

Minutes of a Regular Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, December 2, 1986, at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Victor Prusinowski, Councilman
Louis Boschetti, Councilman
Robert Pike, Councilman

Also Present: Richard Ehlers, Town Attorney

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.

RESOLVED, that the Minutes of Regular Board Meeting held on November 5, 1986 and Special Board Meeting held on November 14, 1986 are dispensed without objection and be approved.

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

The resolution was thereupon duly declared adopted.

BILLS

Bills submitted on abstract dated December 2, 1986 as follows:

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that subject to complete audit, the following bills be approved for payment.

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

The resolution was thereupon duly declared adopted.

12/2/86
Supervisor Janoski, "The heads of the departments of town government are present this evening should anyone have any question of them. Reports Mrs. Pendzick."

REPORTS

Open Bid Report - Haul Road to water storage standpipe at Baiting Hollow. (See Water District Minutes) File

Open Bid Report - Water storage standpipes at Baiting Hollow and Wading River. (See Water District Minutes) File

Conservation Advisory Council-Minutes of 11/26/86 Meeting. File

Building Department-For month of November, 1986. File

Supervisor Janoski, "Applications."

APPLICATIONS

Parade Permit-Phyllis Dupree Ministries, 11/22/86. File

Subdivision-Sound Avenue partners (Lewin Farms), 195 lots on 177+ acres. File

Supervisor Janoski, "Correspondence."

CORRESPONDENCE

Planning Board, 11/24/86-Recommendation that the following Re: Robert Entenmann: Change of Zone be approved for recreational use only and Special Permit for 222 units be approved if 111 acres have development rights transferred to county farmland program; George Chekijian: Special Permit to construct processing facility be approved; Charles Hydell: Special Permit be approved if site plan is submitted; Jack and Peter Van de Wetering: Change of Zone to extend agriculture "A" zoning be approved; Jamesport: Change of Zone be rezoned as per submitted map. File

Wm. Power Maloney, 11/29/86-Advising that the Eastern Board of Realtors believe the increase to \$2,000 per lot fee is unreasonable. File

David Saland, 11/21/86-Supports condemnation of property on West Main Street. File

Molly Roach, 11/14/86-Observes that racetrack was on Route 58 before the Mobile Home Park. File

State Education Dept., 11/17/86-Submitting school equalization rates. File

CORRESPONDENCE Continued

Wm. Wyer, 11/20/86-Lists suggestion to recycle garbage. File

Wading River Civic Assoc., 11/19/86-Expressing concern re: \$2,000 per lot fee and suggest fees raised from development in Wading River be used for improving services in Wading River. File

North Manor Taxpayers Assoc., 11/29/86-Advising Town Board of formation of representative group for their area. File

J. Douglas Stark, 11/28/86-Expressing criticism re: proposed amendments to Sections 108-3 & 108-64 and opposition to same. File

Supervisor Janoski, "Thank you. The time for the first public hearing has not yet arrived. Under Unfinished Business:

UNFINISHED BUSINESS

DuBois Smith-Site Plan, farm equipment sales, E. Main St.

Atrium Group-Special Permit for 2 residential homes in industrial area.

Rollin Hargis-Special Permit to add 23 units to existing park on River Road. That is the subject of a public hearing this evening.

Robert Entenmann-Special Permit and Change of Zone for 222 units on Sound Avenue.

M.H. of L.I., Inc.-Special Permit for single family residence on Sound Avenue.

John & Elaine Villano-Site Plan for warehouse on Pulaski St.

Baiting Hollow Development Corp.-Phase II condominium units on the Bluffs.

Joseph & Linda Sullivan-Special Permit to add 32 units in Wading River. That's also scheduled for a public hearing this evening.

Peconic Ambulance-Site Plan for garage on Edgar Avenue.

Augusta Schneider-Special Permit for 162 condo units, Rte. 58.

Anthony Kahn-Site Plan for prefab storage building on s/s of Middle Road.

Alberta Young-Special Permit for subdivision in Industrial "B" to Agricultural "A" Zone.

Wm. Giranda (Atlas Realty)-Revised Site Plan for building to repair trailers.

12/2/80

UNFINISHED BUSINESS Continued

113

Frank Tommasini-Site Plan for warehouse, Route 58.

Motel on the Bay-Special Permit to convert 20 motel units into condos.

Robert Hartmann-Change of Zone for Agr. "A" to Res. "C", Doctors Path.

Glen Donovan-Site Plan for storage building, Middle Road, Calverton.

Riverhead Plaza Assoc.-Shopping Center parking lot site plan Route 58.

Parviz Farahzah-Special Permit for subdivision in industrial "A" area.

Fred Hill-Change of Zone from Agr. "A" to Res. "C" Middle Rd., and Reeves Avenue.

Diedre Fedun-Special Permit for professional offices, Route 25, Aquebogue.

Van de Wetering-Change of Zone from Bus. "A" to Agr. "A".

Raymond & Julie Krivacsy-Special Permit for boat building Line Road.

George Chekijian-Special Permit for processing, etc. on Raynor Avenue.

Charles Hydell-Special Permit for woodworking shop, Raynor and Osborn Avenue.

McDowell Electric-Site Plan for exterior renovation to warehouse, Edwards Avenue.

Peconic Ambulance-Special Permit, non-nuisance industry, Edgar Avenue.

Fred Cowan & Co.-Site Plan for offices and manufacturing, Kroemer Avenue.

River Center Assoc.-Site Plan for interior alterations, Route 58.

Kenneth Zahler-Extension of Parking District No. 1 (Maple Ave.)."

Supervisor Janoski, "There are six minutes remaining before the first scheduled public hearing. Dick Benedict."

Dick Benedict, Fanning Blvd., "I see on the agenda that River Center Associates has some unfinished business. They have some in the back of their parking lot also. On the north side of the Department of Motor Vehicle, the large parking lot of River

11/27/80
PERSONAL APPEARANCES Continued

Dick Benedict, Continued

Center Associates, water is draining out on Middle Road and I've pointed it out to Mr. Lombardi. But just for the record, before they get any more site plans, they should take care of their drainage problems. Thank you."

Supervisor Janoski, "Thank you Dick. Is there anyone else? Mr. Nohejl."

Bill Nohejl, Wading River, "I've gone to the Town Clerk's Office and received a copy of the Planning Board's recommendation on the Entenmanns. I have no problems with it being changed to recreational use. But the dedicating of 111 acres of farmland, that is a little ticklish to me for the simple reason that if I had 111 acres, I would bicker with the County as to how much I can get for each development right. And I think Mr. Entenmann would do the same thing. He's not actually dedicating to the County."

Councilman Prusinowski, "Bill, I don't think that's the way that would work. We did a sale for Jamesport Vineyards for one dollar. And it was, the title was transferred that way and it goes right into the regular program as it would any other parcel. There is no... The purpose is from what I understand, the first time I read the Planning Board recommendation, I can only use the County policy on this. We did one I believe in Southampton Town similiar where the Town made a requirment of a similiar type of transfer of development rights and the County came in gladly and for one dollar took the title in leau of the Town moving over the transfer rights over to somewhere else. The County point of view is we picked up more acreage as protected in the County program and they agree to all the terms and conditions set forth in the contract."

Bill Nohejl, "Alright. I understand what you're saying. Very good. But this is dedicated to the County for one dollar. It is not doing anything for the Town of Riverhead. It is just farmland preservation. Now if this money was dedicated or he bickered with the County for X amount of dollars for a development right and gave it to the Town of Riverhead for the improvement of conveniences to all the people, I think it would be more logical."

Councilman Prusinowski, "In other words, take the County money and then turn it over to the Town."

Bill Nohejl, "For recreational, educational, anything to do with the Town."

Councilman Prusinowski, "Well, I don't think the County would go along with that because we have real properties we're trying to buy with the million four hundred thousand dollars that we have left. And if this is a situation where the County can pick of 111 acres without spending more than a dollar and preserve it, they're going to want to do it that way."

PERSONAL APPEARANCES Continued

Bill Nohejl, "Of course they would. But we, the people of Riverhead, are not benefiting from it."

Councilman Prusinowski, "Well, the...."

Councilman Pike, "Couple of thoughts. First of all what you're suggesting almost sounds like trying to take advantage of the development rights twice. And I don't really think that if you thought that through, you'd be in favor of that. The basic idea here is a prototype of what TDR would be like where the development rights are taken from one parcel and voluntarily surrendered in this case. And in exchange for that, increased density is allowed in another site. That is a defacto transfer of those development rights if this Board sees fit to approve it. Those development rights, in other words, move over to the other property. If you would also try to sell those same development rights to the County, it seems to me that you're trying to do two things with one object and that would not be proper."

Bill Nohejl, "I was not under the impression that we were transferring development rights up to Entenmann from this property. This is the first..."

Councilman Pike, "The structure here is a prototype of how TDR might work lacking (let me finish) TDR in the ordinance, this is based on that same structure. The point is that the development rights can only be moved in one direction and not sold twice."

Bill Nohejl, "That is what I was afraid of. Around the back door. Why not do it out front."

Councilman Pike, "Because TDR is not on the books yet."

Bill Nohejl, "I know it. Why give Mr. Entenmann 111 units before it's appropriate?"

Councilman Pike, "Because he has the right to develop that number of units on all of the properties combined."

Bill Nohejl, "On both of them. But who said that he could transfer it. You're saying he can come around the back door and do it. I told you a year ago about election time when I had a heated discussion with the Supervisor that this big money set in place and when it's time to act, they're going to come forward and there's very little you can do."

Councilman Pike, "If Bill you're saying you're going to support TDR when it comes around, I'm very happy to hear that."

Bill Nohejl, "I didn't say that."

Councilman Pike, "I didn't think you did."

Bill Nohejl, "Not under your proposal."

12/2/86
PERSONAL APPEARANCES Continued

Councilman Prusinowski, "Bill, listen. Big money, no money; the fact is, farmers want to get paid something for their property. Whether the taxpayers of Riverhead, the taxpayers of Suffolk County or a big bad developer comes along and says I'm giving you X amount of dollars. If this is a way for the County to pick up 111 acres, the taxpayers of Suffolk County should not be required, which we all pay County taxes, to pay for that land twice. Now the benefits to the Town is what the Town Board will weigh to the benefit of the Board is the transfer of development rights up to that piece of property on the Sound. You can't upzone the Town. You can't affect the farmland and not allow growth somewhere, especially on the waterfront. And I run into a person today from Hampton Bays that says our taxes are much lower over there than they are in Riverhead. Sure. If we had, again, a classic 4 or 5 miles of oceanfront with all those big houses on the ocean we could tax, our taxes... Theoretically, he's always had a tax increase a rate increase/decrease down there whatever. The fact is that we don't have that. We have a limited resource and that's really the question here. What I believe you're saying is you're not in favor of transferring of development rights up to his property."

Bill Nohejl, "That's definitely right. If it's transferred up there, I feel if anyone else who has 100 or 200 acres, can do the same thing regardless if it goes up there or if he wants to transfer it from one property to the other piece of property. If he owns the both properties, I think what's fair for him, it's fair for everyone of the other property owners in the Town of Riverhead. That is the point that I'm getting at. If I had 200 acres and I wanted to dedicate 100 to the County, I want the privilege of taking what is on the 100 and that's my point."

Supervisor Janoski, "Thank you Bill. Let the record show that the hour of 7:47 has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, December 2, 1986 at 7:45 p.m. to hear all interested persons regarding: The Proposed Amendment to the Town Code by deleting residences in Ind. "A" and "B" zoning use classification districts.

Supervisor Janoski, "Thank you. Mr. Town Attorney."

Richard Ehlers, "As a result of the recent West Lane rezoning, it came to the attention of the Town Board that having residential uses permitted within industrial zoned land by special permit, creates a natural conflict. As special permits are given to the residences, those residents come to live near land which is zoned for industrial development and there is the possibility that those residents will not be in favor and their use of the land as residence will not be compatible with the in-

PUBLIC HEARING ContinuedRichard Ehlers, Continued

dustrial zoning which is in place at the property. It has been recommended by the Planning Department and by the Planning Board that the Town Board consider deleting the special permit use for residence in industrially zoned land. Additionally, that the industrially zoned lands be re-evaluated to determine if they're in all cases appropriate."

Supervisor Janoski, "Thank you. Is there anyone present who wishes to address the Board on this proposal? Mr. Kasperovich."

William Kasperovich, Wading River, "From what you read to us, it sounds like a good idea except that we have industrial "A" and industrial "B" standing as farmland or just dormant land with overgrowth for the last 30/40 years and nothing has happened. This is particularly true on the western end of the township. There is some nice choice areas that would be good for residences in these industrial areas. We all can't live in 100 thousand dollar homes. We've got to live in a cheap house next to a factory and if that's all our pocket permits, then well be it. But in the lesser priced areas, you can't do lesser priced houses in the high priced zone. And you're taking this possibility out when you delete the residences from the zones industrial "A" and "B". I do think we have to keep a sharp eye on places that lower priced houses could be put."

Supervisor Janoski, "Bill, there's no zoned land more expensive than industrially zoned. I mean just as a matter of observation."

William Kasperovich, "Many times it's a matter of availability versus cost. Certain availability is there. In other places where you would want to build a house, you just can't get the owners to sell. Even with the increase in taxes, people are still holding on to land and vacant land and not letting go of it."

Supervisor Janoski, "Thank you Bill."

Ray Krieger, Manorville, "Good evening members of the Board. I'm also now a representative of the North Manor taxpayers association. We agree with the intention and the proposal and think it's needed to protect both the industrial and residential people. In North Manorville, the area where we live, we have an unusual problem right now in that the industrial zoning does protrude down into the agricultural where we do have residences that are already in place. By putting this plan into effect without a zone change to go along with it, what we would be doing is we would be allowing industry then to start to build right down in with the residences already there. And earlier this year back around September, we did ask that the Town Board consider a zone change in that area moving that industrial "A" line a little further north so that it would be above the present residences that are already there and thereby eliminating the problems or the possibility of a industrial sites being built down in with the residences and vice-a-versa.

Ray Krieger, Continued

That the residences being able to get up further north into the industrial area. So we would like to see that the Town Board, before they do pass this ordinance or pass this town law, that they do consider first a zone change to go along with that type of thing."

Supervisor Janoski, "I'm trying to fathom your...."

Ray Krieger, "Well if you would take a ride out to Deer Park for example."

Supervisor Janoski, "I understand what you're saying but it's industrially zoned today right now. And if someone wanted to build a factory, they could apply for it today. Of course where you live, the chances of getting a permit from the County, the State or all those agencies as well is very nil. But that area that you're talking about, North Manorville, is the next area that the Town Board will be addressing as far as changes of zone. It is next on the list, the hit list if you will."

Ray Krieger, "The hit list. Our concern is which would come first."

Supervisor Janoski, "This is a very simple action to take. The zone change is going to be a lot more complicated and it's going to require a great deal of study and discussion until we arrive at something that we can all agree or a majority can agree that we want to do. The housing in industrial zone seems wrong to a majority of the members of the Board and we would simply like to remove that conflict. Not only in your area but there are other areas that exist and we would like to just take care of it."

