

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, August 7, 1990 at 7:30 p.m.

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

**Absent:** Denise Civiletti, Councilwoman

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

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

**Supervisor Janoski:** " Reports."

**REPORTS:**

Raymond Wiwczar 8/1/90	Officer's statement of moneys received	Filed
Open Bid	Building Demolition, Swan Rest.	Filed
Planning Dept.	Notice of Completion, Final EIS for Splish Splash	Filed

**APPLICATIONS;**

Special Permit	Warner's Oil Heat, Route 58 (expand preexisting use)	Filed
Site Plan	OTB, Route 58 (alter parking lot)	Filed
Site Plan	Birchwood Restaurant renovations	Filed

**CORRESPONDENCE**

Wm. & Ann Miloski	Urges Town Board & Planning Board to deny a recycling plant in Calverton	Filed
Chamber of Commerce	Opposes application of Breslin for variance on buffer zone and parking lot size	Filed
Darrell Harris	Submitting resignation from position at Highway Department	Filed

## OPEN BID REPORT

## BUILDING DEMOLITION, SWAN RESTAURANT

OPENED: 11:00 AM, July 30, 1990

1.)	Bill Anderson Equipment & Sales Woodchuck Hollow Lane Wading River, NY 11792	BID: TOTAL: ALTERNATE:	\$1,300.00 \$1,800.00
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Bid specs not returned.

Gave \$100 cash bid deposit after opening of bids.

2.)	Richard Larsen Const.Co. Box 251 Wading River, NY 11792	BID: TOTAL: ALTERNATE:	\$8,000.00 \$8,700.00
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Bid specs not returned.

Bid money order of \$467.00 included.

3.)	Eastern Horizon Const. Co. Box 2037, Shade Tree Lane Aquebogue, NY 11931	BID: TOTAL: ALTERNATE:	\$4,380.00 \$4,880.00
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Bid specs not returned.

Bid check (certified) of \$289.00 inc.

4.)	Riverhead Cement Block Co. Box 707, Roanoke Avenue Riverhead, NY 11901	BID: TOTAL: ALTERNATE:	\$4,000.00 \$4,700.00
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Bid specs returned.

Bid check (certified) of 302.50 inc.

7/30/90 cc:

Town Board  
Town Attorney

Rev. Donna Schaper	Strongly supporting Solid Waste Proposal	Filed
S. County Dept. of Planning	Advising if no objection to Southold Local Law #14-1990 and to Southampton Local Law #20-1990 received by 8/9/90 it will be assumed there is none	Filed
Christine Griffiths	Requesting that Lebanon Chemical Corp. building on Sound Ave. be visited by Fire Marshal and Building Department for possible violations	Filed
N.Y.S. DEC	Notice of complete application for Splish Splash	Filed
Chesterfield Assoc.	Requesting that Town Board make note that Chesterfield Assoc. & Chesterfield Enterprises are two different entities	Filed
Allan Ryan	As a businessman, urges Town Board to favorably consider Splish Splash, Roanoke Links & Calverton Freight Port	Filed
S. C. Dept. of Planning	Recommending the disapproval of the application of M. H. of Long Island	Filed
Rolland Peterson	Request extension of the sewer on Madison Street	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."

**Alice Graff, Riverhead:** "This evening I wish to become more knowledgeable to three separate matters. One, there are a number of developers that presently have sites in the Planning Department. Also there are developers that have not as yet reached this stage. As developers progress with road construction and housing, then shortly after the last house is built in the developments the roads within those projects are dedicated to the Town. My concern. What are the projections relating to how many more roads the Highway Department will be able to absorb with the present staff and equipment without the loss of further deterioration of present Town Roads and not a rise in our taxes to take care of these roads? Do you have any idea?"

**Councilman Prusinowski:** "I can tell you that the roads that are dedicated from the subdivisions are at a higher standard

quality construction with curbs and drainage, in most cases, and asphalt. For example, Peconic Bay Boulevard which is oil and grit, most of new subdivisions today are built to the strictest Town Code with the advise of the Superintendent of Highways."

Alice Graff: "But do you have any idea of how much longer the employees and equipment will hold out as far as taking care of what we have in projecting for the future? This is what I'm talking about because of tax rise."

Councilman Prusinowski: "I would say that we are maintaining the roads right now in a very adequate manner in the Town of Riverhead."

Alice Graff: "But I'm saying in three years or five years. Will we have to hire much more help and equipment?"

Councilman Prusinowski: "We might have to."

Alice Graff: "Also when the Town accepts the dedication of these roads, is there any guarantee that a certain amount of life expectancy where within the developer will handle any improper construction should said situation occur?"

Supervisor Janoski: "Our projects are bonded."

Alice Graff: "For a certain number of years?"

