

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, April 18, 1978 at 7:30 P.M.

Present: Allen M. Smith, Supervisor  
George G. Young, Councilman  
Francis E. Menendez, Councilman  
John Lombardi, Councilman  
Antone J. Regula, Councilman

Also present: Dave P. Fishbein, Town Attorney

Absent: Alex E. Horton, Supt. of Highways

Supervisor Smith called the meeting to order at 7:30 P.M., and the Pledge of Allegiance was recited.

Supervisor Smith: "Ladies and gentlemen for those of you that are not in regular attendance at the Town Board Meetings, we have present the various heads of Department and should occasion arise where there is a particular matter that you would like addressed from a particular department, we will attempt to get an answer this evening and if we can't, we will find out some answers as best we can and get them to you in due course."

#### BILLS

Bills were submitted on Abstracts dated April 18, 1978 as follows:

General Town	\$53,452.79
General Town, Encumbered 1977	\$ 706.76
Ambulance	\$ 7.50
Special Districts	\$13,330.42
Community Development	\$ 166.12
Capital Projects	\$ 8,801.24
Highway Item #1	\$ 2,394.56
Highway Item #3	\$ 82.89
Highway Item #4	\$ 3,827.63

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

RESOLVED, That subject to complete audit, the following bills be approved for payment:

General Town	\$53,452.79
General Town, Encumbered 1977	\$ 706.76
Ambulance	\$ 7.50

RESOLUTIONS - continued

Special Districts	\$13,330.42
Community Development	\$ 166.12
Capital Projects	\$ 6,801.24
Highway Item #1	\$ 2,394.56
Highway Item #3	\$ 82.89
Highway Item #4	\$ 3,827.63

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

REPORTS

Building Department - for the Month of March, 1978. Filed.  
Receiver of Taxes - dated April 11, 1978. Filed.

OPEN BID REPORTS - DEMOLITION OF COLONIAL ARMS AND ALL  
OUT BUILDINGS

After being duly advertised the following bid on the Demolition of Colonial Arms and All Out Buildings was opened by the Town Clerk on Monday, April 10, 1978 at 11:00 A.M.

ROBERT W. MASHMANN  
Sand-Grave-Topsoil  
19 Mills Road  
Stony Brook, New York 11790

BASE BID TO INCLUDE:

WORDS: Seven Thousand Four Hundred  
Twenty-Five

NUMERALS: \$7,425.00

Alternates:

ADD:

DEDUCT:

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We propose to complete the work, ready for final acceptance within 60 calendar days after notice of award.

Filed.

OPEN BID REPORTS - FILLING OF THE SITE OF THE TOWN  
SERVICE GARAGE AT ROUTE 58

After being duly advertised the following bid on the Filling of the Site of the Town Service Garage at Route 58 was opened by the Town Clerk on Monday, April 10, 1978 at 11:15 A.M.

PECONIC EXCAVATORS, INC.  
Box 632  
Aquebogue, New York 11931

BASE BID "A" TO INCLUDE: Performing all the work stated in the Specifications, not to exceed 6000 Cubic Yards to fill.

WORDS: Five Thousand One Hundred Dollars

NUMERALS: \$5,100.00

Pick up at Riverhead Land Fill Area transport to Building Site and spread Sand Fill as required (loading by Town Facilities)

Compaction of Spread material per specs \$ 85¢ cu. yd.

Compaction Included with price of 85¢ (Hand written in) \$ 0¢ sq. yd.

Pick up at Riverhead Land Fill Area, transport to Building Site and spread and compact loam fill as required. \$ 85¢ cu. yd.

BASE BID "B" TO INCLUDE: Performing transportation of 1000 Cubic Yards to fill from Landfill Site to Jamesport School.

WORDS: One Thousand Eight Hundred Fifty  
DOLLARS

NUMERALS: \$1,850.00

We propose to complete the work, ready for final acceptance within 45 calendar days after notice of award.

Filed.

OPEN BID REPORT - LIQUID ASPHALT - HIGHWAY DEPARTMENT

After being duly advertised the following bids on the Liquid Asphalt for the Highway Department were opened by the Town Clerk on Monday, April 10, 1978 at 11:30 A.M.

GEORGE E. CSABON & SONS, INC.  
Roads - Driveways  
Parking Areas  
Bellport, N.Y. 11713

LOCATION OF PLANT: Stiriz Road, Bellport, New York 11713  
Distance of Plant 20 miles from Riverhead Highway Department Yd.

Item #1: Liquid asphalt cutback supplied in quantities at various locations within the Township as directed by the Superintendent of Highways.

Item #2: Liquid Asphalt cutback supplied and applied with bidder's distributor at various locations within the Township as directed by the Superintendent of Highways.

MC-30	<u>.48</u>	PER/GAL.	MC-30	<u>.5650</u>	PER/GAL.
MC-70	<u>.48</u>	PER/GAL.	MC-70	<u>.5650</u>	PER/GAL.
MC-250	<u>.48</u>	PER/GAL.	MC-250	<u>.5650</u>	PER/GAL.
MC-800	<u>.48</u>	PER/GAL.	MC-800	<u>.5650</u>	PER/GAL.
RC-70	<u>.48</u>	PER/GAL.	RC-70	<u>.5650</u>	PER/GAL.
RC-250	<u>.48</u>	PER/GAL.	RC-250	<u>.5650</u>	PER/GAL.
RC-800	<u>.48</u>	PER/GAL.	RC-800	<u>.5650</u>	PER/GAL.

Item #3: Liquid asphalt cutback picked up at plant of successful bidder as required by the Superintendent of Highways.

MC-30	<u>NO BID</u>	PER/GAL.
MC-70	<u>NO BID</u>	PER/GAL.
MC-250	<u>NO BID</u>	PER/GAL.
MC-800	<u>NO BID</u>	PER/GAL.
RC-70	<u>NO BID</u>	PER/GAL.
RC-250	<u>NO BID</u>	PER/GAL.
RC-800	<u>NO BID</u>	PER/GAL.

Filed.

OPEN BID REPORT - LIQUID ASPHALT - HIGHWAY DEPARTMENT -  
continued

R.O. WELCH ASPHALT CO.  
1064 Woodcrest Avenue  
Riverhead, New York 11901

LOCATION OF PLANTS: 1064 Woodcrest Avenue., Riverhead  $\frac{1}{2}$  mile E  
Corner Middle Road and Northville Turnpike Riverhead, -  $1\frac{1}{2}$  miles

Item #1: Liquid asphalt cutback supplied in quantities at various locations within the Township as directed by the Superintendent of Highways.

Item #2: Liquid Asphalt cutback supplied and applied with bidder's distributor at various locations within the Township as directed by the Superintendent of Highways.

MC-30	<u>.5290</u>	PER/GAL.	MC-30	<u>.5590</u>	PER/GAL.
MC-70	<u>.5290</u>	PER/GAL.	MC-70	<u>.5590</u>	PER/GAL.
MC-250	<u>.5290</u>	PER/GAL.	MC-250	<u>.5590</u>	PER/GAL.
MC-800	<u>.5290</u>	PER/GAL.	MC-800	<u>.5590</u>	PER/GAL.
RC-70	<u>.5290</u>	PER/GAL.	RC-70	<u>.5590</u>	PER/GAL.
RC-250	<u>.5290</u>	PER/GAL.	RC-250	<u>.5590</u>	PER/GAL.
RC-800	<u>.5290</u>	PER/GAL.	RC-800	<u>.5590</u>	PER/GAL.

Item #3: Liquid asphalt cutback picked up at plant of successful bidder as required by the Superintendent of Highways.

MC-30	<u>.5040</u>	PER/GAL.
MC-70	<u>.5040</u>	PER/GAL.
MC-250	<u>.5040</u>	PER/GAL.
MC-800	<u>.5040</u>	PER/GAL.
RC-70	<u>.5040</u>	PER/GAL.
RC-250	<u>.5040</u>	PER/GAL.
RC-800	<u>.5040</u>	PER/GAL.

Filed.

OPEN BID REPORT - LIQUID ASPHALT - HIGHWAY DEPARTMENT -  
continued

R. LANSDELL BITUMINOUS CORP.  
Bos 238  
Old Northport Road  
Smithtown, New York 11787

LOCATION OF PLANT: Old Northport Road, Kings Park, New York  
Distance of Plant 41 miles from Riverhead Highway Dept. Yard.

Item #1: Liquid asphalt cutback supplied in quantities at various locations within the Township as directed by the Superintendent of Highways.

Item #2: Liquid Asphalt cutback supplied and applied with bidder's distributor at various locations within the Township as directed by the Superintendent of Highways.

MC-30	<u>\$0.5350</u>	PER/GAL.	MC-30	<u>\$0.5650</u>	PER/GAL.
MC-70	<u>\$0.5350</u>	PER/GAL.	MC-70	<u>\$0.5650</u>	PER/GAL.
MC-250	<u>\$0.5350</u>	PER/GAL.	MC-250	<u>\$0.5650</u>	PER/GAL.
MC-800	<u>\$0.5450</u>	PER/GAL.	MC-800	<u>\$0.5860</u>	PER/GAL.
RC-70	<u>\$0.5350</u>	PER/GAL.	RC-70	<u>\$0.5650</u>	PER/GAL.
RC-250	<u>\$0.5350</u>	PER/GAL.	RC-250	<u>\$0.5650</u>	PER/GAL.
RC-800	<u>\$0.5450</u>	PER/GAL.	RC-800	<u>\$0.5850</u>	PER/GAL.

Item #3: Liquid asphalt cutback picked up at plant of successful bidder as required by the Superintendent of Highways.

MC-30	<u>\$0.5150</u>	PER/GAL.
MC-70	<u>\$0.5150</u>	PER/GAL.
MC-250	<u>\$0.5150</u>	PER/GAL.
MC-800	<u>\$0.5250</u>	PER/GAL.
RC-70	<u>\$0.5150</u>	PER/GAL.
RC-250	<u>\$0.5150</u>	PER/GAL.
RC-800	<u>\$0.5250</u>	PER/GAL.

Filed.

APPLICATIONS

Leo Bekermus - special permit for non-nuisance industry on West Main Street. (expansion of existing use as oil storage facility. Filed.  
Referred to Planning Board.

CLAIMS

Lloyd & Daisy Semour vs. Town of Riverhead, in the amount of \$4,380.00 - for truck trailer and contents "lost, stolen and dispersed". Filed.

PERFORMANCE BOND

Peconic Bay Estates, Inc. for \$55,000.00 - Jamesport. Filed.

COMMUNICATIONS

R.O. Welch Asphalt Co., dated 4/12/78 - regarding liquid asphalt bid opened on 4/10/78. Filed.

Memorandum from Town Attorney, dated 4/12/78 - regarding salesman's request to use marriage records. Filed.

Town of Southampton - regarding Public Hearing on 5/9/78 on proposed changes to Southampton Zoning Ordinance #26. Filed.

Town of Southampton - regarding notice of adoption of amendment to Southampton Zoning Ordinance #26 on 4/1/78. Filed.

Richard York Shoes, dated 4/7/78 - reporting disrepair of sidewalk in front of business. Filed.  
Referred to Councilman Lombardi.

Value Management Consultants, dated 4/3/78 - requesting information in behalf of East Hampton. Filed.

Suffolk County Dept. of Transportation, dated March, 1978 - advising designation of week of April 23-29 as Bicycle Safety Week in Suffolk County. Filed.

Town Attorney, dated 4/7/78 - regarding Suffolk County's Dept. of Planning letter disapproving Riverhead Airpark. Filed.

COMMUNICATIONS - continued

Riverhead Planning Board, dated 4/17/78 - recommending special permit application of John Duda be approved. (Ricky's Drive-in). Filed.

Riverhead Planning Board, dated 4/17/78 - recommending special permit application of Joseph Picone be approved, subject to conditions. (Soap manufacture). Filed.

Riverhead Planning Board, dated 4/17/78 - recommending special permit application of Joseph Picone be approved, subject to conditions. (Stucco products). Filed.

Riverhead Planning Board, dated 4/17/78 - recommending special permit application of Joseph Bartasi be denied, with suggestion. (Rte. 58 Drive-in restaurant). Filed.