Ray Krieger, "We, I can understand that. Our one concern (like I said) is if we do have an area where it does protrude down and that area right now is there with a minor subdivision down around on the corner of Wading River/Manor Road and River Road which is partially in the agricultural and partially in the industrial "A". So if the subdivision were approved, technically we could have some kind of a small industry going into that area which then places it right in the midst of already established residences. So you see by passing this code and denying the person the chance to apply for a special permit for those two lots that would be in the industrial "A" part, he wouldn't have a chance to sell them as residential. And he would be able to sell them then as industrial. And with that in mind, you'd be having a small industry right next door to a house."

Supervisor Janoski, "I understand what you're saying. Thank you."

Ray Krieger, "Ok. Thank you very much."

PUBLIC HEARING Continued

Supervisor Janoski, "Is there anyone else present who wishes to address the Board on this particular issue? That being the case, I declare the hearing closed. Let the record show that the hour of 7:56 has arrived. The Town Clerk will please read the notice of public hearing."

7:45 PUBLIC HEARING CLOSED AT 7:56

PUBLIC HEARING - 7:55 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, December 2, 1986 at 7:55 p.m. to hear all interested persons regarding: The Special Permit application of Diedre Fedun for the construction of professional offices on Main Road, Aquebogue.

Supervisor Janoski, "Thank you. Is there anyone present representing the applicant? Would you come forward please. State your name and address."

Nick Aliano, Shoreham, "This is my daughter Diedre Fedun, Aquebogue. I'm just here to answer any questions that you might have."

Supervisor Janoski, "It might be helpful if you would give a brief synopsis of what you're asking for."

Nick Aliano, "Well, you have a copy of the survey I guess. And what we intend to do is have the portion closest to Route 25A as my daughter's real estate office and the rest would be rented to dentists, doctors, accountants, lawyers. We have an accountant and an attorney now that is interested in it. It will be strictly professional."

Supervisor Janoski, "I guess you're applying for a special permit for a professional building."

Nick Aliano, "Yes."

Supervisor Janoski, "Ok. I know that but I just wanted it said. Thank you very much. Is there anyone present who wishes to ask any questions or express any opinions on this application? That being the case and without objection, I declare this hearing closed. The next scheduled public hearing is in six minutes. Is there anyone who wishes to address the Board on any subject? Henry."

7:55 PUBLIC HEARING CLOSED AT 7:58

Henry Pfeiffer, Wading River, "On behalf of the Riverhead Health Center Community Advisory Board I'd like to advise those assembled here and I'd like them to attend the opening of the Riverhead Health Center and its expanded premises at the County Center on Thursday, December 4th at 1:30 p.m. It is a great plus for the community of Riverhead. It's something that's been worked on for quite a few years and I think it would be well for you to

11/27/88
PERSONAL APPEARANCES Continued

Henry Pfeiffer, Continued

go up through there and see what they have to offer in the way of health provision. As an additional plus at the end of your tour, there are refreshments. Thank you."

Supervisor Janoski, "Thank you. Yes sir."

Robert Dillingham, "I got this 663 resolution and I don't understand what they're trying to do. It says here that it's a resolution, an original resolution and a new resolution. What's the new one?"

Supervisor Janoski, "I don't know what you're talking..."

Robert Dillingham, "It's this one in Aquebogue on Main Road near where my house is. 663."

Supervisor Janoski, "What's the title of the resolution. That was the public hearing."

Robert Dillingham, "It was supposed to be tonight."

Supervisor Janoski, "We just had it."

Robert Dillingham, "What did he change? I mean this is supposed for campus buildings."

Supervisor Janoski, "Could you go back to the microphone."

Robert Dillingham, "This is supposed to be zoned for campus buildings. Now what is he trying to put up that is not supposed to be there that somebody has to have another resolution for?"

Supervisor Janoski, "A special permit."

Robert Dillingham, "For what?"

Supervisor Janoski, "For professional building."

Robert Dillingham, "Then it's not going to be a campus building like the Zoning Board and everything else said was going to be in Aquebogue right?"

Supervisor Janoski, "I'm not sure. That's the public hearing that we just had and the people were here."

Robert Dillingham, "Well I didn't see any hearing. Nobody even said anything about it. All he said he was going to do was put a building up there; one is going to be a real estate and the other he didn't know."

Councilman Prusinowski, "What you have there is a new provision that we have; is that you have received a mandatory notice. Even the zoning that he will be doing, country rural. The zoning is not being changed tonight. The new zoning that was put in place there last year in Aquebogue is under those criteria that he will

12/17/00
PERSONAL APPEARANCES Continued

Councilman Prusinowski, Continued

be putting up this building. And all those uses, you still must come to the Town Board for a special permit. It has to be. He's got a notice there."

Supervisor Janoski, "The gentleman was just here with his daughter. It was plainly announced Mr. Dillingham. You were standing there."

Robert Dillingham, "He didn't explain anything to me. All he said was he was going to build a building and I'm trying to find out what's being changed, why are we here tonight?"

Supervisor Janoski, "He's gone Mr. Dillingham. I asked if there were any questions."

Robert Dillingham, "What did he say?"

Supervisor Janoski, "He said that they want to put in a real estate office, accountant if I recall, and some other professional use. A dentist."

Robert Dillingham, "Well what could he put up if he didn't get this other resolution. That's what I'm trying to find out. You've got two resolutions down and you sent it to me and I'm trying to find out what it is."

Supervisor Janoski, "It's a notice of the special permit application. We notify everybody within 500 feet about the special permit. But go on Vic."

Robert Dillingham, "Is that zoned business and it was supposed to be campus buildings put up there..."

Richard Ehlers, "He's applied under the assumption that he's not within the campus office zone. He's applied for business "PB"/Professional Business overlay special permit. If you would like, during the break, I think what we should do just to clarify it so that we're sure we haven't made a mistake, we'll look at the zoning map and we'll find his property."

Robert Dillingham, "Buildings like this campus building and they we're going to look nice. Now you're going around and changing the whole darn thing."

Richard Ehlers, "He's not trying to change it away from the campus buildings. He's trying to get a special permit."

Supervisor Janoski, "Let the record show that the hour of 8:05 p.m. has arrived. The Town Clerk will read the notice of public hearing. That hearing was closed already."

PUBLIC HEARING - 8:05 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, December 2, 1986 at 8:05 p.m. to hear all interested persons regarding: Amending Section 108-3 of the Town Code by adding definitions.

Supervisor Janoski, Thank you. Mr. Town Attorney."

Richard Ehlers, "There are two companion hearings before the Board this evening. This one deals with definitions concerning mobile home parks and modular construction. Listed in this hearing are various definitions for the definitional section of the Town Code Zoning Ordinance. That's Chapter 108-3. It includes definitions of accessory storage structures, car ports, community recreation areas, community structures, what a manufactured house is compared to a mobile home as well as a mobile home lot which is a lot located in a mobile home park and a modular home which is a fabricated dwelling off the site which in all respect is similiar to a dwelling which is fabricated on site. Mobile homes do not have permanent under carriages. It's an attempt to distinguish between those types of homes which are appropriate for mobile home parks as opposed to those types of homes which are appropriate in other residential neighborhoods which is the subject of the next public hearing."

Supervisor Janoski, "Thank you. Is there anyone present who wishes to address the Board on this proposal? Mr. Sullivan."

Joseph Sullivan, Wading River, "Good evening. I see several problems with definitions of mobile homes versus modular homes. With a careful look at the definition of both, you will find that both of them seem to be defined exactly the same except for what agency approves them. One is inspected by HUD and the other one has to pass the New York State Building Codes. Also, it does say for mobile homes that they must have a permanent chassis and that's in number 2 under the mobile home definition which I agree with thoroughly. They do have a permanent chassis. I don't know of any mobile homes that are built without a permanent chassis and wheels built onto the mobile home. If you go on further to I think it's number 4, it says a mobile home may be built with or without a permanent chassis. I don't understand why one definition says it must have a permanent chassis and the next definition within the same definition of mobile home, says that it may or may not have a permanent chassis I've never seen a mobile home without a permanent chassis. As soon as you remove that permanent chassis, it shows that mobile home might be exactly the same unit as a modular home. There might be no difference at all except for what agency inspects it. Therefore, the two of them could be exactly the same unit and we might be putting modular homes in mobile home parks and we might be putting mobile homes where modulars belong in residential areas on residential property. In addition to that it says in one section of the definition of a mobile home that it is one or more towable unit, towable section. It goes on further in number 6 to say that a mobile home is two or more separately towable units. That's a direct conflict to the prior paragraph within the definition of a mobile home. There's several other defects in this

Joseph Sullivan, Continued

definition of mobile homes and definition of modulars. In addition to the fact that we have one section that says we must be 8 feet wide and 40 feet in length. I don't understand why there is a length and width requirement. Because first of all, the 8 foot width to buy now there is no mobile homes built in an 8 foot width today built in that width. They're all wider. So to say you can use an 8 foot wide mobile home, a new one, would be kind of silly because they are not made. In addition to that, it already says they have to be HUD approved. Now, I can see a cubic foot or square foot requirement for them. The 40 foot requirement becomes a problem. Many of the older parks in the Riverhead Town, many of these older parks were built many years ago when mobile homes were considerably smaller. These units are, many of them are old and are falling apart. Many of them will be replaced in the future and many of them have been in place up until this point. If you restrict the length to 40 foot in body length it says, that's not the over length of the chassis, it's the length of the body. It says right in the code. Then many of these lots would be deemed useless as a result of the fact that you could not replace these old units because you might only fit a 36 by 12 which would fit the square foot requirement but it wouldn't fit the length requirement. A 40 by 12 might not fit on that lot and be able to get the proper setbacks from another unit, from the road, possibly from side line and rear line. And as a result, we're going to end up with people keeping these old units for ever and ever and ever because they don't want the lot to become useless. And we're not going to be able to upgrade or improve the parks in Riverhead Town and I think there's many small parks in that position. That, I feel is a serious defect in this code. There's other ones in the code also and I would hope that the Town Board looks at this more seriously and especially in a definition of a mobile home versus the definition of a modular home. Thank you."

Supervisor Janoski, "Thank you Joe."

Councilman Boschetti, "May I ask a couple of questions? Mr. Sullivan before you leave, if I may. Just for the record, I'm not presenting this but I do have a question of something that you presented. Your problem with the definition of mobile home based on dimension; 8 foot by 40 feet. What I'm trying to understand.... I don't really understand the problem that you are trying to delineate here regarding the use of lots that may have been constructed at an earlier time. It appears that what the intent was here was to not have a situation where a travel trailer which does get constructed to 8 feet wide and to lengths less than 40 feet long be construed to be a mobile home. And one of the only ways available to do that since mobile home construction is very similar to that of travel trailer construction, is by shear dimension definition."

Joseph Sullivan, "I understand your point."

PUBLIC HEARING Continued

Councilman Boschetti, "How then would you suggest that this differentiation be achieved?"

Joseph Sullivan, "Alright. You already have achieved that. A travel trailer... No travel trailer built in the United States to my knowledge, are HUD approved and you are requiring mobile homes to be HUD approved in your definition. Therefore, if it's not HUD approved, it can't be used as a mobile home. It's not a mobile home. And travel trailers are not HUD approved. They're not inspected by HUD. So therefore, the fact that they have to be HUD approved, would eliminate travel trailers from the category of a mobile home. Do you understand."

Councilman Pike, "The example you give us of 32 foot that would qualify as a mobile home...."

Joseph Sullivan, "Well 32's 36's in wider widths. They could be 36 by 12 or 32 by 14 and would qualify in the square footage but yet it's a different shape."

Councilman Boschetti, "When you say square footage, what governmental agency are you referring to?"

Joseph Sullivan, "Well it says square footage in your code."

Councilman Boschetti, "In our code but not in HUD code."

Joseph Sullivan, "No. Not in HUD code, no. What I'm saying is your code says 400 square feet. So a 32 by 14 or a 36 by 12 would cover the square footage."

Councilman Boschetti, "Anything less than that would not qualify as a mobile home."

Joseph Sullivan, "Right. And a matter of fact, I don't think (to my knowledge) there is nothing less than that that's been inspected by HUD at the present time. I don't know if that's a requirement but I know that the smallest unit you can purchase are (to my knowledge) 36 by 12 I guess would be the smallest. But if the unit has to be HUD approved, that in itself would eliminate the travel trailer because travel trailers are not inspected by HUD and not approved. So it's not necessary to have a footage length requirement."

Councilman Boschetti, "Ok. So basically you're just objecting to the fact that the dimensions are in there and not that they would preclude any particular type of house even if they remained."

Joseph Sullivan, "Right. Exactly. Because as a result of being able to place these on certain lots, it would prevent the replacement of older units by newer HUD approved mobile homes."

Councilman Pike, "Less than 40 feet."

PUBLIC HEARING Continued

Joseph Sullivan, "Right. They might have to be less than 40 feet but they might be able to be wider so it would cover the square footage requirement."

Councilman Pike, "So the only circumstance where it would prohibit the updating is somebody who has a pre-existing right to a space and has a non-conforming smaller one and wouldn't be able to fit a 40 footer in it. Is that the problem?"

Joseph Sullivan, "Not necessarily non-conforming because depending on the particular size and dimension and shape of the lot, the older unit might be conforming. It might be a 40 foot long unit but it might only be 8 foot wide. Well that's not 400 square feet. So to replace that, we have to put a unit on there that is 400 square feet and is also 40 foot wide so it be more than 8 feet wide. Possibly if we went to a 32 by 14, we could get the required setbacks and still cover your square footage requirement but not be able to cover the 40 foot length and there are may situations like that that are existing right now and that I know from my own experience in my own park and I know that from several other parks. I think you have covered the problem of restricting travel trailers from mobile home parks by saying they must be HUD approved to be a mobile home because travel trailers are not HUD approved. So I don't see the length requirement or the width requirement but I do see the square footage requirement. There are many other things that I find defective in this code. If you will, I would like to have my attorney mention few of them. Thank you."

Joel Markowitz, Attorney, "Good evening gentleman. Unfortunately I came in in the middle of Mr. Sullivan's presentation and I'm not entirely sure of everything that he covered but there are a number of things that he and I discussed that I think ought to be brought to your attention. In particular, my understanding in my reading of the proposed ordinance, prohibits not only the placement of units that do not conform to the statutory definition...."

Supervisor Janoski, "Joel, if I could just interrupt you. Let me call the next meeting because it's on the same subject matter and we can have the two of them run concurrently. If the Town Clerk will please read the notice of that public hearing because it seems that they're going to overlap anyhow."

PUBLIC HEARING - 8:15 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, December 2, 1986 at 8:15 p.m. to hear all interested persons regarding: Amending Section 108-64, Prefabricated Dwellings.

Supervisor Janoski, "Thank you. Just a short explanation."