Supervisor Janoski: "Yes. The road must meet the specifications of the Town which has been stated is very demanding. The under layment of the base and the thickness of asphalt is quite demanding and makes a good road as well as the curb. Obviously as roads are built in the Town, there is going to be a need for additional manpower and equipment. Snow has to be plowed, roads have to maintained. Vic's point should not be lost. The older roads of the Town are the ones which demand attention. The new roads would have a very long life expectancy without too much problem."

Alice Graff: "But we will have to buy more snow plows or whatever?"

Supervisor Janoski: "There is no mechanism by which, and I think this is your bottom line, that we can stop."

Alice Graff: "No, no, no. I know that you can't stop. I was just projecting what the future would bring for us."

My second concern this evening is the sewer and because of the vast numbers of developments both in the field of housing, offices, shopping centers, etc. we have almost reached the capacity figure for our present sewer. If the developers of the housing, shopping centers, etc. proceed, health laws require them to build their own sewer system until the Town completes the enlargement of our Town system. Thus at such time they will hook

into the Town system. Because of all the developments the Town must enlarge the sewer system. I would appreciate your projection as to what it will cost the average home owner that is presently linked into this sewer system that the envisioning Supervisor, Milton Burns, constructed in the mid thirties. For example what would be the projection of someone presently paying between \$150.00 and \$200.00 sewer tax when this expansion is finalized? Does anybody have an idea?"

Supervisor Janoski: "The projected cost for the overall improvement and expansion of the plant is approximately 1 1/2 million dollars. I think that's correct. It's about that. And at that time when we actually get into that engineering, finalizing it, those allocations would be determined. Let me also point out that we are requiring key money from the developments in the Town. The developers are required to pay key money. For example name me a development that has your attention."

Alice Graff: "Well, there is nothing in particular. It's just the overall-----"

Supervisor Janoski: "Overall each of them is required to contribute to the expansion and improvement of the sewage treatment plant. For example, Broad Cove I believe is scheduled to make a payment in excess of one half a million dollars. Millbrook is about \$300,000.00 and we know that through those, it's called contributions, that we can meet a great deal of the cost for improving and expanding the plant because it is a requirement that we have put in place."

Alice Graff: "We will still have a giant increase in taxes."

Supervisor Janoski: "The plant itself, the old plant, the 1936 plant, is going to be modernized. It's going to become a Tertiary Treatment Plant which will have a cost associated with it. That is something legitimately that everyone within the district should contribute to. The taxes within the sewer district have been coming down because the improvements have been paid for those that were done in the past. Also there is a great deal of talk about going to a land distribution of the outfall rather than putting it all into the bay. That of course is going to require the acquisition of land and construction of necessary facilities to do that. But in my mind, and I think it's an idea shared by the Board, it is certainly better to treat the sewage than to have it raw in going into the ground."

Alice Graff: "I agree with that, but I was just curious as to what, for example, will I as a taxpayer have to pay? When I listen to the projections of say, the affordable housing, when their sewer tax will be with the in-house system will be around \$1,200.00 and will our taxes rise to that level? Sewer tax?"

Supervisor Janoski: "I would hope not."

Alice Graff: "But it is very possible."

Supervisor Janoski: "Certainly. At the time that these projections or undertakings become real. Part of our process is to state the cost and have analysis of impact upon the homeowner and have a public hearing. We have to have a public hearing also on the borrowing of the money, the bonding. So that information certainly will be available as we undertake each task."

Alice Graff: "Thank you. My third concern this evening is the construction project of St. John's here in Riverhead. This Catholic Church presented it's site plan to the Planning Board two days ago and it's already before the ARB. Within the last two and one half years that I have involved myself with Town government I have never heard of such expeditious treatment of any site plan. It appears that favoritism is being shown. This partisanship is neither ethical nor legal as has been noted in the Town of Southold. Especially as it relates to other religious houses or organizations such as the ones that have appeared before. The Baptist Church of Wading River and the Living Waters Church in Aquebogue that have been before the various aspects of Town regulations and regulators. As such, this presents dubious areas as to what regulations will be bypassed for this Catholic institution and perhaps culvert oversights will be forthcoming from the various departments of the Town government. I hope not. I thank you so very much for your time."

Supervisor Janoski: "Alice, let me just say that I have personally directed that the application of St. John's Church be treated as any other application giving and siting the same examples that you used, Living Water Gospel Church and the Wading River Baptist Church. The fact that it is a Catholic Church in the Town should have no impact and if what you are saying is true then I will be quite upset and angry by it. I did tell the attorney for the project that you should not appear here at the last minute and expect this to follow over for you. As far as my directions there will be no favoritism and it will go through the process of review and be treated as any other application. That's the way it should be."

Alice Graff: "I thank you. But as I understand it --- please check it. Thank you."

Supervisor Janoski: "I will. Hilly, did you want to address the Board?"

