

January 25, 2007

Adopted

TOWN OF RIVERHEAD

Resolution No. 89

RE- APPOINTS MEMBER TO THE BOARD OF ETHICS

Councilman Dunleavy offered the following resolution which was seconded by COUNCILMAN BARTUNEK

WHEREAS, on November 16, 2004, the Town Board adopted a revised Ethics Code; and

WHEREAS, the revised Code of Ethics creates a five member Ethics Board with no more than two members from the same political party; and

WHEREAS, the Town Board has agreed on the individuals it wishes to appoint to the Board of Ethics; and

WHEREAS, there exists one vacant position on the Board of Ethics;

NOW THEREFORE BE IT RESOLVED, the Town Board hereby appoints Edward P. Bracken to fill the vacant position on the Town of Riverhead Board of Ethics for a 2 year term.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Edward P. Bracken, P.O. Box 2495, Aquebogue, New York, 11931, the members of the Ethics Board, the Office of the Town Attorney, the Office of the Supervisor, and the Office of Accounting.

THE VOTE

DUNLEAVY YES ___ NO BARTUNEK YES ___ NO
BLASS ___ YES ___ NO DENSIESKI YES ___ NO
CARDINALE YES ___ NO

THIS RESOLUTION WAS ___ WAS NOT THEREFORE DULY ADOPTED

1/25/07

Adopted

TOWN OF RIVERHEAD

Resolution # 90

AUTHORIZES ATTENDANCE AT THE 2007 TRAINING SCHOOL AND ANNUAL MEETING HELD BY THE ASSOCIATION OF TOWNS

COUNCILMAN BARTUNEK offered the following resolution, was seconded by

COUNCILWOMAN BLASS:

WHEREAS, the Association of Towns is hosting their 2007 Training School and Annual Meeting at the Hilton Hotel, New York City, on February 18th through February 21st, 2007; and

WHEREAS, it is the desire of Dawn Thomas, Town Attorney and Richard Hanley, Planning Director to attend such course.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the aforementioned individuals to attend the Association of Towns 2007 Training School and Annual Meeting to be held at the Hilton Hotel, New York City on February 18th through February 21st, 2007; and be it further

RESOLVED, that all related expenses incurred by the employees will be reimbursed upon proper submission of receipts; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Dawn Thomas, Town Attorney; Richard Hanley, Planning Director; the Office of the Town Attorney and the Office of Accounting.

THE VOTE

Dunleavy yes ___ no ___ Bartunek yes ___ no ___
 Blass yes ___ no ___ Densieski yes ___ no ___
 Cardinale yes ___ no ___

**THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED**

January 25, 2007

Adopted

TOWN OF RIVERHEAD

Resolution # 91

RESOLUTION REJECTING THE BIDS RECEIVED BY THE TOWN FOR ELECTRICAL IMPROVEMENT FOR THE CARRIAGE HOUSE RENOVATION-PHASE II

COUNCILWOMAN BLASS offered the following resolution which was seconded by COUNCILMAN DENSIESKI

WHEREAS, the Town Clerk was authorized to publish and a Notice to Bidders for Electrical Improvement for the Carriage House Renovations-Phase II; and

WHEREAS, three (3) bids were received, opened and read aloud on January 8, 2007 at 11:05 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, NY 11901; and

WHEREAS, the low bidder withdrew the bid due to a mathematical error and the two remaining bids exceeded the budget estimate for the proposed improvements;

WHEREAS, the Town Engineer has recommended that the bids received be rejected as the two bids both exceed the estimated budget for the proposed improvements set forth in the bid specification; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board be and does hereby authorize the Town Clerk to return any and all bid bonds received in connection with the Electrical Improvement for the Carriage House Renovation-Phase II; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Kenneth Testa, P.E., Christine Fetten, P.E., Purchasing Department and the Office of Accounting.

DUNLEAVY YES ___ NO BARTUNEK YES ___ NO
BLASS YES ___ NO DENSIESKI YES ___ NO
CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT DECLARED DULY ADOPTED

January 25, 2007

Adopted

TOWN OF RIVERHEAD

Resolution # 92

AUTHORIZATION TO REJECT SOLE BID RECEIVED FOR HVAC SYSTEM IMPROVEMENTS FOR THE CARRIAGE HOUSE RENOVATIONS PHASE II PROJECT AND AUTHORIZES THE TOWN CLERK TO RE-PUBLISH AND RE-POST NOTICE TO BIDDERS

COUNCILMAN DENSIESKI

_____ offered the following resolution which was

COUNCILMAN DUNLEAVY

seconded by _____.

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the Carriage House Renovations Phase II – HVAC Contract; and

WHEREAS, one (1) bid was received and opened and read aloud on January 8, 2007 at 11:05 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, NY 11901; and

WHEREAS, the sole bid received far exceeded the budget estimate for the proposed improvements; and

WHEREAS, the Town Engineer has recommended that the sole bid received be rejected due to the exceeded the budget estimate for HVAC system improvements; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board be and does hereby authorize the Town Clerk to return any and all bid bonds received in connection with the Carriage House Renovation Phase II – HVAC Contract; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Riverhead be and does hereby authorize the Town Clerk to Re-post and Re-publish the attached Notice to Bidders for Carriage House Renovations – Phase II – HVAC Contract in the January 25, 2007 issue of the official Town newspaper: and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Kenneth Testa, P.E., Christine Fetten, P.E., Purchasing Department and the Office of Accounting.