PUBLIC HEARING Continued

Richard Ehlers, "Let me just explain what this hearing is about to the public generally. This hearing is to consider amending the Town Code currently; modular units are permitted except in the residence "A" and "B" districts in the Town with a Zoning Board of Appeals permit. The proposal is to redo that to permit them with a Zoning Board of Appeals permit in all zones within the Town upon a specific finding by the Zoning Board of Appeals that the architecture, design and location of the proposed dwelling unit maintain or (and there is a typographical error) will improve the existing neighborhood."

Supervisor Janoski, "Thank you. Joel."

Joel Markowitz, "Actually I was going to address myself to that section."

Supervisor Janoski, "That's why I said that I would get the public hearing started."

Joel Markowitz, "I appreciate that. As I read that section it appears when read literally, to prohibit either the placing or the maintaining of a prefabricated structure. A prefabricated structure is defined and the statute is including mobile homes and modular homes. Unless among other things, the mobile home falls within the parameters of the definition of mobile home contained in section 108-3. And in particular, has a length of at least 40 feet. Now, among the specifications of a mobile home in the definition of a mobile home is the requirement of HUD approval. Now it is my understanding that housing and urban development has been inspecting and approving mobile homes for approximately ten years. In which case, units that were in use prior to ten years ago, I think that there are many of them in this Town, would not be HUD approved. And that would be regardless of whether or not they would meet the specifications set forth in the HUD guidelines. It would certainly not have the seal of approval (so to speak) of housing and urban development. And that being the case, it would be illegal under your ordinance or the proposed ordinance, to either place that unit anywhere in the Town or to maintain that unit. The ordinance therefore, appears to be a directive to all people who are presently in mobile homes in approved lots on permanently licensed mobile home parks to pick up the units and get out of Town unless their units have been purchased in the last ten years and are HUD approved. At least that's the way the ordinance has to be read if read literally. Now, apart from the requirement of HUD approval as Mr. Sullivan has indicated, there are HUD approved units that are less than 40 feet long. And yet the ordinance specifically says that the unit must be at least 40 feet in length. So that a unit can conceivably comply with one of the requirements of the ordinance and yet not comply with another one of those requirements and that unit too would have to be removed or the owner or the operator would, in some respect, be in violation of the law upon the adoption of that ordinance. In addition to that, as I understand it and I think that Mr. Sullivan touched upon this subject during his last remarks, there are mobile home parks that have approved mobile home lots that very well may not be of adequate size to accomodate either a 40 foot long unit or unit that's 400 square feet. And even assuming that the

Joel Markowitz, Continued

unit presently placed on such a lot, doesn't have to be immediately removed even if the ordinance is read that way. And if the ordinance is read as requiring only the replacement of that unit when the unit is ultimately removed with a new unit conforming to the definition of the statute. Nevertheless, if that lot is not big enough to accommodate a 40 foot unit or unit of 400 square feet, then that unit can't not be used for any purpose. And yet the owner of that mobile home park will have been permanently licensed to use that lot but will be disabled under the ordinance from placing a unit on that lot. Therefore, being deprived of the right to use his property. With regard to the definition of mobile home and I don't know whether this was brought up or not, part of the definition contained in the ordinance and in fact the distinguishing feature between a mobile home and another type of prefabricated home, a modular home is the requirement that the mobile home be built on a permanent chassis. That is in paragraph 2 under the definition of mobile home. And in paragraph 4 there seems to be some conflict with paragraph 2 because paragraph 4 says that the mobile home (when erected on a mobile home lot) may be erected with or without permanent chassis. And then it goes on to say that the chassis must be an integral part of the flooring system. I'm not sure how the chassis can be an integral part of the flooring system and yet the mobile home be erected with or without the permanent chassis. But nevertheless, that's the way it reads at the moment. Assuming that a mobile home can be erected without a permanent chassis, then I submit that there is absolutely no distinction between a mobile home erected without the permanent chassis and a modular home of the same dimensions and with the same appearance. As I understand it, modular homes are very often constructed by the same companies that build the more modern mobile homes that have the appearance of individual houses as opposed to the appearance of trailers. I think that you understand the distinction. Further more, if in fact the mobile home can be erected without a permanent chassis and if that removes the distinction between a mobile home and a modular home. Then what does one do with that mobile home? Does one comply with the requirements of the mobile home portion of the ordinance or does one comply with the portion of the ordinance dealing with the modular home. I think that creates a dilemma in the developer of the land because he doesn't know quite which portion of the ordinance that he is required to comply with. There is further reference in the definition of mobile homes of telescoping type units. Units I understand where some portion of the unit can be folded into the major portion of the unit for purposes of transportation and then could be telescoped out for purposes of erecting a mobile home on a mobile home lot. And in the definition of that type of unit, there is a requirement that it be towable in two or more separate components and that seems to give reference to the so called double unit which in fact is put together in two separate components each of which may be 40 foot by 8 foot that you're referring to in the ordinance and is separately carried to the mobile home site and put together on the site. Yet there are, as I understand it, telescoping units that are constructed in one piece but not so called double units but single units

PUBLIC HEARING Continued

Joel Markowitz, Continued

and that would not fall within the definition of a mobile home as set forth in this ordinance and yet may be of sufficient length, may be of sufficient width, may (when installed) be of sufficient area and may be HUD approved. Now this is in contrast with paragraph 6 under the definition of modular homes where there is no requirement that the unit be towable in two more separate components. It could be in one component. That distinction between mobile homes and modular homes, does not appear to have any basis that I can perceive. There is also reference to accessory storage structures."

Supervisor Janoski, "Joel. I'll have to interrupt you. You've gone over your five minutes. You can come back again."

Joel Markowitz, "I think I've covered the salient points. Thank you very much."

Supervisor Janoski, "Thank you. Is there anyone else who wishes to.... Ok. Hold on for a minute. Let the record show that the hour of 8:27 has arrived. The Town Clerk will please read the notice of public hearing."

8:05 & 8:15 PUBLIC HEARING RECESSED AT 8:27

PUBLIC HEARING - 8:25 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, December 2, 1986 at 8:25 p.m. to hear all interested persons regarding: The adoption of an ordinance to the Town Code re: SEQRA Fees.

Supervisor Janoski, "Thank you. I'm going to recess that public hearing and re-open the hearing on amendment of section 108-3 and amendment of section 108-64 prefabricated dwellings. Yes sir."

8:25 PUBLIC HEARING RECESSED AT 8:27

8:05 & 8:15 PUBLIC HEARING RECONVENED AT 8:27

Larry Storm, Attorney, Good evening. I'm an attorney with the law firm Twomey, Latham, Shea and Kelly here in Riverhead. I just want to address a number of comments to the prefabricated proposed amendments 108-64b which is as I read it, would in effect prohibit any additional mobile homes in the Town of Riverhead and would also prohibit any further expansion of any pre-existing or currently existing mobile home park. I'm concerned about the all encompassing of language for a number of reasons. First of all as a matter of social or public policy, what in effect that's doing is telling residents, people who are considering moving to the Town of Riverhead, that in effect affordable housing may no longer exist in the Town of Riverhead. In this case, for instance, we represent one of the applicants to be heard a little later this evening of a mobile home park

PUBLIC HEARING Continued

Larry Storm, Continued

where the tenants are elderly, these are basically fixed income individuals all of whom are taxpayers. They represent good citizens of the Town but in effect people such as them, will no longer be invited or be welcome in the Town of Riverhead intentionally. In effect this represents a potential discrimination against these kinds of people and in effect it's defacto exclusion of these people. And I'm concerned about the fact that the language in the proposed change affords no flexibility whatsoever. It does not recognize or contemplate the possibility (for instance) in the case of an expansion of an existing mobile home park. That there may be unique factors and special merits of a particular application that deserves consideration. But language in the proposal has no limitations, has no flexibility written into it whatsoever. I would suggest that perhaps some flexibility be written into it. A number of considerations might be for instance limiting the number of additional units or the area involved or something along those lines. But at least something that at least would provide the Town Board on a case by case basis, to look at individual merits. Another thing that concerns me and again the specifically application concerned with an application later on, is the timing and the dates included in the proposed change. I know for instance, that it refers to mobile home lots existing as of November 1, 1986. The two applications which will be heard this evening, the applications before you this evening have been before the Town for a number of months. Ours in particular has been here for an excess of 15 months. Were this ordinance to be adopted as is, we would be precluded from expanding our mobile home park. In our case, it's especially unfair inasmuch as this matter, our application had previously been scheduled for this Board two weeks ago. As a result of error of I'm not sure where, we were unable to post the notice for a required period of time. Again, this may well be that kind of situation which requires that some flexibility be written into the ordinance. Thank you."

Supervisor Janoski, "Go right ahead."

Councilman Pike, "I just wanted to accurately describe the intent of it. The first thing he said that it would prevent any future expansion of mobile home parks beyond their current size, is absolutely correct. I agree with that and that is clearly and explicitly the intent of the legislation. To go beyond that and call it exclusionary is kind of interesting because in the Town of Riverhead we have already included in our housing mix more mobile homes and more mobile parks than any other town in the State of New York. We're not exclusive. We've been inclusive to a fault. To call it discriminatory on that same logic, seems equally ridiculous because we have not discriminated against mobile home parks. We've gone far beyond what any other town in the State has done. I think that if you would look at it from a fair perspective, you would come to the conclusion that the Town of Riverhead has done its fair share to provide this kind of affordable housing in Town. In fact, we've done more than our fair share and it's time to move. It does not discriminate

Councilman Pike, Continued

against other kinds of affordable housing. And I don't pretend that this legislation will do a great deal to provide for affordable housing. Very little that we could do here would provide affordable housing. And I would admit also that this is a stop gap piece of legislation. It will fuel the fires of debate that should, over the next several years, focus some attention on what our affordable housing needs are. But if you really look at the housing mix of the Town of Riverhead as it sits now, we already have more people and more affordable housing than any town in the County of Suffolk. And for this particular kind, enough is enough."

Supervisor Janoski, "Let me see here. Is there anyone else present wishing to address the Town Board on this particular hearing? Hang on. Let the record show that the hour of 8:35 has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:35 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, December 2, 1986 at 8:35 p.m. to hear all interested persons regarding: The Proposal to Extend the Riverhead Parking District.

Supervisor Janoski, "Thank you. I'm going to recess that public hearing and re-open the hearing on the amendments to the code section 108-3 and section 108-64 prefabricated dwellings. Jessie."

Jessie Tomlinson, Wading River, "Good evening. Unfortunately I'm a little late for this public hearing so I didn't hear what took place before me but I would just like to say that I agree wholeheartedly with Councilman Pike's remarks. I have felt that this has sort of been a personal crusade. I have been interested in this legislation, this type of legislation since 1977 and this Board and previous Boards had publicly stated at several different occasions that they would introduce this type of legislation in the Town of Riverhead. It is absolutely true that we have 19 parks. There are only 30 something in the entire County of Suffolk. There are many other areas in the County of Suffolk that could in fact have mobile home parks but there isn't a town where they will even accept an application. Easthampton being one. Brookhaven being another and I think Islip is closed too. So I don't think it's fair to say that we have been discriminatory. We have bent over backwards. I have no problem with the parks that exist today but I think they should not be expanded upon. The parks are not the ideal affordable housing in my opinion and I think that we have been more than fair and I earnestly hope that you do pass this type of legislation. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present who wishes to address the.... Arthur."

Arthur Thurm, Aquebogue, "That's the Hamlet down here to the east."

Supervisor Janoski, "Arthur, the one with the, that one there to your right is not ours. It is WRIV's."

Arthur Thurm, "That's the one I want then. Some of the previous speakers have reduced my half an hour speech to a couple of minutes. The thing I would like to ask is the 80 square feet for a shed in the parks. The town permits 100 square feet on private land without permit or taxes and I'd like to see the same privilege in the park, the 100 square feet. Particularly where they have no basements and very small attics. I think it's important that we can have 100 square feet. The next item is the mandating air conditioning in modulars. We don't see the need for that. Of modulars and the five surrounding towns, I don't remember anybody requiring air conditioning. I think it's expensive. That's got to be required in a certain of housing and not in all housing. The other item is the modular homes going to a architectural review board which in this case, the Z.B.A. has been designated as the agency. This has been tested in the courts and it's been pretty well knocked down. I can just read a sentence from a New York court case. It says a modular home is transported to the site in several pieces and is indistinguishable in appearance of conventionally built homes. The courts have decided that the difference between the modular and a site built house to the same plans and the same specifications can not be discriminated against in appearance. This is also been tested in the United States District Court and the court ruling says the judge noted from the case that the manufactured homes today can compare favorably with site built housing in size, safety and attractiveness. The assumption that all manufactured homes are different from all site built homes with respect to criteria recognizable only to police power can no longer be accepted. So I think we're going to have a problem with this holding up in court. I don't really think that you can take one home and say that you have to go to a Z.B.A. architectural review and another home built to the same specs and the same appearance and tell them you don't have to. I think you're going to fall into the pit of discrimination very quickly. And as far as approval, the Master Plan, from my concept of the Master Plan is a guide both in development policy and regulatory ordinances. And whatever you want in the 108 in regard to modulars, I think should be spelled out specifically no matter how bad it is for everyone whatever it is rather than make a law by reference to the Master Plan. Of course I can say what Mr. Sullivan. This shall be placed and maintained on real property. I have a problem with the maintained without a HUD code."

Councilman Pike, "Mr. Thurm, would you be kind enough to provide us with a specific case sites which you mentioned there and the actual cases themselves? You don't have to do it now."

PUBLIC HEARING Continued

Arthur Thurm, "New York, it's an Anderson line; two, page 555."

Councilman Pike, "And the federal cases are in there too?"

Arthur Thurm, "I don't have that. It's in a trade publication."

Councilman Pike, "If you could provide them I'd appreciate it."

Arthur Thurm, "Ok. We'll do."

Supervisor Janoski, "Thank you Arthur. Mr. Kasperovich you have about three minutes but go right ahead. I'll make sure that you get it."

William Kasperovich, "I want to put in for the record that what brother Sullivan said, the first speaker, I've got to agree with word by word. Because even though my notes are at home and I couldn't get them with me, I will say that he presented after thorough research which I did too, word for word is correct. As far as the lawyers go and the legal aspects, that's something else entirely. As I sit here and listen, I reflect two particular developments. One in western Pennsylvania and one in eastern Ohio where the steel industry introduced steel homes and they fought exactly this sort of thing. The permanent foundation aspect, they were overcome with no problem whatsoever just a matter of cost. As far as the purpose of all this, yes. We in Riverhead want to put a stop to a certain line of growth of these mobile homes. But I think what it boils down to is that the definition of mobile homes by today's law, is what we have to put into the books because certainly the entire mobile home industry is your opposition and they find ways of getting around things because of their immensity in size. But what is today a legal definition of mobile home and what is prefabricated home, I think is the whole thing and it's a lawyer's game to get the right words in. We certainly are all aware that we're comparing conventionally built homes with manufactured or factory built structures which become habitations. As far as architectural features go, I think that in itself is a practically meaningless point because what Mr. Janoski considers goodlooking, I think is terrible. We're in that extreme of the spectrums."

Supervisor Janoski, "I like blonds. What do you like Bill?"

