

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, September 4, 1990 at 7:30 p.m.

**Present:** Joseph F. Janoski, Supervisor  
John Lombardi, Councilman  
Victor Prusinowski, Councilman  
James Stark, Councilman

**Absent:** Denise Civiletti, Councilwoman  
Patricia Moore, Town Attorney

**Also Present:** Irene J. Pendzick, Town Clerk

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

**Supervisor Janoski:** "We are going to take Resolution #618 out of order and act on it immediately. It is the resolution declaring World Summit for Children Week. This is a Proclamation:

WHEREAS, 40,000 children die worldwide every day from malnutrition and disease, and over 50 million of the deaths during the decade of the 1990's are easily preventable with today's technology; and

WHEREAS, U.S. child poverty, infant mortality and school achievement are among the worst of all industrialized countries, with 40,000 children dying in the country every year; and

WHEREAS, leaders of six countries have called for a World Summit for Children in New York City on September 29-30, 1990, to address the pressing needs of children; and

WHEREAS, our citizens are concerned about the health, education and welfare of children everywhere; and

WHEREAS, adults and children of this community are holding a Candlelight Vigil on Sunday, September 23, 1990 to mobilize our leaders to participate fully in the World Summit for Children.

FURTHERMORE, I Joseph F. Janoski, as Supervisor of the Town of Riverhead do proclaim September 23, 1990 to be

WORLD SUMMIT FOR CHILDREN WEEK

in the Town of Riverhead, and I urge the people of Riverhead to participate in this special event.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Town of Riverhead to be affixed this 4th day of September, in the Year of Our Lord, Nineteen Hundred and Ninety. So Moved.

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

Councilman Prusinowski: "Let's do it by acclamation."

Supervisor Janoski: "Acclamation? So ordered by acclamation."

Board Members: "Acclamation."

Supervisor Janoski: "Mr. Zaloga."

Mr. Zaloga: We would like to present Mr. Janoski a Tee Shirt with an inscription of the Candlelight Vigil of the World Summit For Children. We appreciate the efforts of this Board to help the children of the world and so we are giving you this Tee Shirt."

Supervisor Janoski: "Thank you and let me present to you a copy of the Proclamation."

Mr. Zaloga: "Thank you." (Applause)

Supervisor Janoski: " Reports."

REPORTS:

Jamesport Fire Dept. Results of votes cast for \$390,000 expenditure/148 against 111 for. Filed

Open Bid Report Central Aquebogue Ext. 34 Water Dist. (See water minutes) Filed

OPEN BID REPORT; ANNUAL TOWN WIDE DRAINAGE Filed

Bid Date: August 30, 1990  
5 Bids Received

#1. NAME: Riverhead Cement Block Co., Inc.

ADDRESS: Riverhead, NY

TOTAL BID: \$256,290.00

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#2. NAME: Patrick Bistran, Jr., Inc.

ADDRESS: Easthampton, NY

TOTAL BID: \$175,225.00

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#3. NAME: Charles Cardo & Son, Inc.  
 ADDRESS: Quogue, NY  
 TOTAL BID: \$196,050.00

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#4. NAME: Grimes Construction Co., Inc.  
 ADDRESS: Montauk, NY  
 TOTAL BID: \$183,752.00

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#5. NAME: Holbrook Truck & Equipment Leasing Corp.  
 ADDRESS: Ronkonkoma, NY  
 TOTAL BID: \$293,775.00

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**OPEN BID REPORT:**            **HAZARDOUS WASTE TRAINING**            Filed

Bid Date: September 4, 1990  
 1 Bid Received

**NAME:**            Summit Environmental Evaluations, Inc.  
**ADDRESS:**        Baldwin, NY  
**TOTAL BID:**      See file (several items)

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**APPLICATIONS;**

Site Plan	Birchwood Restaurant/renovations	Filed
Open Air Show	Robert O'Rourke (Auto Swap Meet) Riverhead Raceway 10/7/90	Filed
Site Plan	Splish Splash at Adventure Island	Filed
Site Plan	"Center Point" Office Condominiums Route 25 & Phillips Street	Filed

CORRESPONDENCE;

Southampton Town	Notice of Public Hearing Re: Local Law	Filed
Regina Janusis, Felix Szczygiel Sue Kim:	Petition letters expressing concern re: location of recycling plant in Calverton	Filed

Supervisor Janoski: "Thank you. The time for the first public hearing has not yet arrived. I will open the meeting to comment on any subject or question. Yes sir."

Warren McKnight, Wading River: "I have an article for the Long Island edition of the 'Sunday Times' in reference that low cost bonds for small manufacturing businesses with 100 or less employees face elimination. Low interest bonds. I would like to give this to the Town Board. I would like to comment on Mr. Janoski's speech at the Riverhead Chamber of Commerce even though I wasn't there, I read some excerpts from it. It stated that you talked about the number of welfare people in the Town of Riverhead. Do you think that there are a disproportionate amount of people in Riverhead and are we having more people sent here to Riverhead?"

Supervisor Janoski: "Yes."

