

Minutes of the Town of Riverhead Board meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, March 4, 2014 at 2:00 p.m.

PRESENT:

Sean M. Walter	Supervisor
John Dunleavy	Councilman
James Wooten	Councilman
George Gabrielsen	Councilman
Jodi Giglio	Councilwoman

ALSO PRESENT:

Diane M. Wilhelm	Town Clerk
Robert Kozakiewicz	Town Attorney

The meeting was officially opened at 2:00 p.m. by Supervisor Walter with the Pledge of Allegiance. This was followed by the invocation given by Deacon Peter Schultz from St. John the Evangelist Roman Catholic Church in Riverhead.

Supervisor Walter asked Robin DeAndrea from the Long Island Chapter of the National Multiple Sclerosis Society to come forward to receive a Proclamation which he then read.

The Proclamation proclaimed March “Multiple Sclerosis Awareness Month.”

Robin thanked the Supervisor and the Town Board for their acknowledgement and support of the Multiple Sclerosis Society.

Councilman Dunleavy made a motion, which was seconded by Councilman Gabrielsen to approve the minutes of the February 19, 2014 Town Board Meeting. Motion carried, minutes were accepted.

CORRESPONDENCE

- Peter Danowski, Esq. – letter regarding the public hearing of February 4, 2014 on the Special Permit Application of Mainstream House LLC – 755 East Main Street, Riverhead (SCTM #0600-127-7-15)
- Riverhead Volunteer Ambulance Corp - letter of thanks to the Town Employees that worked diligently during the snow storm of January 21-22 to keep the ambulance barn parking lot free of snow
- Bob Johnson – letter expressing concern over the unplowed sidewalks on Route 58

REPORTS

- Tax Receiver Total Tax Collection to date as of February 19, 2014 - \$71,803,847.71
- Tax Receiver Total Tax Collection to date as of February 26, 2014 - \$72,011,500.09
- Sewer District – Discharge Monitoring Report January 2014
- Town Historian Annual Report

APPLICATIONS
(Pending Town Board Approval)

Special Events (Chapter 90)

- LI Moose Classic Car Club May 10, 2014 at Lowes Plaza Route 58, Riverhead
- Long Island Aero Modelers Association (LIAMA), Nation Model Aviation Day Fly In, August 15, 16 & 17, 2014 at EPCAL runway
- Starfish Junction Productions Country Style Fair, April 12, 2014 at Hallockville, Jamesport

Parade/Assembly

- L.I. Moose Classic Car Club, April 6, 2014, from Riverhead (Home Depot, Mill Road, to Orient State Park, Sound Avenue)

PUBLIC HEARING

Supervisor Walter: “There are two Public Hearings tonight. The first is supposed to start at 2:05 p.m. and it is now 2:10 p.m. and this is the Consideration of a Special Permit Application of 626 West Main Realty, LLC (West Main Street Atlantis Mart) to demolish and reconstruct an existing gas station at 626 West Main Street, Riverhead, New York (SCTM #0600-124-3-21.1. Diane did you get the affidavits to publish and post?”

Diane Wilhelm: “Yes I did, they’re right here.”

Supervisor Walter: “Alright, does anybody from the applicant wish to be heard?”

Councilwoman Giglio: “This is the Atlantis Mart.”

Supervisor Walter: “I think we’ve been here before.”

Keith Brown: “Yes we have actually. Deja vu. Good afternoon Mr. Supervisor, members of the Board.”

Supervisor Walter: “I’m going to have a slightly different question for you because it came up at the Regional Planning Council so Gary I want you to listen to this because this is a reconstruction of the gas station on West Main Street, 626 what is?”

Keith Brown: “626 West Main Street.”

Supervisor Walter: “No, what is it, next to the Post Office Annex?”

Keith Brown: “Right now it’s a BP.”

Councilman Dunleavy: “Oh on the other side.”

Supervisor Walter: “So my question for our; I want to make sure that the gas station is not within the zone of influence of our water district wells which I don’t think it is but Gary will probably be able to figure that out shortly. Go ahead Keith.”

Keith Brown: “Ok. Thank you Mr. Supervisor.”

Supervisor Walter: “If you could just state your name and affiliation for the record.”

Keith Brown: “Sure, nice to see you all. Keith Brown; Brown & Lohman, 510 Broad Hollow Road, Suite 110, Melville, NY, 11747.

I’m here today with respect to 626 West Main Street Realty, LLC’s application for a special permit in connection with its application to expand and renovate the existing motor vehicle fueling station to include an accessory convenience store with a small Dunkin Donuts counter at the property located at 626 West Main, Riverhead, NY.

As a matter of housekeeping, mailing and compliance notices and all required postings were completed in accordance with the town code by High Point Engineering and the original affidavits, mailings and postings were submitted to the Town Clerk’s office.

You may recall that this property was subject to a recent application for a special use permit to renovate the existing building and construction of a proposed convenience store and received approval from this Board on October 16, 2012 under Resolution #800. Since that time the property was sold to Atlantis Management about a year ago and they’re coming before you today with a much improved (inaudible) application.