William Kasperovich, "Please speak up. I can't hear you."

Supervisor Janoski, "No. It wasn't worth it."

PUBLIC HEARING Continued

William Kasperovich, "That is as far as I'm going to go. Thank you."

Supervisor Janoski, "Thank you Bill. Is there anyone else who was going to speak on this particular set of proposals?"

Councilman Boschetti, "I'd like to make a comment but I will reserve that comment so you can open up the next hearing if you want."

Supervisor Janoski, "Well why don't you make your comment."

Councilman Boschetti, "The only thing I want to make is that I've been asked several times and I'm afraid I'm going to have to repeat this again. These are not my proposals. Tonight these are not my proposals but I do have to make a comment about one observation. And that was made by the attorney for Mr. Sullivan where he claimed his interpretation would remove units from existing parks and actually causing people to be removed from their homes. My practice has been, because of my private sector involvement with manufactured housing, not to vote or get too involved with the manufactured mobile home problem. I did chair a committee because the Town Board asked me to do. I presented the work and I left it in their lap. But the inference that people would be removed from their homes is something that I have to respond to because certainly I could not sit by idly and maintain a neutrality if I thought for one moment that people were going to be asked to vacate their present houses. Absolutely I would have to be, I would be forced to be placed in a position that would break that neutrality and vote against any such kind of measures. So I just want to let this audience and for the record, everyone to be aware of the fact that in my reading of that law, no one would be caused to asked to leave or be forced to leave their present house that exists on what is now legal mobile home lots. So I just want to make that point perfectly clear because I don't think that particular aspects can be left unanswered. Thank you Mr. Supervisor."

Supervisor Janoski, "Thank you. Ok. Let the record show that the hour of 8:49 has arrived. The Town Clerk will please read the notice of public hearing."

8:05 & 8:15 PUBLIC HEARING CLOSED AT 8:49

PUBLIC HEARING - 8:45 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, December 2, 1986 at 8:45 p.m. to hear all interested persons regarding: The Special Permit Application of Rollin & Olga Hargis to expand their existing mobile home park from 111 units to 123 units.

PUBLIC HEARING Continued

Supervisor Janoski, "Thank you. Is there anyone present representing the applicant? Yes sir."

Larry Storm, Attorney, "Good evening. I'm representing Mr. and Mrs. Hargis."

Supervisor Janoski, "The microphones to your left is the microphone."

Larry Storm, "Tricky. Before I begin, just a quick couple of notes on the agenda in reference to the application refers to a special permit to add 23 units to the existing park. That's incorrect. Our initially application was to add 12 units. I believe that members of the Board have received an amendment to that application reducing our application to a net total of 9 units. So where we now have approval for 111, we seek a grand total of 120. Briefly by way of background, what we're trying to do here is by having reduced our application by 3 units, is an effort to respond constructively and responsively to concerns expressed by various Town representatives. What we're seeking to do here is a special permit to add to the mobile home park located at the intersection of Route 25 (the Long Island Expressway) and River Road these 9 units. The existing park has been in existing operation for an excess of 20 years and we've had permits since 1973 for pre-existing non-conforming use and as I say, this mobile home park does afford or provide affordable housing for senior citizen residents for the town. What we're seeking is a reasonable use of our adjacent properties compatible with the existing use. It represents the least adverse effect on tenants, surrounding areas and the environmental setting. We're attempting to secure for the Hargis' a reasonable economic return from properties which are currently not producing any return on their investment. In this regard, we have complied with the recommendations of the Conservation Advisory Council's recommendations for the setback. We have eliminated 3 units specifically to address that point. In addition, we are willing to impose a scenic easement on the balance of that western most property. If for a moment you take a look at the map that you've got, I think it might be constructive and helpful. If you look at the western most parcel, (I apologize for the lack of visualize aid here.) you'll see on the western most part of the parcel shows open space going in an easterly direction. You have a pond and then you have a small sliver of land on the eastern most part of that parcel where we seek to add those 3 units. Now what we wish to do is to take 3 of the approved lots that we have on the existing mobile park, we have approval for 111 and we are now using 108 and we're seeking to transfer the development rights which are not being used on the existing three to the western parcel. Now, this parcel is significant in a number of different ways. If you look at it, there is no access to this parcel other than from the Hargis' existing mobile home park. To the north is the Long Island Expressway. To the west and the south is different owners. The property is land locked. Mr. and Mrs. Hargis, if we are not permitted to develop this thin sliver, 3 lots that we're seeking, we'll be unable to develop the lot at all. There is no way to get to the balance of that western park without adversely effecting the existing pond. It's impossible. We just

PUBLIC HEARING Continued

Larry Storm, Continued

don't have the room. You can't lay even a driveway in there. So as you address yourselves to this application. I wish you would consider the fact that if it's denied, that the Hargis' will be unable to develop this parcel for any purpose. Now I understand that there may be or there seems to be an emerging public policy or there may be a public policy here that mobile home expansions are just not what we want. What I ask you to consider here at least for this particular parcel, if you would not permit it to develop approximately 4 tenths of an acre to put in three lots where next to an existing park has got a 108. What can done with this parcel? Nobody's going to buy. You're not going to be able to develop it for an industrial use because there's no way to get in and out. I ask you to consider that. Again going to the uniqueness of this particular application, prior to 1970 this mobile home park consisted of 135 units, 135 lots. As a result of a condemnation and the eminent domain by the State when they built the L.I.E., we were forced to give up 24 units. We purchased additional properties for the purpose of replacing those units. That's what we're seeking to do. We're not seeking to replace all 24 units that we lost, merely 9. I also, in terms of density considerations, almost 6 acres are involved. We're seeking a net total of 9 units. You're talking about a very low density resulting. Less than 1½ per acre. I also ask you to consider the fact that all the prior agencies that have reviewed this application have been considered and their interest and concern have been addressed. The County Health Department has signed off on the project. The New York State Department of Environmental Conservation have indicated that they have no problem. The Conservation Advisory Council's considerations have been addressed. It's a little bit difficult for us to address the Planning Board inasmuch as their comments in this regard, evidenced a policy consideration and did not address our particular application at all. It's as if it was just a mobile home park, therefore, as a matter of policy, we don't want it. We're against it. Period. The other consideration is that were mobile homes not permitted in this area on these parcels and another permitted use (an industrial use) inasmuch as this is an industrial zone put in there, that the particular problem that was earlier addressed about the mix, perhaps inappropriate mix between residences and industrial uses side by side or adjacent would in fact occur here needlessly. In essence, what we have here is a corner lot that were this entire corner be permitted to be expanded into the mobile or added to the existing mobile home park, that at least in this corner, all uses would be consistent and compatible with the pre-existing use. One of the concerns that we have is that were an industrial use make use of the eastern parcel, that this would adversely effect the existing tenants in the mobile home park. As responsible park operators, we would rather that not occur. And again as a matter of public policy and taking into consideration the uniqueness of this parcel, we ask that that be considered by the Board. One further point is that all these parcels are in fact contiguous. They're adjacent. You can

PUBLIC HEARING ContinuedLarry Storm, Continued

walk from one to the other and you don't know that you're on a different parcel. So that we wish them to be considered as one. If you have any questions, I'm here to address them."

Councilman Prusinowski, "On this transfer of development rights concept, what you're telling me is that I'm looking at a parcel next to the pond that is open space. And in theory, what you're saying to us that we're giving up that density and we're putting it over on the westerly part."

Larry Storm, "Well, it's a little more involved than that. The existing mobile home park, we are permitted 111 lots. Were you to count it, we've only got 108. We are permitted an additional 3. Ok?"

Councilman Prusinowski, "We don't know if that's true or not but I'll follow your scenerio."

Larry Storm, "The 1973 permit permits us 111. We have 108. That we're using 108. What I'm suggesting is that the 3 that we're not using be permitted to use those 3 immediately adjacent to the existing park on that western most parcel on which is located the pond. There will be no development to the west of that pond. You're only talking about 3 lots on 4 tenths of an acre on a parcel in excess of 3.2 acres and that's what we're seeking on that parcel."

Councilman Prusinowski, "On that side?"

Larry Storm, "On that side."

Councilman Prusinowski, "Then on this side you're seeking what you're proposing."

Larry Storm, "Then the balance on the other side. That's correct."

Councilman Prusinowski, "Dick don't you have something to say about that? The Town Attorney has something to say about this."

Richard Ehlers, "Sir you're raising (I think) the issue of whether or not the Town Board in denying your application is going to be, in some way, condemning your client's property. And if so, I think it's necessary that you answer a few questions if you don't mind in that regard. The number of lots that are permitted in 1973 were pre-existing non-conforming uses. Is that not correct?"

Larry Storm, "That's correct."

Richard Ehlers, "And the mobile home park is not a permitted use in that area today. Is that not correct?"

PUBLIC HEARING Continued

Larry Storm, "Well we have the permit for... It's not listed in the industrial "A" zone. That's correct."

Richard Ehlers, "And you lose your pre-existing non-conforming use if it goes out of existence for more than a year. So your client would have to show that they've had the 111 lots in use for at least the past year and that's probably not a fact is it? You don't have to answer that but that would be the Town's position that you've gone down to the 100 and whatever you have out there now. The 108 is in fact what's permitted at the moment. So you are seeking expansion of 12 lots to the 120. As regards to the condemnation by the State, at that time did you purchase all the lands that are the subject of the application today?"

Larry Storm, "As soon as they were available, we purchased them."

Richard Ehlers, "With the money from the State."

Larry Storm, "Yes."

Richard Ehlers, "So didn't the State in effect, buy the condmenation of your 135 lots down to your 111 and you've given up the other 3 voluntarily?"

Larry Storm, "Well I'm not sure I follow you."

Richard Ehlers, "Well the State paid you for the fact that you lost from 135 down to 111. Right?"

Larry Storm, "When we sought to replace those lots, we're seeking to replace those lots we lost. So the net result would be a wash."

Richard Ehlers, "But you've been paid for them. And you have some vacant land which you now seek to expand on. I don't think it's fair to put the Town Board in a position of having to agree that they're condemning your land if they don't let you expand."

Larry Storm, "I'm not... At this point, I'm not taking the position that the Town Board would in fact be condemning any properties. Alright. I'm not prepared to say that at this point. All I'm addressing, I'm asking you to address is the fact that some development of this property should be approved."

Richard Ehlers, "Isn't the development of the 111 or the 108 lots a cluster of density off the currently vacant portion? I mean the density in industrial land is one per acre. So your density is way in excess of what would be permitted. So your way past the cluster amount."

Larry Storm, "Well that's true by definition. Any time you have a mobile home park, you're going to have a density issue. There's no question about that. So were you to in effect, look at this, all these parcels as one..."

PUBLIC HEARING ContinuedLarry Storm Continued

TAPE ENDED

I'm not sure if that's.... I'm addressing the question that you're raising. But what I'm suggesting to you, addressing for the moment, the question of condemnation is that looking at the western most parcel, looking at the western parcel. The parcel on which is the pond. I suggest you look at the map. Is that what kind be done, what kind of development, this is property that the Hargis' are paying taxes on...."

Supervisor Janoski, "Dick, can we end this discussion? Thank you."

Larry Storm, "Yes. Are there any other questions?"

Supervisor Janoski, "I hope not. Thank you sir. Now I assume that there are people in the audience who want to address this particular application. Am I correct? Is there anyone who wishes to address this application? Ok. If you will hold on Mr. Kasperovich. Let me just get this next public hearing opened and recessed. Gee it's 8:55. Let the record show that it is now 9:06. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:55 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, December 2, 1986 at 8:55 p.m. to hear all interested persons regarding: The Special Permit Application of Joseph and Linda Sullivan to expand their existing mobile home park by 32 units.

Supervisor Janoski, "Thank you. I'm going to recess that hearing and recognize Mr. Kasperovich re-opening the hearing on the application on Rollin and Olga Hargis."

William Kasperovich, "First off, let me say that I object to a map being introduced in the middle of a public hearing. The gentleman had the courtesy to post it on the wall outside, we could have said they have us in consideration. As it is, we sit here and we don't know what's on this large piece of paper that he's referring to. It also doesn't give us any time for any thought and we feel or how we want to stand on it as residents of the township. A piece of land is still in this country, a private piece of property. You don't want to use it for rose garden, you can use it for a civil war monument park. You can use it for whatever you want with what is permitted. Now, I say this is an unusual difficult case in that I think we should be practical with what we can see and what they are willing to legally put down on paper for perpetuity. We can't just make it cut and dry with something that's been in existence for this many years. I say we should give them consideration and tie them down for the community benefit. I think that's all the detail that I can go into. But I do make criticism that documents are not posted to the public at a public hearing. Thank you."

Supervisor Janoski, "Thank you. Cathy Casey."

Cathy Casey, Wading River, "I just simply want to say that I extend my sympathies to Mr. and Mrs. Hargis but I think it's time that we said no. No more expansions and no more mobile home parks. Thank you very much."

Supervisor Janoski, "Thank you Cathy. Is there anyone else present who wishes to address the Board on this application? That being the case and without objection, I declare the hearing closed."

8:45 PUBLIC HEARING CLOSED AT 9:10

Supervisor Janoski, "Let's finish them. Let me re-open the hearing on the application of Joseph and Linda Sullivan."