Riverhead Planning Board, dated 4/17/78 - recommending change of Zone application for property located at Roanoke Ave., Res. "C" to Bus. "C"; be denied, with recommendation for use district for area. Filed.

Long Island Rate Payers Assoc., received 4/18/78 - regarding meeting in Hauppauge to discuss feasibility of establishment & operation of County power utility on 4/20/78. Filed.

Holzmacher, McLendon & Murrell, dated 4/13/78 - Re: northwest area street lighting - documents. Filed.

Holzmacher, McLendon & Murrell, dated 4/13/78 - Re: northwest area street lighting - certificate. Filed.

Town Attorney, dated 4/11/78 - copy of letter from Suffolk County Dept. of Planning listing vote disapproving application of Riverhead Airpark. Filed.

Young & Young, dated 4/14/78 - stating opinion concerning large tree on property on Maple Avenue. Filed.

Town of Southold, dated 4/17/78 - requesting acknowledging receipt of Notice of Adoption of Local Law No. 2, which adoption took place 4/11/78. Filed.

COMMUNICATIONS - continued

Town of Brookhaven, dated 4/17/78 - requesting acknowledging receipt of Amendment to Chapter 85, Code Article XIA - Sec. 85-78, Town of Brookhaven, which will be subject to a public hearing on 5/2/78 at 11:15 A.M.

Riverhead Planning Board, dated 4/18/78 - approving final plat entitled "Heatley Acres", at Sound Road, Wading River. Filed.

UNFINISHED BUSINESS

Special Permit, Joseph Brush - (airport).

Application for renewal of franchise & rate increase - Cablevision.

Zone Change, Doris Palmieri - (Res. "C" to Bus. "C", Roanoke Ave.).

Special Permits, Joseph Picone - (Commercial soap & Stucco products, Calverton).

Special Permit, Joseph Bartasi - (restaurant at Route 58 & Roanoke Ave.).

Special Permit, Agway, Inc. - (new tank on Marcy Ave.)

Supervisor Smith: "The special permit of Mr. Joseph Brush under unfinished business is the — the pendency of that matter relates to the action of the Department of Transportation. We're advised that they have been in the area and they have examined the airport and that their recommendations will be forth coming.

The application of the renewal franchise and rate increase of Long Island Cablevision there are a number of things we're waiting for, one of which is the action of the State Cablevision Commission with reference to an amendment of their rules such that the allowance of prepayment options and late payment fees might be worked into this particular structure.

With reference to Palmieri there are some recommendations of the Planning Board that come before us this evening. They will be discussed at the Joint Board Meeting on Thursday evening.

The applications of Mr. Picone for soap and stucco products will be the subject to a resolution later on this evening.

The applicaton of Mr. Bartasi, there is a recommendation of the Planning Board recommending denial and certain suggestions, therefore, there will be no action on that application this evening.

And there is a resolution with reference to Agway, Inc. later on in the evening.

That brings us to the portion of the agenda where we will listen to anyone that chooses to address the Town Board

Supervisor Smith continues:

on any subject. I would call to everyone's attention that we have four public hearings on this evening. Two with reference to permits under our wetlands legislation for fill. Those being of Mrs. Lederle at 8:00, shortly thereafter Mr. James Magee. There is then on at 8:15, proposed amendments to the Zoning Ordinance of the Town of Riverhead and shortly thereafter at 8:45, the proposed amendments to the map. If you have an interest in addressing any of those public hearings, would you please save your comments until that time. That way your comments become a part of the record of that particular proceeding, and we will be able to consider them as we consider whether or not we should take action on any or all of these matters.

Anybody who does not wish to address the Town Board on any of these four items, now is your opportunity. If you have never or not frequently visited the Town Board, we ask that you please use the microphone up here to my left and please give Mrs. Pendzick your name and address so that she can take that down. Is there anyone that wishes to address the Town Board on a matter that is not the subject of a public hearing this evening? Yes Sir."

Juris Kaugerts, Wading River; "Several weeks ago in Newsday, there was a series of articles called, I think Long Island at the Cross Roads. Now in, I forgot which day, but there were several proposals made that particularly affect our area. Namely the cross-on bridge at Shoreham-Wading River, also a deep water port at Wading River and an air cargo terminal in Calverton. I'd like to know, Mr. Smith, what your opinions on these so-called improvements for our area?"

Supervisor Smith: "You ask questions that may or may not have answers. I have discussed these matters, not only here, but in other places. I believe, quite frankly, that a great deal of it is pie in the sky and nobody is saying where a bridge will be built, where it will go to, how much it will cost, when it will begin, what the environmental impacts are, etc. I quite frankly think that a great deal of what was discussed in Newsday is pipe dreams. When the Town Board gets something concrete to which we can react to it, then we'll react to it. At this particular moment Sir, I think it's pie in the sky."

Juris Kaugerts, (Inaudible).

Supervisor Smith: "When I stop beating my wife, that's the kind of question that you ask. I mean what bridge will be going from Rye to Oyster Bay? Is it going from Port Jefferson to New London? Is it going from Wading River to wherever? Is it going from Orient Point to x? How much will it

PERSONAL APPEARANCES - continued

cost? What tax burden will it mean to the taxpayers in the State of New York, etc., etc. Nobody gives me any idea on these things. When we get that kind of idea, then we can address it. Anybody on any other matter that is not the subject of a Town Board Hearing this evening?"

Ray McKay, Aquebogue; "This coming up tonight — on this ordinance that they're going to pass in the near future about this animal business, is that tonight?"

Supervisor Smith: "Mr. McKay at 8:15."

Ray McKay: "8:15?"

Supervisor Smith: "Yes Sir."

Ray McKay: "Thank you."

Bob Tooker, Waterview Court, Riverhead; "We have just gone through a very harsh winter and one of the after affects of that winter has been a tremendous amount of litter and debris on the streets of the Town. The Highway Department, the Town Board, the number of service clubs, Churches, Youth Organizations, Civic Associations, the Schools are cooperating as you know, to clean up the litter along the streets as well as possible on Saturday of this week, and the event starts at 9:00 with people who have not been assigned to particular tasks or areas to gather at the high school and it's to terminate at 1:00.

This year, I think more than ever before, we found a great deal of healthy volunteer cooperation. We have had large business establishments call Mr. Fairley and other people interested in the clean-up and volunteer their help on Saturday. We have had people volunteer trucks, drivers, and I think the weather report is for 60° and I look forward to a very successful day.

Mr. Fairley and the other members who have helped to organize this work day for the Town, I think would be substantially benefitted by appropriate resolution or public pronouncement by the Town Board that they support this effort which will make our community more attractive and will start us off with fresh clean streets, hopefully for a new summer and warm season. I have no resolution prepared for you in advance, but I'm sure that Mr. Smith, you, could frame up something appropriate to the occasion, and I hope that you'll use the great power of the Town Board to encourage us all to get out, rain or shine on Saturday."

PERSONAL APPEARANCES - continued

Supervisor Smith: "We'll not only encourage anybody present, but we're going to write a column on that again. Thank you for the suggestion. We'll try to phrase a resolution during the break."

Irene J. Pendzick, Town Clerk: "Bob you mentioned 9:00 to 1:00. The original letter that I got mentioned 8:00 to 12:00. That has been changed, because we're getting inquiries."

Bob Tooker, (inaudible).

Irene J. Pendzick, Town Clerk: "In other words assigned groups still start at 8:00?"

Bob Tooker: "Assigned groups start whenever they would like to start. If a person doesn't have a group to work with, they come to the high school at 9:00."

Supervisor Smith: "I hope that you all take note, if nothing else, to clean up around your own yard and maybe I'll see you out there with a truck, or a shovel or a spade or something."

Supervisor Smith recessed the meeting to hold a public hearing.

PUBLIC HEARING - 8:00 P.M.

Town Clerk submitted affidavits of publishing and posting of public notice on public hearing regarding: application of Bette Lederle for issuance of a permit pursuant to Riverhead Code, Chapter 107, to fill easterly edge of lot located at the Southwest corner of the intersection at Peconic Bay Blvd. & South Jamesport Avenue.

The affidavits were ordered to be placed on file.

COMMUNICATION

Town of Riverhead Conservation Advisory Council, dated March 23, 1978: recommending that permit to fill be granted. Filed.

Supervisor Smith: "As some of you may know the Town Board of your Town has passed certain wetlands legislation. If people wish to fill land that appears to be wetlands or will have an affect upon wetlands, it is required that they obtain a permit.

Mrs. Lederle has filed such an application in the South Jamesport area. Is there anyone present who would choose to address the Town Board either in support

PUBLIC HEARING - continued  
or in opposition to this particular application?"

No one wishing to be heard and no further communications having been received thereto, Supervisor Smith declared the hearing closed at 8:01 P.M.

Supervisor Smith: "Again we come back for another five minutes for anyone that would choose to address the Town Board on a matter that is not the subject of a public hearing this evening?"

No one wished to be heard at this time.

Supervisor Smith recessed the meeting after which the meeting resumed for the next public hearing.

PUBLIC HEARING - 8:05 P.M.

Town Clerk submitted affidavits of publishing and posting of public notice on public hearing regarding application of James Magee for issuance of a permit pursuant to Riverhead Code Chapter 107, to excavate 15 to 25 feet at West side of Meetinghouse Creek adjacent to property of Richard Wade.

The affidavits were ordered to be placed on file.

COMMUNICATION

Town of Riverhead Conservation Advisory Council, dated March 23, 1978: recommending that a permit for this project be granted. Filed.

Supervisor Smith: "Again the same preface is in order with reference to Mr. Magee's application that I made with reference to Mrs. Lederle's. This is property on the west side of Meetinghouse Creek off of a private road. Does anyone choose to address the Town Board with reference to this particular application either in favor of the application or in opposition?"

No one wishing to be heard and no further communications having been received thereto, Supervisor Smith declared the hearing closed at 8:06 P.M.

Supervisor Smith: "For the next seven minutes or so if someone has a matter other than those matters that will be the subject of the hearings to be convened at 8:15

or at 8:45, we will listen to them now."

No one wished to be heard at this time.

RESOLUTIONS

#186 AUTHORIZES OVERTIME COMPENSATION FOR SNOW & ICE  
REMOVAL - HIGHWAY DEPARTMENT

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, Subject to approval by the Town Accountant, that the Superintendent of Highways be and is hereby authorized to pay time and one-half compensation for snow and ice removal for the period from March 11 - 24, 1978, for a total of 241 1/2 hours in the amount of \$2,197.86 as per abstract submitted (filed in the Town Clerk's Office).

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#187 AUTHORIZES TOWN CLERK ADVERTISE FOR BIDS ON SPREADER -  
HIGHWAY DEPARTMENT

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

RESOLVED, That the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids for the purchase of One (1) Heavy Duty Spreader for the use of the Town of Riverhead Highway Department, and be it

RESOLVED, That specifications and forms for bidding be prepared by the Superintendent of Highways, and bids to be returnable up to 11:00 A.M. on Tuesday, May 9, 1978, and be it further

RESOLVED, That the Town Clerk of the Town of Riverhead be and is hereby designated to open publicly and read aloud on Tuesday, May 9, 1978, at 11:00 A.M. at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Heavy Duty Spreader".

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#188 AWARDS BID FOR PURCHASE OF LIQUID ASPHALT FOR HIGHWAY  
DEPARTMENT

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, After being duly advertised pursuant to law that sealed bids be accepted for the purchase of Liquid Asphalt for the Riverhead Highway Department and that said

RESOLUTIONS - continued

bids were opened by the Town Clerk on Monday, April 10, 1978 at 11:30 A.M.,

BE IT RESOLVED, That the Bid for the purchase of Liquid Asphalt for the Riverhead Highway Department be and is hereby awarded to the lowest responsible bidder which has most closely complied with the filed Bid Specifications, R.O. Welch Asphalt Co., 1064 Woodcrest Avenue, Riverhead, New York, 11901, at the following prices for the following items:

Item #1: Liquid asphalt cutback supplied in quantities at various locations within the Township as directed by the Superintendent of Highways.

Item #2: Liquid Asphalt cutback supplied and applied with bidder's distributor at various locations within the Township as directed by the Superintendent of Highways.