Hilly Booker, Riverhead: "This was intended to be a letter and was being written because of the fact that we have a problem at the East End Square Club, better known by the trade name of 'Club 91'. Every Friday and Saturday night a large crowd of teenagers and very young people gather and create problems and leave garbage all over the parking lots. Illegal sales and use of drugs is widespread and done in the open. Open bottles of beer and other alcohol is being consumed in public. Profane language

is loud and very disrespectful. Fights occur frequently and the police have to be around on a regular basis. We at the Club would like to commend the Riverhead Police Force and thank them for responding and conducting themselves in a professional manner.

The Board of Directors of Club 91 would like to meet and discuss this problem with any and all parties who are interested in trying to find a solution. It seems that everything negative that occurs in the parking lots surrounding the Club, that is in the front, side and rear, are credited to us. A riot of sort two miles away at a local deli and it was stated in the newspaper that they were patrons of Club 91. It is also a certainty that other businesses in that area face the Peconic Parking Lot. But they are not mentioned and in the front parking area across the street the parking lot belongs to a specific business and their name is never mentioned. The people who gather outside of the Club are either to young or not allowed inside for one reason or another. But everytime that something occurs, it is credited to us if it is negative. It is bad for the Club and it hurts our business. It is also bad for the image of the Town of Riverhead. People cannot visit or live in this good Town without being harassed or intimidated by groups and I use the word 'hoodlums' who have no concern for the people.

I'm here tonight to make this statement because I just can't seem to get any satisfaction from any source. As I stated before, the Board of Directors of the Club will work with anybody in any way to help solve this. Thank you."

Supervisor Janoski: "Thank you Hillyy."

Warren McKnight, Wading River: "Mr. Supervisor, as you know you attended a luncheon last November at the Club 91. You enjoyed yourself. It is a beautiful place. They have set rules. The Club is run properly. I just want to throw out a question here. The Democrats and the Republicans have fund-raisers and affairs all over Town, the various clubs. I think everybody is missing a wonderful resource, a Community resource, a nice place. One of the largest catering halls on Long Island. They should contact Club 91 and have some affairs there, too, in the coming political season and any other season. It is a nice place. It is right next to Mini Cini. We should get more people down here to see the place. It is beautiful.

They have a problem. I noticed when Roanoke Liquors had a problem our Police force is limited and so they called in the State Police to help too. I don't know if you could do that. Maybe the loitering law could be of some assistance. Thank you."

George Schmelzer, Calverton: "Let's compare the Town's Sewer Tax to the Lighting Company. Now when you build a sewer along the road you tax empty lots with a sewer tax. But I've never heard of the Lighting Company giving a light bill to an empty lot. So who is worse? How about saving the river?"

Supervisor Janoski: "George let me tell you that your savior is coming. The Commissioner of the Department of

Environmental Conservation is coming to Town on August the 14th, which I believe is a Tuesday. He will be arriving at about 10 A.M. I was informed today that a list of people have been invited and I don't see your name here anywhere George. So let me tell you that they invited Sherry Johnson, James Tripp from the Environmental Defense Fund, Marilyn Anklin from the Open Space Council, Carolyn Zinc, a group from the south fork, Michael Deering from the L. I. Pine Barrens Society, Steven Engelbright, who is from the County Legislature, and a host of characters. I don't see anybody here representing George Schmelzer."

George Schmelzer: "Are you one of those characters mentioned?"

Supervisor Janoski: "Yes, I am. The Town Board isn't mentioned which is interesting because this was supposed to be a meeting with the Commissioner in which the Town had the opportunity to show the Commissioner the River corridor and together with staff the Town Board would try to explain our position."

George Schmelzer: "Is the Farm Bureau invited?"

Supervisor Janoski: "They were the last time that he was scheduled. Obviously the scheduling of people is lost from our hands. So you might want to place a call to the Department of Environmental Conservation as a property owner asking why you weren't invited George."

George Schmelzer: "Well we can't invite all the property owners they will say. What do you have to call Albany on that or Stonybrook? Maybe you can call the Farm Bureau?"

Supervisor Janoski: "I certainly will call the Farm Bureau. It seems to me that the purpose of this meeting is getting lost and the Town Board and it's staff and it's legal council were to be present and to take this trip, I think, to explain our position. To try to convince the Commissioner of the validity of our position. But it seems that it is being turned into something else."

George Schmelzer: "I'll ask him right to his face how come you ask all these environmental nuts to come instead of the property owners who are affected?"

Supervisor Janoski: "Sherry Henry, the democratic candidate for State Senate is invited. I do not know what her position is. However, Allen Smith is not and he is the democratic candidate for Assembly and I know that he supports our position. He is not invited. So that is very interesting to me."

George Schmelzer: "Well your position isn't all that good anyway."

Supervisor Janoski: "We can argue from now until hell freezes over, but we have to take one step at a time. Let's get him down here."