By way of background, the site has been a motor vehicle fueling station since 1971 while the accessory convenience store has been in operation since 1997 under validated seals dated January 12, 1971 ZBA #1486 and March 5, 1997 CO #22723 respectively.

At this time I would like to submit a copy of the October 16, 2012 Town Board approval together with the other documents the application will be relying on today.”

Supervisor Walter: “Thank you. So Keith, you don’t want us to incorporate the other Public Hearing by reference or anything?”

Keith Brown: “It’s really not necessary, you know because it kind of stands on its own. It’s a brand new application.”

Supervisor Walter: “Ok.”

Keith Brown: “(inaudible) use of a Special Use Permit application is necessary to permit the expansion of the existing gas station to allow the applicant to operate the accessory convenience store and Dunkin Donuts counter at the property pursuant to Town Code Article 13, Section 108-51, Subsection A. All required variances for this property were recently granted by the town’s Zoning Board of Appeals just last month on January 24th of this year. While the applicant further asserts that the proposed proposal before this Board today is substantially similar to that approved by the Board in 2012; the current plan is far superior than the previous plan.

The new plan calls for the demolition of the existing building pushing the building farther back in order to make better use of the property with better site circulation. In addition Atlantis

has reduced the number of pumps from six to four but increased the size of the convenience store from twelve hundred to eight hundred square feet. Unlike the prior plan the proposed larger convenience store building allows for larger eighty-eight compliant bathrooms and office as well as for the adequate placement of interior mechanicals and a Dunkin Donuts counter area that I referred to before.

Finally as I've testified before this Board on many occasions, the entire gas retail industry is undergoing a complete shift in its business model. Market forces are causing retailers to convert their service space into convenient stores. As reported in the Long Island Business News and Newsday, which I've submitted both articles to the Board, the Long Inland Gas Retailers Association stated that in 2005 they lost approximately twenty percent of their membership and that figure continues to grow today. There are many causes for this. Number one; cars are requiring less maintenance; two, repair equipment is very expensive; three, more people are having their cars maintained at dealerships; four, margin on gas sales are extremely small and finally the Suffolk County Department of Health Regulations require all gas station owners to install double wall tanks at a cost of upwards of three hundred fifty thousand dollars.

As a result many gas stations are required to change and convert to convenience stores or close their doors. However as I've indicated this is not a gas station conversion but a complete raze and rebuild and by doing so we've improved the overall site plan and site circulation of the proposed convenience store.

Now with me today I have a few experts, if you can just raise your hand and be recognized. I have Kyle Wright from High Point Engineering, as well as Matt from Stonefield Engineering. Kyle is going to handle all of the civil engineering portion and Matt will handle any traffic questions that you may have. So they're here to answer any questions the Board may have unless you want to hear their complete testimony."

Supervisor Walter: "Just put them on the record. Let's swear them in and put them on the record just to give an overview so we have; both engineers I guess."

Keith Brown: "One is an engineer. Thank you very much."

Robert Kozakiewicz: "Can you raise your right hand? Do you swear the testimony you're about to give is the truth, the whole truth and nothing but the truth so help you God?"

Kyle Wright: "Yes."

Robert Kozakiewicz: "Ok, thank you."

Kyle Wright: "Good afternoon members of the Board. My name is Kyle Wright of High Point Engineering located at 521 Conklin Street, Farmingdale, NY 11735. As Keith indicated earlier we are here to present this gas station reconstruction where the existing building which is approximately one thousand two hundred and thirty square feet will be demolished. So the existing gas station building will be demolished and so would the existing fuel dispensers. We will rebuild the site with a one thousand eight hundred square foot gasoline station, one story and it will house a convenience store; the point of sale for the gas station and also a Dunkin Donuts counter. Outside of the building we will have four fuel dispensers, three covered under a

proposed twenty four by seventy four foot canopy and those will be serviced by the existing three ten thousand gallon underground storage tanks which are double wall fiberglass.”

Supervisor Walter: “How old are those tanks?”

Kyle Wright: “Those tanks were installed I believe in the nineties. I don’t have that information on me right now but they are more recent as they have the double wall fiberglass tanks so they are up to current county standards.

We are pushing the building back as Keith indicated so that way we can have, provide better site circulation. As you can see the pumps are located closer to the roadway so that way there is circulation in between the parking stalls in the front of the building and the pumps without any conflicts arising. Additionally we have created more landscaped area behind the building which will be defined by vegetation rather than the current dirt and grass area that stands there today.”

Supervisor Walter: “The pumps on the eastern side of the property will be; that’s what you’re getting rid of?”

Kyle Wright: “Yes so this outline, it’s very faint but the pumps will be removed so there is one right here right now that will be removed as well as up in front of the property. There are two gas dispensers right here that are being removed.

The new fuel dispensers will be located approximately twenty-five feet away from the property line and these are the three that are underneath the proposed fueling canopy and then the single dispenser will be located outside of the canopy and that was due to canopy set back issues from the side lot line.