8:55 PUBLIC HEARING RE-OPENED AT 9:10

Joel Markowitz, Attorney, "Gentlemen, good evening again. I am the attorney for Joseph and Linda Sullivan in connection with this application. This application was initially filed in June of this year. And together with the application, I submitted a letter outlining salient features of what we propose and I'd like to just go over those purposes for the audience and to refresh your recollection. The applicants are contract vendees of a parcel located directly across Wading River/Manorville Road from their existing mobile home park. The expansion site is a parcel of slightly more than 16 acres. And as indicated by the clerk, they propose to place on that 16 acres, 32 mobile home units. The 32 units are proposed to be clustered on 8 of the 16 acres. As the map indicates, the parcel is somewhat irregular in shape. The portion of the parcel that fronts on Wading River/Manorville Road is perhaps best described as a truncated wedge. And the rear portion which does not front on the roadway is an elongation extending from that wedge in a southerly direction and it is relatively narrower in comparison with the rest of the parcel. We propose that the units be placed on the portion of the premises that is wide and has frontage on Wading River/Manorville Road. Each lot would be approximately one quarter acre in size. The remaining 8 acres that will not be developed will remain undeveloped land and will be available for recreational use. The applicants propose the placement of course, of HUD approved units that would, in all respects, meet the specifications of this new proposed ordinance. In fact, they propose units that are double width, approximately 48 feet by 28 feet overall. Certainly far more than 400 square feet. That have the appearance for all outward purposes of single family dwellings consistent with residences in other portions of that same district. Each lot would be equipped with a driveway wide enough for parking of two automobiles and there would be street lights made available at each curb cut to provide lighting for the driveways and to provide lighting for the roadways and for the streets. And we believe that in overall appearance the proposed development would be consistent with the surrounding neighborhood. Now if what we've proposed sounds somewhat familiar to

Joel Markowitz, Continued

you, it should. Because on February 1st, 1983, this Board granted a permit to Thurm's Mobile Home Estates on Fresh Pond Avenue in Riverhead. The applicant in that matter was also a contract vendee. The applicant proposed the expansion of an existing mobile home park on the opposite side of a public roadway from his existing park. The applicant proposed placement of 128 units on 64 acres which is an overall density of 2 units per acre which is identical to the density that we propose. The applicant proposed the clustering of those 128 units on 32 of the 64 acres leaving half of the acreage for recreational purposes and allowing for mobile home lots of approximately quarter acre. And this Board in granting approval, conditions such approval upon the placement of two parking spaces on each mobile home site. The permit was made subject to the later approval of the Suffolk County Department of Health which may very well have been granted. I'm not familiar with what developed before the Suffolk County Department of Health. In addition to that, in 1984 on November 7th, the Board granted to Oakland Ridge Mobile Homes on Osborn Avenue in Riverhead what was referred to as a permit for the amendment of the site plan. That, in effect, allowed the expansion of the borders of the Oakland Ridge Mobile Home Park. That expansion took place across Osborn Avenue from the existing park. And of note, is the fact that the existing park provided for 100 sites on 11.4 acres or just under 9 units per acre. And the expansion was to 17.5 acres or a density of just under 6 units per acre. Again, our proposal is two units per acre. I think that we're all familiar now with the legal standards applicable to the granting or denial of a special permit including a special permit to expand a mobile home park. If we start with the proposition that the Board, at this moment, retains the authority to allow an expansion of an existing park by special permit, then it follows that the Board can not arbitrarily deny a permit. And it certainly can't deny a permit because of a general aversion to mobile home expansions or because of public sentiment against it. And in particular where the application satisfies all the existing criteria of not only the mobile home park statute or the mobile home park ordinance but also the ordinance applicable to special permits in general. Then as a matter of law, that permit must be granted. Now I submit to you that the present application is identical to the one that you granted on February 1, 1983 with two exceptions. One; our application is far less ambitious than the one that was submitted by Mr. Thurm. Mr. Thurm proposed the addition of 128 units. We're proposing the addition of 32 units. And the second difference is that; that application was made by Mr. Thurm and this application is made by Mr. Sullivan. Now certainly that should not make a difference in terms of the Board's consideration of the merits of this application. Because to do so, would clearly be arbitrary. I suggest that the Board give this consideration that it presently deserves and I ask that the Board respond to this application promptly. I call to the Board's attention once again, that this application was made more than 5 months ago. The Planning Board heard the application in July and promptly issued its recommendations. Its recommendation was against the granting of approval. And then 4 months went by before the Board took action to place this matter on its calendar notwithstanding the fact that we wrote to the Board asking that

PUBLIC HEARING Continued

Joel Markowitz, Continued

the Board place it on the calendar and give it prompt consideration. We ask now that this application be given prompt consideration and prompt response. Thank you. Does the Board have any questions that you'd like to address?"

Supervisor Janoski, "I don't but I bet there's a whole bunch of people that have something to say here. If I could, let me just remind you that we always give the applicant's representative a little beyond the five minutes which is allowed to explain the project's purpose. Of course the purpose of the public hearing is to express your sentiments on the application pro or con or basically why you have the feelings that you do and with that, I will recognize this gentleman right here."

Jim Durnan, Wading River, "I live at Barbara Court there right near the area. I am representing a bunch of the neighbors and residents of the area and I beg this council's permission if we may show some slides of the comparable surrounding units that we have taken to show you what exists and what he plans on building because he's extending what is already there. And this will save us from everyone having to get up that was at the meeting there and presenting their views."

Councilman Prusinowski, "How recent are these pictures?"

Jim Durnan, "Of the trailer park are two weeks a week. Of the houses, the existing houses are when it was initially built and as it is now."

Councilman Prusinowski, "Ok. Good."

Jim Durnan, "Ok. As he's setting up, I'd like to..."

Supervisor Janoski, "Sir, you scratching your head right now. Would you just check that door behind you to see if it's open. Oh good. Never mind Rob. Rob never mind. Ok. That's how we kill the rights in the room. I just wanted to check. I'm sorry."

Jim Durnan, "Ok. As you're setting up, we, the neighbors and residents at that area and as we've been hearing here, now we are questioning the needs for trailers. We all know there is a need for affordable housing on Long Island but shouldn't this be spread equitably on Long Island? Not everyone that needs a house is in Riverhead. Everyone needs an affordable house. There are people that need affordable houses in Smithtown, on Lloyd Harbor, all over Long Island. Why does Riverhead have to have all the trailer parks? Why not small affordable housing? We feel that he should have to have a rezoning if he's going to go from the existing acre zoning for housing down to the smaller one. This would one; he would then be required to notify everyone in the area. You would then fill up this auditorium with people coming down. The way we were notified now was a letters sent to old addresses and to people that aren't living in the area now. It was very horrible. And on his submittal, he is saying his density will be one

Jim Durnan, Continued

unit on a half acre but it's 32 units on 8 acre which is one unit on a quarter acre. We're getting to very small land. This trailer park will change the character of the existing houses not adjoining on the other side of the road of this but on the same side of the road. On the same side of Wading River/Manorville Road. It will change the character of the residential neighborhood. People that have bought acre lots with houses on them, some of them small, some of them large. We would like to remind the Board that these proposed units are one quarter mile from the intersection of Long Pond Road and Wading River/Manorville Road. Even now this intersection is very difficult. And to increase the density to put 4 times the units that would be allowed using that intersection, it's just getting too much. It's getting horrendous. Ok. John."

Supervisor Janoski, "Rick would you kill the house lights?"

A SLIDE PRESENTATION WAS SUBMITTED AND NARRATED BY GEORGE DALACKI (See Sullivan file for slides, following is the narration)

Jim Durnan, "This is one of the houses that would be on the back of the long part. The part that he is now calling the recreation area. This was in the initial construction of the house when it was being built."

Supervisor Janoski, "I'm sorry. You can't both have the microphone. Well you can take the microphone off the stand. Would you just identify yourself for the record."

George Dalacki, "I represent about 30 residents surrounding the property that's in discussion right now. This is a picture of my home 8 years ago and of course when I bought it I didn't expect that I was going to be given a wooded lot and swimming pool. But with a lot of hard work and a lot of effort, we have managed to create what was formerly a sod farm into a beautifully landscaped and still rural (in effect) area. And this is what we've been fighting to maintain. We changed that, in the course of 8 years, into this. And so have all of us in the immediate vicinity. This is a view of the northern portion of the segment that Mr. Sullivan's lawyer just pointed out and that is the part of the parcel that he intends to put the 32 units on. The narrow strip that he mentioned that would be reclaimed for recreational use is to the right in the picture here behind our properties. Our children have come to know the wildlife in the area as evidenced here by my daughter playing with a snake believe it or not. Her sandbox friends were box turtles and toads. And we realize that we can't have the wildlife forever. That may have to go. But in its place, we don't want to see what you will be seeing in a minute. This is a development we live in as viewed about six years ago. The area in the distance, the cleared beneath the wood line is what our builder is currently developing into what is turning out to be a beautiful continuation of our own development. We don't want to trade this site in for this."

George Dalacki, Continued

This is the trailer park as it exists now. The one that is to be expanded. This is again a view of the field, the narrow portion of the strip intended for recreational use which we question. Down the line, is it going to remain that way? We don't want to see this in its place. We don't want to trade in the beauty of the area for sites like these. Nor this site of the neighbor across the street for this. Believe it or not, this picture was taken in the park. Here is a view again, of the field with the trailer park in the distance. Imagine if you will, that that trailer park is now expanded and moved forward about 500 yards. It's going to wipe out a few of the wild-life communities in addition to the human habitat. Of the birds that will surely come back this Spring and inhabitat that vacant nest, well we know they will come back but can we be so certain that people will come in to reclaim these vacant trailer lots; two of which you see for sale signs in front of them. Talk about density. Our children now ride bikes on curb lined streets. Our we going to have to trade that in for guardrailed roads? Talk about sufficient illumination. We just want a place that our children will be inherit, as we have seen it so far and not to be changed into something we won't be able to enjoy. Mr. Sullivan's lawyer mentioned two driveways per unit. Why our cars still parked in the streets? Neatly skirted structures. This is a view I saw one morning recently that I would like to know is going to be guaranteed to us again. Ten years from now I'd like to be able to take this picture and see it again instead of the sites that you've just witnessed. Thank you."

Jim Durnan, "Thank you very much. In conclusion, we would like to say what we are against is a proliferation."

Supervisor Janoski, "You're going to have to identify yourself once again for the record because we have no way of knowing."

Jim Durnan, "Jim Durnan again. In conclusion, what we are against is a proliferation of trailer parks. We compare this situation with the strip shopping centers on 25 and 25A in the Town of Brookhaven. It has gotten out of hand. Everyone's against it now but who is against a shopping center. We all want one. King Kullen is there. No one is fighting for it. But as soon as it starts getting over density too much, then it becomes a problem. Also, and this is, we feel one of the major points. He is calling for 8 acres recreational there. Won't he come back asking for 32 more units. Just an expansion on the existing park that was allowed last year, two years ago, three years. And now they're in our backyard on the one acre lots. Thank you very much."

Supervisor Janoski, "Is there anyone else present who wishes to address the Board? Yes sir."

Ed Pfalzer, Wading River, "There are a lot of questions that the lawyer didn't answer and probably should have been asked of him at the Planning Board, he was asked what zone is this in and he didn't know at that time. I can tell him if he hasn't found out yet. It's in residence "B". Nothing he has set forth

Ed Pfalzer, Continued

here complies with anything in residence "B". So therefore, a zoning change would be necessary. I would like to see the plan (if I could) of this application."

Supervisor Janoski, "You certainly can."

Ed Pfalzer, "Could I take a quick look at them if you don't mind."

Supervisor Janoski, "If you would and I don't mean to be rude, but you're supposed to really have done this prior to taking the microphone. So if you would, why don't you take this moment to look at the plans and I will recognize that gentleman and then we'll call you back. The gentleman with the blue sweater."

Wayne Clark, Wading River, "I live in the adjacent neighborhood to the area where the proposed mobile park is to be considered. I've seen what Mr. Sullivan's park looks like already and it's a pig sty and I don't care to have that kind of development behind my place now. Is he going to be able, later on, down the road, clear the roads of snow when we have a heavy accumulation like some of the other park owners came to the Town Board a few years ago begging. The Town has not taken care of my park and I can't plow roads. Is he going to be able to do that too? I would like to know how he's going to address that. Take care and maintain his park. Thank you."

Supervisor Janoski, "Thank you. One more time you're going to have to tell us who you are."

Ed Pfalzer, "Basically as I said here, he has not addressed at all the fact that this is residence "B". I realize that a special permit or a special request can be granted to over ride that but I don't think that is the case we want here. We have residence "B". I have here a copy of the good book of the town. Maybe I'm the only one that went out and bought one prior to buying my house but I bought a zoning map and I bought this book. I wanted to see what I was getting into. I don't know how many people here know that maybe two miles down the street they could put up a factory. Right? It's industrial down the street a little ways."

Supervisor Janoski, "About two miles."

Ed Pfalzer, "I bought knowing all this and I wish to have it maintained in that same vain because that is what I bought and I don't want to corrupt this by somebody for their own individual profit. If this were something that would enhance the whole community, then I would be for it. This can only be detrimental for the community. It can only be detrimental to the value of my property. That's about all. He did address Thurms. I have a question on that since such a large grant was made. Was that a retirement community."

Supervisor Janoski, "Yes."

Ed Pfalzer, "It was a retirement community. Therefore, I don't believe his proposal here has anything to do with a retirement community. There's a big difference. I mean he compares one to the other and I don't think there's a comparison. One's a retirement community. He's not asking for a retirement community. Also, I took the trouble to print up, and you can have it, the non-conforming use for Huntington, Brookhaven and Smithtown. And everyone of them have a chapter in it that we don't have in ours that says; the only change that can be made in a non-conforming use is a change toward having that use conform to that district in which it's located. Each one of these has that proviso in it and I think maybe we should have the same thing. It's not in ours. So you can have these for what value they are."

Supervisor Janoski, "If you would give that to the Clerk. They're the press."

Ed Pfalzer, "So Mr., the lawyers, the threats to the Board about you better darn well approve it, I don't think really has to be worried about by the Board. I think if you put that through there would be a lot more lawsuits from these people back here because they sort of look like they've got a little organization. More than we have. And in conclusion, I would ask the Board that if you do grant this permit for this special use, that you take the trouble at that time to grant me one also. Because when I move to Vermont or Georgia, I want to put two trailers on my house before I go. Thank you."

Kenneth Kirby, Wading River, "I'm the pastor of the Wading River Baptist Church. Approximately two years ago we purchased six acres of land which is adjacent to this parcel. At that time, we were understanding that this would be residential area. We have in the last three years, grown and we plan to build a building. Perhaps starting this Spring our plans involve a building to seat 300 people. A sanctuary that will cost us approximately..."

TAPE ENDED

Kenneth Kirby, "...the position of our church, I stand opposed here tonight. It is nothing personal against Mr. Sullivan or trailers or any such thing but we believe it would be detrimental to our property, to its value and also to the advancement of our congregation and for our ministry there. The building that we plan to build is a colonial type structure that fits in with the decor there of the community. And it's not a personal vendetta, again, against anyone. We just stand opposed to it. We believe that it would depreciate the value of our property and would also depreciate our ministry there in the community. And last I would just like to say, that we firmly believe that's against the law for what's being proposed here to imply that this is a proper use of the property. We do not believe that it is a proper use of the property. We believe that it is really bending things very severely in order to do so. And so I just stand in opposition. Thank you."

PUBLIC HEARING Continued

Supervisor Janoski, "Thank you sir. The lady in the back."

Linda Durnan, Wading River, "I have checked into the Suffolk County Department of Health regarding the waste water permit. I spoke with Mr. Royal Reynolds frequently. And he has told me that the applicants have been notified on two separate occasions their application for 32 units on 16 acres has been denied because of the high density. I had asked for a copy of this so I could bring it tonight but I have to go through proper procedures to do that. I think that that is a considerable point to consider. That one of the agencies that the applicant is seeking approval from has denied it twice. From what my understanding is, it can go for a variance hearing again for some kind of permit thing. The other thing that I want to mention about that application was that there was a notation on the original application that the number of units could go as high as 68 and I'm not saying that that is what it is being proposed now. But from listening to the other applicant's presentation, I hear land locking and we can't use our land. And my concern is that the piece of land that is not going to be developed will be land locked because the trailer park will be in the front where the access from Wading River/Manor Road is. So again, what's going to happen down the road; will they come back and say it's now land locked and an inappropriate use. The other issue is it's a really a very personal one. I use to live in Brookhaven Town in a very very busy area. We were very concerned about the over development. We looked closely for a community that would be a good place to raise a family. It's a great great neighborhood. You feel safe with the kids. You feel you have room to breath and I think that's probably the feeling of a lot of us who have bought new homes in the area and I know it's the feeling of the people who live there. And my feeling is and you know we've tried to get away from over developments and I feel like it's a nightmare coming true again. And I really don't understand how, if something is zoned 1 acre, that there can be this kind of use and I hope that legally there may be some way of not doing this because my concern is that it's going to establish a precedent. If someone else can say; yes I have some residential land and I would like to use it this way and then we're left with it and what are the zoning laws in existence for? Thank you."