George Schmelzer: "That step has been hanging for quite awhile. Why not include a second step? Bring it back to Grumman at least."

Supervisor Janoski: "That step is in the offering. They have to make a decision before we can take any legal action. That is what we are trying to get is a decision."

George Schmelzer: "How can you go beyond the Town Board Resolution?"

Supervisor Janoski: "George, I'm not going to listen to you talk about that resolution again because if you will read the whole thing you will understand the Town Board was taking a position opposing it. It was a resolution saying look, let's get this thing done with the moratorium and objecting on a number of points. Did you ever read that resolution?"

George Schmelzer: "Yes, and when I got through reading it I knew less than when I started."

Supervisor Janoski: "I can understand that. Okay George, we are running out of time."

George Schmelzer: "Okay, thank you."

Supervisor Janoski: "You're welcome."

Dick Benedict, Riverhead: "I'll probably do something totally out of character for me, but I would like to commend one of the departments for doing their job. I read in the paper where the Board of Assessors managed as one of the few towns on the East End to get the equalization rate changed. And I would just like to commend them for that and think that they did a fine job even though it is part of their job. Thank you."

Steve Haizlip, Calverton: "My first item that I would like to inquire about is at the last meeting Mr. Prusinowski of the Highway Committee gave me a piece of paper on which he had written to Mr. Sawicki and he had passed it on to a long Polish name, something like Kor-lu-lorski. My question is to Mr. Prusinowski. Have we gotten any reply about 495 dumping down onto Route 58?"

Councilman Prusinowski: "First of all we wrote directly to the long Polish name and I copied Assemblyman Sawicki and Ken LaValle were nice of enough to follow up with a letter, I want to acknowledge this, they took our letter instead of a letter of recommendation and the State wrote us back this week and they are going to do a study of this situation and they should get to us."

They said that they have a number of projects that they are looking into on the East End. As soon as the study is complete they are going to let us know what their decision is."

Steve Haizlip: "Okay. The next item is that so many people are coming into my hangout place, Dunkin Doughnuts. They wanted me to bring up the subject about the current elevated gas prices that happened just because they heard on the radio that Iraq invaded Kuwait. I understand that we are not going to do anything about it. But what I am requesting is since you are elected to lead us in this Town and represent us in this Town, and I know Governor Cuomo and Kessel are aware of it. It still is not going to hurt to let them know that you are thinking of your constituents, and your people supporting you in this Town, and that we don't like it one bit. Just get on the record.

The next item I am going to address to John. I believe that you laid the groundwork on the parking lot by Dunkin Doughnuts and Newmark & Lewis. They have got that parking lot all smoothed out, resurfaced, remarked and everything is going along good now. That is the way it should have been. For all your effort I appreciate it and thank you."

Councilman Lombardi: "I will have to compliment the Town Attorney and the Code Enforcer for being involved too as well as the Town Board."

Steve Haizlip: "Where the credit is due, let's place it and give it to them. We can't raise them, but we will praise them."

Supervisor Janoski: "Let the record show that the hour of 8:00 P.M. has arrived and the Town Clerk will please read the notice of Public Hearing."

Town Clerk, Irene J. Pendzick: "I have affidavits of publishing and posting for a public notice for a Public Hearing to be held at Riverhead Town Hall at 7:45 P.M. on Tuesday, August 7, 1990 to hear all interested persons who wish to be heard regarding an AMENDMENT TO SECTION 106.7 OF THE RIVERHEAD TOWN CODE."

PUBLIC HEARING 7:45 P.M.

Town Attorney, Patricia Moore: "We would like to add the following language to the navigation section of the code.

'It shall be unlawful to operate a boat propelled, in whole or in part, by gasoline or naphtha, diesel fuel or similar explosive medium, in all freshwater ponds, rivers, streams, marshes, swamps, bogs or vernal ponds within the Town of Riverhead.'

Supervisor Janoski: "No motors in those areas. I will just say that this is a proposal. We may not wish to do it. Jim, did you want to add something to your observations and problems that

we are having that lead you to perhaps suggest some action like this."

Jim Divan, Bay Constable: "The reason why I proposed this is for the most part I have been getting calls as to whether or not it was legal to operate gas powered engines particularly on the Peconic River above Grangebél Park, the freshwater section. And most of the people that I spoke with were surprised that it was not already in position. That it was in fact legal to operate gas powered engines. It wasn't in the State DEC regulations. NYS Navigation Laws do not really apply out here. Couldn't find it in any existing Town Codes that we border along as in Brookhaven and Southampton Towns. And they don't seem to be very interested in the River anyway as far as the spillways and dams and their maintenance anyway. So I decided to see if we could do something about it. It seems that the River is primarily used up that way for paddlers and canoers and for people fishing for bass that generally use electric powered motors or oars. For their safety sake and for environmental reasons it seemed appropriate to restrict it."