Additionally this dispenser is the only dispenser which will have diesel fuel. The other three dispensers will have gasoline fuel only. This dispenser will have diesel and gasoline fuel.”

Supervisor Walter: “So if you have a diesel truck or car you’re getting wet?”

Kyle Wright: “A little bit, yes. Regarding the site lighting all the lights on site will be provided with LED lights so that way they will reduce the light trespass and pollution outside of the property line. The canopy lights will be the crossover type lights which will be aimed directly at the fuel pumps again to eliminate light pollution and trespass beyond the property line. The LED lights will extend to the area light fixtures which will be located toward the building and the landscape areas to eliminate the parking area and the building sidewalk.

Just let me get a building elevation for you. This is the proposed building elevations. It has been in front of the Architectural Review Board already. They had minor comments and once we move pass this Special Use Permit we will be back into planning and we’ll obtain an approval for the facade of the building. We will have a convenience store sign above the main entry for the Alanis Fresh Market which is the convenience store portion of the building and then we will have a single Dunkin Donuts sign over here on the side, on the front of the building on the Dunkin Donuts wall.

We already obtained variances to have both signs on the front wall of the building so we are now conforming with the code. The building will be white as directed by the Architectural Review Board for our initial submission. Does the Board have any questions?”

Councilwoman Giglio: “What is to the north of this property behind where the convenience store is going where you have the landscaped area?”

Keith Brown: “It’s owned by the Long Island Flower Association.”

Councilwoman Giglio: “Ok, so it’s commercial property.”

Kyle Wright: “Yes.”

Keith Brown: “Yes, it’s all commercial and it backs up to the railroad tracks.”

Councilwoman Giglio: “Because I’d really, I mean, I don’t know how the Board feels about it but rather than having that green space behind the building that no one’s really going to get to enjoy it I’d rather see that building pushed back if you needed to to create more green space along 25.”

Keith Brown: “Well I appreciate the comment Ms. Giglio. I don’t think there’s adequate room because of the width of the property that we could get really too much more. I’d defer that to Kyle on that one.”

Councilwoman Giglio: “What is the setback from that property line that you have to be and what is the setback that is proposed because that green space behind the building I think is just a; it’s, it will be very nice but it will be behind the building, no one will get to really enjoy it or see it for that matter.”

Councilman Dunleavy: “The people on the Long Island Railroad will when the train passes, cause there’s tracks right behind there.”

Kyle Wright: “The rear yard setbacks for that building that is the rail yard. There’s a fifty foot required. We were required to get a variance for that because the building is approximately twenty three and a half feet back from that lot line.”

Supervisor Walter: “So you’re not getting it any closer to that lot line than that.”

Kyle Wright: “Exactly. I believe we pushed it back as far as we could reasonably just enough to show that there was enough traffic circulation in the front yard to provide a safer and more efficient traffic circulation for the tanker truck and the passenger fueling vehicles.”

Keith Brown: “We’re actually at twenty three and a half feet now. Just so you’re aware, this property border on the eastern side is really, there’s a right of way here.”

Councilwoman Giglio: “Yes I know.”

Keith Brown: “There’s a drop curb here, there’s no curb that’s proper so we can’t really do any landscaping along this side that’s where we could probably achieve most of the landscaping if we were to do so. So unfortunately we’re constrained by the site (inaudible) and

we're just trying to make use out of the existing gas use trying to convert it from an old gas use to a new gas use."

Councilwoman Giglio: "So what is that buffer that's in the front along 25? How many feet is that in depth?"

Kyle Wright: "It's approximately a five foot buffer in front."

Councilwoman Giglio: "There's no way you can make it ten and move those gas pumps back a little bit more seeing as you're reconstructing them?"

Kyle Wright: "We wouldn't be able to move them back any further to feel safe about it because then the canopy columns will interfere with the existing underground fuel storage tanks. Additionally we want to provide a enough room for cars to bypass in front of the pumps and so by increasing that we would really have to move back everything and again we're keeping the existing underground storage tanks so that's really as far back as we were comfortable with putting it near the existing tanks."

Councilwoman Giglio: "Ok. The canopy posts you're talking about, that's, explain that to me, a canopy post. Ok, the pumps are here the canopies come out and they have to have posts? Is that what you're saying?"

Kyle Wright: "Yes, there's. Our canopy right now is designed with three columns; one at each fuel dispenser and it's typical to have; it's a typical canopy configuration where there's usually one at every fuel dispenser because the dispensers are spaced out twenty-five feet on center so that's the typical spacing. If we were to provide, even by reducing the amount of columns we have, we would still at least have to have one on both sides of the canopy and this on the eastern canopy column would interfere again with the existing underground storage tanks."

Supervisor Walter: "You can't place a canopy on top of a tank."

Keith Brown: "(Inaudible) just so you're aware of; the lot size is about twenty thousand square feet so we're out of constraining (inaudible) and Kyle and his staff have done a remarkable job based on what we were given. They tried to maximize most (inaudible) landscaping as possible. Right now (inaudible) it's really just scrub and then it's used to park some cars and this used to be the old post office next door to it."

