put a subdivision in here that would.... I mean, the land cost is going to be in the 60 to 70,000 range. The housing will be of relatively high quality. If you could bring those in for less than 100 to 75,000 dollars, I know a lot of buyers. All you have to do to convince yourself of that is go down to Duck Pond Estates to see what the market price of those smaller lot units are. So there is a need for this kind of housing. Could we do better? Yes. In fact we have. We're taking ten percent of those units without any cost to the taxpayers of the Town of Riverhead, taking the cost as low as I can at this point with this law, conscientably do and that is probably to the range of 85,000 to 112,000. That basically subtracts out all of the profit for the developer. This resolution does that. While it is not a quantum leap, it is an improvement. It is consistent with the existing zoning in the area. The decision we're making improves upon that zoning in the area. If it's a mistake, then the mistake is with our zoning classification and we should seek to correct that by correcting Residence "C" not by imposing on this applicant. If it's not a mistake, we will have developed a nice new neighborhood in the Town of Riverhead with relatively affordable units with water views, with good access to services, with full sewage and 16 units priced so that as low as the private market can afford at their cost. This is at worst, a small step forward and I vote yes."

Councilman Lombardi, "I would just like to say that this has been dragging on for two years nearly. And then we talk about affordable housing for people and how can the person that builds it, come in with a decent price and I think this should have been settled a year ago. I vote yes."

Supervisor Janoski, "I just have one very important comment. to make and this is for the benefit of these three people sitting up here; the newspaper reporters. This is not a vote on 35 five story

RESOLUTIONS, ContinuedSupervisor Janoski, Continued

units. Just so you get that right. I'm not casting any expursion on Newsday, none whatsoever. But I can guarantee to you that they will be no taller than the code allows which is 35 feet."

There being no further business on motion or vote, the meeting adjourned at 9:39 p.m.

IJP:nm



Irene J. Pendzick
Town Clerk