DUNLEAVY YES ___ NO BARTUNEK YES ___ NO
 BLASS YES ___ NO DENSIESKI YES ___ NO
 CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed proposals for the Carriage House Renovation-Phase II – HVAC Contract project will be received by the Town of Riverhead and East End Arts and Humanities Council at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 11:00 am on February 9, 2007 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and/or obtained on or about January 26, 2007 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays or by visiting the Town of Riverhead website: www.riverheadli.com and click on bid requests.

A non-refundable fee of \$50 dollars will be required for all hard copy documents obtained from the Office of the Town Clerk.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked “Carriage House Renovation-Phase II – HVAC Contract” and must be accompanied by a bid surety as stated in the Instructions to Bidders.

The Town of Riverhead reserves the right to reject any and all bids.

BY ORDER OF THE RIVERHEAD TOWN BOARD
Barbara A. Grattan, Town Clerk
Riverhead, NY 11901

Dated: January 25, 2007

Adopted

January 25, 2007

TOWN OF RIVERHEAD

Resolution # 93

RESOLUTION REJECTING SOLE BID RECEIVED FOR PLUMBING IMPROVEMENT FOR THE CARRIAGE HOUSE RENOVATIONS-PHASE II PROJECT AND AUTHORIZES THE TOWN CLERK TO RE-PUBLISH AND RE-POST NOTICE TO BIDDERS

COUNCILMAN DUNLEAVY offered the following resolution which was seconded by COUNCILMAN BARTUNEK

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for Carriage House Renovations-Phase II – Plumbing Contract; and

WHEREAS, one (1) bid was received and opened and read aloud on January 8, 2007 at 11:05 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, NY 11901; and

WHEREAS, the sole bid received far exceeded the budget estimate for the proposed plumbing improvements.

WHEREAS, that the Town Engineer has recommended that the one bid received be rejected due to the exceeded budget estimate; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board be and does hereby authorize the Town Clerk to return any and all bid bonds received in connection with the for the Carriage House Renovation-Phase II – Plumbing Contract; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Riverhead be and does hereby authorize the Town Clerk to Re-post and Re-publish the attached Notice to Bidders for the Carriage House Renovations – Phase II – Plumbing Contract in the January 25, 2007 issue of the official Town newspaper; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Kenneth Testa, P.E., Christine Fetten, P.E., Purchasing Department and the Office of Accounting.

DUNLEAVY YES ___ NO BARTUNEK YES ___ NO

BLASS YES ___ NO DENSIESKI YES ___ NO

CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT DECLARED DULY ADOPTED

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Sealed proposals for the Carriage House Renovation-Phase II – Plumbing Contract project will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 11:05 am on February 9, 2007 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and/or obtained on or about January 26, 2007 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays or by visiting the Town of Riverhead website: www.riverheadli.com and click on bid requests.

A non-refundable fee of \$50 dollars will be required for all hard copy documents obtained from the Office of the Town Clerk.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked “Carriage House Renovation-Phase II – Plumbing Contract” and must be accompanied by a bid surety as stated in the Instructions to Bidders.

The Town of Riverhead reserves the right to reject any and all bids.

BY ORDER OF THE RIVERHEAD TOWN BOARD
Barbara A. Grattan, Town Clerk
Riverhead, NY 11901

Dated: January 25, 2007

TOWN OF RIVERHEAD

Adopted

Resolution # 94

ACCEPTS IRREVOCABLE STANDBY LETTER OF CREDIT OF P.C.
RICHARD & SON LONG ISLAND CORPORATION

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

WHEREAS, P.C. Richard & Son has posted an Irrevocable Standby Letter of Credit #68016891 in the sum of Seven Hundred Fifteen Thousand Dollars (\$715,000.00) representing 100% of the cost of construction of the infrastructure as provided by Resolution #5 of the Riverhead Town Planning Board dated January 4, 2007 and amended January 18, 2007 for the work to be performed at 1685 Old Country Road, Riverhead, New York - Suffolk County Tax Map Number 600-119.00-01-010.00 pursuant to Section 108-133 (I) of the Riverhead Town Code; and

WHEREAS, the Town Attorney has reviewed said letter of credit and deems it to be sufficient in its form.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the 100% Irrevocable Standby Letter of Credit #68016891 in the sum of Seven Hundred Fifteen Thousand Dollars (\$715,000.00) issued to the Town of Riverhead; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to P.C. Richard & Son, Attn: John Pietsch, 105 Price Parkway, Farmingdale, New York, 11735, Bank of America, N.A., 1 Fleet Way, 2nd Floor, Scranton, PA, 18507-1999; the Building Department; the Planning Department and the Town Attorney's Office.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

1725/07

Adopted

TOWN OF RIVERHEAD

Resolution # 95

APPOINTS SEED CLAM PROGRAM ADMINISTRATOR

COUNCILWOMAN BLASS
_____ offered the following resolution, was seconded by
COUNCILMAN DENSIESKI
_____:

WHEREAS, the Town of Riverhead, in connection with its municipal operations, requires services consisting of the following: Seed Clam Program Administrator – Year 2007; and

WHEREAS, David Lessard is willing to provide the following services to the Town:

Description of Services: Administration of Seed Clam Program
Date(s) and Hour(s) of Service: Year 2007