Councilwoman Giglio: "I'm familiar with that."

Councilman Dunleavy: "You're upgrading that area? Which buildings?"

Keith Brown: "Two buildings." (Inaudible)

Supervisor Walter: "Does anybody else have any questions? Anybody from the public have any questions? Mr. Lobona."

Ken Lobona: “Good afternoon Mr. Supervisor.”

Robert Kozakiewicz: “Raise your hand. Do you swear the testimony you’re about to give is the truth, the whole truth and nothing but the truth so help you God?”

Ken Lobona: “Mr. Supervisor, members of the Board. My question is.”

Diane Wilhelm: “Can you just state your name for the record?”

Ken Lobona: “Ken Lobona, 4 Ida Lane, Aquebogue. My question is do you gentleman have to have any permits or anything from the Army Corp of Engineers or the EPA since you’re in the proximity of the Peconic River?”

Supervisor Walter: “You can ask a question and then we’ll have them come back and respond to all the questions at once.”

Ken Lobona: “Ok, that’s my questions.”

Supervisor Walter: “Ok, ok. Thank you. Does anybody else wish to be heard? Mr. Hartmann.”

Robert Hartmann: “Robbie Hartmann.”

Robert Kozakiewicz: “Do you swear the testimony you’re about to give is the truth, the whole truth and nothing but the truth so help you God?”

Robert Hartmann: “So do.”

Robert Kozakiewicz: “Thank you.”

Robert Hartmann: “Robbie Hartmann. Today I’m here representing Long Island Color Flower Association. We got an operation surrounding to get there. My only concern is moving that building back. I think it’s it good thing overall to update everything in town but the only concern that we have is that he said that they got permission to build it closer to the line which comes right against us there and I don’t want to see it to close to inhibit what we might want to do there in the near future. That’s my only concern?”

Supervisor Walter: “Do you think? I mean there are twenty-three feet there; do you think there’s anything that you’re going to do?”

Robert Hartmann: “Well it looks like a lot there, it’s all green; it looks like a lot but.”

Supervisor Walter: “It’s not a lot but.”

Robert Hartmann: “Twenty-three feet isn’t very far. That’s just one length of an old time water pipe.”

Councilman Dunleavy: “Yes, but don’t you have the railroad between you?”

Councilman Gabrielsen: “No that’s north of them, the railroad tracks are north of them.”

Robert Hartmann: “We’re south of the railroad. Are you talking we’re north of the railroad?”

Councilman Gabrielsen: “The tracks are north of the Color Flower Association. There’s nothing between them.”

(Inaudible)

Robert Hartmann: “That’s our only concern is that if they got permission to go a lot further to that line it may inhibit us in the future of what we may.”

Councilman Wooten: “Mr. Hartmann, maybe I’m confused but I thought the Color Flower Association was north of the railroad tracks across from (inaudible).”

Robert Hartmann: “No, that’s Agway; the old Agway was north of the track.”

Councilman Wooten: “You’re south of the tracks?”

Robert Hartmann: “Yes, we got a railroad siding on the north side of our property which puts us on the south side. This is going to back right up against our property there. You guys should know that you just approved, we’re in the middle of getting that new building finished on the other side of the property.”

Councilman Dunleavy: “That’s where the siding was coming in on the south side. That’s what I thought.”

Supervisor Walter: “No it’s on the north side.”

Councilwoman Giglio: “I think they sent to the Zoning Board of Appeals and got relief for that setback and there was a public hearing for the Zoning Board of Appeals where you know this could have been addressed.”

Robert Hartmann: “I may or may not have seen that and didn’t understand that.”

Councilwoman Giglio: “Ok.”

Supervisor Walter: “Let’s do that.”

Robert Hartmann: "I'm telling you right now I'm just here as an observer to look at it and that's the only concern that we would have. If they got extra permission to put it to close it's possible to bother something that we may want to do in the near future."

Supervisor Walter: "I don't know why it would be. Well the normal setback is fifty feet. They got a variance for more than half so I don't know what; I mean I understand what you're saying but I'm trying to figure out what would inhibit you because even if you. If they got twenty-three feet you could probably build there."

Robert Hartmann: "If we want to do something there; if they got a permit to come closer to the line they may say well we won't give it to you because he's already got that permit to go closer to the line you've got to stay."

Supervisor Walter: "No, it actually works in the reverse. Once the Zoning Board of Appeals sets precedents especially for that particular area if they got a fifty percent relief of that setback line that precedent is set for that area. You would, they'd be hard pressed not to give it to you and smile and say here it is because that."

Robert Hartmann: "I'll remember you said that."

Supervisor Walter: "Well, you can remember but it also will be in the meeting minutes but that sets the precedent for the area. It is a large variance but you would more than likely, depending on what you wanted to do, get the same kind of variance but I can't imagine what you would do that wouldn't allow that."

Robert Hartmann: "Alright, like I say that's our only concern."

Supervisor Walter: "And it's not residential. See if that was residential I would agree with you but it's a commercial property against the commercial property and you're industrial and zoned anyway so you're always going to be talking commercial to commercial."

Councilwoman Giglio: "Would you recommend that a fence be put there because we could put conditions on the Special Permit that a fence be put back there, a six foot tall fence, an eight foot fence so you don't want to see it? Is that what you're saying? What is it, because we can ask them to put a fence as a condition of the approval?"

Robert Hartmann: "I just told you I'm here as an observer to see what's going on and that's the only possible concern that we could have that I know of that if they got extra permission to bring it to the back I know that sometime in the near future here we're going to look to use that space, you know we're the last agricultural supply place on the Island and we've really been doing a heck of a job and you see we're replacing one old building from World War One. We've been here for a hundred and thirteen years and we're looking for another hundred so we're going to be using that space sometime in the near future."

Supervisor Walter: "I think you're going to be ok because once again once they get the setback that the variance for their setback that sets a precedent for the area unless of course

you're going to do something completely off the wall but you're not. You would talk about you're putting a building or something; I don't even know what off the wall type of thing we could even conceive that might stop you."

Robert Hartmann: "Well, it wouldn't be off the wall but."

Supervisor Walter: "Right, that's what I'm saying. I think you'd be ok."

Robert Hartmann: "Ok, I like the way you're saying. I like what you're saying, thank you."

Supervisor Walter: "Twenty-five years from now you guys are going to pull this transcript and say that Supervisor said it would be ok."

Councilman Dunleavy: "You're only concern is with the setback? You're not interested with them putting a fence up?"

Robert Hartmann: "A fence up? There's a fence there now."

Councilman Dunleavy: "No, no. Leaving it grass is ok with you?"

Robert Hartmann: "Yes. I'm just here as an observer and they said they got an extra thing to set it back further and I'm wondering how much that is that can it possibly bother us some time in the future when we want to do something."

Councilman Dunleavy: "Thank you."

Supervisor Walter: "Thanks Mr. Hartmann. Does anybody else wish to be heard on the matter? Alright, if you guys could address the two questions and traffic. Do we want to talk about traffic?"

Councilman Dunleavy: "Do we have a traffic engineer here?"

Keith Brown: "Do you want me to respond to these questions first and (inaudible)."

Supervisor Walter: "Answer these questions first. We didn't bring the traffic engineer up."

Keith Brown: "I'm no zoning attorney but I don't think there's going to be any precedent that's going to stop Long Island Flower Association from doing anything in the future. I mean, the fact is that, you know, we went twice to the Zoning Board of Appeals in the past two-year to get relief that we're seeking and the fact is it kind of shows you the equilibrium that we're trying to strike.

You know back to Ms. Giglio's question before; we can't go any further back because neighbors don't want us to go any further back so that's why we kind of arrived at this twenty-three and a half feet setback because it seems to provide enough buffer to the commercial

property to the north while allowing us to make maximum use of our property to the south so that should answer your first question.

As far as the Peconic River is concerned, I'm not aware of any additional permits that are necessary. This is actually really the third time in the past ten years that this application has been in front of this Town Board and this Town's Planning Department and it has never one been raised as an issue yet it be Army Corp of Engineers or any other agency by any other governmental level that we have here on Long Island."

Supervisor Walter: Yes, I don't think that; I mean our Planning Department would have addressed that. They're pretty thorough."

Keith Brown: "Absolutely. So with that, I think that addresses both these gentlemen's questions and comments that they had."

Supervisor Walter: Does anybody have any traffic questions?"

Councilman Wooten: "Actually I think it does, it's a much better place."

Supervisor Walter: "We would like to see some new revitalization projects on West Main Street."

Councilman Wooten: "I do have one question. Right now there's a big open apron which sometimes acts as a problem for getting in and out. There's a big apron I guess that's not your property, I guess it's adjacent to the."

Keith Brown: You're talking the east side where the old post office was?"

Councilmen Wooten: "Yes, you have a couple cutouts too. Any of that curbing going to be addressed?"

Keith Brown: "Yes, there's going to be some channelizing on West Main Street itself. Because it's a right of way that should preclude us from doing any type of concrete curbing along there but I can tell you, you know right now the site there's very little striping of any parking stalls. I mean it really is kind of a free for all going on there so with the changes that are going to be made, you know, by High Point Engineering and the property owner, you know, it's going to be a hell of a lot better than what's happening there right now. It's more channelized. The curbs will be channelized so people know where to come in and leave from. They'll be stalls directly in front of the store so people know where they can park and there's ample room for people to back up and head out while somebody is even at the pumps filling up. So."

Councilman Dunleavy: "Is there any possibility we can get a no left turn coming out of there because coming out of Raynor Avenue and trying to turn onto Main Street it's rough because traffic is congested there and it's an narrow, 25 is narrow there."

Supervisor Walter: "Let's bring the traffic engineer up."