MC-30	<u>.5290</u>	PER/GAL.	MC-30	<u>.5590</u>	PER/GAL.
MC-70	<u>.5290</u>	PER/GAL.	MC-70	<u>.5590</u>	PER/GAL.
MC-250	<u>.5290</u>	PER/GAL.	MC-250	<u>.5590</u>	PER/GAL.
MC-800	<u>.5290</u>	PER/GAL.	MC-800	<u>.5590</u>	PER/GAL.
RC-70	<u>.5290</u>	PER/GAL.	RC-70	<u>.5590</u>	PER/GAL.
RC-250	<u>.5290</u>	PER/GAL.	RC-250	<u>.5590</u>	PER/GAL.
RC-800	<u>.5290</u>	PER/GAL.	RC-800	<u>.5590</u>	PER/GAL.

Item #3: Liquid asphalt cutback picked up at plant of successful bidder as required by the Superintendent of Highways.

MC-30	<u>.5040</u>	PER/GAL.
MC-70	<u>.5040</u>	PER/GAL.
MC-250	<u>.5040</u>	PER/GAL.
MC-800	<u>.5040</u>	PER/GAL.
RC-70	<u>.5040</u>	PER/GAL.
RC-250	<u>.5040</u>	PER/GAL.
RC-800	<u>.5040</u>	PER/GAL.

RESOLUTIONS - continued

and be it,

FURTHER RESOLVED, That the acceptance of this Bid is subject to the Bid Specifications filed in the Office of the Town Clerk, and

FURTHER RESOLVED, That Csabon, Inc., be declared an ineligible bidder and not the lowest responsible bidder by reason of the certificate of conviction obtained with reference to bidding frauds in the Township of Brookhaven, and the fact that that particular bidder did not comply with the bidding instructions that he must bid on all items being purchased by the Highway Department.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#189 AUTHORIZES DAVID FISHBEIN, TOWN ATTORNEY AND CHARLES LAWRENCE, CHAIRMAN OF CONSERVATION ADVISORY COUNCIL TO ATTEND WORKSHOP

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

BE IT RESOVLED, That the Town Attorney and Chairman of the Conservation Advisory Council, be and are hereby authorized to attend Growth with SEQR, A Workshop for Towns, at Bear Mountain, New York, April 25th & 26th, 1978, and

FURTHER RESOLVED, That all expenses in connection with attendance at the workshop are hereby authorized.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#190 AWARDS BID FOR PURCHASE OF TOW TRUCK FOR RIVERHEAD POLICE DEPARTMENT

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, The Town Clerk duly published and posted advertisement for sealed bids for the purchase of a Tow Truck for the Riverhead Police Department, and

WHEREAS, All bids were opened by the Town Clerk on Monday, April 3, 1978, at 11:00 A.M.,

BE IT RESOLVED, That the Bid for a Tow Truck for the Riverhead Police Department be and is hereby awarded to the lowest bidder, FRED J. GALLO USED AUTO PARTS, INC., 27 Hubbard Avenue, Riverhead, New York, 11901, at the total cost of \$4,000.00, and

FURTHER RESOLVED, That the acceptance of this Bid is subject to the Bid Specifications filed in the Office of the Town Clerk.

RESOLUTIONS - continued

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

PUBLIC HEARING - 8:15 P.M.

Town Clerk submitted affidavits of publishing and posting of public notice on Public Hearing regarding: proposed amendments and additions to the Code of the Town of Riverhead.

PETITIONS

Against the proposed amendment stipulating "one acre per domestic animal" - 27 signatures of youths and teenagers. Filed.

Supervisor Smith: "There are a number of items that are included within the overall notice and as you come forward to address the Town Board, would you kindly tell us which portion of the notice you would like to address and give your name again to Mrs. Pendzick and she will have an accurate record. With this number of persons present, we'll begin by allowing each person to speak for five minutes. Should time permit, and you wish to stay, we will stay as long as need be. If you have once spoken, we would like you to then please give the other people who wish to speak an opportunity to be heard. If we get done with the five minute portion listening to everybody that wishes to address the Town Board, we'll give you a second opportunity to speak."

Harold Stakey, Phillips Lane, Aquebogue: "I would like to speak against this proposal. First of all, I think we're going about it in the wrong way."

Supervisor Smith: "Harold which one?"

Harold Stakey: "The animal ordinance. It seems to me there may be a few people that are causing problems with their animals, but I think to have a blanket law to punish everybody is wrong. As an example, I have a neighbor down by me who has just under a half an acre of land. On there he has a small pony and a horse. I don't even know they're there. He keeps it clean, he keeps them well fed. They make no noise, I have no flies, no odors.

Second of all, I think we all ready have enough restrictions on domestic animals in the Town. For instance, in your residential "A" zoning district there's no animals

PUBLIC HEARING - continued

what-so-ever besides cats and dogs. In Residence "B" and Residence "C" you can have domestic animals, but they're practically all your filed maps in the Town, they all practically have restrictions against having domestic animals. I purchased my house knowing what zone I was in, knowing that people around me could have domestic animals and that I could. I would like to keep that right.

Last of all, the ordinance itself, although I'm not a lawyer, I see a few which I think are errors. According to the paper, it said that the thing was supposed to be against horses. Right off the beginning it says no horse or other domestic animal except cats or dogs. Now a domestic animal besides cats or dogs is a wide variety of animals. I mean that's chickens, ducks, geese, lamb, sheep, you can go on forever. Part A, it says upon the land which any animal is regularly kept, shall not be less than one acre in size. One additional acre shall be required provided for each additional animal. If this ordinance was adopted and held to, if a guy had one acre and one chicken and decided to buy two chickens, he would have to get another acre of land to have another chicken.

Part C says, a corral shall be maintained for the use of such animals. The fence of the corral shall be four feet in height and not less than five feet from any property line. That could cause severe legal problems. I'm not a lawyer, but I know enough about this. If you put up a fence five feet inside your line and leave it there for a few years, in many circumstances if you let your neighbor use that property, or you just ignore it over a period of time in certain cases you can either lose that property out right or else lose clear title to it. Thank you for your time."

Supervisor Smith: "Thank you Mr. Stakey."

Ray McKay, Aquebogue; "First place what I'd like to know is who is the bird brain or person that thought of this idea in the first place?"

Supervisor Smith: "Mr. McKay all the theatrics that you've engendered at the moment are nice and I go through it with negotiations, I go through it with the race track, I go through it with everything else and theatrics isn't going to effect the legislative process that we hope to engender this evening. We don't go around thinking these things up for our health."

Ray McKay: "Well what is it for then?"

PUBLIC HEARING - continued

Supervisor Smith: "Because Sir, there are people that are complaining and it is specifically with reference to horses, and if you've got things to say that are legitimate and I think Mr. Stakey has said some things that are legitimate. I'm happy to listen. Mr. McKay let's say that maybe I wrote — are you calling me stupid."

Ray McKay: "I didn't say stupid. I didn't use that word."

Supervisor Smith: "Okay Ray. You and I know each other a long time. Let's deal with it intelligently."

Ray McKay: "As Mr. Stakey stated, we have enough — these restrictions on us — now for example, now I have some grandchildren come along. Suppose they had a house of their own and they wanted to raise a few animals and they were assigned just an acre of land to them and they wanted to raise twenty-five turkeys, five sheep, where's he going to get all this land from? This doesn't make sense. That's all."

Supervisor Smith: "Let me ask you Mr. McKay. You're an old timer, you've been around. You've appeared at other Town Board meetings. Do you see that there could be a situation where an animal might be harbored, specifically a horse or a cow on too small a parcel or in too residential a zone?"

Ray McKay: "Well like Mr. Stakey said you have restrictions."

Supervisor Smith: "Let's take . . ."

Ray McKay: "Why add more. Something on top of something else that you're really copying over and making more work and more paper work and more restrictions . . ."

Supervisor Smith: "Such as Roanoke Heights."

Ray McKay: "Right."

Supervisor Smith: "Would a horse or horses — let's take the extreme. Let's put five horses on one of those lots, which is permissible under the ordinance today."

Ray McKay: "Well if the neighbors didn't object that's all right with me. If I was right there, I'd love to see those horses running around. You asked my personal opinion."

PUBLIC HEARING - continued

Supervisor Smith: "There are a lot of people that are not of your opinion."

Ray McKay: "I'll grant you that they would know. If they didn't like it, they can just pack up and go. For example, you talk about restrictions now I own a little property over there. Some of these people don't know it, but I can't even give my son a piece of land, say an acre of land to build a house on, you know that. I can't give it to him. I've got to go first to the Planning Board on my hands and knees and say please can I give my son a piece of land you know. My god, our grandparents came over to this country to get away from this. When are we going to get freedom. This is what gets me, God Almighty, when are we going to stop. Keep on adding and adding. God the Town Board must have a lot of time on their hands to think up these ideas. I think there are other things that are more important than bringing up such ideas anywhere like this."

Supervisor Smith: "Thank you Mr. McKay. Anybody else?"

Vernon Wells, Jr., Sound Avenue, Riverhead; "Town Board, this is also in connection on this animal code that's come up. A long time resident tells is of when he was a boy and that his father used to buy a barrel of apples each fall and it was his job through the winter to look over these apples to make sure they got the rotten ones or the ones that were starting to go bad and they always used those up so they wouldn't spoil the rest of them. But he said by the time the end of the apples came, all they had all year long was nothing but rotten apples and there's something about this that smells like rotten apples to me.

It seems there's a lot of side effects that would come into it. There's the poultry and agricultural business that would be affected as has been stated. Perhaps my impression of or interpretation of the code as written is wrong, but I took it as it has been stated before where all poultry and related animals would demand at least one acre of land. Perhaps I was wrong on that, but you also have other businesses that would be affected. You'd have a tremendous reduction in seeds going out. The Veterinarians would suffer, and all the people that supply different types of goods to the animals would suffer.

So you have a side effect that you don't even think about this. Instead of me just coming up here and telling all the bad things that would happen, I see no sense of any-

PUBLIC HEARING - continuedVernon Wells continues:

body coming up and voicing off and saying this is bad and that's bad, without having some type of recommendations and I would like to say that we should get a group together that would negotiate a good workable type of code. One that would be made up with an agricultural interest of people that have horses for the recreation and perhaps the supply companies be represented along with the zoning committee or whoever else might be into this. If I could take one second, I'd like to finish what I have to say with a poem that a past member of the Town of Riverhead wrote several years back:

One man looked up, the other down.  
One saw all blue, the other brown.  
And though they stood there side by side,  
Each agreed in his stubborn pride, that he saw  
all there was to see, entirely wrong my friend said he.  
Sad, but they never could agree.

Thank you."

Supervisor Smith: "Thank you Sir."

Joel Serota, Nassau Suffolk Horsemen's Association;  
"I'm going to read a letter that I'm going to formally submit to the Board.

Dear Supervisor Smith,

The Nassau Suffolk Horsemen's Association, recognized by local, county, and state governments as the largest horsemen's association on Long Island, and in the State of New York, was organized to promote, protect, plan and preserve horse activities in Nassau, and Suffolk Counties. In addition, it has a collateral purpose of protection of ecological interests.

The Association having been involved with several town governments, their officials, and planners, know the effects horse ordinance legislation can have on the community as a whole. Studying your proposed ordinance, we see the enormity of the detriments to this proposal. We feel this way for the following reasons:

First, the proposal if enacted would destroy the agricultural complexion, and atmosphere of the community. Animals are a very important part of a farm life community. This is so, whether located on one acre zoned residential, or on larger acreage. What

PUBLIC HEARING - continued

Joel Serota continues:

this proposal would in effect do, would be to reduce the numbers of horses in this area.

Secondly, the reduction of horses caused by the restriction and prohibitions would have an adverse effect on businesses that cater to horses, and horsemen's needs.

Thirdly, the proposed ordinance suggests an unnecessary effort to suburbanize an agricultural community. This community has existed without restrictions, or prohibitions, and we see no need for them now!

Fourthly, the proposal is contrary to the overall concept of the Suffolk Land Act, which strives to retain farmland in its natural state. Thus keeping agricultural communities, and surrounding areas, farmlike.