Supervisor Janoski, "Thank you."

Ron Singleman, Wading River, "And again, just to address the question of the surrounding areas, I have photographs here that were taken yesterday of a structure that is on Manorville Road that is approximately 4,000 square feet. I don't how a structure of 400 square feet can compare to something like that. I also have photographs of pictures of homes on Long Pond Road, Michaels Lane which is in construction at the present time. Michaels Lane again which backs this dead area. Michael Lane again, construction. Barnes Road, another home of approximately 4,000 square feet. Another Barnes Road, over 2,000 square feet. Another Barnes Road, I would say is approximately 2,500 square feet. And I can't see a 400 square foot structure being correctly in the same suit as these. "

Supervisor Janoski, "Did you want to make those pictures part of the record?"

Ron Singleman, "Yes please."

Supervisor Janoski, "Would you give them to the Town Clerk please. Thank you very much. Is there anyone else present? I see a hand way in the back there. Yes."

Charles Wood, Wading River, "Good evening. I received one of these letters. I didn't receive one for the first hearing. Somehow some of us got overlooked. I guess that's the same reason the sign was placed 127 feet back from the road. A couple of mistakes that Mr. Sullivan's lawyer has made in comparing Thurms trailer park to this one here, well just take a look at the last application. How many people were opposed to that? The problem is very simply this; the area that this park is in is existing as an area where people live on one acre lots. The proposed expanded trailer park is bordered by twelve pieces of property. And all those pieces of property are one acre or larger, 40,000 square feet or larger. Seven of those pieces are the beautiful homes you've seen that are in the White Spruce community and these are beautiful homes. And the other five parcels, I own one of the other five parcels. So I definitely have a vested interest in this situation here. I own six acres and I plan to put five lots on six acres. They will be a little bit bigger than an acre each. One of the other neighbors has a similiar use. He has five acres and I believe his plan is for four more lots on those acres. I know Mr. Nohejl's property which borders the piece also is one acre. The existing land has one acre houses on it. The planned future lots that border this piece also are planned for one acre each. This is under the existing zone which is it's presently zoned residential "B" which means 40,000 square feet unless you have public water then you can get it down to 30,000 square feet. But this is completely out of order; to request such a special permit in a place where what exists now is not what he's asking for. His trailer park does not even border the proposed site. It's across the street. So I'm not quite sure how you can term that an extension. To me it's a brand new application. Now in the past, things have gotten away like that but that's no precedent to say; we made a mistake in the past, we're going to do it again. This is a brand new trailer park proposition that he has. The units that he's talking about are nothing like the ones he has on the present lot according to this description there. One thing that I think is very important is that if he's allowed to get away with this, what's going to happen to the value of my piece of property? You know, I invested money into this piece of property with the idea of maintaining in it's existing use. The neighboring parcels are developed nicely into one acre parcels. The area looks very beautiful. This is completely different and completely out of character with what exists there at the moment. If you can just extrapilate. If he can put four houses on one acre and if you just put four people in each of those houses, you've got sixteen people per acre. Now, maybe it's a good idea.

PUBLIC HEARING Continued

Charles Wood, Continued

Maybe I want to do that too. Maybe Bill Nohejl wants to do that. Maybe Mr. Zalenski wants to do that. Maybe the people in White Spruce, they have an acre each. I mean, seriously, they should be able to put a trailer in their backyard or two or three and get away with the same kind of density that the applicant is proposing. And if you do that, we can get 700,000 people into the Town of Riverhead. 700,000 people. And if you go next door to Shoreham, they don't have mobile parks or Rocky Point or Miller Place or Mt. Sinai or Sound Beach or Port Jefferson or Ridge or Miller Place. And as far as the comments I've heard here from the other people affording that we need more trailer parks in Riverhead, this is utterly ridiculous. Where are they in the rest of the world. We're going to have more trailer parks than Florida has. Thank you."

Supervisor Janoski, "Thank you. No I can't recognize you. I've got to recognize someone who hasn't spoken. Is that your arm Mr. Nohejl? Do you want rebuttal time?"

Bill Nohejl, "I've just completed a residential development adjacent to what Mr. Sullivan intends to do. The houses expect to be start building next Spring range from 175 to 225 thousand dollars."

Supervisor Janoski, "There will be no talking to you Bill."

Bill Nohejl, "And I've had the water extended up into the area which I could have amended the map to 30,000 feet but I preferred not to. The lots are 40,000 and some up to 60 and 70,000 square feet and this is keeping in with the neighborhood and I do not wish to see a modular home directly next to the houses that contemplate being built there. I suggest that Mr. Sullivan withdraw his application and conform once to the area. Thank you."

Supervisor Janoski, "Jessie."

Jessie Tomlinson, "There's really nothing much I can add to this delightful hearing. I mean I can't tell you how good I feel tonight. I've been waiting for this for a long time but there were just a couple of points I would like to make although pictures are worth a thousand words as they say. I think that the application is really faulty because it's sort of a cute application. He's putting in a request for a mobile home park but then he wants to put modular homes. He wants his cake and eat it too. If he came in with a request for a subdivision the way Mr. Nohejl did and the other people, he would have to conform to the rules and regulations of the Planning Board. He'd have to show that he is preparing to put in something that is in keeping with the neighborhood. He's not doing that. Also, he has a very bad track record as far as appearance goes. I mean compare his place to something like Arthur Thurm, it's just not fair. The pictures show that. Maybe there wouldn't be that much objection to this place if he had demonstrated over the past few months that he was interested in at least pleasing the community in a certain sense

Jessie Tomlinson, Continued

by fixing up the place. He has shown nothing but contempt for the community. On those grounds also he shouldn't be allowed for this application. And I don't think it's fair to the neighborhood. I don't think it makes sense for the Town Board to be interested in controlling development as you have done so nicely with "CR" zoning and so on, and then allow what can only be called hodge podge of homes stuck every which way. What about the other eight acres. If it's going to be land locked which I wasn't really aware of, in a couple of years will he come back again and say; well look, I can't do anything with my property and you're condemning me and so on and so forth. It is just not right for him to expect you to do that. The fact that you have done this in the past in 1983, is really no excuse. That was a special permit so that does not mean that every other special permit of the same kind have to be approved. It's not precedent setting. And whether or not you want to say you made a mistake, sometimes you can't. Sometimes the president makes mistakes. That doesn't mean that you have to allow this and I don't think that the court would argue with that point. And the last thing I would like to say to paraphrase Mr. Kasperovich who I think had the best line of the night; what's good looking to Mr. Sullivan, is ugly to me."

Supervisor Janoski, "Thank you Jessie. Yes."

Mike Faceto, Wading River, "I represent the Shoreham, Wading River School Board. We were apprised of this planned change (if you will) only over the weekend and I apologize for not having an opportunity to see all the plans that you may have before you. The School Board raises concerns A; in the pocket adjustment to population that this may incur and also in regards to any traffic patterns that this may impact. We're very concerned about our school buses and the children travelling in them. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else? The lady in the back there."

Theresa Southworth, Wading River, "I've been a life long resident of Wading River and my parents have owned land next to the proposed trailer park. And when it was time to sell it, we were very selective as to who we sold it to. We sold to the church and we sold to Mr. Wood who I know is a reasonable man. My question is; can't this property be used in a normal subdivision that would be an asset to the community. I don't understand why it would have to, that area, be for just modular homes which now I hear mobile homes. In the existing park they have had a few problems and I really think that should be outlawed but that's beside the point. I don't see why we should have all this affordable housing in Wading River when we've tried so long to keep it a nice community. And I don't see why it should be compromised for someone's profit. Thank you."

Supervisor Janoski, "Thank you. There was Cathy."

PUBLIC HEARING Continued

Cathy Casey, "I'm actually going to be somewhat repeating what everybody said. Basically I think Mr. Sullivan's application should be declined. One; because the area is zoned residence "B", one acre zoning. And although I must tell you just quickly that his attorney confuses me. One minute he talks about a quarter acre, then he talks about two units per acre but somehow it seems to me that 32 units on 8 acres is one quarter acre. So I really wish he'd speak with a straight tongue instead of forked at times. In addition to that from an environmental standpoint, I too have spoken to the Suffolk County Health Department. The area falls under zone 3 of the Suffolk County 208 Water Study which means simply that it is a recharge area to enable us to help protect our ground water. Their requirements at this time are 40,000 square foot. If I may make a suggestion that the town communicate and work with the Suffolk County Health Department in terms of the particulars with regard to this and I think that will also be of assistance in decision making or an aid perhaps. Well perhaps it might be a good idea. Ok. And also by the way, the gentleman that you might want to speak to there is Mr. Walter Lindley at Suffolk County Health Department. He's here in Riverhead. Beyond that gentlemen, I would just simply want to say that I do not want these modulars, these prefabs, these mobile homes. I don't care what tag you want to put on them. I don't want them near my home. I don't want one quarter acre zoning. I don't want the area down zoned by one quarter. If anything, as a protective mechanism, let's up zone it. And finally, I had another point I wanted to make and I forgot what it was. But at any rate, I don't want this and this holds true not just for Mr. Sullivan's park but for all mobile home parks. No more expansions. No more parks. Thank you very much."

Supervisor Janoski, "Thank you Cathy. Is there anyone else. Wait a minute. I still have one person that hasn't spoken. The gentleman in the back."

Bill Cerveney, Wading River, "I bought a house there about two years ago. My property is one of the pieces adjoining the so called dead area. I was not notified by a letter about the hearing. I'm kind of confused about a number of things in terms of the proposal. I guess one of them is that it's an expansion of an existing home and from the pictures I've seen and the site I've seen, there is no trailer park on that piece of property at this time. There is one across the street. Also that the trailers are supposed to fit in with the houses in the area. They would be very similiar. And I've gone up and down the street a number of times and I can't find a single house with skirting. So I don't know. Also, if it's mobile housing or modular homes rather, why do you need skirting. I think you need it to hide the wheels from the trailers. But you know that's another thing. I'm very concerned that this talk about well it's a half acre, it's an acre and they're really going to end up on a quarter acre. You know that's the bottom line. You talk about cluster housing and yet there doesn't seem to be (to me) traditional housing but another way of getting into quarter acre lots. It seems to violate all of the code and the expectations of everybody who bought in there. Ok. That's my concerns."

Irene Pendzick, "Mr. Cerveny, could I have the spelling of your last name?"

Bill Cerveny, "C-e-r-v-e-n-y."

Supervisor Janoski, "Is there anyone else who wishes to address the Board. Henry are you reluctant to speak here? You have one finger up."

Henry Pfeiffer, Wading River, "That's all these remarks are worth. We always hear about this not in my back yard business and it's justified in this particular case. There seems to be come mathematical corallation between 100 units on 100 acre, one per acre. But if you're taking those 100 units and placing them on ten acres, that's ten per acre and it makes it beautiful for those people who are facing the other 90 acres. But for those people who are abutting upon those ten acres, it's a bloody pain in the neck. Thank you."

Supervisor Janoski, "Does anyone else wish to address the Board? Reverend. Wait a minute. We've got a new customer here."

John Lazritch, Lakeside Trailer, "On this subject of manufactured housing with stick built houses, I'm inclined to disagree with some members of the audience about stick built houses and manufactured housing. My daughter has a two story colonial built in Townsriver, New Jersey which I compared with the two story built houses out here and Jersey and I'm pretty sure that mine will compare with stick built houses. Well worth over 200,000 dollars. People have the assumption that they see a trailer court, it's a trailer but it's actually some mobile home which area better than some houses I've seen in Riverhead. And without all the mobile homes in this town, where would your revenue be in taxes? Thank you."

Supervisor Janoski, "Thank you. Yes sir. Thank you John. Has anyone ever heard the work overkill?"

Syd Bail, Wading River, "President of Wading River Civic Association. We oppose the expansion of the park and I've heard the work overkill. Thank you."

Supervisor Janoski, "Thank you. Reverend."

Reverend Kirby, "I have a question for the attorney if I could. What is the requirement of the Board or the people involved to notify the adjacent properties for such a hearing as this?"

Richard Ehlers, "The applicant has indicated that he submitted an abstract title with his application that's prepared by him and his title company. That indicates the owners of properties within 500 feet of the subject premises. There was also a sign posted. The first posting of the sign was deemed to be ineffective notice by the Town Board and the hearing was ajourned from that date to tonight so the sign could be more visibly posted."

PUBLIC HEARING Continued

Reverend Kirby, "Maybe I could ask it more specifically. Should we have received a letter in the mail or certified letter notifying us of this hearing?"

Richard Ehlers, "How near are you to the property?"

Reverend Kirby, "We are the adjacent property next door."

Richard Ehlers, "I think you should have probably received it. At the time that amendment was adopted however, you should know that it was anticipated that in the cases of some applications that mistake could be made and it would not be fatal to the application that you have not been notified."

Reverend Kirby, "Could I go on record of saying that if there is any future hearings on this matter that the Wading River Baptist Church would prefer to be notified by letter? Thank you."

Supervisor Janoski, "Thank you Reverend. Is there anyone else remaining who wishes to address the Board on the matter of this application? Then without objection, I declare this hearing closed. I will re-open the hearing on the SEQRA Fees. Mr. Town Attorney."

8:55 PUBLIC HEARING CLOSED AT 10:03

8:25 PUBLIC HEARING RE-OPENED AT 10:03

Richard Ehlers, "The proposal before the Board this evening is to adopt an amendment to the Town Code which would provide for the charging of 2,000 dollar fee where an environmental impact statement needs to be prepared upon an application to a Town body. The reason for this be is..."

Supervisor Janoski, "Ladies and gentlemen, if you would, we have a public hearing going on. Ladies and gentlemen if you would please exit the hall and have your conversation outside and I hope that I have addressed that to both males and females. I don't want to be picked upon for picking on the females in the audience by correcting them for speaking and having conversation while the hearing is going on. Mr. Town Attorney why don't you resume your explanation."

Richard Ehlers, "The reason for the fee is that when an impact statement is required, copies have to be sent out to approximately 35 agencies on three separate occasions. It requires review by a consultant. In this case it's generally the office of Louis K. McLean Associates who are consultants to the Planning Board and they assist in reviewing the environmental impact statements for its compliance with the State Code. It's specifically permitted under the State regulations. The town may and is in fact encouraged by those regulations to charge such a fee for the preparation of environmental impact statements."

PUBLIC HEARING Continued

Supervisor Janoski, "Thank you Mr. Town Attorney. Is there anyone present who wishes to address the Board on this proposal? Yes sir."