Supervisor Janoski: "Thank you Jim. Is there anyone present wishing to address the Town Board on this proposal? Warren."

Warren McKnight: "I'm just questioning where is the North Fork Environmental Council? This is a critical thing, with having to do with water and everything else. It is very local and very pertinent and I don't see anything about in the papers with them taking a stand on it. I'm just a little bit baffled by this."

Steve Haizlip: "If I understand the Bay Constable correctly, he doesn't think it is a good idea to operate gasoline outboard engines on boats at a certain point west of here on the river."

Supervisor Janoski: "In essence, yes."

Steve Haizlip: "It sounds reasonable. The river isn't wide enough and I don't think it is deep enough. It's got obstacles in it and so forth. Does that include that Pleco Club, now what do they call themselves? It is a housing development and it's right above---I can't think of the name. When you go up on West Main Street, you turn and go down Old Forge Road and then go over that little bridge, it's formed a huge lake there. I think people living there, Mr. Cardinale, a painter lives there, I'm sure that they have boats, I've seen boats parked at their house in a slip in the back and I'm sure that they have motors that go with it and so forth. Now is it going to be prohibited on that lake? Then you go back into the river after George's place the river cuts down and goes into the marsh lands and the overhanging trees, moss, etc. That is the only thing that I'm questioning, if that lake is going to be included?"

Henry Pfeiffer: "From a person who has done a lot of fresh water fishing over many years and on many lakes and rivers, etc. I heartily approve this. First of all the fact that no matter what type fuel is used on the river or on the lakes, etc. a certain amount of it spills. A certain amount of it does a certain amount of damage. It causes loss of the fish. Secondly with the speed boats or the motor boats, they create a wake that disturbs my fly fishing, etc. Consequently I approve this measure."

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

Alice Graff: "I approve. Thank you."

George Schmelzer: "If you will look at 106.8 paragraphs D and E, it seems to forbid running a power boat with dangerous wakes. Speed is limited too. So you take note of that. Now this here notice propelled, naphtha, diesel fuel or similar explosive medium. What do you mean by an explosive medium?"

Supervisor Janoski: "An internal combustion engine."

George Schmelzer: "Fuel oil is not an explosive medium. If it was they would put it in bombs."

Supervisor Janoski: "An internal combustion engine is to the best of my knowledge operated by the explosion in the fuel within the cylinder."

George Schmelzer: "That is only with the presence of oxygen in the air. If the fuel has no oxygen it cannot burn. Gasoline or (inaudible) you can stick a red hot iron in it and it won't catch fire. I don't say you try it inside your house, but you can try it outside. This seems to be nonsense. You can take any hydrocarbon and mix it with oxygen and it will become an explosive. Maybe you should include wheat. You take grains of wheat and turn it around and it gives off some microscopic dust in here that explodes too. No wheat uses fuel. Old fashioned gun powder was made of ground up charcoal and nitrate, preferably potassium nitrate because it doesn't soak up the moisture. Maybe you should include charcoal too."

Supervisor Janoski: "George, you're opposed to the technical description of what is prohibited? The definition of the types of motors that are prohibited does not meet your requirements. Is that a fair statement?"

George Schmelzer: "It sounds nice, who's gonna (inaudible - too close to the microphone)"

Supervisor Janoski: "George, you are too close to the microphone."

George Schmelzer: "Who can run a outboard motor in a bog, a swamp or a marsh or even create a wake?"

Supervisor Janoski: "Part of the problem we are having is jet skis too, which are operating all over creation."

George Schmelzer: Who is this river for? For a few fishermen who don't live on the river or some canoeists that go down the river and use the river shoreline for a toilet. The canoe itself is very unstable. You've got this on the books already, no more than five miles per hour. Isn't that sufficient? Besides most of that river is private waters. The underland on that river is owned privately. Maybe the owners should fence it off. Keep all the people out who don't own it. How about that? Also the river is a dividing line between Riverhead, Southampton and Brookhaven. Are you going to put buoys in there to show where the Town line is? How are you going to determine where the Town line is? It is not in the middle of the river necessarily, it's where the (inaudible) of the natural stream is. Before the dam was built."

Supervisor Janoski: "A number of good valid points that you raised George."

George Schmelzer: "For a few men that come around and torture the bass and catch them and throw them back. Some of them live and some of them die. And you're concerned that maybe a spoonful of fuel might spill. And a lot of the road drainage runs right into the river, that has oil on it too, but that's okay, that's different. The Expressway is draining into the river in a couple of places in Calverton. It is common practice for them to drain into the river. But the Town of Riverhead does too. So does Southampton run into the south side. You've got enough in the sections that I mentioned to protect people. The river is not just for a certain few. It's okay to take a steam engine down the river having a motor burn wood or coal according to this. That's permissible. I think the whole thing is goofy. I don't even know why it was brought up. If you put it through, I'll take an outboard motor and run over my land anyway. I don't think the Town has any business telling people what to do. You even mentioned private lakes. So what! Someone owns a lake he can do what he wants. The lakes and ponds in Riverhead Town are part of the Andrews Patton. You have control of it already, if you know it or not."

Alice mentioned about the roads. If the Town would be in favor of flag lots we would only have 15 feet of road frontage for a \$100,000.00 house instead of 100 feet or 200 feet. The Hamptons encourage flag lots and Riverhead should too. You would have much less road frontage. Think about it."

Supervisor Janoski: "Let me just say that you made some very good points, George. Thank you very much."

Joe Sykora, Riverhead: "I don't think there should be any outboard motors or ski boats on that river. You're trying to draw tourism into the Town. You have these canoe rental places that are doing business and if you go and allow these ski boats and outboard motors on the river you are going to throw away tourism that you have drawn into the Town now. Thank you."

Steve Haizlip: "I would like to elaborate on what George had to say. I didn't realize that Southampton Town and Riverhead were divided by that river. So is the Peconic Bay. When our Town Constable patrols, is he just patrolling half of that Bay? If he sees a violation can he go over into Southampton Town?"

Supervisor Janoski: "His area of responsibility is that side of the Bay which is the Riverhead side, but if a violation occurs and the boat travels out of our Riverhead jurisdiction he can pursue."

George Schmelzer: "I don't believe that the Riverhead Constable could pursue a guy who started on the Southampton side and stayed on that side or the Brookhaven side. About canoeists. The river isn't for canoes. Most of those canoeists don't even live in Riverhead and they dump their sewage in the river. I suppose that's alright. Dump their garbage on the side, beer cans all in the water. Maybe the gentleman who protected them wants to go down the river and pick that stuff up sometime. The river should be under control of the shoreline owners. They own to the center line of the natural stream of the river. Thank you."

Supervisor Janoski: "Is there anyone else wishing to address the Town Board on the matter of this proposal? That being the case without objection, I declare the hearing to be closed. Let's hear from Mr. Kasperovich and then take up the resolutions."

William Kasperovich, Wading River: "I must say that George introduces a bit of humor into these meetings. But if you analyze the content of his speech rather than his mannerisms, he brings up many valid points. I would like to bring up a specific item and that is flooding or a puddle of water on the northwest corner of Route 25A and Wading River Manorville Road. This puddle has been solved, resolved and what have you many times, but it still exists. The danger of ignoring it is that we are coming to the cold weather. When the puddle doesn't go away and that water freezes up we have a dangerous situation. Other than that I don't know if I could say that it affects the brakes of cars because the puddle isn't that deep or extensive, but it's there. Now that we have some talent in the sense of a storm drainage engineer, or a man concerned with storm water, possibly he could resolve this difficulty. Because this has been going on for over four years. I've been up here talking about it several times in the past four years. I was talking about it when the County repaved the road, Route 25A. It started when the waterline was put in. It started when the Town did some resurfacing. Didn't solve the problem. I

think before it went to (inaudible) we should solve this problem. To me these are the little things that reflect the quality of life in Riverhead. This is the most active intersection on the westerly end of the township and I think that we should pay attention to it. It can be solved. It is a matter of what solution to use and a matter of going about who will implement this solution. I do think we ought not to look the other way in that it will drain itself and that it will go away in time. Most of the time it's true, but in the freezing weather it is not true. It is a hazard, it's a danger and it's a condition that we should not tolerate in Riverhead. Thank you."

Steve Haizlip: "I hope that Mr. Jorling got your message that you were suing the DEC for not living up to his statements that he was going to come, etc. and I hope that it had an impact that brought this about which is going to be on August 14th."

Supervisor Janoski: "Don't use the past tense with that because the Town Government is still bringing suit against the DEC. That action has not stopped because of the Commissioners visit."

Steve Haizlip: "I believe I heard you say-----now I'm not arguing, don't get me wrong, but I believe I heard you say that your were going to wait for this meeting to see what the outcome of it is and if he is going to be reasonable."

Supervisor Janoski: "Oh I see what you mean. That is in reference to another phase of the lawsuit. The first phase would be to force the DEC to make a decision. After the decision is made, then we have to make a decision whether to pursue the entire matter or be satisfied with the decision."

Steve Haizlip: Okay. Now if you remember I mentioned about the service stations on the Thruway were double charging and ripping people off practically double for all their tires, gas and etc. Well I want to let you know that I wrote a letter to Mr. Kessel and believe it or not the answer that I got back is saying that they are entitled to this because they stay open all night. Then if these gas stations around here stay open all night, they are not entitled to the same benefits, but the State can do it. Thank you."

Cathy Casey, Wading River: "Do we have a noise abatement in the Town of Riverhead?"

Supervisor Janoski: "Are you talking about a noise ordinance?"

Cathy Casey: "A noise ordinance."

Supervisor Janoski: "No."

Cathy Casey: "None. I hear somebody in the background saying nuisance."

Supervisor Janoski: "There are ordinances concerning disturbing the peace."

Cathy Casey: "Such as dogs barking, partying, loud music after 11 or 12 o'clock at night, that type of thing and prior to 6 in the morning or something of that nature."

Supervisor Janoski: "And the origin and I will presuppose which I shouldn't do, I do know that there is a problem with the agricultural cannon. That would be exempt from any ordinance that would be in existence anyhow. They get their permission from the State of New York."

Cathy Casey: "I'm not personally opposed to it. The man is trying to make his living."

Supervisor Janoski: "I've gotten a couple of calls, but there isn't anything we can do about it."

Cathy Casey: "In fact I haven't even heard it the last couple of nights so I don't know if the man voluntarily did away with it. I was going to ask you tonight if any progress is being made on the part of the Town Board in regard to limiting operational hours of businesses in the Hamlet of Wading River. There is a resolution on here tonight that approves the site plan of the Southland Corporation which leads me to conclude that's for Wading River."

Supervisor Janoski: "I'm going to ask that that resolution be tabled this evening and I believe that you will see that we are calling a public hearing concerning the regulation of hours of business."

Cathy Casey: "Oh, is that going to be sometime this month, next month, or-----"

Supervisor Janoski: "The 21st. of this month."

Cathy Casey: The last two agendas have indicated that on the Oak Trailer Park of Joseph Sullivan is back to litigation. Can you just give me a quick update on what's going on here?"

Supervisor Janoski: "What can we say about that Pat?"

Patricia Moore, Town Attorney: "Nothing."

Supervisor Janoski: "We can't say anything about that."

Cathy Casey: "You can't comment?"

Supervisor Janoski: "My council has advised me that we can't say anything."

Cathy Casey: "And where do we stand on the Swan and the Peach?"

Supervisor Janoski: "We received bids for it's demolition but new news has broken and we will let the Town Attorney describe what is happening."

Town Attorney, Patricia Moore: "We had a very productive meeting with Mr. DeMichelle who is the owner of the property. The neighbor, Mr. Bruce Testa, who was also interested in seeing this project go through. With our Engineering Department and Planning and myself. We had a very good conversation with Mr. DeMichelle and he is prepared to submit a site plan and seemed very interested in pursuing and getting that restaurant underway and finalizing a site plan. So we had, probably the first time that I know of that we actually communicated through the information that we have been trying to relate to him all this time."

Cathy Casey: "How long do you expect this scenario to take place?"

Town Attorney, Patricia Moore: "He seemed very anxious, only he wasn't aware of his problems with his engineer. There were some communication problems between them apparently. He is very anxious to get his engineer to complete the work on the site plan, submit it to the Town. I don't have any guarantees from him, but he was hoping that the Town Board would approve it right away. So he seems anxious to get going."

Cathy Casey: "So would you anticipate, based on his enthusiasm, that within -----"

Town Attorney, Patricia Moore: "Within the next two weeks I would hope that he would have the site plan submitted that addresses the concerns of the Planning Department and the Engineering Department."

Supervisor Janoski: "Let me add to that Casey that at the last work session I wanted to give a deadline. A period of time and that's it. Because of this scheduled meeting, I was advised that it was premature to do that. At the next work session I would ask the Board to set a specific amount of time which we will allow this process to take place. After that there is no more time."

Cathy Casey: (inaudible)

Don Reimer, Calverton: "I have a question that I hope you can answer about the recycling center. In the report it states about an air filter system that they have. I was wondering if you could possibly tell us what type of a filter it is?"

Supervisor Janoski: "I would advise you that we are going through process with Omni. They are in the final days of preparing an Environmental Impact Statement. Once that statement is complete and we expect it at the end of this month or early in September. Those are the kinds of comments and questions that should be raised at that time. I have no idea nor does any member of the Board."

Don Reimer: "I had called them directly just to ask them. They were very hesitant to give out any information. I had asked them if I could see the Islip plant and they wouldn't even give me the address to it. The reason that I wanted to see it is that they say it is a very similar plant to what they want to put in Calverton. And there were a couple of things that I was curious about as far as they were saying that they were going to use 38,000 gallons of water a day. Where will that water go when they are done with it each day? They didn't want to get into answering any questions and I asked some of the departments of the Town and couldn't get any answers."

Supervisor Janoski: "We do not have any information because that is the whole purpose of this document being prepared to discuss matters such as you raised, impact on the air, what they are going to do to mitigate, how much water is going to be used, what happens to it. That is what the document is prepared for. If they fail to address and answer adequately any concern that is on your mind there is a period of time and a hearing. And a period of time in which you raise that issue and request that it be thoroughly addressed in the process. And you will be seeing notices of this process in the paper."