Furthermore, the Association knows of no study that was conducted on the effects of this proposed ordinance. If such a report or study was conducted, the Association would like to have the opportunity to evaluate it, and make its recommendations.

The Association wants to know the reasons for such an ill conceived proposed ordinance that runs counter to the land. At this time, it is the Nassau Suffolk Horsemen's Association's recommendation that this proposal be dropped, or at the very least, be tabled, until such time as a study can be undertaken, and evaluated.

Should the Town Board of Riverhead seek the advice, expertise of the Nassau Suffolk Horsemen's Association, we would upon formal request, be available to offer our assistance.  
(End)"

Very truly yours,

Joel Serota, Vice President

cc:

Leonard J. Meiselman  
Fred Pfifferling  
Catherine Morrison  
John V.N. Klein  
Evelyn Beede

PUBLIC HEARING - continued

Mary Beth Andresen, Church Lane, Aquebogue; "I am right now a horse owner or a few horseowners, chicken owner, have been steer owner, have been lamb owner. I have with me 579 name petition signed by residents of this Town in oppositon of the proposed amendment to the Code of the Town of Riverhead, Section 108-110 regarding animals. I'm sorry the list is not longer, but due to the shortness of man at the time allotted to me to collecting of the answers of the Town Board concerning this proposal, left little time to reach many people. I had gotten some confliction as to what this really determined in what type of agricultural industrial or residential. Nobody could quite agree on that.

I have many unanswered questions concerning the proposal, for example, what exactly constitutes a residential district and agricultural, business or industrial. Or is this a forth-coming proposal to re-evaluate large tracts of land into smaller lots and change the zoning in the future. According to Mr. Smith, this proposed amendment was based on the Smithtown Ordinance. Today I spoke to a gentleman from the Smithtown Zoning Board which has in effect laws governing animals, and if you'd like, I'd read the Smithtown Ordinance which seems nothing to be similar to this.

The Smithtown Ordinance on horses and ponies, they at least must have one-half acre or more for two. They may also have them on one-third of an acre or one-quarter of an acre by a special use by the Board of Appeals. They may not have them in multiple-family dwellings. It doesn't look so great in a garden apartment, and an agricultural use may be maintained use of other animals for the sole use of the residents with no guide lines to their restriction.

I also have a lot of other ordinances from the other Towns — Southold, Southampton, Brookhaven and Islip. If anybody would like to see them, they'll be coming forth to me.

According to New York State Law, there is a fencing code which can be maintained and laws can be made up by Local Town. However, some law I find it hard to believe that anyone on this Tri-Board that's put this together can understand that a four-foot fence is adequate for any domestic animal. This is going along through the thing. Manure, field matter, or odor or duck producing matter can be stored, well this will just about eliminate the cabbage fields because that's actually stored there in the winter, you know. It does produce quite a bit of odor.

I find out that as I read and re-read the proposal, certain unanswered questions keep arising. When Riverhead Town proposed a large structured change in the Town, it hired the group of engineers or project developers in the field to enable them to reach a decision. Yet when a proposal such as this came before the Town, not one domestic animal owner was asked to be on any Advisory Board. Somehow I also find

PUBLIC HEARING - continued

Mary Beth Andresen continues:

it very difficult to ascertain at this time in Riverhead, the last open farm area concerned about an ordinance such as this with so few complaints. Complaints that have an easy accessible solution. We realize that somebody's violating some fencing laws. There are no fencing laws according to New York State that you have to maintain, unless the Town decrees them, as far as keeping in domestic animals. However, anybody that has a domestic animal is liable for their damage. It is very easy for the Town to go according to New York State Law Section 310 Article 18 and impound an animal that comes upon somebody else's property and impound them for the damages due — an actual lien, like if you were going to impound a car. And they can then be set up for public auction and I'm sure you can re-read the law.

The thought that also goes through my head as I read the proposal is that with the few complaints, are they actually a scapegoat for proposed change in Town Zoning.

And lastly, I'd like to close by signing the families that are greatly involved. Animals to provide the wholesome family life which must develop into a community life and I feel that the children in this Town are the founding fathers of the future. I certainly hope that they will be able to enjoy a farming rural atmosphere as we have. Thank you."

Ronald Eck, East Main Street, Riverhead; "Mr. Supervisor, Members of the Board, and as I said once before at the first meeting I was at, the public, our taxpayers and I had left out before the Press. I own a dog. I know that this is not bringing up a dog because it stated horses. I have had a problem with my dog, yet I have a gold coin at home that was mailed to me which really doesn't belong to me. It was mailed to me by mistake because a letter was left off the mail. On that coin it says, 'God created man and woman and he gave them a dog as a friend', and this coin belongs to a girl very close to me. I should say a young lady and she happens to be in Central Islip because of occurrences that have been happening in my life, so if this consists of a dog, which I'm sorry I'm late for this Board Meeting because of other things I have been doing today, but there is something there in that coin. That's all I have to say."

Supervisor Smith: "Thank you Mr. Eck."

Antoinette Nabrezny, Sound Avenue, Calverton; I'm not against anybody that has animals, that house them properly, that keep them clean, but I have Mr. Picone who

PUBLIC HEARING - continued

has property, has purchased property across the street from me, has rented out to a Mr. Bob Mack. The conditions for the last three years have been horrible. I have flies. The manure smells terrible, the urine is terrible. I have gone over there and spoke with the man to no avail. I come to the Town Board there was no ordinance protecting people from trash coming into our Town ruining it. I'm not talking about people that are paying taxes here, but people who rent, who come during the day, they do what they damn well please, then they go back home. They do not have to live with this stuff. I do. I live there 24 hours. I have flies. I've invested in \$500 worth of equipment to kill flies.

During the summertime, I can't eat outside in my yard. My children cannot lay out in the sun without getting these horseflies that bite. It's to a point where I can't exist. He has 50 horses across the street.

I came down, I spoke to Doc Menendez this past week. I asked him please go check on it. He can tell you what he found across the street from my home and I'm not against anybody that owns animals or houses animals, you can take care of them. You are people that have built this community. You have agriculture. You have farms, I'm all for it. You take care and love what you have and I'm talking about animals that come in. They bring horses, 50 to 60. They have people come all weekend long. You go over, you speak to them, they could care less. They don't live with it. They leave those animals uncared for at night. There is nobody there supervising them. They have dogs there that bark, then they come during the day, and at night, the rest of the time, you live with it. This is what I believe the Town Board was trying to protect a lot of us from having these people come in, carouse themselves, do what they damn well please and go to where they live. This particular guy I believe lives in Centereach. What does he care about what happens to me and any other farm that gets bought up with somebody that has a lot of money and they rent it out to somebody. There's no ordinance protecting us. The only thing that that man should be able to have on that property is if he's going to maintain a farm, use the horses for something or recreation or something, but he is not. He's to a point where he's making my life miserable, my neighbor's life miserable. They're afraid to come and talk because their neighbors are here fighting against this ordinance. They're afraid to embarrass themselves to get up here and say, hey I have a problem and nobody cares."

Supervisor Smith: "Mrs. Nabrezny, as I said at other hearings, there's no embarrassment, take it out on me, I . . ."

PUBLIC HEARING - continued

Antoinette Nabrezny: "No I don't take it out on you because the Town Board isn't doing anything."

Supervisor Smith: "Let me say something. That's what we're here for, to waive the interests and the concerns that you have about where you live and the problems . . ."

Antoinette Nabrezny: "But the Town could not do anything for me for three years. I called the Board of Health then — 12 weeks in a row, I called the Board of Health, they showed up two times in 12 weeks."

Supervisor Smith: "We're working on it tonight and we're going to listen to you and the other people and there will be some resolution of the problems as they are . . ."

Antoinette Nabrezny: "You know, I mean, I understand everybody's point of view. But you know they're taxpayers as well as I am. But I have to live also."

Supervisor Smith: "Yes Ma'am. Thank you."

William Bethauser, Sound Avenue, Baiting Hollow; "Mr. Smith, Members of the Town Council, I own and operate a farm on Sound Avenue in Baiting Hollow. I've been operating that facility since 1973 for the purposes of harboring live stock for various and a sundry uses. I'm privileged to be able to live in this Town. I'm proud of the Community of Baiting Hollow and I'm doing what I can, personally, to sustain and promote this community. However, I have interest or be it a minor business interest in the live stock industry. I purchase feed, I purchase hay. I purchase straw, I pay a Veterinarian. I get involved in paying salaries. All of this is local. I buy my hay from local farmers. I buy my feed from the local feed store, it's a little business. I keep my place clean, I think. I've never been sighted and I'm interested and concerned about the fact that through a zoning regulation, we're trying to inhibit the ability of people to engage in this type of activity.

My concern is this. We have two basic problems, as I understand it. One is poor housekeeping, the other is horses that are permitted to run loose. Putting a zoning restriction in will not alleviate that problem. The gentleman which just made reference to and I'm not here to support his situation at all, has a large parcel of property. I don't know, I haven't really researched whether this particular resolution is going to give my neighbor any satisfaction or any assistance what-so-ever. I want her to live a happy life and I want to be able to live a happy life and if we have a problem in the community, I think we should address that problem and not affect the lives of thousands of people in this community. Thank you."

PUBLIC HEARING - continued

Supervisor Smith recessed this public hearing to hold the next public hearing.

PUBLIC HEARING - 8:45 P.M.

Town Clerk submitted affidavits of publishing and posting of public notice on public hearing regarding: proposed amendments to the Zoning Map, Town of Riverhead, Suffolk County, as adopted by Code of the Town of Riverhead, Chapter 108, Zoning.

The affidavits were ordered to be placed on file.

Supervisor Smith recessed this public hearing in order to finish the previous public hearing.

Bill Nohejl, Wading River: "First of all I thank you for the podium. It's very nice. A long time coming, but . . ."

Supervisor Smith: "For those of you that don't come regularly, Mr. Nohejl is a regular attendee and swiped the podium out of the Methodist Church about six months ago. Then it came to lent and they were in the parish house and they wanted it back. So since then he's been beating me over the head about the podium and we finally got him one."

Bill Nohejl: "As you know, I'm a farmer, have grown up with animals. Animals are a part of the American Life. I also believe that if a person has an animal, he should take care of it. He should have the proper fencing, should get rid of the manure so it will not be objectionable to the neighborhood. As we all know, horse manure is very valuable on shrubbery, farms, even make methane gas. So if it is a problem getting rid of that horse manure and the Town will allow it, bring it up to my farm.

Horses to some people is like a boat is to another person or a mini-bike, or another means of enjoyment. I feel as though a person having horses or domestic animals as pets should not be restricted. I think it's a, as I said an American way of life."

Supervisor Smith: "Anyone else?"

Mike Francis, North Century Road, Wading River; "I've heard all the objections to people who are afraid the horses will be taken and almost all instances where

PUBLIC HEARING - continuedMike Francis continues:

existing horses will not be touched. In all Towns surrounding us, Southold, Brookhaven, Southampton Village, we have one-acre zoning minimal. Southampton Town Village has a two-acre zoning minimum. I think in all honesty, I think most people who have horses do take very good care of them. But under the present regulations we have, there is no possible way a person can raise an objection to very noxious odors, flies as the lady had said, with our present zoning regulation.

If possibly a zoning regulation will not help, then I think possibly some kind of health or a personal infringement clause should be included in the zoning regulation. I, as one, don't mind if somebody has a horse. I think in all honesty, an acre is, especially if you're going to use the acre for riding or anything, I think less than that is not really practical, but it wouldn't effect anybody who has a horse at present now anyway, if the grandfather clause was included. I think to talk chickens and things like that is absolutely ridiculous because I think the law was stated towards large animals. They don't consider a chicken very large. So far as the manure and things, I think that is the major problem. I think the zoning regulation or health regulation should include that, not so much the land thing."

Supervisor Smith: "Thank you Sir. Anybody else?"

Evelyn Beebe, Church Lane, Aquebogue; "Mr. Smith, Members of the Town Board, I have a few things that I would like to say. I have been a resident of the Town of Riverhead for three years. I have been a horse owner for probably about 25 years. The reason my husband and I choose to move to Riverhead was because of the agricultural possibilities of keeping horses. When we moved into the area, we came from down west further and there were restrictions on horses when we moved into the area I specifically asked Mr. Tuccio, our Real Estate Agent, I specifically asked both of my neighbors on either side of me because I am aware of the problems that a horse can cause. I ask them if they would mind a horse and both of them said no. They are both farmers. They both said they would be more than happy to have my horses manure, any time. So we, therefore, moved into the area.