Keith Brown: "I knew sooner or later we were going to get to the traffic guys."

Councilwoman Giglio: “Can we just finish with the fence issue in the back. It, so the existing fence you’re going to leave or razed?”

Keith Brown: “There is an existing fence and we weren’t planning on touching it.”

Councilwoman Giglio: “What is it? Is it stockade or chain-link?”

Keith Brown: “I think its chain-link but the bottom line is there’s going to be additional landscaping that’s going along there so you actually won’t even see the fence because the shrubbery that’s going to be planted in front of it will block the fence so, ok?”

Councilwoman Giglio: “ok.”

Supervisor Walter: “Alright, Mr. Welch.”

Keith Brown: “Please raise your right hand and be sworn and then take your testimony.”

Robert Kozakiewicz: “Do you swear the testimony you’re about to give will be the truth, the whole truth and nothing but the truth so help you God?”

Matthew Welch: “I do.”

Robert Kozakiewicz: “Thank you.”

Matthew Welch: “I’m Matthew Welch with Stonefield Engineering & Design from Conklin Street in Farmingdale, NY.

I believe the question was with access back onto Main Street. The site has two full movement driveways today and they will both remain in the proposed condition so the left turns outward would still be permitted.”

Supervisors Walter: “Now are people; you still, because of the right away, you still can cut back up to Marcy and that will still happen because that’s a right of way?”

Matthew Welch: “Correct. We won’t, there’s nothing we can really do in that area to further channelize it. It’s an existing condition that we have to deal with.”

Supervisor Walter: “Ok. Does anybody else have any other questions?”

Councilman Dunleavy: “You taking any traffic count to see how busy Montauk Highway is? Not Montauk, West Main Street?”

Matthew Welch: “It gets about fifteen thousand vehicles a day.”

Councilman Wooten: “How many?”

Matthew Welch: “About fifteen thousand.”

Councilman Wooten: “That’s a lot of donuts.”

(Inaudible)

Matthew Welch: “We did prepare as part of our work on this project a Traffic Assessment Report dated February 26, 2014.”

Supervisor Walter: “Why don’t you submit that as part of the record?”

Matthew Welch: “Certainly.”

Councilman Dunleavy: “Thank you.”

Supervisor Walter: Does anybody else wish to be heard on the matter? “

Councilman Wooten: “When are you going to do it? When are you going to build it?”

Keith Brown: “As soon as we get (inaudible) Department approval.”

Supervisor Walter: “Keith if there’s nothing else we’ll close the public hearing and leave it open for written comment until March 14, 2014 at 4: 30 p.m. in the Town Clerk’s office.”

Public Hearing Closed: 2:42 p.m.

Left Open for Written Comment Until: March 14, 2014 at 4:30 p.m.

Supervisor Walter: “We have a second Public Hearing scheduled for 2:10 p.m. and it is now 2:42 p.m. The second Public Hearing is a Consideration of a Proposed Local Law to Amend Chapter 101 of the Riverhead Town Code, entitled “Vehicles and Traffic”, Article X, Snow Events. We’ve kind of been over this before. Does anybody? Bob, do you want to say anything on this?”

Robert Kozakiewicz: “Sure. The next Public Hearing is to amend Chapter 101 which is the vehicle and traffic chapter of code of the Town of Riverhead and it’s to address the town highways. I know there were some questions from; one individual who came in and I’m not sure he’s here today about whether there was going to be any attempts under Chapter 101 to regulate parking or traffic on County or State roadways and there’s not. We don’t have the authority or the ability to regulate same so this is just to deal with town highways in the Town of Riverhead and as indicated in the purpose clause the desire of the Town Board to address problems that are encountered during snow and other winter related type of events so that prompt and efficient removal of snow can be handled by the town Highway Department and it requires that the Town Supervisor or his designee declares a snow emergency and when that’s done there’s a requirement that it be posted on the radio.

If a snow emergency or winter storm emergency is declared that notice shall take effect immediately. The Chief of Police and the Superintendent of the Highways will be notified and

there won't be penalties imposed if during a snow or winter emergency someone fails to adhere to the conditions which is to include keeping their vehicles off of town roads and highways."

Supervisor Walter: "There is to be no parking from 8:00 p.m. till 6:00 a.m."

Councilman Dunleavy: "We do not plow the county and state roads. This is only for town roads."

Robert Kozakiewicz: "We do not have control over the county or state roads so this is just dealing with town highways as designated only."

Supervisor Walter: "Alright, does anybody wish to be heard on this matter? Yes, Mr. Lobona."

Ken Labona: "Mr. Supervisor and the rest of the Board. I happen to think this is very good because it is horrendous out there when we have a snowstorm and trying to get around these cars. I've seen it. I've been in it."

My big question, well a couple of them is instead of having it take place when the Supervisor or whoever declares a state of emergency I think you should have a time frame saying the first of November to the first of March or first of April. Then there's no doubt."

Supervisor Walter: "We debated that for two or three years and this is the compromise we've come up with."