NOW THEREFORE BE IT HEREBY RESOLVED, that The Town Board of the Town of Riverhead hereby appoints David Lessard as Administrator of the Town of Riverhead Seed Clam Program – Year 2007; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute the attached Agreement in connection with the administration services of the aforementioned individual; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to David Lessard, P.O. Box 139, Jamesport, New York, 11947; Chief David Hegermiller, Police Department; the Office of Accounting and the Town Attorney's Office.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Derisieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION ~~WAS~~ WAS NOT
THEREFORE DULY ADOPTED

AGREEMENT

BETWEEN The TOWN OF RIVERHEAD, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York, hereinafter referred to as "TOWN" and DAVID LESSARD, a partnership/corporation/limited liability partnership, with offices at P.O. Box 139, Jamesport, New York, Vendor Number 029027, hereinafter referred to as "CONTRACTOR".

WITNESSETH

WHEREAS, the TOWN, in connection with its municipal operations, requires services consisting of the following: Seed Clam Administrator – Year 2007; and

WHEREAS, the CONTRACTOR is willing to provide the following services to the Town:

| | |
|---------------------------------|-------------------------------------|
| Description of Services: | Administration of Seed Clam Program |
| Date(s) and Hour(s) of Services | Year 2007 |

IT IS HEREBY AGREED by the TOWN and CONTRACTOR as follows:

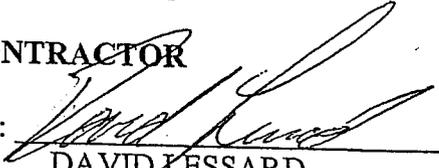
1. That CONTRACTOR shall provide and fully perform, to the TOWN'S satisfaction, the aforementioned services to the TOWN on the date(s) and time(s) stated above.
2. In return for CONTRACTOR'S services, the TOWN shall pay CONTRACTOR as follows: The sum of Four Thousand (\$4,000.00) Dollars payable in half-payments of Two Thousand (\$2,000.00) Dollars each in April, 2007 and September, 2007.
3. Administration shall include the bidding process and oversight of facilities to provide seed. The TOWN is responsible for the cost of repair and materials of their rafts, which contain the clams.

DATED: Riverhead, New York
February _____, 2007

TOWN OF RIVERHEAD

BY: _____
PHILLIP CARDINALE
Town Supervisor

CONTRACTOR

BY: 
DAVID LESSARD

1/25/07

Adopted

TOWN OF RIVERHEAD

Resolution # 96

**APPOINTS A FILL-IN GUARD
TO THE RIVERHEAD RECREATION DEPARTMENT**
COUNCILMAN DENSIESKI

_____ offered the following resolution,
which was seconded by COUNCILMAN DUNLEAVY

RESOLVED, that Fred Boutcher IV is hereby appointed to serve as a fill-in Guard, effective, January 25th, 2007 to serve as needed on an at will basis to be paid at the Level I rate of \$10.60 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that this position is subject to the following condition(s):

1. All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start date.

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department, Fred Boutcher IV, and the Office of Accounting.¹

THE VOTE
Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION ~~WAS~~ ___ WAS NOT
THEREFORE DULY ADOPTED

¹ Rec. Doris: Fred Boutcher IV fill-in Guard

1/25/07

TOWN OF RIVERHEAD

Adopted

Resolution # 97

APPOINTS A FILL-IN RECREATION AIDE (TEEN CENTER)
TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN DUNLEAVY

_____ offered the following resolution,

which was seconded by _____

COUNCILMAN BARTUNEK

RESOLVED, that Fred Boutcher IV is hereby appointed to serve as a fill-in Recreation Aide for the Teen Center, effective, January 25th, 2007 to serve as needed on an at will basis and to be paid at the Level II rate of \$10.00 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that this position is subject to the following condition(s):

1. All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start date.

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department, Fred Boutcher IV and the Office of Accounting.

1

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
 Blass yes ___ no Densieski yes ___ no
 Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

¹ Rec. Doris /Res. TC rec aid, Fred Boutcher IV

Adopted

01/25/07

TOWN OF RIVERHEAD

Resolution # 98

APPROVES SPECIAL PERMIT APPLICATION OF THE BAITING HOLLOW CLUB (WULFORST FARMS, LLC)

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILWOMAN BLASS:

WHEREAS, an application was submitted to the Town Board pursuant to §§ 108-3 and 108-125 B(3) for a special use permit to construct a clubhouse, practice green, driving range and related improvements to support an existing golf course (Fox Hill Country Club) which is currently located on a parcel consisting of 143.2317 acres and zoning Residence A-80, and

WHEREAS, in addition to the uses proposed in the special permit application referred to herein, the application has proposed to subdivide an adjacent 52.5229 acre parcel of property zoned RA-80 into two parcels of property the first parcel being 41.5706 acres and the second being 10.9523 acres, and

WHEREAS, the 10.9523 acre parcel of property is proposed to be annexed to the 143.2317 acre parcel of property to increase the size of the golf course to a total of 154.1840 acres and upon which the applicant proposed to construct the new clubhouse, and

WHEREAS, a third parcel of property 0.6244 acres in size will also be combined with the 41.5706 acre parcel upon which the applicant proposes to construct a 30 lot residential subdivision abutting the newly configured golf course, and