We have two acres. We have a two-stall barn. Anyway you cut it, I am basically covered under the zoning ordinance, and zoning proposals. I feel my horses are kept better than most people in many, many areas. They are fly sprayed. We have fly sprays in the barn, all sorts of different things. I am not an unreasonable person. I

PUBLIC HEARING - continuedEvelyn Beebe continues:

can understand having restrictions on some areas. I can see if you have a half-acre of land or a third-acre of land to restrict certain animals. I think, however, more in order would be a public hearing law concerning sanitary codes instead of immediately restricting horses. Someone can have five horses on a half-acre of land, and you would never know they were there. They can be clean, they can be well fed, they can be adequately fenced. Someone can have one horse on a seventy-acre plot, and it can be the situation that this lady has with flies and manure and different problems.

I really do not feel that a horse ordinance restricting the number of horses is the right way to go about this.

Secondly, I would like to bring up one other thing. I have many friends of mine just about all horse owners who now have, who are over the limit of horses, for example, two acres and they have six or seven horses, all well kept, I may add. They have a six or an eight-stall barn. What will happen to them if they choose to sell their property? They can only sell it for one horse per acre zoning. They have an eight stall-barn. They can only be covered for two. That is a waste of six stalls, and that as far as I'm concerned, is land devaluation which I'm very concerned about in Riverhead. I honestly feel that we moved into this area because it was a farm community. That's the main reason we moved in here. I feel we're trying to make it a suburbia. I'm very happy paying my taxes. I'm very happy living in Riverhead, but I would like it to stay as agricultural as possible. Thank you."

Supervisor Smith: "Thank you Ma'am."

Carol Ackerly, Wading River; "I feel sort of personally responsible for this meeting because I know there have been many complaints on my horse. I moved here four years ago, and I was very happy for two and one half years. I had a neighbor on one side who enjoyed my horse. I had a neighbor on another side who enjoyed my horse. Unfortunately, one of those neighbors moved. Since then, I have had numerous complaints from the new people that moved into the house next to me.

The Health Department has been down many times. They have found no violations. But still letters have been written to the Town. What is to protect the horse owner also. I'm being completely harrassed by one neighbor. Thank you."

PUBLIC HEARING - continued

Supervisor Smith: "With reference to the hearing, again we're running on from the 8:15 hearing. Does anybody else want to get into this particular act with reference to either horses or any other aspect of the ordinance as proposed?"

No one else wishing to be heard and no further communications having been received thereto, Supervisor Smith declared the hearing closed at 8:55 P.M. and re-opened the 8:45 hearing with reference to proposed amendments to the Zoning Map.

Charles Cuddy, Tooker, Esseks, Hefter, Cuddy & Tuthill; "Mr. Supervisor, Members of the Board. Our firm represents Steve and Josephine Mitacchione and we're here in concern with the proposed change from Business "B" to Residence "B" at the intersection of Sound Avenue, Parker Road, and Route 25A. I would point out to you, initially, that we believe we're here in opposition because there's a problem with the map that is part of this amendment. The easterly line that's shown on that map is labeled Steve and Josephine Mitacchione. That is not the easterly line of the property. The easterly line of the property is some 300 feet to the east. If, in fact, all their property is to remain in the business zone, of course, they have no objection. I, assume, that probably is not so. Being that it is not so, or that my assumption is correct, I would point out to you the following, that as the map is drawn, the line that would separate this property business to residential bisects the actual business use of the property.

There is a fence around the business use of the property as it would stand under tax proposed amendment, you would have 50 feet residential incorporated in the business area because the fence would take in that area. I think that's just a plain mistake and I think the Board should take an extra look at the map.

I would point out further to the Board, that Mr. Mitacchione and Mrs. Mitacchione purchased this property in 1952, part of it, and the remainder of it in 1961. So they've owned this property for say between 17 and 25 years. That means that at all times that the zoning ordinance was in effect, that the properties been business, and they purchased the balance. Since the 1961 purchase, at the time that it was business and that was confirmed in 1969, So they've had this property as business property and have relied upon the zoning ordinance of the Town of Riverhead for some twenty odd years.

I don't know the reason and I haven't heard any reason to justify this, but I believe in fairness to members of the community that this Board has an obligation to explain to the

PUBLIC HEARING - continued

community why it would change at this point in time, that particular zone. And I very much would ask that the Board has this studied by the Planning Board, and I would ask also if the Planning Board, and I just asked (this word was inaduable), at this point, if the Planning Board of the Town of Riverhead has reported and recommended this change or any other change to this particular board having to do with the amendments that are proposed. I would also ask if the Planning Commission of the County of Suffolk has seen any of these amendments and has reported favorably or unfavorably."

Supervisor Smith: "With reference to both of these, Mr. Cuddy, we are exploring whether it's horses or zone changes the reaction of the community to various ordinances. The horse ordinance, of course, is not strictly limited to horses, but there were many other things that were not addressed, specifically, with reference to the area that is involved here. We have the immense potential of strip zone development, very similar to what you see to the immediate west in Rocky Point. The potential for the imminent development of that area similar to Rocky Point development is emphasized by the now under construction shopping center and the imminent development of the National Cemetery. The National Cemetery, Sir, will be the largest cemetery in the world. So the potential for commercial development along that area, similar to the strip zoning elsewhere to the west of us, is upon us. And these are parts of things that we are thinking about."

Charles Cuddy: "Mr. Supervisor, just in commenting on the National Cemetery, the advent of the National Cemetery should not kill the business zone in the area. I think that the business zone has been there before you were the Supervisor, before I was in this Town, before perhaps both of us were lawyers. It's been there for many, many years. It's remarkable, at this point in time, that that area is a growing area. To the north, we both know, there are housing being built on both sides of Parker Road, and just at the very moment the houses are being constructed, the business area that's been there for 20 years is contracted."

On a planning basis, I don't believe that that makes sense. I would also point out to the Board that if you take the business property and reduce the business property to residential property, what you're doing is probably devaluating by 66 2/3% each and every acre of that property and I would hand you and I ask that it would be made part of the record, a statement from an appraiser indicating just what I have said. This is by Warren Reitzig who is an appraiser and a certified Senior Appraiser." (The statement is filed in the Office of the Town Clerk).

PUBLIC HEARING - continued

Supervisor Smith: "Sure, Mr. Cuddy. Mr. Cuddy you've now had approximately five minutes. Do you have anything to wind up with?"

Charles Cuddy: "I would like if I may to come back later on. I would like to address the Board on behalf of someone else at another point in time."

Supervisor Smith: "All right."

Bill Nohejl, Wading River; "On the same subject, if the business zone was taken out of that property, which I am against, and houses put for residential, who in the world wants to live across from a cemetery. I think it would be fair if a man was allowed to develop his property say for, I think two things would be suitable on that property. One person had to drive a considerable distance, who comes from New York City or wherever to come to a funeral, and naturally, they're hungry at the time. A nice presentable restaurant, I don't say a drive-in restaurant, I say a place where people can eat."

Supervisor Smith: "Mr. Esposito has one he'll give you right now."

Bill Nohejl: "Yeah, but this is a different situation. And also a floral shop. There won't be any monuments because National Cemeteries have their own monuments. But I feel it's unfair to a man who has this property and at the time, like Mr. Cuddy says, at the time when the National Cemetery comes in there, you should be taking this zoning away from them. I don't feel it's right because if this zoning is taken away on this man, there is a lot of other zoning that should be taken away too."

Supervisor Smith: "There are at least four that are under consideration tonight, Mr. Nohejl."

Bill Nohejl: "Aslo reading this notice, Mrs. Pendzick, I think you're in error on number 2."

Supervisor Smith: "Why don't you tell me what it is Bill? Just describe it for me."

Bill Nohejl: "All right, let me just read it here. Amending from Residence "C" Zoning Use District into the area bounded westerly by the easterly line. From Residence "C" to what?"

Supervisor Smith: "So noted."

## PUBLIC HEARING - continued

Bill Nohejl: "Now also it says that if you want to see a map, you have to come to Town Hall. I suggest a resolution made up that if there is a proposed change of zoning or if a person wants to have a public hearing for a particular piece of property, a little sketch in the paper showing the streets, the locations, marked in black, as to where the area is going for a re-zoning or a change of zoning.

It would be — Brookhaven does it in the Advance, The Patchogue Paper. I get that quite regularly and every change of zoning is put in there, and the person doesn't have to come to Town Hall to see a map.

Another thing I suggest that a person who is having a property change of zone should be notified by mail because some of these people who own this property could be out of State, out of Town. And there's no way of knowing what's going on. You just have it here in the Riverhead Paper. I know you're covered by the public notice, but I feel it's not fair.

And also, when a change of zoning comes up, there should be a sketch here. It should be visible to the back. It should be made up. If a person wants a change of zoning, he can spend \$50.00 to make up a big sketch by a professional artist or something like that so a person in the back can see. He doesn't have to come up here and bend over and look at a little sketch."

Supervisor Smith: "All right."

Bill Nohejl: "I wish this to be put into a resolution."

Supervisor Smith: "Mr. Nohejl, again you and I have gone over similar turfs in the past . . ."

Bill Nohejl: "And will continue to."

Supervisor Smith: "Some of your suggestions are, in fact, well-taken, and it is something that money will solve."

Bill Nohejl: "Look, we have money in this Town for everything else, we can do a little bit for the public."

Supervisor Smith: "All right. And the point that I have made to you before that the money that the Town Board spends does not come out of thin air. It comes out of your pocket."

Bill Nohejl: "You always seem to find some place to get whatever you want. Let's do it for the public."

PUBLIC HEARING - continued

Supervisor Smith: "So noted. Okay."

Bill Nohejl: "I wish a resolution on that. I just don't want to be avoided."

Supervisor Smith: "We'll see if somebody phrases it later on."

Bill Nohejl: "I'll be waiting."

George Gerardi, Owner of land on 25A, Wading River; "I wanted to follow up some of the comments that Mr. Cuddy had made relative to the fact that we have been land owners in the area for over ten years. We've owned commercial property for over ten years on that 25A section and at the very point when as you indicate there is potential development, commercial and other development in that area.

At hand your placing before us this change of zone. Now I would ask you to put yourselves in our position, in the positions of the people here in the audience. I think this is the basic posture that any elected officials have to take, consider what they are doing as though they themselves and their rights are being affected. Now you're certainly not against a development of a community and the total development of a community. You're certainly not against jobs and income for people. You're certainly not against commercial facilities that are convenient to residential owners.

The Board then establishes the zone, probably did so in 1958 or thereabouts and each year thereafter they deemed that it was appropriate for commercial zoning, they could have changed it any one of those years. People have held that land and have paid taxes on commercial property.

As I understand, that's how the taxes are applied there for all these years. Now it comes down to a basic question of rights and justice, and this is what I think the people in this community are asking for and this is what I am asking for. Put yourself in our position and consider whether this change of zone would be just in light of the history of this property and the fact that in this particular area it's a major thoroughfare, 25A. It has always been, all the way from New York City. It's near a potentially major intersection to the east, and it's near, I understand, industrial property unless that has been changed. The features of the area lend themselves to commercial development. And this is how the Board has held for all these years.

Now I, for the life of me, cannot understand why a Board now would decide otherwise, and I am curious to know what the rationale is for this decision. You speak of strip

PUBLIC HEARING - continued

zone, but this is 500 feet in depth. There's plenty of room for proper commercial development with proper parking. I don't understand what you mean by strip zone. This is the zone that was set up by your very predecessors.

So it is a question of justice. It is a question of right. It's a question of how people deem the actions of a Board to be fair or unfair. So I stand with these people who have complained about their problems because this is a real problem and I ask you to be — put yourself in our position in making your judgement on this. Whether you think it would be fair from your point of view or in the public interest, and I don't think you'd think it was."