Ken Loboda: "Wow. You have an awful lot of people in this town that don't listen to the radio unless it's in a different language. Are you going to be able to address that? You have an awful lot of people in this town that live on narrow roads down around where the old firehouse is, where the old headquarters is. Are they going to be able to get their cars off the road? I doubt it because they don't know about it and who's going to enforce this?"

Supervisor Walter: "The police department to the extent they can."

Ken Labona: "Well, you have a code on the books right now for sidewalks and you don't enforce that. I've spoken to Code Enforcement and the answer I got was *oh, we've tried, we've sent out letters*, and it doesn't make any difference they don't do anything and I happen to have seen this year a woman with two children, one in a carriage, one in hand walking in front of Riverhead Center in the street because they didn't plow the sidewalks, they didn't clear their sidewalks and when I brought it to the attention of Code Enforcement that was the answer I got, *oh we send letters*."

Supervisor Walter: "That's not part of this hearing."

Ken Labona: "No it isn't but it's part of the whole ball of wax."

Supervisor Walter: "But if you could concentrate on this hearing that would."

Ken Labona: “But it’s part of the whole ball of wax.”

Supervisor Walter: “We understand that but if you could concentrate on this.”

Ken Labona: “Yes but what the Town does Mr. Supervisor; what the Town does, they don’t enforce what they have on the books and you’re going to add something else.”

Supervisor Walter: “Thank you Sir.”

Councilman Wooten: “Yes, this is important and we will add this. This is important because it gives the ability. It’s important for the Highway Department and the Supervisor to have this; it’s just public safety, its road clearing.”

Ken Labona: “Yes, sure.”

Councilman Wooten: “(inaudible) and yes it’s going to take a while for people to start to realize that but I think in the winter months, especially the narrows like Second Street, interior roads, East Avenue, all the interior roads off of Main Street. Maybe we can put signs up that says when plows are under way please remove your cars from off the road. These signs could be put up in the fall time but I think its baby steps. We have to get something on the books now because road clearing is horrendous and once you plow the roads then people dig their cars out now you wind up with a pile of ice in the middle of the street. The highway’s not going to come back four days later and try to plow off this ice that’s in the middle of the road so mostly for safety trying to get the roads cleared they’ll get it; they’ll get it especially after an accident. Baby steps first.”

Ken Labona: “I think it’s great. You know I haven’t done traffic singles in twenty-eight years. I was deeply involved when things like that happened. We had to do some repair work; we couldn’t because there were cars buried. We couldn’t get over to the sidewalk or what have you and I think it’s a great idea.”

Supervisor Walter: “Anybody else wish to be heard on the matter? Not seeing anybody we’ll close the public comment and leave it open for written comment to the Town Clerk’s office until March 14th.”

Public Hearing Closed: 2:45 p.m.

Left Open for Written Comment Until: March 14, 2014 at 4:30 p.m.

RESOLUTIONS

Resolution #132

Councilman Dunleavy: “Calverton Recreation Park Capital Project Budget Adjustment, so moved.”

Councilman Wooten: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #133

Councilman Wooten: “Weeping Willow Motel Open Space Capital Project Closure Budget Adjustment, so moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy.”

Councilman Dunleavy: “Yes and I think this is a great project. Anybody want to go down there park and walk to the river you get a nice view of the river behind the parking area and a picnic area. They did a good job. I vote yes.”

Vote Continued: “Walter, yes. Resolution adopted.”

Resolution #134

Councilman Gabrielsen: “2014 Parking at 406-414 Roanoke Avenue Budget Adoption, so moved.”

Councilwoman Giglio: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #135

Councilwoman Giglio: “Reappoints Member to the Board of Assessment Review, (Brian Mills), so moved.”

Councilman Dunleavy: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes.
Resolution adopted.”

Resolution #136

Councilman Dunleavy: “Adopts 2014 Living Wage, somoved.”

Councilman Wooten: “Seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes.
Resolution adopted.”

Resolution #137

Councilman Wooten: “Appoints a Call-In Clerk to the Tax Receiver’s Office
(Melissa Messina), so moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes.
Resolution adopted.”

Resolution #138

Councilman Gabrielsen: “Authorizes Town Clerk to Publish and Post Notice to
Bidders for Signage Services, so moved.”

Councilwoman Giglio: “Seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes.
Resolution adopted.”

Resolution #139

CouncilwomanGiglio: “Extends Bid Contract for Diesel Fuel with Quogue
Sinclair Fuel Co., Inc. so moved.”

Councilman Dunleavy: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #140

Councilman Dunleavy “Extends Bid Contract for Heating Fuel with Quogue Sinclair Fuel Co, Inc., so moved.”

Councilman Wooten: “Seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #141

Councilman Wooten: “Extends Bid Contract for Sporting Goods, so moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Discussion, Tara? Ray is this, is there a provision in the contract that allows a one year extension?”

Tara McLaughlin: “No, I think they’re all three months. This is just in order to get the bids out and get them returned.”