Michael Levine, Wading River, "I'm the president of a couple of construction, development companies that do business within the town. It just so happens that I have developed a piece contiguous with Mr. Sullivan's piece previous to this and you've heard many of my residents speak. In an era where we're trying to have what was one lady called, affordable housing. She tried to compare that with or against the house she is living in, in a way almost degrading affordable housing. Every fee that the town proposes or becomes incurred upon developers eventually gets passed upon to the homeowner and I'm not that familiar with the proposal here except for what I've read locally in the papers. And again, I don't want to take up too much of the towns time but I would beg that unless this is a complete necessity with the cost of so much else today and with the fact that so many young couples as I see them coming out struggling to buy homes are in the positions that they are. If this is not totally necessary, I would beg that the Town Board look upon it and see that it can..., cease and desist with this. The other thing which doesn't directly relate to this but in other towns in which I deal with when there is a notice of public hearing, the developer or whomever is applying, is required not only to submit the abstract of title but the receipts for the certified mailings that the people have signed. Thus showing evidence that they have gotten adequate of the hearing. I think if the town were to introduce this too, it would solve a lot of problems. Most of the residents in my neighborhood who did not hear, were because I've conveyed recent title and so I got about 5 certified letters and many of them got none. I would think that they should try and look for recent conveyances when they try and prepare these abstracts so that they're current and proper. Again, I know it's got nothing to do with this but if you could take that under consideration it might help in your notification process. Thank you."

Councilman Prusinowski, "Just a comment on the fee because I've heard that argument before about these fees effecting affordable housing. About three or four years ago at the recommendation of the Planning Board, the Town Board adopted a modification to the subdivision part of the code which we use to require in this town 55 foot pavement on your road in your in the subdivision. We've reduced that to 35 feet. The reason we did that was to..."

Michael Levine, "Excuse me sir."

Councilman Prusinowski, "You have a 55 foot right-of-way but you are now allowed... You can build the roads only 35 feet wide of pavement."

PUBLIC HEARING Continued

Michael Levine, "If I'm not mistaken, in my subdivision they're only 37 feet."

Councilman Prusinowski, "Alright, only 37 feet. In other words we made a reduction in the amount of pavement. The purpose of that was to keep the cost down so we can have what is called affordable housing, 60,000 dollar lot affordable housing. I know developers who make pretty good profits on these things. Yes there are certain fees and costs. Quite honestly if you're going to pay 66,000 dollars for a one acre lot, you're going to pay 68,000 dollars. That does not address affordable housing. But what has happened is that by reducing some of these development costs, the price of the property has gone up anyhow. That's a whole different question of addressing affordable housing. The 2,000 dollar fee is to cover cost so the taxpayers do not pay for burdens. Ok. That's it. That's just what I wanted to say because I want to get it on the record too."

Michael Levine, "May I just interject? With due respect Mr. Prusinowski, I understand what you're saying but dealing every day in the market place and incurring costs everywhere we go, the 2,000 dollars is not going to make or break a sale or allow someone to buy a home. What I'm talking about is the whole spectrum. And you know, I don't have to tell you that five or six years ago those lots were infinitesimal one fifth or one sixth of what they are today. So granted, developers are making a lot of money. But at those times when you couldn't give those lots away and we were begging for people to come out here, there was talk about what to do to make Riverhead more of a place to live. Now that it's finally come of age and it's beautiful, people have discovered us. We're trying to maybe stifle some of the derogatory nature of things. But on the other hand, if we're going to attract the type of housing and the residents that we want, there are certain things that have to be kept in tow and not just this 2,000 dollar fee. It's up to the developers also and I'm one who is constantly looking to try and develop as reasonably as possible and again stay within the zoning. Again I'm looking at the way things are now, that two acre...."

Supervisor Janoski, "Mr. Levine, the hour is getting late. How do you feel about this proposal?"

Michael Levine, "Certainly for the record, I'm against it. I'd like to see it defeated. Thank you."

Supervisor Janoski, "Thank you very much. Yes sir. I have to excuse myself. I've had to go to the boys room for the last half hour and I can't wait anymore. Mr. Prusinowski if you would please."

Kurt Stahl, Ridge, "Can I speak while you're gone?"

Supervisor Janoski, "Of course."

Kurt Stahl, Ridge, "I've just entered into a contract to buy a piece of property from a developer who filed for a subdivision I guess months ago. And it's my fear that this gentleman has entered into contracts at a certain price with people as myself estimating his costs for developing this property and then adding (I think there's 28 homes) another 56,000 dollar burden to this developer would cause him to compromise some of the quality of some of the other things that he has to put in and that's my fear."

Councilman Prusinowski, "This is not the.... That's the 2,000 per lot fee. This is just SEQRA, environmental. A requirement that when you do any project in this town you are required to file an environmental impact statement and we're just talking one flat fee per project, 2,000 dollars."

Richard Ehlers, "It's only projects in excess of 50 lots. One 2,000 dollar fee for projects in excess of 50 lots, major condominium projects."

Councilman Prusinowski, "This covers the cost of an environmental impact statement of the Town of Riverhead reviewing these projects. On another note, I want to tell you that really you're not supposed to in New York State buy things and have no final approval and I know they sell maps without final approval and buyer beware. If you put a deposit on a lot that is on a map that you don't have final approval from the Town of Riverhead Planning Board, buyer beware. Until they have the final approval, it's not a subdivision. Do you understand what I'm saying? Unless that guy has final approval from the Town of Riverhead to put in a road and start... Until you walk right down here and get a building permit, it's not a subdivision."

Kurt Stahl, "Well the contract state subject...."

Councilman Prusinowski, "I know. Subject to..... But subject to means subject to."

Kurt Stahl, "But do you understand what my concern is?"

Councilman Prusinowski, "I understand what your concern is. We understand it. Anyone else want to address? Yes Kasperovich."

Councilman Boschetti, "Mr. Chairman I move a ten minute recess."

Councilman Lombardi, "I'll second that."

Councilman Prusinowski, "Then we'll reconvene the public hearing after this."

MEETING RECESSED AT 10:12
MEETING RECONVENED AT 10:22

PUBLIC HEARING Continued

Bill Kasperovich, "I don't know if this is appropo to the subject matter at hand for the public hearing. But since Councilman Prusinowski brought in the fact that reducing 55 feet to 37 feet, if we would subtract 37 from 55 feet you get 18 and then it's 6 and a half feet on either side of the road which is for the green strip and the sidewalk. So the right-of-way is still 55 feet. It's just that you're not going in for the sidewalk and the curb and so nothing is changed. You just made allowances to maintain the vehicular traffic but nothing else. Not to get the impression that you were able to reduce anything. You're just not enforcing the curb and sidewalk which in some areas it's not necessary."

Supervisor Janoski, "He's absolutely right. Thank you Bill. You're not finished yet. You know you brought those peanuts. You didn't share them."

Bill Kasperovich, "Nobody wanted any. I offered it to everybody."

Supervisor Janoski, "Nobody offered me any."

Bill Kasperovich, "I had the ultimate in beauracracy this afternoon. And I thought it was appropo to this SEQRA thing. I was told I had to contact a particular individual and they give me two numbers and one number and an alternative number and I said alright. So I went down to the County Center and got some change. I got to the telephone and I called and I find the party is sitting desks away from the party I was talking to. I had to go to a public phone to get him on the telephone in order to do this. This beauracracy has gotten ridiculous. Now, over the years that I've been in Riverhead on the various Boards, on the various panels, I've seen people that were not knowledgable appointed. I've seen people that were incompetent, people that had no business whatsoever to participate. And when we introduce something like this 2,000 dollar fee and introduce money with which to cover some outside party to do their work for them, we are leaving it wide open for people that are not qualified to hold their position. That they don't have to do it because they're going to get somebody else and they're going to pay him his fee and he's going to do it. So they could sit there like wheelers and dealers and that's what you're going to do when you introduce this 2,000 dollar. That you're not going to make the people work for what they're doing and what they're supposed to be up there for. They're going to sluff it off because the money is there to cover it to get somebody else to do it. Now I've recently experienced this without mentioning any names or anything right here in Riverhead in this building and I say; if those people had to do it themselves, this thing would have never have come up to be. They would have had to figure out for themselves what the score is and come to their own conclusion. And so I say this fee type of thing doesn't solve anything because it covers one aspect of dollar cost but it leaves it wide open for the personnel that should be doing the work. If I made my point, that's it and I think it's serious enough to consider."

Supervisor Janoski, "Thank you Bill. We must return to the public hearing on the expansion of the parking district which was previously recessed. So I will re-open that public hearing. We're not done with SEQRA yet. I thought Mr. Prusinowski closed it. Does anyone else wish to address the public hearing on SEQRA? That being the case and without objection, I declare that hearing closed and re-open the hearing on the expansion of the public parking district."

8:25 PUBLIC HEARING CLOSED AT 10:28

8:35 PUBLIC HEARING RECONVENED AT 10:28

Henry Saxtein, Attorney, "I represent the applicant, Kenneth Zahler. We're proposing to add a lot approximately 60 by 85 feet to the public parking district number 1 in the Business D zone in Riverhead. The lot is on the west side of Maple Avenue approximately 189 feet north of Main Street directly behind Dr. Doroski's house. When the parking district was originally formed, the owners of this property at that time didn't want it in the parking district. So it was gerrymandered out of it. The property is in business "D". My client is the contract vendee. He wishes to purchase it and use it as offices and he needs the parking and we would like to have it included in the parking district."

Supervisor Janoski, "Thank you Henry. Does your client want to say anything?"

Ken Zahler, Aquebogue, "I wasn't going to but there is one thing. I have a contract with a clause that we must close by the end of the year. I'm not going to close however, unless I know that I'm going to be successful in this and I hope I won't have a problem in getting a determination from the Town Board before the end of the year."

Supervisor Janoski, "If we can guarantee it by the next Town Board meeting."

Ken Zahler, "Thank you."

Supervisor Janoski, "Thank you. Does that represent the only comment on the expansion of the parking district? That being the case and without objection, I declare that hearing closed."

8:35 PUBLIC HEARING CLOSED AT 10:30

Councilman Prusinowski, "Due to the lateness of the hour, I would like to propose that we move resolutions #679 to 701 inclusive and that we would vote on resolution 702 separately. So therefore I would like to make a motion that we move resolutions 679 to 701 conclusive."

Councilman Pike, "What's the rationale for separating 702 from 700 and 701?"

RESOLUTIONS Continued

Supervisor Janoski, "Because we've had a request to vote on that."

Councilman Pike, "I request that we move 700, 701 and 702 which all pertain to the same subject for a separate vote."

Councilman Prusinowski, "Ok. So then we'll have... I'll change that to 679 to 699 inclusive."

RESOLUTIONS

#679 BUDGET ADOPTION - JOSICA DRIVE WATER EXTENSION.

(See Water District Minutes)

#680 AUTHORIZES PUBLICATION OF LEGAL NOTICE.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, the Town of Riverhead has submitted an approved application to the U.S. Department of Housing and Urban Development for Jobs Bill funds, and

WHEREAS, the Town of Riverhead found it was necessary that this application be amended, and

WHEREAS, the Town of Riverhead has completed the amendment process and has met all citizen participation requirements, and

WHEREAS, The Town of Riverhead has completed an Environmental Review Record and plans to draw down grant funds.

THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead authorize the Town Clerk to publish the attached legal notice *(see file for notice) of a Finding of No Significant Environmental Impact and Request for Release of Funds in the Thursday, December 4, 1986, edition of the Riverhead News Review and that a copy of this advertisement be disseminated as required by HUD.

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

The resolution was thereupon duly declared adopted.

#681 AWARDS BID FOR REHABILITATION OF SIDEWALKS ALONG MAIN STREET.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the rehabilitation of sidewalks along Main Street; and

WHEREAS, all bids were received, opened and read aloud pursuant to said Notice to Bidders; and

WHEREAS, a total of two (2) bids were received.

NOW, THEREFORE, BE IT

RESOLUTIONS Continued

RESOLVED, that the bid for the rehabilitation of sidewalks along Main Street be and is hereby awarded to East Area General Contractors in the amount of \$185,150.00; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to East Area General Contractors, and the Riverhead Highway Department.

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

The resolution was thereupon duly declared adopted.

#682 AUTHORIZES TOWN CLERK TO PUBLISH AND POST LEGAL NOTICE OF ESTOPPEL.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Legal Notice of Estoppel.

*See File for Estoppel/Sanitation Bids/Truck Weigh Station.

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

The resolution was thereupon duly declared adopted.

#383 APPROVES SITE PLAN OF FREDERICK P. COWAN & CO.

Councilman Prusinowski offered the following resolution which was submitted by Councilman Lombardi.

WHEREAS, a site plan and elevations were submitted by Kelly, Sacher & Associates for Frederick P. Cowan & Co., for an office and manufacturing building to be located at Kroemer Avenue, Riverhead, New York; and

WHEREAS, this Town Board has reviewed the site plan dated September 24, 1986, as prepared by Kelly, Sacher & Associates and elevations dated February 22, 1985, as prepared by Kelly, Sacher, & Associates.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Kelly, Sacher & Associates for Frederick P. Cowan & Co., for an office and manufacturing building to be located at Kroemer Avenue, Riverhead, New York, site plan dated September 24, 1986, as prepared by Kelly, Sacher & Associates and elevations dated February 22, 1985, as prepared by Kelly, Sacher & Associates, be and are hereby approved, subject to the following:

1. That the provisions of the Town Code, which are not addressed by this resolution or other official action of the Town, shall, at all times, be complied with by the owner of the property covered by this site plan;

RESOLUTIONS Continued

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a certified copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk and filed with the Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval to being installed at the property. All signage so proposed shall be coordinated in appearance and design;

4. That the applicant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

5. That receptacles of a decorative design shall be maintained at the premises;

6. That adequate parking for the handicapped pursuant to State and Federal law shall be provided that and each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, FREDERICK P. COWAN & CO. hereby authorized the Town of Riverhead to enter premises at Kroemer Avenue, Riverhead, New York to enforce said handicapped parking regulations;

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code with regard to type, thickness and grade;

8. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

9. Drainage and parking shall be provided pursuant to the Riverhead Town Code.

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Kelly, Sacher & Associates, 3983 Worthmor Drive, Seaford, New York, and the Riverhead Building Department.

DECLARATION AND COVENANT

THIS DECLARATION, made the _____ day of December, 1986, by FREDERICK P. COWAN & CO., a domestic corporation with offices at _____, Declarant.

WHEREAS, Declarant is the owner of a certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto as provided by the Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead and the owner and prospective owners of said parcel that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan, said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

RESOLUTIONS Continued

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution or other official action of the Town, shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design;
3. That the Declarant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal;," and agrees to abide by same;
4. Trash receptacles of a decorative design shall be maintained at the premises;
5. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto;
6. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code, with regard to type, thickness and grade;
7. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
- 8; Drainage and parking shall be provided pursuant to the Riverhead Town Code.

Declarant has hereunto set his hand and seal the day and year above first written.

FREDERICK P. COWAN & CO.