Supervisor Smith: "Mr. Gerardi, one of the things that comes out this evening and you've asked me several questions, is exactly the thing that should come out in a public hearing. Where we hear the various views on any given topic, whether it's this or horses or anything else. I think what is laid before the residents of the Wading River Area this evening is that, in fact, you and the client of Mr. Cuddy intend to develop that area commercially — you do not intend to keep it in it's current configuration. We can waive that and deal with that.

I don't know that you see anything beautiful about Rocky Point to the immediate west, and what has happened there. Our concern is that kind of thing does not happen in our community. And quite frankly, your appearance tonight and saying what you do say indicated that that is fast upon us, and rather than wait for you to come in with Colonel Sanders Fried Chicken or something of that nature, we as residents of the Community wish to address the problem and we'll listen to what you have to say, but we will not permit our community, I think for many people to be raped in the name of progress."

George Gerardi: "Sir this is the presumption that you are making without any basis what-so-ever. We are going to come into the area and rape this Community. That is totally uncalled for and you know it."

Supervisor Smith: "Sir I have but to look to the west and what has happened in Brookhaven, to know what lies in store for the Town of Riverhead. And as long as I sit in this chair, it's not going to happen here."

George Gerardi: "On that basis, you're assuming, you would have to eliminate every commercial and industrial area of the Town. And people who depend upon these commercial areas and industrial areas for their jobs, for their total livelihood would be cut off. Now if you think that this is responsible government, if you think that a

PUBLIC HEARING - continued

zone that was established by your very Board for twenty years can be changed in this assumption that somehow people are going to come from Bluepoint and destroy the areas, this is sheer tactic, and it's irresponsible government."

Supervisor Smith: "Thank you Sir."

Richard Spanburg, Union Avenue, Aquebogue; "I want to be the first one, Mr. Supervisor, to go on record and let you know that you just said to this gentleman here and I sympathize with his appreciation for his commercial property, but I want a Town Board like you are leading right now to try and have an organized development of the Town. As we said here, Mr. Esposito and other people have been fighting the fact that they want to bring in an Arby's and a Long John Silvers and we were told well it's too late to do anything about it, so we have to start on property that hasn't been developed and hasn't been fully zoned and recognized as full commercial ventures that we have to start now and do something about it.

I know they're going to bring in heavy guns and I know there's going to be a lot of battles here, but I think the Town Board should remain fast and firm and we should develop the projects along your goals, that we should develop the lands in Riverhead that are zoned commercial in such a way that we're not going to ostracize people that own commercial property, but we are not going to have another area to the west like Rocky Point or Selden or Centereach and we're going to have a developed community. The only way we're going to have a developed community is by having the Town Board put themselves on the line for it. And it's nice to see tonight when the first battle cries were rung, they're going to bring in heavy artillery, but I want to get them. I want to get them because we don't want 25 and 25A and all the other primaries in this Town to go down for the sake of commercial enterprises which probably is so — read the record owners in the County Clerk's Office would realize that most of the properties owned by speculators and not by local businessmen, so it's not the local businessmen that would profit. We're not against commercial enterprises for businesses, as the gentleman just said we were. We're not telling businesses to keep out. We want to tell them, though, that we want to plan our community and we want to put in our community what we want to see there. Not what somebody's high-price attorney wants to see in here or not what some high-price speculator wants to see in here.

If we don't fight them now, and if we allow petitions such as are before the Board tonight to get through, then what has happened in the past, other people are going to come up and hear and say that the Town Board approved such and such a piece, and they're going to use that as a reference

PUBLIC HEARING - continued

and we'll continue from that and loose the war. We've got to stand here and fight to win it and if we don't, then we're going to be like the west end Towns and then it will be too late. And why was it too late, because we didn't do anything now. Thank you."

Supervisor Smith: "Thank you."

William Miller, Civilian Employee of Navy Dept. ; "I'm here concerning the Navy's Calverton Airfield which you know is the Grumman Airfield and as you know, Mr. Smith and Mr. Menendez and I think some of the other gentlemen — The Navy had a study done at the airfield, and those areas that were subjected to noise from the airfield as well as those areas which were subjected to statistical possible accident potential from aircraft operations. The first figure on the map I've given you is circled in red, shows the zone in question and that it is partial of it. I should say, in accident potential zone B which has a fairly severe potential for aircraft accident statistical potential that is — the next sheet is showing a copy of the zoning map which is proposed for a change. I marked in red, superimposed on that, what area is impacted by the accident potential zone B. As you can see it's a triangular portion. It's roughly half of the area on the south side of Sound Avenue and on the east side of Parker Road. As you may know, the residential use which is the proposed use for this property is not compatible with an accident potential zone both for the occupants of the future dwelling as well as the airfield.

On the third sheet, I've given you a copy of a matrix which lists those uses that are compatible and they generally are commercial type uses and so, therefore, I would request, Sir, that this particular piece of property not be zoned to residential possibly some other use might be acceptable that was compatible with the matrix that I have given you. Thank you."

Supervisor Smith: "Thank you Mr. Miller."

Supervisor Smith recessed the hearing for five minutes after which the hearing resumed.

Supervisor Smith: "For those of you that are in, will you please settle down so that we can continue with the hearing and listen to anybody else that chooses to address the Town Board. Again we're on the zone map changes that are scheduled for a hearing at 8:45. Sir if you wish, why don't you take that right out of the holder and you can hold it in your hand at whatever height is comfortable."

PUBLIC HEARING - continued

Unidentified speaker: "I represent the owners of a tract of approximately 55 acres formerly known as the Hudson Property within. . ."

Supervisor Smith: "Mr. Malman, if I may, for the benefit of the other people here, we know your name because we've got it in front of us, but . . ."

Leon Malman, "I practice law at 45 North Station Plaza, Great Neck, New York. I'm here this evening on behalf of Leslie and Eric Teicholz, who own a tract of land approximately 55 acres of land within the area that is covered by item 5 in your notice of public hearing tonight which you propose to rezone from Business "A" to Agriculture. It's the area shown on this map which I hold in my hand, which I take it doesn't have any identification, so I can't isolate it from the other two. In any event, I think you know which piece of land I'm talking about.

Now since you've proposed to rezone that land to Agricultural District, I would assume that the major purpose for which it would be used would be for farming is similar purposes. I'd like to point out that my client's property cannot be used for farming because of the grade changes within it. It runs from a grade of 10 above sea level to 100 above sea level, so that within a depth of about 1000 feet we have a 90 foot change in grade.

Secondly, I'd like to point out that the transition that you propose is not what is generally regarded as good zoning practice. Good zoning practice generally has a transition where you start with a boundary line of an industrial zone as you do here to work away from the industrial zone with a transition that runs from less restrictive uses to more restrictive uses.

For example, it is presently zoned, the land along Long Island Sound closest to your present industrial zone, is zoned Business "A". One of the uses which Business "A" permits is one-family dwellings on 20,000 square foot lots. West of this land that is further away from the industrial zone, the land is now zoned Resident "C" which also permits one-family dwellings on 20,000 square foot lots. However, if your proposed rezoning takes affect, the transition will be in a directly opposite way. If the property is re-zoning as proposed, the area immediately adjoining the industrial zone, will be zoned Agricultural "A" permitting its use for one-family dwellings on lots of at least 40,000 square feet. So you will have the most restrictive zone right next to the industrial zone and then further away, you will go down to lots of 30,000 square feet with your re-zoning.

Under its present zoning, our property could have been used for one-family dwellings on 8400 square foot lots until December 21, 1976 ad I read your zoning ordinance.

PUBLIC HEARING - continued

Leon Malman continues:

On that date, the minimum one-family lot size was increased to 20,000 square feet. Now, barely one year later, you are considering an increase of the minimum one-family lot size to 40,000 square feet. I can think of no conceivable justification for this five fold increase in minimum lot size in a period of barely two years.

I should also like to point out that with respect to my client's property they have a special use permit which was issued to them by this Board for their property which authorizes its use for the construction of condominium units and I wonder whether you have considered the effect of the proposed re-zoning on this special use permit. Now I would like to ask your indulgence gentlemen. We, first learned about this proposed zoning change only four days ago on April 13th. Therefore, we would respectfully request that this public hearing not be closed tonight, but that an adjourned hearing be held at least 60 days later so that we can have an opportunity to prepare and present expert testimony in support of our position."

Supervisor Smith: Mr. Malman it's your position that your special permit for the condominium use is still valid."

Leon Malman: "I'm not in the position to judge that. I'm calling your attention to the fact that the special use permit exists."

Supervisor Smith: "Again now so the double edge aspect of this is — you are saying to the people of the Town of Riverhead that that condominium is viable and . . ."

Leon Malman: "I would think it is Mr. Supervisor."

Supervisor Smith: "Thank you Sir."

Bob Tooker, Waterview Court, Riverhead; "I have an office on the main street in Riverhead. On nights like tonight, I don't envy you gentlemen your job. I think its healthy that you should have input from the community. I'm sorry that the input is often times expressed with emotion, but I think that that sometimes results because we don't have always a full opportunity for inner play between the Town Officials, the Town Boad, and the public.

The proposed re-zoning affects a very substantial number of properties along the Long Island Sound. The Long Island Sound frontage north of Sound Avenue is one of the most attractive areas in our community. I happen to live in that area. I live in a subdivision of quite a number of

PUBLIC HEARING - continuedBob Tooker continues:

lots. They're based on a half acre design and I believe it's a desirable residential area in our community.

In March of this year, the Riverhead Flag Corporation appeared before the Planning Board to develop a portion of the property along the Long Island Sound. When they did so, they presented a plan to the Planning Board for the creation of a number of lots along Oakely Avenue, and the Planning Board raised a number of objectives to the proposal that Flag had made amongst them were they didn't take adequate account of drainage into Oakely Avenue would create a problem. The Riverhead Flag Corporation thereupon caused to be prepared new designs to represent to the Planning Board. I have seen the beginnings of those designs and I think that they accomplished all that the Planning Board asked. I think that they create an attractive residential area along the bluffs and at the same time make possible the continued use of — as Leon Baron used to say, Beautiful Baiting Hollow Country Club.

I think that a plan which destroys the opportunity to preserve a Country Club on the bluffs should be given very very careful consideration before it's adopted. I understand that the Joint Board is meeting on Thursday of of this week. The Planning Board is meeting on May the 4th. We would like to have an opportunity to discuss with the Joint Board and with the Planning Board this revised design for a portion of the Flag properties. We would like the opportunity to hear the expression of opinion, the Town Officials, and we would like to share with them some of our feelings about the property.

The change that's proposed for which the hearing is being held tonight has come so fast that people who own property haven't had a chance to adequately reflect on what the affect would be on their property. I'm not sure that the Town Officials have had a full opportunity to reflect on all the things that have been said tonight and I'm sure other things will come to people's minds in the days ahead, because the change is so substantial, I urge you to deliberate in your decision and to give people such as the Riverhead Flag Corporation the opportunity to share with you their ideas as to how their property could be developed in order to create an attractive community for us all. I ask for the opportunity to speak to the Joint Board on Thursday and I have already reserved a spot on the agenda for the Planning Board on May the 4th."

Supervisor Smith: "Thank you Mr. Tooker. Anyone else with reference to the map changes? Yes Sir."

Victor Nessler, New York City; "I own 500 feet on 25A. When I bought this property about 30 years ago, it was

PUBLIC HEARING - continued

zoned business. Glenn Realty owned the property at that time it was sold to me as business. I was in the restaurant business in New York City. I had all intentions of moving out here and build a restaurant. Things got sour and, of course, in the land out here the values went down, so I could never see it visible for me to come out here and go into the business where actually there was no growth in the community and, therefore, it wouldn't have been a good proposition for me. But in all these ten years that I have this property, I paid the Town of Riverhead close to \$15,000 in taxes.

Now this land used to be owned by the Boy Scouts which I assumed they were paying very little taxes. Now after so many years that I owned this property, the Town Board here allowed the zone to be zoned business, comes along and wants to make it residential. I think that is more or less confiscatory because to buy my property, I would — it costs me about \$60,000 when I bought it plus \$10,000 in taxes, plus all the interest of my money. I am laying that over here and all of a sudden by being zoned residential I won't be able to get \$20,000 today from a builder to build a home near 25A which is a very heavy traffic road and who really wants to buy a house on a very heavy traffic road.