Don Reimer: "So we just have to wait until this report comes out."

Supervisor Janoski: "That in fact is exactly what the process is designed to do. Answer specific concerns concerning impact on the environment such as use of water, impact on the air or any number of questions."

Don Reimer: "I read the file in fact and there was some type of an impact study there already. There was something stated, it wasn't a very big statement, but it seemed to cover basically what you were just saying just now. Omni was very vague about it."

Supervisor Janoski: "There Impact Statement is not complete and I don't expect it until late this month or early next month. Also there will be certain stories in the paper, but there will be public notice about the process, the hearings, the comment periods."

Don Reimer: "Do they actually own the land now?"

Supervisor Janoski: "I believe that they are the contract vendee."

Don Reimer: "As long as they get their permits, they'll buy."

Supervisor Janoski: "Yes."

Fred McGinnis, Calverton: "In reference to your correspondence. You have a letter from Mr. and Mrs. Miloski. They don't want the recycling plant in Calverton and the people in the area of Calverton, Timber Park, Thurms. There is a builder trying to build \$200,000.00 homes in Timber Park and I think that is hurting him. I don't want the recycling plant either."

Supervisor Janoski: "Fred I can appreciate your concern."

Fred McGinnis: "I'm not here to argue with you. I'm here to put it on record."

Supervisor Janoski: "You can do anything you want to do, Fred, that's why we allow you to have the microphone. But I do want to make an observation. The Town Government is trying with some difficulty to find a solution to the solid waste problem. You have no idea what is being proposed and what you are opposing. Do you know what it is? Do you know how it operates? Do you know anything about it? Because I certainly don't."

Fred McGinnis: "I don't know anything about it. It certainly looks very nice in a picture. But we would like to see Timber Park in Calverton, a nice residential area. We don't want to see it become an industrial area. We have industry there now and we don't mind it, but we came out here to the suburbs for two reasons: the taxes were cheap at that time and it was a nice residential area and we would like to see it that way. As far as the jetport is concerned, Mr. Allan Ryan, I don't know whether he is talking about a freightport or a jetport. But we don't want the jetport either. I want it on record as that."

Supervisor Janoski: "Well, whenever there is a proposal on that Fred, it made a nice newspaper story, but there is no proposal that I am aware of to do anything there."

Fred McGinnis: "Maybe Grumman is looking for a little subsidiary and there are other ways to do it. Thank you."

Supervisor Janoski: "I hope Fred that you will take part in the process of review on the public hearing and perhaps you will have some idea where you think we shall site our facility."

Fred McGinnis: "The recycling plant? I've got a good place for you. Right up by the garbage dump."

Supervisor Janoski: "Thank you Fred. Is there anyone else. Any subjects that we have to deal with before we take up the resolution? Let's take up the resolutions. The Town Board is going to take a short recess. It is now 8:50 and we will reconvene at 8:55 P.M."

### R E S O L U T I O N S

Supervisor Janoski: Resolution #544 -"Ask for a motion to table."

Councilman Prusinowski: "Mr. Supervisor would like a motion to table Resolution #544."

Councilman Stark: "Second that."

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

The vote: 4 YES and 1 ABSENT

The motion is tabled."

RESOLUTION #552 - APPROVES SPECIAL PERMIT APPLICATION OF SPLISH SPLASH AT ADVENTURE ISLAND, INC.

Introduced by Councilman Lombardi, and Seconded by Councilman Prusinowski.

Supervisor Janoski: "Moved and Seconded."

Town Clerk, Irene J. Pendzick: "Prusinowski,"

Supervisor Janoski: "Wait a minute. Yes"

Allen Smith, Esq.: "Please be reminded Mr. Supervisor that you left that hearing open and you can incorporate therein Suffolk County Planning recommendations."

Supervisor Janoski: "Thank you Allen. Before we call the roll on this question of the record on the public hearing is open. I would ask if there is any comment on the question before I close it. There being none I declare that hearing to be closed."

Allen Smith, Esq. "I didn't mean to catch you unaware, but I did want to take reference that there was a recommendation was received from the Suffolk County Planning Commission and declared a matter for local determination. That should be a part of that record."

Supervisor Janoski: "That was in fact why we left it open."

Town Clerk, Irene J. Pendzick: "Back to #551. Roll call on Resolution #551 adopting the Findings Statement.  
Prusinowski, yes; Stark, yes; Lombardi, yes; Janoski, yes.

The vote: 4 YES and 1 ABSENT

Supervisor Janoski: "Without objection this meeting is adjourned at 9:02 P.M.

IJP:ch



Irene J. Pendzick  
Town Clerk