BY: _____

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On this _____ day of December, 1986, before me personally came _____, who is the _____ of FREDERICK P. COWAN & CO. the owner of certain real property located at Kroemer Avenue, Riverhead, New York, the subject property of the declaration and covenant and understands the contents thereof; and that he did swear to me that he executed the same.

RESOLUTIONS Continued

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

The resolution was thereupon duly declared adopted.

#684 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: APPLICATION OF JACK AND PETER VAN DE WETERING.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to the application of Jack and Peter Van de Wetering for a change of zone.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 16th day of December, 1986, at 7:45 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the application of Jack and Peter Van de Wetering for a change of zone from Business A to Agricultural A.

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

The resolution was thereupon duly declared adopted.

#685 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: SPECIAL PERMIT APPLICATION OF GEORGE CHEKIJIAN.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to the special permit application of George Chekijian.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 16th day of December, 1986, at 7:55 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the special permit application of George Chekijian to operate a facility for the processing, canning bottling and warehouse until shipment of non-toxic, biodegradable cleaning products can be arranged.

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

The resolution was thereupon duly declared.

RESOLUTIONS Continued#686 AUTHORIZES TOWN CLERK TO PUBLISH AND POST HELP WANTED
AD RE: AUTOMOTIVE MECHANIC, HIGHWAY DEPARTMENT.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Help Wanted Ad for the position of Automotive Mechanic with the Town of Riverhead Highway Department.

HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Automotive Mechanic. Applicants must have a minimum of (3) three years experience automotive mechanics. Some knowledge of the operating and repair of a wide variety of public works equipment is required. Interested individuals must submit an application to the Accounting Department, 200 Howell Avenue, Riverhead, New York between the hours of 8:30 a.m. and 4:30 p.m. weekdays. No applications will be accepted, for this position, after December 19, 1986. The Town of Riverhead does not discriminate on the basis of race, color, national origin, sex, age or handicapped status in employment or the provisions of services.

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

The resolution was thereupon duly declared adopted.

#687 AUTHORIZES TOWN CLERK TO PUBLISH AND POST HELP WANTED
AD RE: AUTOMOTIVE EQUIPMENT OPERATOR, HIGHWAY DEPARTMENT.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Help Wanted Ad for the position of Automotive Equipment Operators with the Town of Riverhead, Highway Department.

HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Automotive Equipment Operator. Applicants must possess a High School Diploma and a valid Class 3 New York State License. Interested individuals must submit an application to the Accounting Department, 200 Howell Avenue, Riverhead, New York between the hours of 8:30 a.m. and 4:30 p.m. weekdays. No applications will be accepted, for this position, after December 19, 1986. The Town of Riverhead does not discriminate on the basis of race, color, national origin, sex, age or handicapped status in employment or the provisions of services.

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

The resolution was thereupon duly declared adopted.

#688 ACCEPTS RESIGNATION OF PART-TIME CLERK.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, Frances Sadowski has submitted her letter of resignation from her position of Part-Time Clerk with the Planning and Zoning Departments.

NOW, THEREFORE, BE IT

RESOLVED, that the resignation of Frances Sadowski from her position of Part-Time Clerk be and is hereby accepted effective November 24, 1986, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Frances Sadowski and the Accounting Office.

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

The resolution was thereupon duly declared adopted.

#689 ACCEPTS RESIGNATION OF HOME CHORE COORDINATOR.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, Otto Salyer has submitted his letter of resignation from his position of Coordinator with the Home Chore Program of the Town of Riverhead.

NOW, THEREFORE, BE IT

RESOLVED, that the resignation of Otto Salyer from his position of Coordinator be and is hereby accepted effective November 28, 1986, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Eileen Drower and the Accounting Office.

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

The resolution was thereupon duly declared adopted.

#690 RATIFIES PUBLICATION OF HELP WANTED AD, RE: PART-TIME PROJECT COORDINATOR AND PART-TIME HANDYWORKERS.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, due to time constraints it was necessary that the help wanted ads be published in the issue of the News Review, The Long Island Traveler Watchman, Suffolk Life Newspapers and The Community Journal.

NOW, THEREFORE, BE IT

RESOLVED, that the action of the Town Clerk in publishing the help wanted ads in the above referenced publications be and is hereby ratified.

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

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued

#691 AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS FOR ONE SCREEN TYPE PROCESSOR.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids on One (1) New 1987 Screen Type Processor for use of the Town of Riverhead Highway Department,

AND BE IT RESOLVED, that specifications and forms for bidding be prepared by the Superintendent of Highways, and bids be returnable up to 11:00 a.m. on December 22, 1986 and be it further

RESOLVED, that the Town Clerk be and is hereby designated to open publicly and read aloud on December 22, 1986 at 11:00 a.m. at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York all sealed bids bearing the designation "Bid on One (1) New 9187 Screen Type Processor".

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

The resolution was thereupon duly declared adopted.

#692 AUTHORIZES PUBLICATION OF NOTICE TO BIDDERS, RE: 1986 POLICE PATROL VEHICLES.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a copy of Notice to Bidders re: 1987 Police Patrol Vehicles in the December 4, 1986 issue of The News Review, and

BE IT FURTHER RESOLVED, that said bids shall be opened and read aloud by the Town Clerk on Monday, January 5, 1987 at 11:00 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York.

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

The resolution was thereupon duly declared adopted.

#693 TRANSFER OF FUNDS - PLANNING BOARD.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Supervisor be, and hereby is authorized to transfer the following General Town Accounts.

	<u>FROM</u>	<u>TO</u>
A8010.410 Planning Board Office & Travel	\$1,000.00	
A8010.420 Planning Board Consultant		\$1,000.00

RESOLUTIONS Continued

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

The resolution was thereupon duly declared adopted.

#694 AUTHORIZES SUPERVISOR TO RELEASE PETTY CASH MONIES TO RECEIVER OF TAXES.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Supervisor be and is hereby authorized to issue a check in the amount of \$200.00 to the Receiver of Taxes, from the Petty Cash Fund Account established for Petty Cash Fund purposes for the office of the Receiver of Taxes, Pursuant to Section 64-1A of the Town Law.

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

The resolution was thereupon duly declared adopted.

#695 AUTHORIZES TOWN CLERK TO PUBLISH AND POST HELP WANTED AD, RE: SPECIAL POLICE OFFICERS.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Notice with regard to the acceptance of applications for individuals to attend a 400-hour training session at the Suffolk County Police Academy to serve the Town of Riverhead as Special Police Officers, and

BE IT FURTHER RESOLVED, that the Town Clerk publish this Notice in the December 11, 1986 issue of The News Review, The Long Island Traveler Watchman, and the December 10, 1986 issue of Suffolk Life Newspapers.

PUBLIC NOTICE

PLEASE TAKE NOTICE, the Town of Riverhead is now accepting applications from qualified individuals interested in attending the 400-hour training session of the Suffolk County Police Academy in order that he/she may serve the Town of Riverhead in the position of Special Police Officer. All applicants must be 20 years of age, must possess a High School Diploma, and must be willing to work evenings and Saturdays. Interested individuals must submit an application to the Police Department, 210 Howell Avenue, Riverhead, New York between the hours of 8:30 a.m. and 4:30 p.m. weekdays. No application for this position shall be accepted after December 19, 1986. The Town of Riverhead does not discriminate on the basis of race, color, national origin, sex, age and handicapped status in employment or the provision of services.

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

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued

#696 AUTHORIZES INCREASE IN FEES RE: SCAVENGER WASTE PLANT.

(See Scavenger Waste Minutes)

#697 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF AUCTION RE: SALE OF SURPLUS OFFICE EQUIPMENT AND BLDGS. AND GROUNDS EQUIPMENT.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, the Chief of Police has informed the Town Board that there are many items of furniture and office equipment which are no longer used or useful to the police department and recommends that these items be declared surplus by the Town Board, and

WHEREAS, the Foreman of the Buildings and Grounds Department has informed the Town Board that there are several items of lawn equipment which are no longer used or useful to the Buildings and Grounds Department and recommends that these items be declared surplus by the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board does hereby declare the above mentioned items to be surplus equipment, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Legal Notice with regard to the scheduling of this auction for the sale of said surplus items.

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

The resolution was thereupon duly declared adopted.

#698 AUTHORIZES RELEASE OF PERFORMANCE BOND AND LABOR AND MATERIAL BOND OF HINCK ELECTRICAL CONTRACTING, INC.

(See Scavenger Waste Minutes)

#699 APPROVES POSTING OF BOND OF FOX CHASER ASSOCIATES.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, the Riverhead Planning Board, by resolution dated August 28, 1986, approved the subdivision map of Fox Chaser at Aquebogue, subject to the posting of a bond in the amount of \$106,000.00 covering the cost of the public improvements required by said resolution; and

WHEREAS, a bond secured by a letter of credit has been forwarded to the Office of the Town Attorney who has reviewed same for form; and

WHEREAS, as a further condition, the Planning Board had required assurance to construct the improvements as stated in the resolution of the Planning Board.

NOW, THEREFORE, BE IT

RESOLUTIONS Continued

RESOLVED, that pursuant to the resolution of the Riverhead Planning Board, the Town Board of the Town of Riverhead does hereby accept the bond of Fox Chaser Associates, LP, covering the construction of the public improvements directed by the Planning Board; and be it further

RESOLVED, that a copy of this document be filed with the Town Clerk; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward certified copies of this resolution to Fox Chaser Associates, LP, 24 South Road, Box 54, Westhampton, New York, and the Riverhead Planning Board.

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

The resolution was thereupon duly declared adopted.

#700 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: CHANGE OF ZONE, ROUTE 25 CORRIDOR, JAMESPORT.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to a change of zone along the Route 25 Corridor in the Hamlet of Jamesport, Town of Riverhead, New York.

BE IT FURTHER RESOLVED, that the moratorium existing along the Route 25 Corridor in the Hamlet of Jamesport, Town of Riverhead, New York, be and is hereby extended for an additional 60 day period to commence on December 5, 1986; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to notify all property owners within 500 feet of the proposed change of zone with a copy of this Notice of Public Hearing.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 16th day of December, 1986, at 8:05 p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to change of zone along the Route 25 Corridor in the Hamlet of Jamesport, Town of Riverhead, New York, from the zoning classifications as described in Exhibit "A" to those classifications indicated by the key in Exhibit "A" annexed hereto.*

TAKE FURTHER NOTICE, that the moratorium existing along the Route 25 Corridor in the Hamlet of Jamesport, Town of Riverhead, New York, be and is hereby extended for an additional 6-day period to commence on December 5, 1986.

*See Change of Zone file for map and key

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

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#701 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: CHANGE OF ZONE, ROUTE 25 CORRIDOR, JAMESPORT.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to a change of zone along the Route 25 Corridor in the Hamlet of Jamesport, Town of Riverhead, New York.

BE IT FURTHER RESOLVED, that the moratorium existing along the Route 25 Corridor in the Hamlet of Jamesport, Town of Riverhead, New York, be and is hereby extended for an additional 60-day period to commence on December 5, 1986; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to notify all property owners within 500 feet of the proposed change of zone with a copy of this Notice of Public Hearing.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 16th day of December, 1986, at 8:25 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to change of zone along the Route 25 Corridor in the Hamlet of Jamesport, Town of Riverhead, New York, from the zoning classifications as described in Exhibit "B" to those classifications indicated by the key in Exhibit "B" annexed hereto.*

TAKE FURTHER NOTICE, that the moratorium existing along the Route 25 Corridor in the Hamlet of Jamesport, Town of Riverhead, New York, be and is hereby extended for an additional 60 day period to commence on December 5, 1986.

*See change of zone file for map and key

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

The resolution was thereupon duly declared adopted.

#702 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: CHANGE OF ZONE, ROUTE 25 CORRIDOR IN JAMESPORT.

Councilman Prusinowski offered the following resolution which was seconded by councilman Lombardi.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to a change of zone along the Route 25 Corridor in the Hamlet of Jamesport, Town of Riverhead, New York.

BE IT FURTHER RESOLVED, that the moratorium existing along the Route 25 Corridor in the Hamlet of Jamesport, Town of Riverhead, New York, be and is hereby extended for an additional 60-day period to commence on December 5, 1986; and

RESOLUTIONS CONTINUED

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to notify all property owners within 500 feet of the proposed change of zone with a copy of this Notice of Public Hearing.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 16th day of December, 1986, at 8:35 o'clock p.m. at the the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested person with regard to change of zone along the Route 25 Corridor in the Hamlet of Jamesport, Town of Riverhead, New York, from the zoning classifications as described in Exhibit "C" to those classifications indicated by the key in Exhibit "C" annexed hereto.*

TAKE FURTHER NOTICE, that the moratorium existing along the Route 25 Corridor in the Hamlet of Jamesport, Town of Riverhead, New York, be and is hereby extended for an additional 60-day period to commence on December 5, 1986.

Councilman Boschetti, "Point of information. When was Exhibit "C" discussed?"

Councilman Prusinowski, "Exhibit "C" was discussed this morning around 11 o'clock."

Councilman Boschetti, "With the entire Board?"

Councilman Prusinowski, "With three members of the Town Board present at that time which was myself, Mr. Lombardi and Mr. Janoski in the Supervisor's Office."

Councilman Pike, "The session was held at my request and I had, prior to discussion, placed calls to all four Board members of the Board including Mr. Boschetti. I called Mr. Boschetti's home number and the Town Hall and I was unable to find him at either place."

Councilman Boschetti, "Mr. Pike, I wear a pager. Had you notified anybody (like Eileen Fenton who is the Town Board coordinator or someone in Mr. Supervisor's Office) I'm sure they would have been able to contact me with no problem. Secondly, we had discussed this rezone yesterday at a work session. This particular alternative was never brought up. Certainly it was not the lack of time at the work session because we had more than ample time to bring up any new items. In fact, I think you in particular were asked if you had any new present and you said no."

Councilman Pike, "That's a fact true because I didn't have anything else to present. That map you had there was not the fair (inaudible) of the presentation."

Councilman Boschetti, "You certainly could have made us aware of that it might be coming."

Councilman Pike, "I tried to this morning."

RESOLUTIONS Continued

Councilman Boschetti, "A little late. Thirdly, I'd like to point out that this particular alteration of the map appears to me, to break faith with the residents of Jamesport who were presented for their consideration and comment. This particular version never was."

Councilman Pike, "It is being now."

Councilman Boschetti, "Unfortunately they're not here. Thank you Mr. Chairman."

Supervisor Janoski, "Ok. Moved and seconded."

Resolution #702 (vote)

The vote, Boschetti, no, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Councilman Prusinowski, (before voting) "What I'm going to do is I'm going to vote for... I don't agree with this proposal and Lou brought up a few good points concerning. I wasn't aware that the Jamesport Civic Association was presented the other two options. But because it's calling for a public hearing and because that we can discuss this thing in an open meeting and only for that reason. In difference to my colleague who wants to present this thing to the public, I don't agree with it but I will vote for the public hearing."

Supervisor Janoski, "I guess without objection, we will adjourn the meeting and go home."

There being no further business on motion or vote, the meeting adjourned at 10:36 p.m.

IJP:pm

Irene J. Pendzick
Town Clerk