WHEREAS, the proposed project involves both minor and major subdivisions under the jurisdiction of the Town of Riverhead Planning Board, a site plan application, also under the jurisdiction of the Town of Riverhead Planning Board and a special permit for the construction of a clubhouse, practice green, driving range and related improvements, which is within the jurisdiction of the Town Board of the Town of Riverhead, and

WHEREAS, based upon the existence of the multiple applications involved in the overall project, 6 NYCRR Part 617.4(b)(8) requires that

S. J. B.

Coordinated Review be undertaken with the involved agencies, including the Suffolk County Department of Health Services, and

WHEREAS, the subdivision applications (minor and major) propose development that is in conformity with the applicable zoning, and

WHEREAS, a full Environmental Assessment Form was submitted in connection with all of the aforementioned applications, and

WHEREAS, the applicant has represented that the pending special permit application for a 48 suite "health spa" on a 6.9 acre portion of a 143.2317 acre parcel zoned which was claimed to be permitted pursuant to a prior special permit that was granted in 1982 for the construction of the golf course, and related site improvements will be withdrawn by the applicant, and

WHEREAS, in connection with the prior special permit application, covenants were recorded to effectuate terms of the 1982 special permit and though modified, have never been removed from the premises, and

WHEREAS, the Town Board has considered the factors set forth in Chapter 108-133 and has determined that:

A. The use will not prevent or substantially impair either the reasonable and orderly use or the reasonable and orderly development of other properties in the neighborhood.

B. The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town.

C. The health, safety, welfare, comfort, convenience and order of the Town will not be adversely affected by the authorized use.

D. Such use will be in harmony with and promote the general purposes and intent of this chapter.

WHEREAS, the subject special permit application proposes development which is consistent with the covenants placed upon the property as a condition of the 1982 special permit, and

WHEREAS, the Town Board had determined to treat subject special permit application as an application to modify the existing 1982 special permit, and

NOW, THEREFORE, BE IT

RESOLVED, that based upon the SEQRA record to date, including the Full Environmental Assessment form dated November 17, 2005, the Planning Department's staff reports, and the fact that the applicant has agreed to withdraw the prior special permit application for health spa to be located on a 6.9 acre portion of the site, the Town Board hereby determines to approve the special permit application as specified herein, and be it further

RESOLVED, that based upon the foregoing together with the SEQRA record to date, the Town Board hereby declares itself lead agency and determines that the action is a Type I action pursuant to 6 NYCRR Part 617.4, but that a review of the application together with the Full Environmental Assessment form show that no significant adverse environmental impacts will result from the project as approved and that no Draft Environmental Impact Statement need be prepared, and be it further

RESOLVED, that the special permit that was granted to the then owner of the subject property; i.e. Riverhead Flagg Corporation in 1982 and annexed as Exhibit A hereto, is modified as follows:

A. That the Baiting Hollow Club (Wulforst Farms, LLC) Riverhead Flagg Corporation, upon the merger of the ownership of parcels identified on Exhibit B as parcels "1" and "3" (hereinafter the "premises") shall be granted a modified special permit to run with the land subject to the following terms and conditions:

1. That the Baiting Hollow Club (Wulforst Farms, LLC) shall be entitled to construct a golf clubhouse in the location shown upon the conceptual site plan. The golf clubhouse shall be principally used for the members of the golf club. The golf clubhouse restaurant/grill room shall have no more than 56 restaurant seats, 20 bar seats, 9 bar stools and 12 patio seats. In addition, no tents, canopies, shelters, awnings or structures of any kind, whether temporary or permanent, shall be used upon the property for restaurant use and/or catering use. Upon issuance of the certificate of occupancy for such planned golf clubhouse, the golf clubhouse with restaurant/grill room shown on the conceptual site plan shall be the only golf clubhouse with restaurant grill room permitted on the premises. Until such time as the said certificate of occupancy issues, the existing clubhouse may continue to be used as a clubhouse. The foregoing shall not preclude the construction and use of a "halfway house" (as that term is generally applied in Suffolk County golf clubs) subject to all necessary municipal approvals. In addition, the foregoing shall not preclude the

continuation of the non-conforming restaurant and catering facility now known as Giorgio's.

2. Only one retail store utilized for the retail sale of golf related merchandise shall be permitted upon the premises.
3. Health spas shall not be permitted anywhere upon the premises.
4. Golf cart storage, locker rooms and administrative offices shall be permitted as shown on the conceptual site plan dated October 25, 2005.
5. As required by §108-133.2(b), the special permit granted hereby must be commenced within two years of the date hereof.
6. The recordation of covenants and restrictions setting forth the terms and conditions of the special permit in a form to be approved by the Town Attorney.

B. That the conditions granted in the original specified remain in full force and effect except as otherwise stated herein.

RESOLVED, that the Town Clerk be and hereby is authorized to forward a certified copy of this resolution to Esseks, Hefter and Angel, Esqs., attn. William Esseks, Esq., the Planning Board, the Planning Department and the Town Attorney.

