

**Town of Riverhead**  
200 Howell Avenue  
Riverhead, NY 11901  
<https://www.townofriverheadny.gov/>



**Diane Wilhelm, Town Clerk**  
Telephone: 631-727-3200

**Town Board Regular Meeting Minutes  
Tuesday, December 18, 2018 – 6:00 PM**

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**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE TO THE FLAG**

The meeting was called to order at 6:07 PM by Town Supervisor Laura Jens-Smith

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Laura Jens-Smith	Town Supervisor	Present	
James Wooten	Councilman	Present	
Jodi Giglio	Councilwoman	Present	
Tim Hubbard	Councilman	Present	
Catherine Kent	Councilwoman	Present	

**II. INVOCATION**

**1. Pastor Daniel Orellaria, Iglesia Pentecostes Familia De Dios**

**III. APPROVAL OF MINUTES OF**

- 1. Town Board - Regular Meeting - Dec 4, 2018 2:00 PM Accepted**
- 2. Amend Minutes of 2:00 PM, Nov 7, 2018 Town Board Meeting to Include Transcription of Nov 1, 2018 Work Session Budget Discussion - Accepted**

**IV. ANNOUNCEMENTS**

The Supervisor announced that there will be a community blood drive on December 28<sup>th</sup> from 1:00 p.m. to 7:00 p.m. at the Riverhead Fire Department Headquarters Building on Roanoke Avenue. Walk-ins are welcome and all donors will be entered into a raffle to win a gift certificate to the Suffolk Theater. For more information or to make an appointment you can call Lauren at 631 369-9136. All donors are greatly appreciated.

Town Hall is hosting an art reception this evening, December 18, 2018 until 7:00 p.m. in partnership with East End Artist, Paul Dempsey. His work will be featured at Town Hall

for the next few months. The Supervisor urged the town residents to come and view the beautiful photography that is on display.

Supervisor Jens Smith again reminded everyone that if you haven't already signed up for e-notifications please do so. You will be notified by e-mail of upcoming meetings, agendas, and other town events. You can register at [www.townofriverheadny.gov](http://www.townofriverheadny.gov) <<http://www.townofriverheadny.gov>> and click on e-notifications.

Supervisor Jens Smith wished everyone a Merry Christmas and Happy Holidays to all.

Councilman Hubbard thanked Councilman Wooten and Town Attorney Robert Kozakiewicz for the bonfire and holiday parade saying it was a great day with a big turnout and a little bit of snow flurries adding to the festivities.

Councilman Hubbard made a motion that the minutes of the December 4, 2018 Town Board meeting and the amended minutes from the November 7, 2018 Town Board meeting to include the transcription of the November 1, 2018 Work Session Budget discussion be approved. Motion was seconded by Councilwoman Kent and carried.

## **V. REPORTS**

- 1. Tax Receiver November 2018 Utility Collection Report - \$327,061.03**
- 2. Police Department November 2018 Monthly Report**
- 3. IDA - Resolution Adopting Proposed 2019 Budget**
- 4. IDA, Economic Job Development Corp. Resolution Ratifying Approval of 2019 Budget**

## **VI. CORRESPONDENCE**

- 1. Martin Sendlewski - Letter Regarding Proposed DC-1 Zoning Changes and Request Information as to Upcoming Meeting Dates for the Downtown Revitalization Committee**

## **VII. PUBLIC HEARINGS**

- 7:05 P.M. - the Consideration of a Proposed Local Law to Amend Chapter 301 of the Riverhead Town Code, Entitled "Zoning and Land Development" (301-353. Opposing, Obstructing Enforcement Officer; Penalty)**

## **VIII. COMMENTS ON RESOLUTIONS**

## **IX. RESOLUTIONS**

- 1. 2018-923 Approves 2019 Special Event Application Fee Schedule**Adopted
- 2. 2018-924 Extends Bid Contract for Removal of Household Hazardous Waste**Adopted
- 3. 2018-925 Authorizes the Supervisor to Accept Declaration of Covenants and Restrictions to Limit and Exhaust All Remaining Rights to Construct Condominium Units Approved by Special Permit of the Town Board by Resolution #680 Dated November 3, 1982**Tabled
- 4. 2018-926 Issues Negative Declaration Pursuant to SEQRA and Grants Special Permit Approval for the Special Permit Application of the Real Life Church of Wading River Expansion 29 Dogwood Drive, Wading River, NY SCTM Nos. 600-72-2-2, 600-72-2-7, 600-72-2-8**Adopted
- 5. 2018-927 Extends Contract Nunc Pro Tunc for Youngs Avenue Landfill Post Closure Inspections, Testing and Reporting Activities**Adopted
- 6. 2018-928 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Entitled " Zoning and Land Development" of the Riverhead Town Code (Districts and Boundaries)**Adopted
- 7. 2018-929 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Entitled " Zoning and Land Development" of the Riverhead Town Code (COMMERCIAL SOLAR ENERGY PRODUCTION SYSTEMS)**Adopted
- 8. 2018-930 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 217 Entitled " Buildings, Building Construction and Improvements and Housing Standards" of the Riverhead Town Code (Blighted Property)**Adopted
- 9. 2018-931 Awards Bid for Water Service Materials for Use in the Riverhead Water District**Adopted
- 10. 2018-932 Appoints Marriage Officer**Adopted
- 11. 2018-933 Appoints Marriage Officer**Adopted
- 12. 2018-934 Authorizes the Supervisor to Execute an Agreement with Arleen Bobal for Transcription of Town Meetings**Adopted
- 13. 2018-935 Extends Bid for Electric Motor Repair/Replacement Including Emergency Repair for the Riverhead Water District**Adopted
- 14. 2018-936 Authorizes Town Clerk to Publish and Post Notice to Bidders for Sensus Water Meters and Accessory Equipment, or Reasonable Equivalent for Use by the Riverhead Water District**Adopted

15. 2018-937 **Ratifies Authorization for the Supervisor to Execute an Agreement with ADP, LLC, to Provide Pre-Employment Background Screening**Adopted
16. 2018-938 **Authorizes the Supervisor's Execution of Certification and Point of Contact Information Sheet with Department of Navy (Loaned Aircraft)**Adopted
17. 2018-939 **Awards Bid - Installation of Variable Frequency Drive at Well No. 3A Riverhead Water District**Adopted
18. 2018-940 **Classifies Action Pursuant to Seqra and Requests Lead Agency Status to Consider a Local Law to Amend Chapter 301 Entitled "Zoning and Land Development" of the Code of the Town of Riverhead (Commercial Solar Energy Production Systems)**Adopted
19. 2018-941 **Authorizes the Supervisor to Execute a Renewal Agreement With Nextiraone, LLC, D/B/A Black Box Network Services Regarding Telephone Maintenance**Adopted
20. 2018-942 **Popeye's Water Service Installation Water District Capital Project #81856**Adopted
21. 2018-943 **Authorizes the Supervisor to Execute a License Agreement With Broadcast Music, Inc. (Bmi)**Adopted
22. 2018-944 **Amends Resolution #883**Adopted
23. 2018-945 **Reappoints a Temporary Student Intern II to the Department of Land Management**Adopted
24. 2018-946 **Adopts a Local Law to Amend Chapter 255 Entitled "Parades, Assemblies and Special Events" of the Riverhead Town Code**Adopted
25. 2018-947 **Extends Contract with Arthur J. Gallagher & Co. Risk management Services for the Implementation Of the Insurance Program for 2019**Adopted
26. 2018-948 **Authorizes Appointment of Third Party Administrator Processing and Payment of General Liability Claims and Workers Compensation Claims and Related Medical Claims for 2019**Adopted
27. 2018-949 **Authorizes the Chief of Police of the Town of Riverhead to Execute an Application/Agreement with Wex Bank, Inc.**Adopted
28. 2018-950 **Appoints a Public Safety Dispatcher I**Adopted
29. 2018-951 **Authorizes Town Clerk to Publish and Post Public Notice to Consider the Adoption of a Local Law Entitled, "Local Law to Increase Salary of Town Highway Superintendent for 2019 Fiscal Year", Subject to Permissive Referendum**Adopted
30. 2018-952 **Ratifies and Accepts the Resignation of a Part-Time Police Officer**Adopted
31. 2018-953 **Establishes Fair and Reasonable Sewer Rent for Out of Town Facilities for Calendar Year 2018 and 2019**Adopted

- 32. 2018-954 Authorizes the Town Supervisor to Execute a Professional Services Agreement with Lawrence M. Levy D/B/A On-Site Productions**Adopted
- 33. 2018-955 Appoints an Automotive Equipment Operator**Adopted
- 34. 2018-956 Authorizes Filing of Formal Notice of Claim for Payment of Assessment and Tax Stabilization Funds from the County of Suffolk for 2018 and 2019 Pursuant to Tax Law Section 1210-A**Adopted
- 35. 2018-957 Water - Plant 15 Wellhead Treatment System Bond Authorization**Not Adopted
- 36. 2018-958 Pays Bills**Adopted
- 37. 2018-959 Water - Plant 15 Wellhead Treatment System Bond Authorization**Adopted

## **X. OPEN COMMENTS FROM THE PUBLIC**

Supervisor Jens Smith: “Ok, at this point I open the meeting up for anybody from the public who would like to come up and comment on anything to the Board.

Martin Sendlewski came forward and said he spoke at the December 4<sup>th</sup> meeting expressing his concerns with regard to the revisions being developed in the DC1 Zone. He continued by saying there was not much involvement by the property owners in the DC1 Zone so last night they held the first meeting of the Riverhead Downtown Property Owners Coalition. The group reviewed the draft of the code making comments on items they would like to have more input on such as issues with regard to design guidelines, etc. One item which was extremely disturbing to the property owners was the height of the buildings which he said would take away and extinguish sixty percent of the owner’s development rights by going from five stories to two stories. Another disturbing part of the code is that the owners can buy TDR’s to go to four stories. He said that’s not “as of right”; that just means they, the town, is trying to make the property owners buy TDR’s at fifty thousand, seventy thousand dollars for every three thousand square feet of floor area. He asked the Board what their legislative intent was in looking to change the code revision because their intent was not clear in the document that has been prepared to date. He said the Coalition believes the issue of TDR’s is only there because of lobbying efforts from third party special interests, that people want to sell more TDR’s.

Councilman Wooten responded by saying the process is not as far along as Mr. Sendlewski and the Coalition believe adding that it is still a working document and everyone will have an input into this matter. Mr. Sendlewski said the Coalition will now be very much involved in the process adding that he is providing a letter from the Coalition to the Board, Town Clerk, Town Attorney and Mr. Murphree stating the Coalition’s review of the draft.

Councilwoman Kent said this is still a work in process and feels it is important that everyone come to the table and discuss this as a group. Councilman Wooten said there has been no third-party involvement that he knows of to which Councilwoman Kent agreed adding that it’s the beautiful farmland in Riverhead that attracts people to the area. Councilman Hubbard thanked Mr. Sendlewski for organizing and putting all the information together adding that he feels it is extremely important that the property owners have a big say

in what's going to happen to their property. Councilwoman Giglio also said she hoped the property owners are paying attention to the work sessions because that's where the decisions are made as to what and when public hearings are held.

Bob Castaldi came to the podium saying that the revitalization of Riverhead has started and it started because it is five floors and there is a definite interest that will continue. However, if the town is contemplating cutting the zoning to two stories or three stories, he feels this will stop the revitalization.

Richard Israel approached the podium saying he understands that the Board has been working on this matter, but he feels anyone who is an owner in downtown Riverhead has never been given notice of the work sessions where this particular matter is being discussed nor have any property owners been invited to be a part of any of the committees.

Councilwoman Kent responded by saying that wasn't true as a notice went out on the media asking anyone wanting to be involved in any of the committees send a letter and a resume to be reviewed.

Mr. Israel said it has taken the last ten years to try and revitalize the downtown area of Riverhead, ten years to attract the people who are willing to build the projects. He said the downtown is beginning to happen but by the town considering to start getting rid of the reason why people have come to town he feels the town will begin to go backwards. He asked that the Board think through their thoughts very carefully because every action has a reaction.

Richard Coffee, President of the Wading River Beach Club spoke about short term rentals on Creek Road. He said short term rental is still continuing even though the town has a thirty-day rental requirement. He said Code Enforcement has been working to curb rentals that are longer than thirty days but says he hopes something else can be done to uphold the thirty-day rental code.

Councilwoman Giglio said that town residents have been very good in notifying Code Enforcement when they see someone staying less than the thirty-day requirement. Supervisor Jens Smith added that Mr. Coffee's concerns will be turned over to Code Enforcement again for them to take a fresh look at the matter.

Dan Sakowitz also came to the podium to speak about short-term rentals. He said in 2016 he came before the Board to speak about this matter but now, two years later this is still a problem. He thanked Councilwoman Giglio for being proactive on this matter asking again if something can be done.

James Csorny who lives in Wading River came forward to also speak about short term rental. He wanted to know why the Police Department and/or Code Enforcement can't take down the plate numbers of those cars parked in the driveways of the rentals. He continued by saying the problem of short-term rental has been going on for ten years and wants to know why nothing can be done to rectify the problem.

Town Attorney Bob Kozakiewicz said the code for thirty-day leasing has only been in effect for five years but agrees that this has been a problem for quite some time.

Mr. Csorny asked that the town continue to look into the matter of short-term leasing and hopefully come up with a solution to the matter.

Charles Cali, a resident of Riverhead Township for forty-six years said he heard that the town is going to start charging organizations, charity or not for permits for special events.

Councilman Wooten responded by saying there is a sliding pay scale with charities and nonprofits being recognized at an entirely different rate.

Mr. Cali said he is the Junior Governor of the Moose Lodge in Riverhead and they do two shows a year with the proceeds from the first show going to the Wounded Warriors of Long Island, Suffolk County of Veterans and the proceeds from the September show going to Moose charities. He also said once a year Coca Cola gives the organization a big trailer which they use to give out free hotdogs and cokes to the students at Pulaski School. He also said the Moose Lodge helps the community as much as they can and he feels it is unfair and unjust for the town to charge them for an event held for charity.

Councilman Hubbard replied by saying if the Moose Lodge was the only charity organization applying, he would agree with him however, over the course of the year the number of charities that apply and hold events in the town cost time and money of the workers in the town. He said this wasn't something the town wanted to do but it was becoming quite costly for the town to process the permits for free.

Mr. Cali asked how much the cost was of processing a permit. Councilman Hubbard responded by saying it depended on the type of permit, how lengthy the event is and how big an event it is. Councilman Hubbard suggested that Mr. Cali go on line and look up Chapter 255 where the costs are broken down as to size, how many people, duration, etc.

Supervisor Jens Smith said the cost of a permit for a charity is greatly reduced for local charities.

Giancarlo Biaggi a property owner in downtown Riverhead and a professional artist said he feels that what the Board is proposing is really cutting down the growth of downtown and thinks the town should hire specialists who are able to evaluate what is happening in the area. He continued by saying a lot of people have invested in the downtown area and the Board is cutting down on their property values with the plan they are proposing.

James Csorny approached the podium again and asked for a clarification on something the Town Attorney had said. He asked that in the lawsuit the town and he, Mr. Csorny has, did Bob say that the Judge had said there are to be no more rentals? Bob replied that he did not say that. He continued by saying the first action was discontinued and the second action is the one the Judge issued the decision. Councilwoman Giglio said that she was the one who mention that in other cases the Judge's had said you are to cease all rentals. Mr. Csorny asked Councilwoman Giglio what case that was. Bob said just to be clear we had two federal suits and a number of state court actions where there were stipulations of settlement and that's where the people were told not to rent illegally.

Martin Sendlewski approached the podium for the second time saying he just wanted to get this on record. If the law, such as the one the town is considering, that reduces the height of a person's development rights on his property to two stories was enacted.

Supervisor Jens Smith interrupted by saying there has been no decision made on the overall height of a building as the town moves forward.

Mr. Sendlewski said he just wanted to make a hypothetical point. If there was a height law in effect that required TDR's to purchase back to develop that site, Mr. Biaggi would not build his art gallery. That is a project that Riverhead would really like to see built but the project would die because financially it would not make sense for Mr. Biaggi to build it.

## **XI. ADJOURNMENT**

The meeting was closed at 7:36 PM

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**Diane Wilhelm, Town Clerk**