It seems to me that north of Parker Avenue there's plenty of room to build houses for residential use and if you build houses for residential use, I think you need business zoning to have stores coming in. They would give employment to people. They will eventually buy houses in the community and this will be a potential for everybody. Furthermore, I would say that I've been here in this strip zoning business — Now before a business comes in, although this is a business property, we have to come to you and ask for a permit for this particular business. Now this Planning Board can always turn it down, if they feel it is not suitable for the community, but to down-grade it or up-grade it, whatever you want to call it, then all the Avenues are closed, and they could only be used for homes and I think that along 25A and especially at that point that triangle there, my property goes from 25A to Parker Avenue and if not you have the electric lines running right through the property — the Long Island Lighting Company and I don't think it's good at all for residential."

Supervisor Smith: "Thank you Mr. Nessler. Is there anyone else that wishes to address the Town Board?"

Robert Krudop, Penny's Road, Riverhead; "I, tonight have been made aware of the proposed zoning change to property to which I own. I would like, if possible, to come

PUBLIC HEARING - continued

to that Thursday night Joint Board Meeting and after having had a little chance to review whether or not that would be favorable to me and to express my opinion. Is that a possibility?"

Supervisor Smith: "Absolutely Bob. It's always open. It's not a formal meeting like this."

Robert Krudop: "And no decision will be made prior to that time?"

Supervisor Smith: "No Sir."

Robert Krudop: "Thank you Sir."

Supervisor Smith: "Yes Sir. Anybody else?"

Charles Cuddy: "I also appear at this time on behalf of George Irwin. Mr. Irwin is the owner north-west corner of Parker Road, 25A and Sound Avenue."

Supervisor Smith: "You got the intersection all locked up, right Charles?"

Charles Cuddy: "You have done a good job. He, obviously, has a great deal to lose from this zoning. He already has a problem there, but he has a half an acre. Mr. Irwin called me this afternoon at 2:30 when he found out about the zoning change."

Supervisor Smith: "Gas station?"

Charles Cuddy: "That's right, the gas station. I would point out even to the cynics in the audience, and I think they should hear out what would happen to the property, and I'm not sure that all of you, if you think about it are going to want what's going to happen to the property along 25A. In any event, I join in with other people addressing the Board and ask that this be studied and that Mr. Irwin, himself have an opportunity to appear. He asked me to appear in his behalf because he wasn't able to come tonight and as I say, he found out approximately seven or eight hours ago about the hearing tonight. Specifically at this property, his has approximately 20,000 square feet. He has what would be a non-conforming use. He has perhaps what's an abandoned non-conforming use. He would have a building that would not be useable as a business building. He would perhaps have to take it down. He would then have to erect a residential structure on a pre-shaped piece as 20,000 square feet at the corner of Parker Road, Sound Avenue and 25A.

Now there have been some people that have called the area which is about 3,000 feet long running between

PUBLIC HEARING - continued

Sound Avenue, Parker Road and along 25A strip zoning. I believe that's erroneous. You're talking about a relatively small area. You're not talking about two or three miles in the middle of Centereach or Selden. So I think to label a 500 foot zone that's 3,000 feet long, a strip in the Town of Riverhead is incorrect. You don't have zoning all the way — business all the way down to 25 on 25A.

I would point out further, as a last point, that you're asking to put residential homes along 25A. If 25A is the Route that it's supposed to be and is enlarged over a period of years, has the cemetery entrance off it, has some business on it, you can't ask people that now own the business property to reduce the value of their property and attempt to sell it for residences because, in fact, it won't sell as residences. And if it does, it will be a lot uglier type residences than the business issue you have. And I would ask the Board, again, please study this and give us an opportunity to come to the Joint Board Meeting, to the Planning Board Meeting and to come back again and talk to you. Thank you."

Supervisor Smith: "Thank you Mr. Cuddy. Anyone else on these matters?"

No one else wishing to be heard and no further communications having been received thereto, Supervisor Smith declared the hearing closed at 9:45 P.M.

PERSONAL APPEARANCES

Supervisor Smith: "We come to that portion of the agenda where we will listen to anyone to be heard."

Ronald Eck; 984 East Main Street, Riverhead; "It seems evident, Mr. Smith, that you don't like me to talk up here, when I walked up before you stopped me."

Supervisor Smith: "Mr. Eck, I give every opportunity that you want. Go ahead."

Ronald Eck: "I'm going to recall the first Town Board Meeting that I attended which was five meetings ago. I have stated, Members of the Board, and I said public citizens #1, the taxpayers, and I felt that my bill of rights had been violated which I still think they have and right here in this room, that same evening, by a Town Official, the Town Board was lied to. I won't mention that official's name. The next morning, he apologized to me, but at the same time he still lied to me and I had proof

PERSONAL APPEARANCES - continuedRonald Eck continues:

of that because somebody was a witness to that with me.

Also the second meeting I attended, I was told by a Mr. Young, who represented Cablevision, in fact, right in here at the Town Board he has stated that I had — how you would say, you'll have to excuse me tonight. I'm in much pain tonight. I've done a few things today which I shouldn't have been doing. I have feelings for everyone. I was more or less — this Mr. Young, who represented Cablevision, said that — I can't think of the word right now, but he more or less said I was discriminating against certain people. There was another man here who is a Town Official, that evening, which you know about, he told me personally that I was discriminating against certain people, where him, being a Town Official, and should know his streets in Riverhead, didn't even know the streets we were talking about. We were talking about Delores Avenue and he kept on insisting it was Doris Avenue. Doris Avenue happens to be in the Greenes. Delores Avenue happens to be on Route 58 right near Herb Obser Motors. So this Official shouldn't even be an Official, less alone be somebody in Riverhead, if he doesn't know his areas. Also he had stated that I was discriminating which I wasn't. I was more or less bringing up the fact that Cranberry Street has no more homes on it and why should we be paying for a Cablevision line, which Cablevision this week is stating in the papers, I should say last week, a big issue that they are doing things for the people. They are also doing things for themselves. Now let me put it this way, this man, Mr. Young, had stated, now I don't have this written down, but I remember many things. He stated these people have money. There are only two people, or three people, I should say, that has, two people I would say that has any kind of riches in this world and that would be the syndicate and also a person like myself and other people in here in this room that work hard to have riches.

And also the third meeting — the first meeting I attended there was talk about the snow storms and everything else. And there was talk from the people, the public stating that the snow removal hasn't been cleaned downtown on the sidewalks from the store keepers, yet I have heard store keepers complain that there is no business down there. I have asked you, Mr. Smith, if I could run a little business from my home because of my condition, and you told me I could, which I am doing. And I get out there, which I think which I have been doing for a number of years running different stores in my life time. I get out there and I sweep the state highway. Now I can't see why some of these store keepers downtown can't get out there and sweep their sidewalk in front of their place

PERSONAL APPEARANCES - continued  
of business. They're complaining about businesses, Main Street is a disgrace. It really is."

Supervisor Smith: "Thank you Mr. Eck."

Mary Beth Andresen, Church Lane, Aquebogue; "The only thing I would like to ask, is if this public ordinance that we were talking about referring to animals is it going to be decided on tonight? Is that going to be tabled for Thursday? Is that going to go to the Tri-Board hearing? Does that go before that thing? Tell me."

Supervisor Smith: "I talked with Mr. Serota and we're trying to schedule a meeting with his group, not for this particular Thursday, but for a month away."

Mary Beth Andresen: "Will anybody be allowed to come to that?"

Supervisor Smith: "Yes. The Tri-Board is always open."

Mary Beth Andresen: "Okay. That's all I wanted to know."

Supervisor Smith: "The third Thursday for zoning and zoning related matters. Planning, Zoning, Town Board, Conservation Advisory Council — anybody that wants to show up. Anybody else? Mr. Eck you had two bites of the apple tonight. Let's find out if anybody else wants to talk. Anybody wish to address the Town Board on any other matter?"

Ronald Eck: "As I said before, I'm in pain tonight and many things I have forgotten. There was a Town Official who promised me something three weeks ago. When I am promised something, I feel it should be kept. Now he promised me that the following weeks something would be done. There was nothing done at the following week. Yet there was a 22 month old child walked across 25, which is Main Street and a storekeeper saw him going across the street and never even stopped him. Now that's a busy street. Now I have asked an Official of the Town, would he place a car there and he told me he would the following week, as two new cars were coming in.

Now I have a phone. I have police cars passing by my home everyday. This Official never called me up to say, Mr. Eck we didn't get our cars or something like that. That same week, I had an incident happen to myself which could have been prevailed if that car would have been there, to slow down some of this traffic that's a 30 mile limit speed zone where I live. I thought it was 40. In fact, this

PERSONAL APPEARANCES - continued

past week I called Sergeant Burns from the State Troopers because I am really annoyed with some of the tactics that I'm getting from local authorities.

Also I have spoken with Mr. Young and I have spoken with Mr. Horton about some sidewalks and I understand that you would not release any money to Mr. Horton and Mr. Young would speak to you about this. Now I have a invalid woman next door to me, which right in front of her house is a patch of sidewalk which is very bad. Now last year she broke her hip."

Supervisor Smith: "Mr. Eck, where is the sidewalk? Just tell us."

Ronald Eck: "Right in front of Mrs. Terry's house. Mr. Horton looked at it. Mr. Horton told me he was going to put it in writing and Mr. Young knew about the same thing."

Supervisor Smith: "Let's let the Italian version take a shot at it."

Ronald Eck: "I know John will do a good job."

Supervisor Smith: "Thank you."

Uris Kaugerts, "I live on Hartford on the Sound in Wading River. The roads were a disaster this winter. Can the roads be fixed?"

Supervisor Smith: "Let the great white father handle that one. He speaks to the great Highway Superintendent. My communications lines are severed."

RESOLUTIONS

#192 GRANTS AGWAY, INC., SPECIAL PERMIT

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

WHEREAS, Agway, Inc., Fertilizer Division has made application to the Town Board of the Town of Riverhead for a Special Permit pursuant to Riverhead Code Section 108-48 (B.), to install a new fiberglass tank with a 12 foot diameter by 30 feet high to be located on the Agway premises at 205 Marcy Avenue, Riverhead, New York, for the storage of phosphoric acid for fertilizer, and

WHEREAS, A duly authorized and noticed Public Hearing was held at Riverhead Town Hall, on March 7, 1978, at 8:30 P.M., at which time no one wished to be heard regarding this application, and

WHEREAS, Said Application was referred to the Town

RESOLUTIONS - continued

Planning Board, which on January 5, 1978, recommended approval of said Application subject to the compliance of all applicants regulations for the storage of phosphoric acid and including but not limited to the construction of a dike of adequate size around the existing tank and the proposed tank, it is hereby

RESOLVED, That the Application of Agway, Inc., Fertilizer Division for a Special Permit be granted, pursuant to Riverhead Town Code Section 108-48. (B.), to install a new fiberglass tank for the storage of phosphoric acid with the aforementioned dimensions and location deemed incorporated herein, provided that Agway, Inc., comply with all applicable laws, ordinances and regulations for the storage of phosphoric acid and including but not limited to the construction of a dike of adequate size around the existing tank and the proposed tank, and pursuant to the plans and specifications on file with the Planning Board and the Building Department of the Town of Riverhead.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#193 AWARDS BID FOR FILLING OF SITE OF TOWN SERVICE GARAGE AT ROUTE 58

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, The Town Clerk has duly published and posted advertisements for bids for the Filling of the Site of the Town Service Garage at Route 58, Riverhead, New York, and

WHEREAS, All bids were opened by the Town Clerk on Monday, April 10, 1978, at 11:15 A.M.,

BE IT RESOLVED, That the bid for the Filling of the site of the Town Service Garage at Route 58, Riverhead, New York, be and is hereby awarded to the lowest lump sum bidder, PECONIC EXCAVATORS, INC., Box 362, Aquebogue, New York 11931, at the total lump sum cost of \$6,950.00, subject to unit price adjustments, as stipulated in the filed Bid Specifications, and

FURTHER RESOLVED, That the acceptance of this Bid is subject to the Bid Specifications filed in the Office of the Town Clerk.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and before Supervisor Smith voted, he stated: "Similar to prior occasions when this particular contractor has come before the Town Board in similar matters, this contractor was a client of mine and happens to be one of my best friends and I abstain from voting."