THE VOTE

| | |
|---|---|
| Dunleavy <input checked="" type="checkbox"/> yes <input type="checkbox"/> no | Bartunek <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |
| Blass <input checked="" type="checkbox"/> yes <input type="checkbox"/> no | Densieski <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |
| Cardinale <input checked="" type="checkbox"/> yes <input type="checkbox"/> no | |

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD



IRENE J. PENDZICK
TOWN CLERK

John R. McNulty, 130 Ostrander Avenue, P.O. Box 757, Riverhead,
New York 11901

RE: special permit application UNDER DATE OF: January 26, 1982
to construct condominiums on premises and to continue as a golf course
and restaurant & tavern

submitted to the Town Board on _____. I have been instructed
to reply as follows:

Enclosed herewith please find a certified
copy of a resolution duly adopted by the Riverhead
Town Board at a regularly scheduled meeting held
November 3, 1982, approving special permit application
of Riverhead Flagg Corporation.

Irene J. Pendzick

Irene J. Pendzick, Town Clerk

ED: November 4, 1982
Enc.

c.c. Building Dept., Planning Bd., Zoning
Bd. of Appeals, & Suff. Cty. Dept. of Planning

Town Hall

• 200 Howell Ave., Riverhead, N. Y. 11901 •

727-3200 Ext. 203
204
205

WHEREAS, application was submitted by Riverhead Flagg Corporation on January 26, 1982, for a special permit to construct 300 condominium units on a 191 acre site in the Hamlet of Baiting Hollow, Riverhead, New York, and

WHEREAS, pursuant to SEQRA regulations, this Town Board, acting as Lead Agency, directed that an environmental impact statement be prepared and filed, and

WHEREAS, such statement was prepared and, as modified, accepted after public comment thereon, and

WHEREAS, the application has been referred to the Planning Board, which Board has made its recommendations to this Board that the application be approved subject to certain conditions and limitations, and

WHEREAS, a public hearing was held on the 19th day of October, 1982, and all those wishing to be heard were heard,

NOW, THEREFORE, BE IT

RESOLVED, that this Board makes the following findings based upon the proposed application, the environmental impact statement, the record of the public hearing held on the 17th day of October, 1982, and the proceedings and records had herein:

THAT Riverhead Flagg Corporation has made application for a special permit for the construction of 300 condominium units to be clustered in the northern section of a 191 acre parcel located in the Hamlet of Baiting Hollow, Town of Riverhead;

THAT the applicant seeks permission to erect clustered condominium units along the Long Island Sound bluff adjacent to the Flagg Golf Course;

THAT a yield map prepared by Young & Young, licensed surveyors, shows that development of the 191 acre site pursuant to its current Agricultural Zoning would result in slightly more than 300 homes;

THAT the issue of bluff erosion is best resolved by requiring that the recommendation of the Conservation Advisory Council be followed in that no disturbance of the bluff occur during construction closer than 100 feet from the top of the bluff as shall later be determined by submitted site plan which site plan shall not show any structure, including piping, closer than 100 feet to the top of the bluff;

THAT no application is made by Riverhead Flagg Corporation for beach access down the face of the bluff;

THAT Article 25 of Chapter 108 of the Riverhead Town Code permits the construction of condominiums by a special permit of the Town Board within the Recreational Use District;

THAT the Recreational Use District, pursuant to Section 108-25B(1) of the Riverhead Town Code requires a minimum 500 feet of footage on Long Island Sound which minimum footage is met by Riverhead Flagg Corporation;

THAT the 191 acre parcel is currently improved by an 18 hole golf course, club house and swimming pool;

THAT where a parcel fits within the Recreational Use District condominium dwellings shall comply with Section 108-92B of the Riverhead Town Code which requirements must be met by Riverhead Flagg Corporation as though fully set forth herein;

THAT Riverhead Flagg Corporation has agreed to execute covenants and restrictions effecting the entire 191 acre parcel which covenants shall prohibit further development other than the 300 unit condominiums which is the subject of this application in such terms as are acceptable to the Town Board after review by the Town Attorney;

THAT the use of the Flagg property for condominiums will preserve the open space of the existing golf course and remain in undeveloped acreage as required by the covenants mentioned hereinabove which will not impair the reasonable and orderly development of property in the neighborhood;

THAT the advantage of maintaining the open space through condominium development out weighs the disadvantage of one acre home site development.

NOW, THEREFORE, BE IT FURTHER

RESOLVED, that Riverhead Flagg Corporation be granted a special permit to run with the land to construct a 300 unit condominium complex including tavern, restaurant, and retail store and health spa, subject to the requirements, restrictions, and/or limitations of the Riverhead Town Code, and all of the following;

THAT the water supply system for the condominiums shall be built according to specifications approved by the Riverhead Superintendent of the Water District on advice of such engineers as he may see fit to employ so that the quality and manner of construction of the water supply system shall be compatible to and in accordance with the standards of the Riverhead Water District;

THAT waste water treatment shall be in a manner approved by the Suffolk County Department of Health;

THAT a detailed site plan be provided to the Town Board for approval wherein such site plan shall include parking, traffic flow, planting buffers with designation as to types of vegetation, on-site drainage, ground elevations, architectural features, architectural elevations of all sides of buildings, including materials, colors, and textures, and signage;

THAT additionally, such site plan and elevations shall clearly indicate the phases of construction which phases shall directly relate to the condominium offering statement as to be filed with the Attorney General;

THAT such condominium offering statement shall be approved by the Attorney General and such site plan shall be approved by the Town Board before construction begins;

THAT covenants and restrictions stating that the 191 acre parcel shall not be further improved shall be filed with the County Clerk in a form and manner acceptable to the Town Board after review by the Town Attorney;

THAT no access to the beach be permitted except upon further application by way of special permit of the Town Board;

NOW, THEREFORE, BE IT FURTHER

RESOLVED, that the Town Clerk is directed to amend the official zoning map deposited in her office to reflect the 191 acre parcel as being within the Recreational Use District;

AND BE IT FURTHER

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Riverhead Flagg Corporation.