Warren McKnight: "Okay, if we are having more people sent here then Boces is supposed to train them for jobs, but there are no jobs to train them, it seems to be catch 22. Mr. Prusinowski and Mr. Lombardi voted for what you call affordable housing which wasn't passed. It seems we have no place for middle class to grow and thrive in Riverhead. Mr. Stark, this past June, you told me you were going out and get business in June of 1989. Maybe you are, but I haven't heard anything. I'm a little worried about our Town. Somebody asked me how to open up an industrial laundry in Riverhead. He asked me how to go about it. I think we have to try to have business for the middle class in this Town. With all these things happening. We have Millbrook Office Complex down here for people to apply for welfare. We have this available to people so maybe its the tendency for the County to put a disproportionate amount of welfare people out here. We just had some housing that was approved for people who are senior citizens. I have nothing against the senior citizens, but we have a disproportionate amount of senior citizens. We don't have a middle class working people incentive here. I'm worried about a policy of this Town here and I'm just waiting to hear from people on the Town Board. Mr. Lombardi, you has something for Calverton. You wanted a site plan to get manufacturing here."

Councilman Lombardi: "Right."

Warren McKnight: "I know Vic is concerned about business in here. He works for Suffolk Life, their business employees people. I know you for business here, Jim, but you must be busy with other things, but I'm waiting. It's a sad thing. What I'm saying is we might people from welfare here, we train them for jobs and there is no jobs. What's going to happen? Is there any comment that the Town Board cares to make on this?"

Councilman Stark: "Patience is a virtue. You don't get business in here just right overnight. It takes time to develop it."

Supervisor Janoski: "The figures that I have from Suffolk County Planning Commission indicate that Riverhead has twice the Social Services clients as Southampton. Southampton, of course, has a population more than twice the size of Riverhead. So that seems to me to be disproportionate. I can say that over this year and previous years we have approved a number of business proposals in the Town. Some business proposals are languishing, not because of the Town of Riverhead, but because of other levels of government. I agree with most of what you have said that we do need business and jobs in the community and that there should be housing opportunities. But you have to judge each proposal on its merits which is what each of us do individually. We will not always see things the same way. Obviously from the vote that you mentioned. But the intent of this Board, I don't think there is any disagreement with the basic concepts that you have announced. Business growth, economic growth, jobs and housing opportunities, but not 6 and 8 to an acre."

Warren McKnight: "Thank you."

Supervisor Janoski: "Thank you."

Rob Goldman, North Fork Environmental Council: "A couple of questions on the resolutions. Number 604 Special Permit of Mohring Enterprises. Is this Allen's gas station?"

Supervisor Janoski: "Yes it is."

Rob Goldman: "It is! That was quick. Splish Splash, approved site plan #617. Once again I want to remind everybody that this one is part of the Pine Barren Society law suit with the 238 projects. They proceed at their own risk. This one is not over until it's over and there is a long way from over."

Councilman Stark: "So may be you. Proceed at your own risk."

Rob Goldman: "Always."

Supervisor Janoski: "Rob, let me just say that I expect that that Resolution----What was the resolution?"

Rob Goldman: "617"

Councilman Stark: "No, 604."

Supervisor Janoski: "604 will probably be tabled tonight."

Rob Goldman: "One last thing. I promised you that I would come back last week and ask for your support on the Twenty First Century Environmental Bond Act, that's the State Bond Act. We would certainly like to see the Board pass a resolution in favor of the Bond Act. I'll be back two weeks from now."

Councilman Prusinowski: "Rob, do you know the percentage of money that will be allocated for helping us close the landfill? Because I think the government was adding, was counting that, but I want to know out of the two billion what we get?"

Rob Goldman: "It's 1.9 billion and it's 572 for solid waste. I believe out of the 572 it's 270 for capping and closing, I believe. That's million. I can check this. I've got the papers."

Councilman Prusinowski: "Could you get us that break down by the next meeting?"

Rob Goldman: "I can look at it right here and give it to you at the end."

Councilman Prusinowski: "Okay. Great."

Rob Goldman: "That's it."

Supervisor Janoski: "Thank you Rob. Yes, sir."

Ed Ryder, Calverton: "I'm here tonight to present to the Board a petition against the site of the recycling plant proposed for Calverton. I would like to read the cover letter.

We would like to express our concern about the proposed recycling compost plant being built by Omni Technical Services, Inc. While we are certainly in favor of recycling, I must reiterate, we are in favor of recycling as opposed to incineration. We are concerned about the impacts that it would have on our environment. Having well water, what are the potential impacts to the ground water? How will the surplus traffic affect our already poor road conditions? What will happen to the quality of our air? Will there be excessive noise and odors? We believe that this plant is being incorrectly sited because of the dangers posed to the public health in close proximity to our residential area. We look forward to reviewing the Environmental Impact Statement and actively participating at public hearings. Please keep us informed of any new developments."

Supervisor Janoski: Mr. Ryder, those questions that you raised are legitimate questions."

Ed Ryder: "Yes sir."