Supervisor Walter: “Ok. That’s all. Thank you. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #142

Councilman Gabrielsen: “Sets the Fees for Usage of Recreation and Other Town Facilities, so moved.”

Councilwoman Giglio: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #143

Councilwoman Giglio: “Authorizes the Supervisor to Execute Stipulation of Settlement Agreement with Civil Service Employees Association, Inc. Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852, so moved.”

Councilman Dunleavy: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #144

Councilman Dunleavy: “Adopts Local Law to Amend Chapter 108 Entitled “Zoning” of the Code of the Town of Riverhead (108-3 Definitions, Breezeway), so moved.”

Councilman Wooten: “I’ll second.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #145

Councilman Wooten: “Adopts Local Law to Amend Chapter 108 Entitled “Zoning” of the Code of the Town of Riverhead (108-59 Swimming Pools), so moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #146

Councilman Gabrielsen: “Authorizes the Supervisor to Execute a Community Development Block Grant Disaster Recovery Sub-recipient Agreement with the Housing Trust Fund Corporation, so moved.”

Councilwoman Giglio: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy.”

Councilman Dunleavy: “I’m going to abstain because I wasn’t here for the discussion on this and it says here five point five billionand I don’t think we received five point five billion.”

Supervisor Walter: “No, no, no. This is to apply for a Grant but that’s fine. It’s to apply for Grants.”

Councilman Dunleavy: “Then I vote yes.”

Vote Continued: “Walter, yes. Resolution adopted.”

Resolution #147

Councilwoman Giglio: “Resolution Memorializing Support of Senate Bill S.2905 Assembly Bill A.3351 Providing Recourse for Manufactured Home Owners in Manufactured Home Parks who are Confronted with Unjustifiable Rent Increases, so moved.”

Councilman Dunleavy: “And I’ll second it.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #148

Councilman Dunleavy: “Riverhead Sewer Treatment Plant Upgrade Capital Project Budget Adjustment, so moved.”

Councilman Wooten: “Seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #149

Councilman Wooten: “Authorizes the Supervisor to Execute a Rider Agreement for Consultant/Professional Services with Nextiraone, LLC D/B/A Black Box Network Services, so moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio.”

Councilwoman Giglio: “Until we can afford to get a new phone system where we don’t have to pay this company, yes.”

Vote Continued: “Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #150

Councilman Gabrielsen: “General Fund Budget Adjustment, so moved.”

Councilwoman Giglio: “Seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #151

Councilman Gabrielsen: “Authorizes Supreme Court Action against the Owners, Tenants, Occupants and Mortgagees of Premises Located at 1204 Roanoke Avenue, Riverhead, New York, so moved.”

Councilwoman Giglio: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy.”

Councilman Dunleavy: “I have to abstain, I don’t recognize 1204 and I wasn’t here for the last work session so I’m going to save the vote.”

Vote Continued: “Walter, yes. Resolution adopted.”

Resolution #152

Councilman Dunleavy: “Grants Special Use Permit Petition of Mainstream House LLC Single Family Residence, so moved.”

Councilman Wooten: “Seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #153

Councilman Wooten: “Amends Resolution #796 of 2013 and Grants Waiver of Thirty Days Notification Required by the New York State Liquor Authority (Maryann’s Liny LLC D/B/A Maryann’s), so moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

(Inaudible)

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #154

Councilman Gabrielsen: “Authorizes Execution of Contract with Seed Clam Administrator, so moved.”

Councilwoman Giglio: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #155

Councilwoman Giglio: “Authorizes Town Clerk to Publish and Post Public Notice to Expand Riverhead Parking District Boundaries, so moved.”

Councilman Dunleavy: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #156

Councilman Dunleavy: “Pays the Bills, so moved.”

Councilman Wooten: “Seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Supervisor Walter: “We have one Resolution the Ethics Board asked us to take off the floor and that’s to appoint outside Counsel. I guess during the course of various working with the Ethics Board. I guess it’s kind of strange that the Town Attorney’s office represents the Ethics Board and they’d like to have outside counsel. So they’ve spoken to the firm the gentlemen Harvey Besunder and he’s agreed to do it for one hundred and seventy five dollars now so that takes any conflicts out of the Town Attorney’s office. So if I can get a motion to take that one off the floor?”

Councilman Wooten: “I make a motion that we take Resolution 157 off the floor.”

Councilman Dunleavy: “I second it.”

Supervisor Walter: “Moved and seconded to take off the floor. The vote.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 157 is taken off the floor.”

Resolution #157

Councilman Wooten: “Appoints the Law Firm of Bracken, Margolin, & Besunder LLP to act as special counsel to the Riverhead Ethic Board and authorizes the Supervisor to Execute a Retainer Agreement, so moved.”

Councilman Dunleavy: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Supervisor Walter: “Does anyone wish to be heard on any other matter before the Town? Not seeing anybody can I have a motion to adjourn?” All in favor of adjourning?”

Collective ayes.

Meeting Adjourned 3:00p.m.