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#195 GRANTS JOSEPH PICONE SPECIAL PERMIT RE: STUCCO  
Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, Joseph Picone has made Application to the Town Board of the Town of Riverhead for a Special Permit for a non-nuisance industry pursuant to Riverhead Town Code Section 108-45. (B.), for the Manufacture of Stucco and Stucco Products, which he alleges would have no adverse effects upon the environment or ecology of Riverhead, in approximately 5,500 square feet of the building commonly known as the old Grumman warehouse located on the south side of Middle Country Road, New York State Route 25, and

WHEREAS, A duly authorized and noticed Public Hearing was held at Riverhead Town Hall, on March 21, 1978, at 8:45 P.M., wherein Gordon Ahlers Consulting Engineer for Mr. Picone represented that the operation was self contained, that no dust would be deposited into the outside air, and that noise would be kept within the building as no doors or windows would be open during the process, and

WHEREAS, Said Application was referred to the Town Planning Board, which on April 6, 1978, recommended approval subject to the following conditions:

1. That the Town Board receive a report from the Building Inspector setting forth site improvements that may be necessary to meet the requirements of the Zoning Ordinance of the Town of Riverhead and the contents of said report be made a condition to the granting of the approval:

2. That the Town Board require the owner to submit an approval for the stucco manufacture from the Suffolk County Department of Health Services:

3. That the developer submit proof that the proposed method of the manufacture of Stucco and Stucco products meets the requirements of O.S.H.A., it is hereby

RESOLVED, That the Application of Joseph Picone for a Special Permit for a non-nuisance industry be granted, pursuant to Riverhead Town Code Section 108-45, (B.), for the Manufacture of Stucco and Stucco Products with the aforementioned area and location deemed incorporated hereto, subjected to the following conditions:

1. That Joseph Picone comply with the contents of a report issued by the Building Inspector setting forth site improvements that the Building Inspector deems necessary to meet the requirements of the Ordinances of the Town of Riverhead.

RESOLUTIONS - continued

2. That Joseph Picone submit an approval from the Suffolk County Department of Health Services for the Manufacture of Stucco and Stucco Products.
3. That Joseph Picone submit proof that the proposed method of the Manufacture of Stucco and Stucco Products meets the requirements of O.S.H.A.
4. That the Manufacture of Stucco and Stucco Products be self-contained, that nothing therefrom be deposited in the air or ground waters, or otherwise have any adverse effects upon the environment or ecology of the Town of Riverhead.
5. That whenever the process for the manufacture of Stucco or Stucco Products is taking place, all doors, windows and any other area of emission of the processing area is to be closed.

AND FURTHER RESOLVED, That in conformity with the plans and specifications on file with the Building Department of the Town of Riverhead and all other Boards of the Town of Riverhead.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#196 GRANTS JOSEPH PICONE SPECIAL PERMIT RE: COMMERCIAL SOAP  
Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, Joseph Picone has made Application to the Town Board of the Town of Riverhead for a Special Permit for a non-nuisance industry pursuant to Riverhead Code Section 108-45. (B.) for the Manufacture of Commercial Soap, which he alleges would have no adverse effects upon the environment or ecology of Riverhead, in approximately 6,600 square feet of the building commonly known as the old Grumman warehouse located on the south side of Middle Country Road, New York State Route 25, and

WHEREAS, A duly authorized and noticed Public Hearing was held at Riverhead Town Hall, on March 21, 1978, at 8:30 P.M., wherein Gordon Ahlers is self-contained, manufacturing process, that nothing from the process would be deposited in the environment, and

WHEREAS, Said Application was referred to the Town

RESOLUTIONS - continued

Planning Board, which on April 6, 1978, recommended approval subject to the following conditions:

1. That the Town Board receive a report from the Building Inspector setting forth site improvements that may be necessary to meet the requirements of the Zoning Ordinance of the Town of Riverhead and the contents of said report be made a condition to the granting of the approval:
2. That the Town Board require the owner to submit approval for the soap manufacture from the Suffolk County Department of Health Services, it is hereby

RESOLVED, That the Application of Joseph Picone for a Special Permit for a non-nuisance industry be granted, pursuant to Riverhead Town Code Section 105-45, (B.), for the Manufacture of Commercial Soap with the aforementioned area and location deemed incorporated herein, subject to the following conditions:

1. That Joseph Picone comply with the contents of a report issued by the Building Inspector setting forth site improvements that the Building Inspector deems necessary to meet the requirements of the ordinance of the Town of Riverhead.
2. That Joseph Picone submit an approval from the Suffolk County Department of Health Services for the Manufacture of Commercial Soap.
3. That the Manufacture of Commercial Soap be self-contained, that nothing therefrom be deposited in the air or ground waters, or otherwise have any adverse effects upon the environment or ecology of the Town of Riverhead.
4. That whenever the process for the manufacture of commercial soap is taking place, all doors, windows and any other area of emission of the processing area is to be closed.

AND FURTHER RESOLVED, That in conformity with the plans and specifications on file with the Building Department of the Town of Riverhead and all other Boards of the Town of Riverhead.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued#197 AUTHORIZES SUPERVISOR TO EXECUTE SETTLEMENT OF  
O'KANE MATTER

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, Robert O'Kane has filed certain tax certioraries, now pending from the tax year, 1975/1976, and

WHEREAS, Special counsel has recommended settlement of said action,

NOW, THEREFORE, be it

RESOLVED, That the Supervisor, be and he hereby is, authorized to execute the necessary documents to settle said action for an assessed valuation of Six thousand and 00/100 (\$6,000.00) Dollars, resulting in a refund of approximately Five hundred seventy-five and 00/100 (\$575.00) Dollars for the tax year, 1975/1976.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#198 APPOINTS WILLIAM KELLY TO POSITION OF HEAVY  
EQUIPMENT OPERATOR OF SANITARY LANDFILL

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

WHEREAS, This Town Board has previously appointed William Kelly to a position at the Sanitary Landfill and this Board's prior resolution designated said position as "Construction Equipment Operation, and the position vacancy was actually "Heavy Equipment Operator",

NOW, THEREFORE, be it

RESOLVED, That this Town Board's prior resolution be amended to appoint William Kelly to the position of Heavy Equipment Operator and is in all other respects ratified and confirmed.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#200 RETAINS E.F. TUCCIO AND J.S. BAGSHAW, JR. TO  
APPRAISE CERTAIN PROPERTIES

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

WHEREAS, The Town Board wishes to obtain appraisals on certain properties offered to the Town Board for potential expansion of the Town Hall site and Stotsky Park,

NOW, THEREFORE, be it

## RESOLUTIONS - continued

RESOLVED, That Edwin Fishel Tuccio and John S. Bagshaw, Jr., be, and they hereby are, retained to perform appraisals of certain properties of Demchak and Zlatniski, and lands of Sternlicht.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#201 AUTHORIZES SUPERVISOR TO EXECUTE CONTRACT FOR PURCHASE OF 500 DOCTORS PATH

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

WHEREAS, The Town Board has established a fund under the Community Development Act for the acquisition and demolition of blighted areas, and

WHEREAS, This Town Board has obtained appraisals of certain property, known as 500 Doctors Path, and

WHEREAS, Said appraisals have been revealed to the owner and said owner wishes to sell said parcel for the highest appraised value,

NOW, THEREFORE, be it

RESOLVED, That the Supervisor be, and he hereby is, authorized to execute a contract with the Marine Midland Bank for the acquisition of certain property, known as 500 Doctors Path, for a contract price of Forty-seven thousand and 00/100 (\$47,000.00) Dollars, subject to the provisions of the Town Law.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith then stated: "Bob Hartman is going to pay the brokerage on that because we're increasing the value of his property right across the road."

#202 AUTHORIZES PUBLIC HEARING OF APPLICATION OF JOHN DUDA FOR A SPECIAL PERMIT, PENDING PLANNING BOARD HEARING

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

RESOLVED, That the application of John Duda for a special permit to operate a drive-in restaurant at the northwest corner of Main Street and Philip Street, Riverhead, New York, formerly the site of "Rickys", said site being located in the Business C District, be referred to the Planning Board, and be it

FURTHER RESOLVED, That the Town Clerk is hereby

RESOLUTIONS - continued

authorized to publish and post a notice of public hearing with reference to the same.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE That a Public Hearing will be held on May 16, 1978 at 8:00 P.M., o'clock, at the Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons in the matter of the application of John Duda for a special permit to operate a drive-in restaurant at the northwest corner of Main Street and Philip Street, Riverhead, New York, formerly the site of "Rickys", said site being located in the Business C District.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#203 OPPOSING ASSEMBLY BILL RE: ASSESSORS

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

WHEREAS, A Bill has been introduced in the New York State Assembly, Assembly Bill 3503-B which would amend the real property tax law by granting the power out to the Board of Equalization and Assessment to remove from Office any Assessor appointed by a Municipality pursuant to law for failure to obey a written direction of the State Board, and

WHEREAS, Town Government Non-elected Assessors are appointed by an elected Town Board are responsible to the people, and

WHEREAS, The proposed legislation constitutes a gross violation of Home Rule and a preemption of local government responsibility and where there has been no showing of the present system of selecting Town Assessors is deficient in any manner,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Riverhead herein sets forth its opposition to Assembly 3503-B and urges New York State Legislature from Enacting said Bill into law, and

BE IT FURTHER RESOLVED, That the Town Clerk send a copy of this resolution to the Members of the Assembly representing District wholly or partly within the Town of Riverhead.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#204 ADJOURNS TOWN BOARD MEETING UNTIL APRIL 25, 1978  
Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, This Board wishes to take those steps necessary to authorize the bonding of certain sewer laterals on or adjacent to Ostrander Avenue, and

WHEREAS, Said action requires certain format resolutions,

NOW, THEREFORE, BE IT RESOLVED, That this meeting of the Town Board be adjourned till 4:00 P.M., in this room, on April 25, 1978 for the purposes of adopting bonding resolutions with reference to the aforesaid.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

PERSONAL APPEARANCES

Supervisor Smith: "Mr. Nohejl, would you like us to take up your suggested resolution with reference to maps or do you want to talk to us about how much it's going to cost before you have us start spending your money."

Bill Nohejl: (Inaudible).

Supervisor Smith: "That's with reference to the registered letter thing. Let's talk about the one that really costs the buck, which is putting a map in the paper. Mr. Grasso would be very happy to take our money."

Bill Nohejl: (Inaudible).

Supervisor Smith: "I don't doubt that, Bill, but what we're trying to do and one of the very interesting things that has come out this evening — you come regularly, but we get the speculators out tonight, and what we're not doing Bill is waiting for these things to catch up with us. We're trying to take some affirmative steps and get some things out in the open. Now about the potential of the community, as long as everybody understands these things affirmatively, rather than reacting to things when they happen some time in the future. But when we do that Bill, we the Town Board, the Joint Board, either Conservation Advisory Council or whatever, we are the people proposing the changes. Do you want to talk to us about it and we'll try to give you some idea of what we're talking in the way of cost."

Bill Nohejl: (Inaudible).

PERSONAL APPEARANCES - continued

Supervisor Smith: "I know you don't."

Bill Nohejl: "This past notice on change of zone — all week I wanted to come down and look at these maps, but I just couldn't get down here. And I bet you a lot of other people don't even know where this property is. If they had a diagram in the paper, it would give them an idea where it is and they would be able to come here and talk."

Supervisor Smith: "Would you permit us to the latitude of not chiseling it in stone this evening? You may even lose the vote, I don't know. But to discuss it with you and if we believe in the merits of it, then what you say — act on it the next meeting."

Bill Nohejl: "Well this is done in Brookhaven. I don't see why it can't be done here."

Supervisor Smith: "Let's go off the record."

At this time Supervisor Smith and Bill Nohejl continued their conversation off the record.

There being no further business on motion and vote, the meeting adjourned at 10:40 P.M.

*Irene J. Pendzick*

IJP/vlv

Irene J. Pendzick, Town Clerk