STATE OF NEW YORK,
COUNTY OF SUFFOLK,
TOWN OF RIVERHEAD.

ss:

THIS IS TO CERTIFY that I, the undersigned, Town Clerk of the Town of Riverhead, County of Suffolk, New York, have compared the foregoing copy of
A resolution

with the original resolution
now on file in this office and which was duly adopted
on the 3rd day of November 19 82, and that the same is a true and
correct transcript of said resolution
and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of
the said Town of Riverhead, this 4th day of November 19 82

Jane J. Bendzick Town Clerk

January 4, 2007

The Baiting Hollow Club
at Baiting Hollow, Town of Riverhead,
Suffolk County, New York

Surveyor's Description - Parcel I, as shown on Boundary Alteration Map,
dated January 4, 2007
Reputed Owner Soundview Associates
SCTM No.: 0600-040-2-6.3

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being at Baiting Hollow, Town of Riverhead, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point marked by a monument found marking the intersection of the easterly side of Oakleigh Avenue and the northerly side of Sound Avenue:

RUNNING thence from said point of beginning along the easterly side of Oakleigh Avenue the following two (2) courses and distances:

1. North 18 deg. 12 min. 20 sec. West 3,587.67 feet,
2. North 09 deg. 18 min. 00 sec. West 15.00 feet to a stake found and Condominium "The Knolls of Fox Hill Section 2";

RUNNING thence along Condominium "The Knolls of Fox Hill Section 2" the following twelve (12) courses and distances:

1. North 80 deg. 42 min. 00 sec. East 105.00 feet to a stake found,
2. South 00 deg. 42 min. 00 sec. West 250.00 feet to a stake found,
3. South 44 deg. 18 min. 00 sec. East 180.00 feet to a stake found,
4. South 09 deg. 18 min. 00 sec. East 145.00 feet to a stake found,
5. North 80 deg. 42 min. 00 sec. East 140.00 feet to a stake found,
6. North 09 deg. 18 min. 00 sec. West 189.14 feet to a stake found,
7. North 44 deg. 18 min. 00 sec. West 166.15 feet to a stake found,
8. North 00 deg. 42 min. 00 sec. East 254.77 feet to a stake found,
9. North 55 deg. 50 min. 51 sec. East 85.66 feet to a stake found,
10. North 81 deg. 30 min. 30 sec. East 115.64 feet to a stake found,
11. South 71 deg. 29 min. 30 sec. East 114.31 feet to a stake found,
12. South 49 deg. 29 min. 30 sec. East 185.15 feet to a stake found and land now or formerly Arlen Maintenance Corp.;

RUNNING thence along land now or formerly Arlen Maintenance Corp. the following ten (10) courses and distances:

1. South 02 deg. 29 min. 30 sec. East 195.86 feet to a stake found,
2. North 87 deg. 30 min. 30 sec. East 184.97 feet to a stake found,
3. South 44 deg. 29 min. 30 sec. East 415.46 feet to a stake found,
4. North 50 deg. 16 min. 49 sec. East 258.67 feet to a stake found,
5. North 39 deg. 43 min. 11 sec. West 255.00 feet to a stake found,
6. North 22 deg. 26 min. 03 sec. East 30.00 feet to a stake found,
7. South 87 deg. 33 min. 57 sec. East 120.00 feet to a stake found,
8. On the arc of a curve to the left having a radius of 214.23 feet for a distance of 231.92 feet,
9. North 30 deg. 24 min. 30 sec. East 159.39 feet,
10. North 12 deg. 44 min. 21 sec. East 131.10 feet to Condominium "The Bluffs at Baiting Hollow";

RUNNING thence along Condominium "The Bluffs at Baiting Hollow" the following nine (9) courses and distances:

1. South 59 deg. 01 min. 00 sec. East 184.27 feet,
2. On the arc of a curve to the left having a radius of 85.00 feet for a distance of 133.52 feet,
3. North 59 deg. 01 min. 00 sec. West 135.68 feet,
4. North 33 deg. 58 min. 50 sec. East 105.89 feet,
5. South 56 deg. 01 min. 10 sec. East 153.36 feet,
6. On the arc of a curve to the right having a radius of 97.00 feet for a distance of 40.14 feet,
7. South 85 deg. 01 min. 00 sec. East 20.00 feet,
8. On the arc of a curve to the left having a radius of 728.00 feet for a distance of 152.47 feet,
9. North 82 deg. 59 min. 00 sec. East 268.13 feet to Park & Recreation Area, as shown on Subdivision, "Marlwood at Baiting Hollow, Section 1";

RUNNING thence along Park & Recreation Area, as shown on Subdivision, "Marlwood at Baiting Hollow, Section 1" the following four (4) courses and distances:

1. South 18 deg. 31 min. 30 sec. East 516.00 feet,
2. South 18 deg. 41 min. 40 sec. East 183.50 feet to a monument found,
3. South 18 deg. 21 min. 10 sec. East 148.61 feet,
4. North 80 deg. 21 min. 10 sec. East 18.37 feet to the westerly side of Warner Drive;

RUNNING thence along the westerly side of Warner Drive the following two (2) courses and distances:

1. South 09 deg. 38 min. 50 sec. East 120.00 feet,
2. South 18 deg. 21 min. 10 sec. East 180.00 feet to land now or formerly Town of Riverhead Recharge Basin;

RUNNING thence along land now or formerly Town of Riverhead Recharge Basin the following five (5) courses and distances:

1. South 71 deg. 38 min. 50 sec. West 210.00 feet,
2. South 10 deg. 55 min. 50 sec. West 122.67 feet,
3. South 18 deg. 21 min. 10 sec. East 143.00 feet,
4. North 71 deg. 38 min. 50 sec. East 150.00 feet,
5. South 60 deg. 06 min. 55 sec. East 230.30 feet to the westerly side of Warner Drive;

RUNNING thence along the westerly side of Warner Drive the following two (2) courses and distances:

1. On the arc of a curve to the right having a radius of 411.76 feet for a distance of 109.36 feet,
2. South 14 deg. 08 min. 10 sec. East 228.35 feet to land now or formerly Wulforst Farms LLC;

RUNNING thence along land now or formerly Wulforst Farms LLC the following six (6) courses and distances:

1. South 81 deg. 54 min. 50 sec. West 186.27 feet,
2. South 46 deg. 49 min. 50 sec. West 368.25 feet,
3. South 81 deg. 54 min. 50 sec. West 446.20 feet,
4. South 04 deg. 30 min. 20 sec. East 871.72 feet,
5. South 03 deg. 55 min. 40 sec. East 335.12 feet to a monument found,
6. South 88 deg. 13 min. 50 sec. West 210.00 feet to a monument found and land now or formerly Baiting Hollow Cemetery Association;

RUNNING thence North 54 deg. 25 min. 30 sec. West along land now or formerly Baiting Hollow Cemetery Association 327.15 feet to a monument found and land now or formerly Congregational Society of Baiting Hollow;

RUNNING thence along land now or formerly Congregational Society of Baiting Hollow the following two (2) course and distances:

1. North 88 deg. 02 min. 20 sec. West 402.96 feet to a monument found,
2. South 01 deg. 49 min. 10 sec. West 578.96 feet to a monument found and the northerly side of Sound Avenue;

RUNNING thence North 89 deg. 22 min. 20 sec. West along the northerly side of Sound Avenue 257.88 feet to the monument found at the point or place of Beginning.

CONTAINING an area of 143.8561 Acres.

January 4, 2007

The Baiting Hollow Club
at Baiting Hollow, Town of Riverhead,
Suffolk County, New York

Surveyor's Description - Parcel III, as shown on Boundary Alteration Map,
dated January 4, 2007
Reputed Owner Wulforst Farms LLC
SCTM No.: 0600-040-2-P/O 10

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being at Baiting Hollow, Town of Riverhead, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point marked by a monument found on the southerly line of land now or formerly Soundview Associates, said point being situate the following courses and distances from the intersection of the easterly side of Oakleigh Avenue and the northerly side of Sound Avenue:

1. South 89 deg. 22 min. 20 sec. East 257.88 feet along the northerly side of Sound Avenue,
2. North 01 deg. 49 min. 10 sec. East 578.96 feet along land now or formerly Soundview Associates,
3. South 88 deg. 02 min. 20 sec. East 402.96 feet still along land now or formerly Soundview Associates,
4. South 54 deg. 25 min. 30 sec. East 327.15 feet still along land now or formerly Soundview Associates;

RUNNING thence from said point of beginning along land now or formerly Soundview Associates the following three (3) courses and distances:

1. North 88 deg. 13 min. 50 sec. East 210.00 feet to a monument found,
2. North 03 deg. 55 min. 40 sec. West 335.12 feet,
3. North 04 deg. 30 min. 20 sec. West 118.40 feet to a point;

RUNNING thence through land now or formerly Wulforst Farms LLC the following six (6) courses and distances:

1. South 37 deg. 09 min. 40 sec. East 686.38 feet,
2. North 73 deg. 57 min. 23 sec. East 632.88 feet,
3. On the arc of a curve to the right having a radius of 740.00 feet for a distance of 328.65 feet,
4. South 84 deg. 54 min. 43 sec. West 807.13 feet,
5. South 54 deg. 23 min. 56 sec. West 73.49 feet,
6. South 08 deg. 55 min. 00 sec. West 121.07 feet to the northerly side of Sound Avenue;

RUNNING thence North 81 deg. 05 min. 00 sec. West along the northerly side of Sound Avenue 378.13 feet to land now or formerly Congregational Society of Baiting Hollow;

RUNNING thence along land now or formerly Congregational Society of Baiting Hollow the following two (2) courses and distances:

1. North 03 deg. 20 min. 10 sec. West 155.15 feet,
2. North 15 deg. 42 min. 50 sec. East 116.10 feet to land now or formerly Baiting Hollow Cemetery Association;

RUNNING thence North 09 deg. 04 min. 00 sec. West along land now or formerly Baiting Hollow Cemetery Association 144.84 feet to the monument found at the point or place of Beginning.

CONTAINING an area of 10.9281 Acres.