Supervisor Janoski: "Certainly those should be addressed in the Environmental Impact Statement. I hope that you will take part in that process, once it is submitted to the Town which I expect in about a week. There is a period in which the public has an opportunity to comment as well as interested agencies. So I hope that you will take advantage of it."

Ed Ryder: "We will. Thank you."

Supervisor Janoski: "Did you want to submit that petition?"

Ed Ryder: "Yes, sir."

Supervisor Janoski: "Is there anyone else wishing to address the Board? Steve."

Steve Haizlip, Calverton: "I would briefly like to follow up on Mr. Warren McKnight's statement that he made about some jobs. Getting some industry in here. I can think of three companies that were supposed to be here. But then I don't know what happened. One was a transmission place. One was a bakery and one was a laundry. I believe Millbrook Complex occupies the area now. Anybody have an idea of what happened along those line?"

Supervisor Janoski: "The only one that I really remember is the laundry that was proposed for the end of Millbrook Lane. It ran into a number of problems in dealing with the effluent and so forth and that I think drove it away. There was talk of a croissant bakery at one time. This is years and years ago."

Steve Haizlip: "Yes, Edward Avenue."

Supervisor Janoski: "That really never really developed into a solid proposal. The transmission place did open up, if it's the same one I'm thinking of on Edwards Avenue. It was a disaster as far as problems, healthwise and I'm talking about sanitary facilities for employees. They had water brought in by rubber hose from an adjoining property, that's how bad it was. Not to mention transmission oil and that kind of concern."

Steve Haizlip: "So they were bad environmental boys."

Supervisor Janoski: "It was not only that. It was everything. That's where that one went."

Steve Haizlip: "One day last week, Thursday, in reading the Newsday I came across the laws that have just recently been enacted. In reading this one law that they enacted I can very well see how our DEC law about the River View Act got to be in

being. Also how the landfill got closed by our own delegates from Long Island and which they still use this landfill with their families. The law that I'm going to relate to you is your windshield wipers when they are operating your headlights must be on. Now this is a very stupid planned out thing. Because I'm riding down the road, Joe, and my windshield is dusty or a bird flies by and I turn on the windshield washers. I'm going to turn on my headlights the same time I turn on my windshield washer? You know I think they get advised on voting, more than thinking these things out."

**Supervisor Janoski:** "Steve, let me say that with your basic statement, I would agree. But in this particular case, what they mean is if weather conditions warrant the use of your windshield wipers then you should turn on your headlights. If you are just using your windshield washer; they don't mean that."

**Steve Haizlip:** "I'm only reading what was in the paper. When your windshield wipers are operating your headlights will be on!"

**Supervisor Janoski:** "That's a very literal translation, your interpretation of that law. But I'm sure if you read the whole thing."

**Steve Haizlip:** "Well I couldn't read the whole thing because that was all that was in the paper. Now the other law is that they passed is dealing out preferential treatment for big corporations and it may even be in your favor too, Mr. Janoski. An employee driving a commercial vehicle of an employer can have an accident and the employer or the employee will not be surcharged. That's preferential treatment. In other words us peons and middle class people, bang up and you'll pay but not the corporation. So that leaves me to think that maybe there was a little advisory along that line with those people. Contributions. That's kind of heavy boys. Thank you Joe."

**Supervisor Janoski:** "Thank you Steve. Rob did I see your hand go up a second ago?"

**Rob Goldman:** "Yes. On the capping and closing of landfills out of that Environmental Quality and Bond Act. It's \$275,000. and it's a 50% matching grant. There is still a million left over from 1986."

**A. J. Travis, Riverhead:** "In response to the newspaper article in Suffolk Life, the article entitled "Used for Drug Sales Parcels to be Seized. It highlighted Riverhead Town Boards Plan to seize properties used for drug sales in Riverhead Town. It frightens me to see such lopsided mentality placing the burden of crime control so far down the responsibility ladder, only a child could see it as rational. How does anyone expect us to control the crime that the police and moreso our own judicial system have permitted to reach todays levels? Naturally noone

with a Grade School Diploma really does. However, the public fright of crimes in America-----Americans already to eager to give up their right to bear arms. So it goes that the general public might also be willing to give up other protection as well. A recent ABC poll stated that 52% of Americans would be willing to give police the power to search without a warrant. The protection of our property rights is only one more basic right of a free America (indistinguishable) apathetic general public will sacrifice under the guise of a greater good. At this rate it pays greatly for our police force and government to allow crime to run rampant so they can chisel away all of our freedoms without opposition. After all only two groups of organized crime exist. The one we elect and the one that uses example as to why we have no more rights. It is not greedy landlords that are to blame for the crime in Riverhead as Mr. Janoski claimed in the newspaper article. They are just a scapegoat of government we use to confiscate the property of innocent law abiding citizens. Just to reap two benefits for them. Increase financial accounts or they dupe the public into thinking they are reducing crime as well. Under the proposal Janoski said owners of property where drug sales were occurring would be put on notice. If the drug sales continue, the property would be seized. First of all there should be no need to send me a notice because the people selling the drugs should have been arrested. Secondly, if you send me a notice that drug sales are continuing, then obviously our police are doing nothing and why should they. They would prevent their employer from getting a sixty to a hundred thousand dollar windfall at my expense. You could send me dozens of notices before our legal system would allow me to evict them. Unless part of your plan was to allow us slumlords to go down and forcibly remove tenants and change the locks on the door after your almighty notice. I didn't read that part. It is foolish to believe that we would then go out and look for another criminal to rent our house to. They don't make good tenants. They are difficult to get rid of and they usually do costly damage to our already costly to own and maintain houses. Perhaps you should scrap this plan for one that involves giving our police the initiative to aggressively pursue drug dealers and a directive to our judges and prosecutors to treat them like the infestation they are and to insure us that they won't be back in our neighborhoods. Perhaps timed social service eligibility to maintaining a clean record should be considered also. Even holding his Mom and Dad responsible as ridiculous as it sounds, is a more rational plan than holding his landlord responsible. That is if crime control is your real objective."

Supervisor Janoski: "I will just respond by just saying that you don't know all the facts and if you did you wouldn't have made that statement and that is the end of this discussion. Anyone else present. Yes, sir."

Gordon Hygom, Baiting Hollow: "I took the liberty in the last couple of weeks to go around the different real estate offices and asked a simple question. What would happen to my

property, my real estate or my house if one of three things happened? We had a composting plant within one to three miles? We had war games within one to two miles? An airport or a high tech industry? They wouldn't give me a definite yes or no. The consensus of everyone was the composting and war games should lower your property value. The airport come si, come sa. The high tech industry should increase the value. If this is the case and you can give these people a ring at the go ahead, I will pursue further to find out if I can't get my taxes lowered, because at that point you have lowered my property value."

Supervisor Janoski: " It is certainly your right. I would just point out to you that survival games has operated in Calverton for the past two years. I did not notice any change in the property values on anything within two or three miles."

Gordon Hygom: "Survival Games rent the property. They give nothing to the Town. There is no tax from them. Absolutely nothing."

Gordon Hygom: "Your missing the point and I tried to point out to you at the public hearing that a special permit application is really an indication that this is a permitted use. The Town Board could not identify any reason which was legitimate to deny the application and of course we will deal with it this evening. You cannot tell a person that he can't use his property for a use because someone deposited cans on it over the years before he got there. Nor can you deny a person the use of his property because 60 or 70 cars might go there. That's a very small number, quite frankly. We denied this application the first time. Went into court and lost and I see not reason to repeat that trip to court. It's clear that there is, of all the information that we had given to us, there is not reason to deny the application. If we come up with something."

Gordon Hygom: "But the composting plant is another story."

Supervisor Janoski: "We don't have the Environmental Impact Statement yet. All this oppositions is just something that the Town Board knows little about as far as the questions, the legitimate ones, that are raised. What is it going to do to the groundwater? What is it going to do the air, noise? That kind of question is what Environmental Impact Statements are for. And to oppose it prior to this Environmental Impact Statement and getting those answers indicate to me that if it does not pollute the water, affect the air or cause any noise that you're going to oppose it anyhow. I mean that you've got your mind made up. And that is what this whole process is about. We must go through this State Quality Environmental Review process and beyond that we have to go through the special permit application process. All these processes give everybody an opportunity to raise their concerns which I will say again are legitimate concerns. And how are they going to address them? Once that's done if they haven't convinced you then you say, 'I'm opposed to this!'. These are the

reasons why. They haven't adequately addressed water or clean air or any of the other concerns that you might have. But at this point you are opposed to something that the Town Board really doesn't have any facts on."

Gordon Hygom: "I'm just voicing my opinion."

Supervisor Janoski: "Absolutely, but your opinion right now is premature."

Gordon Hygom: "But don't forget property values."

Supervisor Janoski: "I never forget them. Especially when you look at our tax base."

Don Reimer, Calverton: "I'm just wondering who is actually doing this Environmental Impact Study and who is paying for it?"

Supervisor Janoski: "The applicants pay for the Environmental Impact Study. They are quite expensive. Who is doing it for them? I really don't know the name of the company."

Don Reimer: "I understand that this company is generally retired environmentalists. The thing that worries me is that it is the applicant that is paying for it. It seems to me that could possible taint the outcome of the test."

Supervisor Janoski: "Yes, but you have to understand the process. They do pay for it. I don't think you would want the Town to pay for it because they do cost hundreds of thousands of dollars. Depending on the size of the project. But once it is completed it then gets sent to 30 agencies. The DEC, the Health Dept., North Fork Environmental Council and these are agencies and groups that are not going to let anything get whitewashed. Right, Rob."

Rob Goldman: "Absolutely."

Supervisor Janoski: "As well as a copy or two goes to the Town Clerk's Office where the public can read it and the newspapers read it. They report it. So it is under very careful scrutiny."

Don Reimer: "If supposing they were to make a statement and that statement were to be inaccurate or not true as far as its impact on it. Would that impact study hold up in court? From what I understand it is not illegal."

Supervisor Janoski: "The final environmental impact statement is one which has gone through all this scrutiny and comments are made such as, well did you bring up the water? If there is any reason to suspect that what they are saying is not true that will be addressed as far as a comment during this period of time in which everybody gets to scrutinize it. And

until a final impact statement is completed which satisfies most everybody it doesn't get accepted as final. That's the process. Believe me it goes through very careful scrutiny. Not by the Town Board----" (Supervisor interrupted)

Don Reimer: "You have seen in many other towns, states, and everything else, many things go through and they are promised that they are safe and there is no environmental impact and Three Mile Island later turns out to be a disaster."

Supervisor Janoski: "Three Mile Island is in the State of Pennsylvania and they don't have the State Environmental Quality Review Act there. I'm sure they do now. Let me assure you that it is not only the five people on this Board that make a determination. It is just anybody that you can think of that has an interest in this application, including yourself. Because you have every right to make comment or to disagree with anything that's in the environmental impact statement and demand that it be further addressed and correctly addressed."

Don Reimer: "Okay. Thanks."

Supervisor Janoski: "Thank you. Let us take up the public hearings. Let the record show that it is 8:02 P.M. and the Town Clerk will please read the notice of public hearing."

P U B L I C   H E A R I N G   7:45 P.M.

Town Clerk, Irene J. Pendzick: "I have affidavits of publishing and posting of a public notice for a Public Hearing to be held at Riverhead Town Hall at 7:45 P.M. on Tuesday, September 4, 1990 to hear all interested persons who wish to be heard regarding: **AN AMENDMENT TO SECTION 101.10.1 OF THE TOWN CODE.**

Supervisor Janoski: "We are going to place parking, standing and stopping prohibited except for emergencies and police vehicles on Roanoke Avenue, the east and west side from a point 130 feet south of Elton Street to a point 140 feet north of Pulaski Street. Is there anyone present wishing to address the Board on this proposal of no standing, stopping or parking area? That being the case and without objection I declare the hearing to be closed. Let the record show that the hour of 8:03 P.M. has arrived and the clerk will read the notice of public hearing."

Town Clerk, Irene J. Pendzick: "I have affidavits of publishing and posting of a public notice for a Public Hearing to be held at Riverhead Town Hall at 7:45 P.M. on Tuesday, September 4, 1990 to hear all interested persons who wish to be heard regarding: **A SCOPING HEARING FOR THE CHANGE OF ZONE PETITION OF GO-SI-ME, ON THE NORTH EAST CORNER OF MILL ROAD & ROUTE 58.**"

Supervisor Janoski: "Mr. Cuddy are you representing the applicant?"

Charles Cuddy, Attorney for the applicant: "This is a nineteen acre that's on the north east corner of Route 58 and Mill Road. Eighty percent of the parcel approximately is on industrial and the remaining 20%, the northern part is zoned agricultural. It has approximately 800 feet on Route 58. It presently has three storage buildings which are essentially empty. There are junk items in them, but they are not being used for storage. It's an industrial use that we want to change to a business use. The property is basically unoccupied land at this point. I point out to you that the property nearby is Business 'B' which is what this applicant seeks though this is not certainly the change of zone hearing. This is a scoping hearing and I would ask the Board to keep in mind that what we are doing at this point is we're addressing the change of zone application. We recognize that in another point and time we will be addressing the site plan application. I would therefor ask that you consider at least limiting for the time being the extent of the impact statement that would be prepared. I certainly recognize that you would want something on traffic and I would think that you might want something on the impact on the existing resources such as water. You might want something on the impact of services. But again basically where we are right now at is simply a Change of Zone application. We haven't presented a site plan. So that I would ask that the Board limit the extent of the impact request."

Supervisor Janoski: "Is there anyone present wishing to address the Board? Rob."

Rob Goldman, representing North Fork Environmental Council:  
"The North Fork Environmental Council concurs with the Planning Department's SEQRA report dated 8/3/90 and which was prepared by Joe Hall.

We would add that the DEIS for this change of zone should present in full detail a cost benefit analysis of the proposed project versus the existing industrially zoned usage of the site. The analysis should thoroughly compare and contrast the above mentioned uses in regards to the following: taxes, employment, community service costs, infrastructure costs, and traffic impacts. This cost benefit analysis should be projected out to the year 2000 and that's a ten year projection.

The DEIS should contain a thorough exploration of all alternative uses for the parcel including but not limited to; industrial, recreational, agricultural, groundwater protection, educational.

The DEIS must include a thorough analysis of the cumulative impact of this project and the change of zone in relation to all other proposed projects within a two mile radius."

Supervisor Janoski: "Alice."

Alice Graff, Riverhead: "I'm just interested. What is Go-See-Me?"

Town Clerk, Irene J. Pendzick: "That is the name of the company."

Alice Graff: "Oh. That's not the project then."

Supervisor Janoski: "No."

Town Clerk, Irene J. Pendzick: "You thought they were coming to see you?"

Alice Graff: "I was wondering if they were some kind of a picture outfit or something."

Supervisor Janoski: "I wish it were. Anyone else wishing to address the Board on this application? Charles."

Charles Cuddy, Esq. "I usually would, in fact, universally have difficulty with the North Fork Environmental Council's suggestions. However, this time to show that we have an open mind I think that my client would not be adverse to their suggestion that would show the comparative costs for industrial and business uses if that's they would like. We certainly object to that."

Steve Haizlip, Calverton: "I'm elected to be the spokesman for my group here. We want to know what is Go-Si-Me business? What kind of business is it?"

Supervisor Janoski: "It's not a business. Let me just say this. The owner of the property have a corporation name. They own the property and they are the ones that are applying for the change of zone. That's their name. I'm sure that Andrew will be happy to explain that in some detail to you but it has no relevance to this hearing. It is not the name of the business that's becoming if the change of zone is acted on."

Steve Haizlip: "Joe, I've never spoke harsh. I've always been diplomatic."

Supervisor Janoski: "I know, I know."

Steve Haizlip: "What I'm really interested in is it going to be a machine shop, is it going to be an automobile shop, is it going to be a truck business or is it going to be cement mixing going on? I think the people have the right to know."

Councilman Prusinowski: "Steve, they want to change from a different type of use of business and want to have us allow them to put more retail business on Route 58 like convenience stores, Jeffrey's, something like that. A shopping center. That's what "Business B" means."

Steve Haizlip: "Well, okay. Thanks Vic."

Supervisor Janoski: "But as far as the business is, we have no way of knowing."

Councilman Prusinowski: "We have no idea of what the type of business is."

Steve Haizlip: "As Mr. Kasperovich would say, Mr. Janoski, I believe that we've got to find out so we don't get something slipped in there that's going pound all night."

Supervisor Janoski: "I think you are right Steve. Did you want to ask a question?"

Someone from audience: "No."

Supervisor Janoski: "Anyone else before I recognize Rob. Rob."

Rob Goldman: "Just so we have some clarification. Mr. Cuddy may have understood what we are requesting in the draft environmental impact statement. We would like a cost benefit analysis that would show the difference in cost to the public for public services, for infrastructure improvements, traffic. These are not costs to the applicant or how the two uses would benefit the applicant. We are interested in finding out how the different uses would affect the public. That's quite a difference."

Supervisor Janoski: "Thank you Rob. Let me just say that the application as Rick has pointed out is a Change of Zone from "Industrial A" which has a number of interesting uses including an ice cream factory, I think. But it is basically what you would think an Industrial Zone is to "Business B" which is our highest intensity commercial use. Shopping centers. How large is the parcel again?"

(Someone:) "19 acres."

Supervisor Janoski: "Nineteen acres. So I think you can imagine what could be done with that property with a "Business B" use. Do you have your hand up? Yes."

George Schmelzer: "Just one question. Do you have any special zone where lawyers are allowed?"

Supervisor Janoski: "George we are busy tonight and we have not time for jokes. Do you have a feeling on this proposal?"

George Schmelzer: "Yes. It's his land. Let him do what he wants."

Supervisor Janoski: "Thank you George. Anyone else wishing to address the Board? Without objection this hearing is declared closed. It is now 8:12 P.M. and the Town Clerk will please read the notice of Public Hearing."

## P U B L I C   H E A R I N G   7:55 P.M.

Town Clerk, Irene J. Pendzick: "I have affidavits of publishing and posting of a public notice for a Public Hearing to be held at Riverhead Town Hall at 7:55 P.M. on Tuesday, September 4, 1990 to hear all interested persons who wish to be heard regarding: **A SCOPING HEARING FOR THE CHANGE OF ZONE PETITION OF MILL ROAD COMMONS, LOCATED ON THE EAST SIDE OF MILL ROAD.**

Supervisor Janoski: "Thank you. Is there anyone present representing the applicant? Does anyone wish to address the Board on this application? Rob."

Rob Goldman, NFEC: "That's very interesting. I was expecting Peter or Allen or Mr. Cuddy or somebody."

Councilman Stark: "Want to give your name please?"

Rob Goldman: "I'm representing the North Fork Environmental Council and our comments on this scoping hearing are as follows:

The North Fork Environmental Council essentially concurs with the Planning Department's SEQRA Report dated 8/10/90, again prepared by Joe Hall. However, we take issue with paragraph 3 page 5a. This paragraph states that since the subject property is only 35% Class I and II agricultural soils, clustering schemes and size reduction which would be considered under the proposed Farm Village Zone, should not be considered important in this SEQRA review. This seems to be a mistake since on page 3 the report lists 10% RdA, 25% RdB (Class II soils) and 30% HaA (Class I soil), for a total of 65% Class I and II soils on site. It's conceivable that the planner made a mistake there.

We remind the Board that the parcel is currently in agricultural production and that the loss of this land due to the large footprint of the project as currently proposed, is a significant impact and must be mitigated under SEQRA (617.11 a8).

Additionally, we remind the Board that the proposed Farm Village Zone was intended to not only mitigate the loss of agricultural soils but also to mitigate population density, traffic congestion, infrastructure costs, groundwater contamination, sewage and solid waste, impacts on Town services including schools, and last but not least, aesthetic and visual impacts. We strongly urge that the applicant's DEIS utilize the Farm Village Zone guidelines as its primary mitigative measure.

Open space/agricultural preservation must be thoroughly and realistically explored in the Alternatives section of the DEIS. Purchase of development rights under the Suffolk County program and/or the NYS 21st. Century Environmental Bond Act must be discussed. There must be a detailed cost/benefit analysis comparing open space/agricultural preservation versus the impacts of the project as proposed as these scenarios relate to taxes, other community service costs, and quality of life issues. This analysis should be projected to the year 2000. That's a ten year projection.

We also strongly urge that the applicant's DEIS cover in

detail the full cumulative effect of this project in conjunction with Casselin Condos, Go-Si-Me, Silver Linings II, The Knolls, Two Bears Estates, Tall Oaks, Bridgewater Estates, and any other projects within a two mile radius."

**Supervisor Janoski:** "Thank you Rob. Is there anyone else present wishing to address the Board on the matter of this Change of Zone Application? That being the case and without objection I declare the hearing to be closed. Let the record show that the hour of 8:16 has arrived and will the Town Clerk please read the public notice."

P U B L I C H E A R I N G 8:05 P.M.

**Town Clerk, Irene J. Pendzick:** "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall at 8:05 P.M. on Tuesday, September 4, 1990 to hear all interested persons who wish to be heard regarding: A CHANGE OF ZONE APPLICATION OF EFCO-FA DEVELOPMENT CORP.

I have correspondence from Charles Cuddy, dated August 27th, 1990 advising that the Planning Department has urged the adoption of the proposed amendment and he includes a section of the code that is to be amended."

**Supervisor Janoski:** "Thank you. Mr. Cuddy are you representing the applicant?"

**Charles Cuddy, Attorney for the Applicant:** "The subject parcel for which I make the application is located in Aquebogue. It is 3.7 acres. It is 550 feet east of Union Avenue on the north side of the road. It's in the CR District. But the application that I'm making is not simply to amend the CR for this one lot, although it certainly should be. The architect is here and can answer questions concerning the problems with applying the existing CR to this parcel.

When you want to erect a building in the CR District in the Town of Riverhead and you look at the code. The code has several sections that relate to developing buildings and one of them is 108-110.2 and I have copies of that because I think it is important that the Board look at the code at the same time that I'm looking at the code so we can see the problem. The problem that I'm concerned with and I've had it happen more than once, is that when you read this code and you get to Business CR, and you get to the section that is designated 110.2 you are getting to what is referred to in the Town as the non-Wading River CR or the 17% CR. The problem is that when you flip over just three pages away you get to 110.4 which is development standards. The development standards have no indication whatsoever that they apply solely to Wading River until you get to the Planning Department. I'm saying to you that the code as it is written is defective and it has to be somehow amended to cure that problem. But curing the problem isn't simply putting Wading River CR at 110.4. Using 110.2 is difficult. It's impractical to use. It's

hard to use. It essentially brings about unmarketable units. And I would ask that the Board to permit universally throughout the CR District the same type standards to apply. So that you use 108-110.4 you have 80,000 square feet and you have minimum flat frontage of 200 feet. You have a building area of 20%. I would ask that there be only one change in the code and that is that the side yards and there should be a provision that instead of simply having zero side yards that where there are side yards there shall be no side yard requirements except to that side of the parcel which is contiguous to a parcel in another zoning use district. And in that instance the side yard should be ten feet. Because you could run into a circumstance with the perimeter of the parcel adjoins another parcel whether it's a "C" District an "A" District or whatever it is and you have provided in "CR" of Wading River zero side yards. I think that's so you can have attached buildings. I would also point out to the Board that a look at the zoning map itself shows that there are basically three "CR" Districts. One in Wading River, one in Aquebogue, and one in Jamesport. There are two smaller districts in Laurel line and I think someplace up in Hallockville. But aside from those two areas there are basically three large areas. To require somebody to guess at the code, as now has to be done, is wrong I think and should have been amended awhile ago. But now that it has been brought to your attention I would ask the Board to please take the "CR" that works, that you studied, that you know has value to it which is the Wading River "CR" and use that "CR" for the entire Town. Don't have two different districts because that is what you have. You have a code with an Article XXI that essentially has two districts built into it and yet it doesn't say that it has two districts. You have to guess at it. I submit that is wrong. I submit it can be cured and I think the proper cure is to bring everything into line with Wading River which you studied at some length and created a decent provision.

For this particular parcel Mr. Groover is here. He is the architect that worked on it. He has maps with him, site plans, etc. If there are questions relating specifically to the problems with CR as it applies to this site, that is the existing Cr, he'll be happy to answer that. I think that maybe there are other people who would like to speak in connection with the application. I would also just hand up an affidavit to you."

**Supervisor Janoski:** "Is there anyone else wishing to address the Board on the matter of this Change of Zone. George are you putting up your hand."

**George Schmelzer:** "Everybody should have the right to use their land in the best way. It should be granted."

**Supervisor Janoski:** "Thank you. Howie."

**Howard Young, Young & Young of Riverhead:** "I not at all involved in this application. But I would like to say that I have done site planning in both the Wading River CR Zone and attempted to do site plans in CR Zone which affects the rest of the

community. The Wading River CR Zone is a far superior set of regulations but you can design something that makes some sense both to the Town and to the developers. There are as you study and get into different site plans on different size lots you can see how inequitable the present CR Zone is. Certainly, if anything good came out of the Hamlet Study in Wading River it was the changes made in the CR Zone. So I fully support the Town trying to bring this CR Zone into one set of regulations. It is quite embarrassing to sit and talk with people and tell them that we are the only Town in the United States of America which has a zone which has two sets of regulations. Why didn't we just have one residential zoning use district and say for Ostrander Avenue, these are the regulations, for Tuthills Lane, these are the regulations. It's crazy. But anyway, certainly as a design professional it's certainly a lot easier to work within the CR Zone as it relates to the Hamlet in Wading River. Thank you."

Supervisor Janoski: "Thank you. Wally."

Walter Binger, Aquebogue: "I think that we are all aware that the CR Zone has been tossed around in my mind for 5 years I think now. Basically, I think the Town Board knows this, but I must say; any change of zone for any parcel of land along that route has to include all of the lands not just one. A public hearing was called for a change of zone for a parcel of land. It has to be all of them. The piece of land in question was "Business B" originally. There were more intense "Business C" parcels and therefor I see no reason why this person should get a more intense use if you don't rezone the whole district again. The CR Zone was hashed around and hashed around. We went from 30% lot coverage to 15 and that was the killer. The set backs, the lot coverage. I was down here at that Town Board meeting and I got misquoted in the newspapers to say that I wanted larger buildings, I did not want larger buildings. I wanted to retain the 30% lot coverage or the 25% lot coverage. I don't even remember what it is anymore. But basically the set backs, backyard depths, they have to be decreased. I don't know about zero feet. The idea was not attached buildings. Now you have attached buildings, I believe in Wading River. The intent of the original zoning which made sense was that they have detached buildings with separations to make it look a residential type. Mushroom Meadows per sey, that type of zoning. Thank you."

Supervisor Janoski: "Thank you Walter. Is there anyone else present wishing to address the Board on the matter of this Change of Zone. That being the case and without objection I declare the hearing to be closed at 8:27 P.M. Let us take about the resolutions."

#### RESOLUTIONS

Councilman Prusinowski: Introduced Resolution #597 ADOPTS AMENDMENT TO ARTICLE XI (INDUSTRIAL A DISTRICT) OF THE TOWN CODE

Councilman Stark: "I would like to make a motion that that resolution be tabled."

Councilman Prusinowski: "I'll second that."

Supervisor Janoski: "The resolution to table, moved and seconded."

Town Clerk, Irene J. Pendzick: "On the motion to table, Prusinowski, yes; Stark, yes; Lombardi, yes; Janoski, yes."

THE VOTE: 4 YES 1 ABSENT TO TABLE. THE MOTION IS TABLED.

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Resolution #604 APPROVES SPECIAL PERMIT APPLICATION OF MOHRING ENTERPRISES

Councilman Lombardi: Introduced above resolution.

Councilman Prusinowski: Seconded.

Councilman Stark: "I move to table 604."

Councilman Prusinowski: "I'll second that motion."

Supervisor Janoski: "Motion to table, moved and seconded."

Town Clerk, Irene J. Pendzick: "On the motion to table. Prusinowski, yes; Stark, yes; Lombardi, yes; Janoski, yes."

THE VOTE: 4 YES 1 ABSENT THE MOTION IS TABLED.

Supervisor Janoski: "Without objection this meeting is adjourned at 8:37 P.M."

Steve Haizlip, Calverton: "I think Mr. Janoski has got the right wording for the resolution. It approves the site plan for Splish Splash Adventure Island. We don't have an Adventure Island do we. We have Adventures Inc. So is this a typo."

Town Clerk, Irene J. Pendzick: "It is the name of the company, Steve. Adventure Island incorporated."

Steve Haizlip: "Adventure Island Incorporated. Mr. Prusinowski."

Councilman Prusinowski: "Yes."

Steve Haizlip: "Is that study for the spur coming off of the Expressway on to Route 58 materialized any further than we spoke at the last meeting."

Councilman Prusinowski: "I spoke to Assemblyman Joseph Sawicki last week on another matter and he said he was in contact with the DOT and it is going to take about another 30 to 60 days to have it done."

Steve Haizlip: "Thank you."

Supervisor Janoski: "Thank you Steve. Now, without objection this meeting is adjourned at the hour of 8:38 P.M."

IJP:CH

Irene J. Pendzick  
Town Clerk