January 25, 2007

Adopted

TOWN OF RIVERHEAD

Resolution # 99

**Classifies Action and Declares Lead Agency on Change of Zone
for East Riverhead Equities III, LLC and Refers Petition to the
Planning Board**

COUNCILWOMAN BLASS

_____ offered the following resolution which

was seconded by **COUNCILMAN DUNLEAVY** _____

WHEREAS, the Riverhead Town Board is in receipt of a change of zone petition pursuant to Article XVIII of the Town Code from East Riverhead Equities III, LLC to impose the provisions of the Commercial Residential Campus (CRC) zoning use district to the exclusion of the existing Residence A-40 zoning on a 4.5ac. parcel; such property more particularly described as SCTM 0600-131-1-10, and

WHEREAS, a Full Environmental Assessment Form and supporting documentation was submitted as part of the petition, and

WHEREAS, the Riverhead Planning Department has reviewed these materials and has determined the petition to be an Unlisted action pursuant to 6NYCRR Part 617 for which coordinated review is optional and in this case unnecessary, and

WHEREAS, the Riverhead Planning Department has sufficient understanding of the intent and the circumstances on site such that it believes no further development is connected to or is induced by the altered zoning and thereby would recommend that a negative declaration of significance be rendered on the instant petition, and

WHEREAS, the Town Board desires the recommendations of the Riverhead Planning Board respecting planning and zoning issues prior to a determination of significance, now

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declares itself to be the lead agency for the change of zone application of East Riverhead Equities III, LLC which it classifies as an Unlisted action, and

BE IT FURTHER

RESOLVED, that the Town Clerk be directed to refer the petition to the Riverhead Planning Board for their review and recommendation and is hereby authorized to forward a certified copy of this resolution to the Planning Department and to the applicant or his agent.

THE VOTE

Dunleavy ~~Yes~~ No

Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No

THE RESOLUTION ~~X~~ WAS ___ WAS NOT
THEREFORE DULY ADOPTED

1/25/07

Adopted

TOWN OF RIVERHEAD

Resolution # 100

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE (108-130 – Site Plan Review)

COUNCILMAN DENSIESKI

_____ offered the following resolution, was seconded by

COUNCILMAN BARTUNEK

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the February 1, 2007 issue of the **News Review**, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Riverhead Planning Department; the Riverhead Planning Board; the Riverhead Building Department and the Office of the Town Attorney.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

**THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED**

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 21st day of February, 2007 at 7:10 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**ARTICLE XXVI
Site Plan Review**

§ 108-130. Review and approval required.

The following shall be subject to site plan review and require site plan approval by the Town Board:

B. All other districts.

- (4) Except as otherwise provided, site plan review and approval shall specifically not be required for:
- (a) Single-family residential and uses accessory thereto that are located in any zoning use district.
 - (b) Agriculture and uses accessory thereto; however, temporary and permanent greenhouses will require site plan review and approval;
 - (c) Any grading, clearing, cutting and filling, excavating or tree removal associated therewith, necessary to single-family residence construction commenced upon issuance of a building permit for said construction;
 - (d) Any use permit issued pursuant to the requirements of § 108-73 of this chapter; or
 - (e) Signs;
 - (f) In-kind alterations as determined by the Planning Department and the Building Department.
 - (g) Existing Commercial buildings with floor areas of no greater than 4,000 square feet shall not require formal site plan review by the Planning Board. However, such commercial buildings shall be subject to review by the Planning Department and shall be required to comply with all statutory provisions set forth in this Article including, but not limited to, parking, landscaping, handicapped access and lighting. Upon a determination of compliance by the

Planning Department as set forth herein and transmitted to the Planning Board in writing, the Planning Board shall adopt a resolution approving the application.

(i) Statutory Authority/Supersession.

The foregoing provision of law is adopted pursuant to Municipal Home Rule and the State Environmental Quality Review Act and its implementing regulations. It expressly supersedes any provisions of the Town Code of the Town of Riverhead and §267, 267-a, 267-b, 267-c, 274-a, 274-b and 276 of the Town Law of the State of New York. In particular, this local law shall supersede and suspend those provisions of the Town Code and New York State Law which require the Planning Board to accept, process and approve site plan applications within certain statutory periods. In addition, this local law shall supersede and suspend those provisions of the Town Code of the Town of Riverhead as well as the Town Law of the State of New York which require the Town Board to accept, process and approve site plans.

Dated: Riverhead, New York
January 25, 2007

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD**

BARBARA GRATTAN, Town Clerk

* Underline represents addition(s)

1/25/07

Adopted

TOWN OF RIVERHEAD

Resolution # 101

RESCINDS TOWN BOARD RESOLUTION #41 (2007)
REAUTHORIZES BUDGET ADOPTION OF LAND ACQUISITION
NATURE CONSERVANCY OPEN SPACE PROPERTY

COUNCILMAN BARTUNEK

COUNCILMAN BARTUNEK

offered the following resolution,

which was seconded by ~~COUNCILWOMAN BLASS~~ COUNCILWOMAN BLASS

BE IT RESOLVED, that the Supervisor be, and is hereby, authorized to establish the following budget adoption:

| | <u>FROM</u> | <u>TO</u> |
|---|-------------|-------------|
| 406.019400.494200.42056 Serial Bond Proceeds | \$6,910,781 | |
| 406.019400.521000.42056 Land Acquisition | | \$6,860,781 |
| 406.019400.543000.42056 Professional Services | | 50,000 |

DUNLEAVY YES ___ NO BARTUNEK YES ___ NO

BLASS YES ___ NO DENSTESKI YES ___ NO

CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED