

**TOWN BOARD MEETING  
AGENDA  
PHILIP CARDINALE, Supervisor**

**April 5, 2005**

**Edward Densieski, Councilman  
George Bartunek, Councilman**

**Barbara Blass, Councilwoman  
Rose Sanders, Councilwoman**

**Barbara Grattan, Town Clerk  
Dawn Thomas, Town Attorney**

**ELECTED OFFICIALS**

**Laverne Tennenberg  
Madelyn Sendlewski  
Paul Leszczynski  
Mark Kwasna  
Maryann Wowak Heilbrunn  
Richard Ehlers  
Allen M. Smith**

**Chairwoman Board of Assessors  
Board of Assessors  
Board of Assessors  
Highway Superintendent  
Receiver of Taxes  
Town Justice  
Town Justice**

**DEPARTMENT HEADS**

**John J. Hansen  
Leroy E. Barnes, Jr.  
Andrea Lohneiss  
Ken Testa  
Richard Hanley  
Chief David Hegermiller  
James Janecek  
Judy Doll  
John Reeve  
Michael Reichel  
Gary Pendzick**

**Accounting Department  
Building Department  
Community Development  
Engineering Department  
Planning Department  
Police Department  
Recreation Program Coordinator  
Senior Services  
Sanitation Department  
Sewer District  
Water Department**

# Call to Order and Salute to the Flag

Approves minutes of March 15<sup>th</sup>. . 2005  
and  
Special Board Meeting of March 24<sup>th</sup>, 2005

*Den*

Offered the minutes to be approved, which

was seconded by

*Boutwell*

*5 yes*

## REPORTS

Receiver of Taxes: Total Collections to date: \$51,607,774.04

Town Clerk: Monthly Report for March, 2005  
Total Collected: \$10,566.68

Building Dept.: Monthly Report for February & March, 2005  
Total Collected: \$60,932.75 (February)  
Total Collected: \$144,724.50 (March)

Sewer Dept.: Discharge Monitor report for Feb. 2005.

Open Bid Reports: Boat Ramp @ Creek Road, Wading River  
Opened: March 18, 2005  
Three Bids were received

(Bid Results may be)  
(Obtained in Town)  
(Clerk's Office)

Hounds Gate Development  
Opened: March 21, 2005  
Seven Bids Were Received

Pre-cast Concrete Drainage Rings  
Traffic Line Striping, Traffic Signs,  
Traffic Paint (No Bids Were Received)

## APPLICATIONS

Parade Permit: Combined Veterans  
May 30, 2005 @ 9:00 a.m.

Special Events: Our Redeemer Lutheran Church of  
Aquebogue-May 5 to 8<sup>th</sup> 2 to 10 pm  
Carnival and Plant Sale

Captain Hawkin's House Restoration  
Sept. 15 to Oct. 31, 10am to 5 pm

Special Permit: Aquebogue Bistro  
Converting former Jamesport Saddlery to  
Bistro

## CORRESPONDENCE

Petition: 35 residents of West Lane re: Altaire Pharmaceutical  
expansion of their property

## **PUBLIC HEARINGS**

- 7:05 p.m.** The increase and improvement of the Water District re: the repainting of standpipe at Plant No. 8.
- 7:05 p.m.** The Consideration of a Local Law amending Chapter 47 "Bays and Creeks) of the Town Code.
- 7:10 p.m.** The Consideration of a Local Law to amend Chapter 64 entitled, "Fire Prevention" of the Town Code.
- 7:15 p.m.** The Consideration of a Local Law to amend Chapters 52 and 108 of the Town Code "Electronic Retention Fees".
- 7:20 p.m.** The Consideration of Local Law #12 of August 21, 2001 to amend Riverhead Tax Bills by creating a separate line (Riverhead Charter School).
- 7:25 p.m.** The Consideration of Local Law to amend Chapter 108 of the Town Code Section 108-96(A) Procedure, Section 108-97(A) Procedure, Section 108-131 Application procedure; fee.
- 7:30 p.m.** The consideration of the petition of James & Linda Slezak to renew a Special Permit to continue the operation of a bed and breakfast facility located on Herricks Lane.

**PUBLIC COMMENT ON ANY RESOLUTIONS LISTED BELOW:**  
**COMMUNITY DEVELOPMENT AGENCY MEETING:**

- #9 Declares Lead Agency and Determines Environmental Significance of the Conveyance of Approximately 755 Acres of Real Property to Kenneth I. Wilpon, As Agent, Inc.
- #10 A Resolution Calling A Public hearing on the Agency's Designation of Kenneth I. Wilpon, as a Qualified and Eligible Sponsor for the Purchase and Development of 755+/- Acres of the Property Commonly Known as EPCAL and for the Sale by the Agency of Such Property to Kenneth I. Wilpon, as Agent, Inc. for Redevelopment Consistent with the Uses Permitted in the Planned Recreational Park Zoning Use District for Hotel Convention Center and Golf Course Subdistricts

**REGULAR TOWN BOARD MEETING:**

- #284** Adopts a Local Law to Amend Chapter 108 of the Code of the Town Entitled, "Zoning" of the Town of Riverhead (Transfer of Development Rights Law)
- #285 Adopts a Findings Statement- Local Law for the Transfer of Development Rights
- #286 1996 Clean Water/Clean Air Bond Act Title 3 Section 56-0303 Water Quality Improvement Projects and Environmental Protection Fund Article 17-14 Environmental Conservation Law; Performance Partnership Grants Public Law 104-134 Nonagricultural Nonpoint Source Projects Projection 2003W QI6104- Riverhead Sewer District
- #287 Accepts 5% Security Bond of George Regini (dba Giorgio's Restaurant)
- #288 Accepts Certificate of Deposit of Hartill Contracting, Inc. (Subdivision Entitled, "Kelbridge Meadows")

- #289 Accepts Grant Funds from Empire State Development
- #290 Amends Resolution #252-2005 (Approves Chapter 90 Application of Calverton Links, LTD)
- #291 Amends the Salaries for Non-CSEA Part Time Personnel Chaperone Position for the 2005 for the Recreation Dept.
- #292 Appoints a Chaperone to the Riverhead Recreation Department (K. Hasty)
- #293 Appoints a P/T Recreation Aide to the Riverhead Recreation Department (D. Hartill)
- #294 Appoints Recreation Specialists (Sports Instructors) to the Riverhead Recreation Dept. (D. Dougherty, C. Edwards, S. Hackel, C. Mustacchio, D. Spinella)
- #295 Appoints Temporary Secretary to the Board of Assessment Review (M. Vail)
- #296 Approves a Chapter 90 Application of Captain Hawkin's House Restoration, LLC (Designer Show House)
- #297 Approves Chapter 90 Application of Our Redeemer Lutheran Church of Aquebogue (Carnival & Plant Sale)
- #298 Approves Temporary Sign Permit of Browning Hotel Properties, LLC
- #299 Approves Temporary Sign Permit of First Choice Medical
- #300 Approves Temporary Sign Permit of Timothy Hill Children's Ranch
- #301 Approves the Application for Fireworks Permit of Joseph Ruggieri (Vineyard Caterers)
- #302 Approves the Submission of a Grant Modification Request to the New York State Attorney General for the Vitagrant Distribution Agreement

- #303 Authorizes the Designation of Certain Structure(s) as Landmarks to Chapter 73 Entitled, "Landmarks Preservation" of the Riverhead Town Code (Washington Young House)
- #304 Authorizes Town Clerk to Publish and Post Notice of Public Hearing to Add a Movie Theater and Multiplex Cinema in DC3
- #305 Authorizes Town Clerk to Advertise for Bids Remote Sewage Pumping Stations Alarm and Monitoring System-Calverton Sewer District
- #306 Authorizes the Town Clerk to Post and Publish a Notice to Bidders for Peconic River Pedestrian and Bicycle Path Improvement Project
- #307 Authorizes Town Supervisor to Execute Change Order for Boat Ramp Facility at Creek Road, Wading River
- #308 Awards Bid for Corrosion Control Chemical
- #309 Awards Bid for Dry Hydrated Lime (Calcium Hydroxide)
- #310 Awards Bid for Water Service Materials for use by the Riverhead Water District
- #311 Awards Bid- Riverhead Water District-Hounds Gate Development
- #312 Authorizes Supervisor to Execute Change Order No. 1-Headworks improvement- Contract E, Scavenger Waste District
- #313 Hounds Gate Water Improvement Project Budget Adjustment
- #314 2005 Splish Splash Water Main Ext. Budget Adoption
- #315 Classifies Action, Special Permit of Aquebogue Bistro and Refers Petition to the Planning Board

- #316 Reduces Irrevocable Letters of Credit (2) of Mill Pond Developers, LLC ("Mill Pond Commons")
- #317 Reaffirms Riverhead Town's Desire to Pursue the Department of Transportation State Grant to Rehab the EPCAL Park Rail Spur
- #318 Supports State Legislation to Increase East End Representation of the Regional Emergency Medical Services Council (REMSCO)
- #319 General Fund Budget Adjustment
- #320 Stoneleigh Retirement Community Water Ext. #83 Project Budget Adoption
- #321 Highway Fund Budget Adjustment
- #322 Upper Mills Dam Repair Project Budget Adjustment
- #323 Kelbridge Meadows Hartill Water Imp. Project Budget Adjustment
- #324 Appoints a Park Attendant II to the Riverhead Recreation Department
- #325 Reduces Performance Bond of Baiting Hollow Farms (Zoumas Contracting Corp.)
- #326 Approves Site Plan of Eagle Properties, LLC (Eagle Auto Mall)
- #327 Awards Bid for Removal of Household Hazardous Waste
- #328 Approves Site Plan of Frank P. Guarino- The Ponds Restaurant
- #329 Adopts a Local Law to Amend Chapter 12 Entitled, "Coastal Erosion Hazard Areas" of the Riverhead Town Code

- #330 Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law to Repeal and Replace a Portion of Chapter 108 Entitled, "Zoning" (Signs) of the Riverhead Town Code
- #331 Accepts the Retirement of James Scruggs in the Highway Department
- #332 '05 Reeves Avenue Road Improvement Project Budget Adoption
- #333 Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law to Amend Chapter 108 Entitled, "Zoning" (Farmstands) of the Riverhead Town Code
- #334 Pays Bills
- #335 Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law to Amend Chapter 107 Entitled "Freshwater Wetlands" of the Riverhead Town Code
- #336 Authorizes the Publication of a Notice of Completion of a Final Supplemental Environmental Impact Statement Transfer of Development Rights Law

# Tabled

04/05/05

Adopted  
04/19/05

TOWN OF RIVERHEAD

Resolution # 284

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 OF THE ENTITLED,  
"ZONING" OF THE RIVERHEAD TOWN CODE**

(Transfer of Development Rights Law)

**COUNCILWOMAN BLASS**

\_\_\_\_\_ offered the following resolution, was

seconded by **COUNCILMAN DENSIESKI** \_\_\_\_\_:

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to amend sections of Chapter 108 entitled, "Zoning" of the Riverhead Town Code; and

**WHEREAS**, public hearings were held on the 17<sup>th</sup> day of December 2004, and the 15<sup>th</sup> day of February 2005 at 7:15 o'clock p.m at the Town Hall located at 200 Howell Avenue, Riverhead, New York on the dates, times and places specified in said public notices, and all persons wishing to be heard were heard.

**WHEREAS**, maps showing the sending and receiving areas were published and heard together with the text of the local law, and

**NOW THEREFORE BE IT RESOLVED**, that the proposed Local Law is a Type I action pursuant to 6 NYCRR §617.4(b)(2) but that no further State Environmental Quality Review compliance is required because the adoption of the subject Local Law is being carried out in conformance with the conditions and thresholds established for such action in the Generic Environmental Impact Statement prepared and accepted for the Town of Riverhead Comprehensive Plan adopted on November 3, 2003 and which was supplemented by a Final Supplemental Generic Environmental Impact Statement and a separate Findings Statement adopted on April 5, 2005, and be it further

**RESOLVED**, that a local law to amend certain sections of Chapter 108 entitled, "Zoning" of the Riverhead Town Code together with the maps showing the sending and receiving areas, is hereby adopted as specified in the attached notice of adoption; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to

publish the attached notice of adoption once in the News Review newspaper and to post same on the signboard at Town Hall; and be it further

**RESOLVED**, that this local law shall become effective upon filing with the Secretary of State,

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Secretary of State via overnight mail, the Riverhead Planning Board; the Riverhead Planning Department; the Riverhead Building Department and the Office of the Town Attorney.

Councilwoman Blass offered to bring the resolution off the table, seconded by Councilwoman Sanders.

All Members in favor of bringing the resolution off the table.

Councilwoman Blass offered the resolution for adoption, seconded by Councilwoman Sanders.

All Members in favor of the adoption of the resolution.

THE VOTE  
Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no  
THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

Tabled

Adopted

04/19/05

Dated: Riverhead, New York  
June 1, 2004

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

**BARBARA GRATTAN, Town Clerk**

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law to amend certain sections of Chapter 108 entitled, "Zoning" (Transfer of Development Rights Law)

**Article XXXXVI, TRANSFER OF DEVELOPMENT RIGHTS LAW**

**§ 108-300. Legislative authority.**

This local law is adopted pursuant to § 261-a of the New York State Town Law and the Town of Riverhead Comprehensive Plan. All of the powers and conditions set forth in Town Law §261-a are hereby adopted. The Riverhead Town Board hereby designates the Riverhead Planning Board as the Town body authorized to implement the Transfer of Development Rights program as set forth herein.

**§ 108-301. Definitions**

**In addition to the definitions provided in Town Law §261-a, the following definitions shall apply:**

Agricultural Structure- A structure, including a fence, designated and constructed to contain or house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, grown (i.e. greenhouses) treated or packaged, nor shall it be a place used by the public.

Conservation Easement- An easement, covenant, restriction, deed or other interest in real property, which restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural, agricultural or natural condition, character, significance or amenities of the real property in a manner consistent with the public policy and purpose set forth in §49-0301 of the Environmental Conservation Law of the State of New York. Such easement shall include a prohibition of the use of any mechanism for extinguishment of said easement.

The language contained in the Conservation Easement shall be that set forth in

the sample deed contained in this local law, the content of which may be amended from time to time by the Town Board.

**§ 108-302. Intent and purpose.**

It is the intent and purpose of this Article to implement the land use policies set forth in the Town of Riverhead Comprehensive Plan with specific reference to protection of the lands located within the Agricultural Protection Zone (APZ), the preservation of agricultural lands, the support of the existing agricultural industry, and the necessary and appropriate economic development of the community.

**§ 108-303. Transfer of development rights map.**

Pursuant to § 261-a subsection (2) (b) of the New York Town Law, the relevant sending and receiving districts of the Town of Riverhead TDR Law shall be those areas specifically mapped in accordance with the stated goals of the Town of Riverhead Comprehensive Plan adopted by the Riverhead Town Board by resolution dated 3 November 2003.

**§ 108-304. Procedure for designating sending and receiving districts.**

A. Sending district. Prior to mapping a sending district, the Town Board shall determine:

- (1) That the land consists of agricultural use or prime agricultural soils or other natural features identified for protection.
- (2) That the sending district is consistent with a comprehensive plan pursuant to § 272-a of the New York State Town Law.
- (3) That the rules and regulations promulgated pursuant to the State Environmental Quality Review Act (SEQRA) have been complied with

B. Receiving district. Prior to mapping a receiving areas, the Town Board shall determine:

- (1) The effects of potential increased development which is possible under transfer of development rights, including the requirements

that the receiving district contains adequate transportation, water supply, waste disposal and fire protection, that there will be no significant environmentally damaging consequences, that such increased development is compatible with the development otherwise permitted by any municipality or agency thereof having jurisdiction to approve permissible development within the district.

- (2) That the receiving district is consistent with a comprehensive plan pursuant to § 272-a of the Town Law.
- (3) That the rules and regulations promulgated pursuant to the State Environmental Quality Review Act (SEQRA) have been complied with.

**§ 108-305. Designation of sending districts.**

Pursuant to § 108-303 of this article, the Town Board shall be authorized to establish specifically mapped lands in accordance with 261-a (2)(b). The following zoning use district is hereby mapped as a sending district:

- (1) Agricultural Protection (APZ) Zoning Use District.

**§ 108-306. Designation of receiving districts.**

Pursuant to § 108-303 of this article, the following zoning use districts are hereby mapped as receiving districts:

- (1) Residence A-80 (RA-80) Zoning Use District.
- (2) Residence A-40 (RA-40) Zoning Use District.
- (3) Hamlet Residential (HR) Zoning Use District.
- (4) Retirement Community (RC) Zoning Use District.
- (5) Business Center (BC) Zoning Use District.
- (6) Shopping Center (SC) Zoning Use District.
- (7) Destination Retail Center (DRC) Zoning Use District.
- (8) Commercial/Residential Campus (CRC) Zoning Use District.

- (9) Business F Zoning Use District
- (10) Planned Recreational Park (PRP) Zoning Use District.

**§ 108-307.**

**Procedures for severing development rights.**

A. Preservation credit certificate. A property owner may request preservation credit certificates from the Planning Board by submission of the following:

- (1) A completed preservation credit certificate application form to be supplied by the Planning Board;
- (2) Property survey showing existing conditions certified to the Town of Riverhead and the area to be preserved;
- (3) Current title commitment prepared by a company licensed to do business in the County of Suffolk and noting the Town of Riverhead as proposed insured;
- (4) Copy of deed;
- (5) Legal description of the area from which rights are to be severed;
- (6) Copy of tax bill;
- (7) Fee of \$500.

Upon the recording of the Conservation Easement in the Office of the County Clerk, or submission of the Conservation Easement to the Planning Board in recordable form, encumbering all or part of a sending parcel and the provision of evidence of same to the Planning Board together with a current title insurance policy showing title insurance acceptable to the Planning Board in an amount equal to the value of the Conservation Easement and naming the Town of Riverhead as an insured, the Planning Board shall issue a preservation credit certificate certifying that the holder is entitled to a specific number of preservation credits. Fractional credits may be issued by the Planning Board.

**§ 108-308. Allocation of preservation credits.**

When an application for the allocation of preservation credits is made to the Planning Board, such board shall calculate the total number of credits upon the real property within a designated sending area using a development yield factor. Development yield is established by multiplying the gross area of the parcel by the relevant development yield factor for the sending district. The development yield factor for all mapped sending areas shall be one (1) right per 43,560 square feet of unimproved real property, except that no allocation of preservation credits shall be made for the following:

- (1) Real property from which rights have been previously purchased or transferred.
- (2) Real property improved with any structure not an "Agricultural Structure" as defined herein, or any improvement including golf courses.
- (3) Parcels of property less than seven acres in size.
- (4) Any land concerning which the planning board determines the severing of development rights therefrom would be inconsistent with the goals and objectives set forth in the Comprehensive Plan.

#### **§ 108-309. Redemption of preservation credits.**

Preservation credits may be used to increase the development yields within mapped receiving areas according to the procedures set forth herein. In its determination of the total development yield of a particular property upon which development rights are to be applied the Planning Board shall consider the extent of natural features existing on the site including, but not limited to, water surfaces, tidal wetlands, freshwater wetlands, horizontal area of escarpments, bluffs, woodlands and beaches below mean high water.

- A. **Residence A-80 (RA-80) Zoning Use District.** Preservation credits may be used to increase lot yield within the RA-80 Zoning Use District. However, in no instance shall such lot yield exceed one (1) lot per 40,000 square feet after subtracting for that land area required for infrastructure and public improvements. In its review and approval of subdivision within

the RA-80 Zoning Use District utilizing preservation credits, the Planning Board shall condition the final map approval upon the redemption of the appropriate number of credits, with the signature and recording of the subdivision predicated upon the redemption and retiring of the appropriate number of preservation credits.

- B. **Residence A-40 (RA-40) Zoning Use District.** Preservation credits may be used to increase lot yield within the RA-40 Zoning Use District. However, in no instance shall such lot yield exceed one (1) lot per 20,000 square feet after subtracting for that land area required for infrastructure and public improvements. In its review and approval of subdivision within the RA-40 Zoning Use District utilizing preservation credits, the Planning Board shall condition the final map approval upon the redemption of the appropriate number of credits, with the signature and recording of the subdivision predicated upon the redemption and retiring of the appropriate number of preservation credits.
- C. **Hamlet Residential (HR) Zoning Use District.** Preservation credits may be used to increase lot yield within the HR Zoning Use District. However, in no instance shall such lot yield exceed one (1) lot per 40,000 square feet after subtracting for that land area required for infrastructure and public improvements. In its review and approval of subdivision within the HR Zoning Use District utilizing preservation credits, the Planning Board shall condition the final map approval upon the redemption of the appropriate number of credits, with the signature and recording of the subdivision predicated upon the redemption and retiring of the appropriate number of preservation credits.
- D. **Retirement Community (RC) Zoning Use District.** Preservation credits may be used to increase the development yield associated with site plan applications made to the Town Board pursuant to Article XXIII of the Riverhead Zoning Ordinance. In its review and approval of such site plan applications, the Town Board may increase the allowable development

yield at a rate of one (1) dwelling unit per preservation credit redeemed, not to exceed four (4) dwelling units per 40,000 square feet. In its review and approval of subdivision within the RC Zoning Use District utilizing preservation credits, the Planning Board shall condition the final map approval upon the redemption of the appropriate number of credits, with the signature and recording of the subdivision predicated upon the redemption and retiring of the appropriate number of preservation credits.

- E. **Commercial/Residential Campus (CRC) Zoning Use District.** Two-family residences shall require a lot of 40,000 square feet and shall employ the use of one (1) Preservation Credit for the second dwelling unit. However, in no instance shall the number of dwelling units exceed two (2) dwelling units per 40,000 square feet after subtracting for that land area required for infrastructure and public improvements. In its review and approval of subdivision within the CRC Zoning Use District utilizing preservation credits, the Planning Board shall condition the final map approval upon the redemption of the appropriate number of credits, with the signature and recording of the subdivision predicated upon the redemption and retiring of the appropriate number of preservation credits.
- F. **Business Center (BC) Zoning Use District.** Preservation credits may be used to increase the development yield associated with site plan applications made to the Town Board pursuant to Article XXVI of the Riverhead Zoning Ordinance. In its review and approval of such site plan applications, the Town Board may increase the allowable development yield at a rate of an additional 1,500 square feet of floor area per preservation credit redeemed to a maximum 0.3 floor area ratio.
- G. **Shopping Center (SC) Zoning Use District.** Preservation credits may be used to increase the development yield associated with site plan applications made to the Town Board pursuant to Article XXVI of the Riverhead Zoning Ordinance. In its review and approval of such site plan applications, the Town Board may increase the allowable development

yield at a rate of an additional 1,500 square feet of floor area per preservation credit redeemed to a maximum 0.3 floor area ratio.

- H. **Destination Retail Center (DRC) Zoning Use District.** Preservation credits may be used to increase the development yield associated with site plan applications made to the Town Board pursuant to Article XXVI of the Riverhead Zoning Ordinance. In its review and approval of such site plan applications, the Town Board may increase the allowable development yield at a rate of an additional 1,500 square feet of floor area per preservation credit redeemed to a maximum 0.3 floor area ratio.
- I. **Business F Zoning Use District.** Preservation credits may be used to increase the development yield associated with site plan applications made to the Town Board pursuant to Article XXVI of the Riverhead Zoning Ordinance. In its review and approval of such site plan applications, the Town Board may increase the allowable development yield at a rate of an additional 1,500 square feet of floor area per preservation credit redeemed to a maximum of 0.3 floor area ratio.
- J. **Planned Recreational Park (PRP) Zoning Use District.** Preservation credits may be used to increase the development yield associated with site plan applications made to the Town Board pursuant to Article XXVI of the Riverhead Zoning Ordinance. In its review and approval of such site plan applications, the Town Board may increase the allowable development yield at a rate of an additional 1,500 square feet of floor area per preservation credit redeemed to a maximum of 0.2 floor area ratio.

**§ 108-310. Administration.**

The Planning Board shall be the sole administrator of the procedures and functions associated with this article. The Planning Board shall:

- (1) Issue preservation credit certificates upon the recording of appropriate easements;
- (2) Keep records of, retain and catalogue both issued and redeemed preservation credits certificates in a Town-managed database;
- (3) Prepare and distribute an annual report providing statistics on TDR program activity;
- (4) Discontinue the redemption of Preservation Credits for residential properties upon the redemption of Five Hundred residential credits anywhere within the Town.
- (5) Not permit an area encumbered by a Conservation Easement to be included in any development yield calculation for subdivision approval by the Riverhead Planning Board.

Dated: Riverhead, New York  
April 05, 2005

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD  
BARBARA GRATTAN, Town Clerk

\* Underline represents addition(s)

Adopted

4/5/05

4/19/05

TOWN OF RIVERHEAD

Tabled

Resolution # 285

ADOPTS FINDINGS STATEMENT - LOCAL LAW FOR THE TRANSFER OF DEVELOPMENT RIGHTS

COUNCILWOMAN BLASS

COUNCILMAN BARTUNEK offered the following resolution, was seconded by

COUNCILWOMAN BLASS

CO-COUNCILMAN DENSIESKI

WHEREAS, by resolution dated November 3, 2003, the Town Board of the Town of Riverhead did adopt the Town of Riverhead Comprehensive Plan; and

WHEREAS, the Plan contemplated the adoption of a local law to allow the transfer of development rights pursuant to 261-a of the Town Law; and

WHEREAS, the Riverhead Town Board did determine that prior to the adoption of such local law, a Supplemental Generic Environmental Impact Statement need be prepared; and

WHEREAS, on December 14, 2004, the Riverhead Town Board did hold a public hearing on a Draft Supplemental Generic Environmental Impact Statement as prepared by the Riverhead Planning Department; and

WHEREAS, on February 15, 2005, the Riverhead Town Board did hold a public hearing on the Final Supplemental Environmental Impact Statement; and

WHEREAS, the New York State Environmental Conservation Law and its implementing regulations require the adoption of Findings prior to the approval of any action subject to the preparation of an Environmental Impact Statement.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby adopts the attached Findings Statement as prepared by the Riverhead Planning Department in support of the adoption of the Town of Riverhead Transfer of Development Rights Local Law;

RESOLVED, that the Riverhead Planning Department be directed to prepare notices of adoption of Findings as required by 6 NYCRR Part 617; and be it further

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

THE VOTE

Councilman Bartunek offered the resolution to brought off the table, seconded by Councilwoman Blass.

Bartunek  yes \_\_\_ no \_\_\_ Sanders  yes \_\_\_ no \_\_\_ Blass  yes \_\_\_ no \_\_\_ Densieski  yes \_\_\_ no \_\_\_ Cardinale  yes \_\_\_ no \_\_\_

THE RESOLUTION  WAS  WAS NOT

THEREFORE DULY ADOPTED

All members in favor of untabling the resolution.

Councilman Bartunek offered the resolution for adoption, seconded by councilwoman Blass.

All members in favor of the adoption of the resolution.

Adopted Tabled 4-19-05

**TOWN OF RIVERHEAD**  
**State Environmental Quality Review**  
**FINDINGS STATEMENT**

Pursuant to Article 8 of the New York Environmental Conservation Law and Title 6 New York Codes, Rules and Regulations Part 617, the Town Board of the Town of Riverhead, as Lead Agency, hereby makes the following Findings with respect to the referenced action.

**Name of Action:** A Local Law providing for the Transfer of Development Rights pursuant to Section 261-a of the Town Law.

**Lead Agency:** Town of Riverhead  
Town Board  
200 Howell Avenue  
Riverhead, NY 11901

**Contact Person:** Richard W. Hanley, Planning Director

**Date Final EIS Filed:**

**Introduction:** This Findings Statement has been prepared pursuant to the requirements of 6 NYCRR Part 617.11, which requires that no agency shall make a decision on an action which has been the subject of a Final Generic Environmental Impact Statement (GEIS) until such time as a written statement of Findings has been prepared identifying the facts and conclusions relied upon to support its decision. In order to meet this SEQRA provision, the Town Board has prepared this Findings Statement based upon the analysis contained within the relevant GEIS documents.

**Location of Action:** The transfer and acceptance of development rights are limited to those areas within the Town of Riverhead as identified and depicted as either sending areas or receiving areas upon the attendant Transfer of Development Rights Map.

**Description of Action:** The proposed action is the adoption of the Town of Riverhead Transfer of Development Rights Local Law. The concept of transfer of development rights was a fundamental land use management technique studied in the Town of Riverhead Comprehensive Plan adopted by the Riverhead Town Board on November 3, 2003.

In order to fully comply with SEQRA procedures, the Riverhead Town Board has completed the following:

- A Comprehensive Plan and Environmental Findings Statement were adopted by the Town Board by resolution dated November 3, 2003.
- A Draft Supplemental Generic Environmental Impact Statement (DSGEIS) was the subject of a public hearing held on December 14, 2004.
- A Final Supplemental Generic Environmental Impact Statement (FSGEIS) was the subject of a public hearing held on February 15, 2005.

**Agency Jurisdiction:** The proposed Transfer of Development Rights Local Law was prepared in accordance with Section 261-a of the Town Law. The authority of the Riverhead Town Board to adopt such local law also resides in Section 261-a of the Town Law.

**Potentially Significant Adverse Environmental Impacts:** The following is a compilation of the potentially significant environmental impacts within receiving areas which the action poses to the natural and social environment, as identified through the series of governmental and public examinations made part of the attending SEQRA record:

1. impacts to hydrogeologic resources;
2. impacts resulting from increased stormwater runoff;
3. impacts resulting from increased motor vehicle trip ends;
4. impacts upon existing land use patterns.

These Findings summarize the facts and conclusions of the Final Generic Supplemental Environmental Impact Statement supporting the action, as well as those independent environmental reviews of the action the FGSEIS is the seminal document identifying both those activities considered to have significant environmental impacts and those measures designed to mitigate such impacts. The commentary received from parties of interest were made part of lead agency analysis and the formation of lead agency findings.

**Facts and Conclusions in the Supplemental Generic Environmental Impact Statement:** Both the SDGEIS and SFGEIS demonstrate that the proposed Town of Riverhead Transfer of Development Rights Local Law complies with the requirements and provisions of Section 261-a of the Town Law. Specifically, the Law succeeds in the following:

- i. The designation of separate and distinct sending and receiving districts;
- ii. A procedure for the quantification of development rights from a sending parcel, a procedure for the transfer of rights from a sending parcel to a receiving parcel and a process for the redemption of development rights on a receiving parcel;
- iii. The identification of those natural features to be preserved as a result of the transfer of development rights;
- iv. A quantification of the total number of development rights existing within identified sending areas and the establishment of a 1:1 ratio of existing development rights to receiving area absorption capabilities;
- v. An identification of the natural features to be protected through transfer;

- vi. An identification of the burden to be placed upon the sending property prior to the redemption of transferred rights.

The following is a synopsis of the conclusions of the lead agency with regard to the potentially adverse environmental impacts associated with the subject action. These conclusions are based upon a review of the SEQRA record, public commentary, as well as all other relevant planning, zoning and environmental information.

1. Impacts To Hydrogeologic Resources:

The transfer of 500 residential development rights will land in any of the four (4) identified residential receiving districts. The contemplated increased development yields will, in all instances, conform to the standards of Article 6 of the Suffolk County Sanitary Code and will not have adverse impacts upon groundwater resources.

The transfer of 6,770 commercial/industrial development rights will land in any of the six (6) identified commercial or industrial receiving districts. The contemplated increases in demand for potable water consumption and wastewater treatment will, in all instances, be serviced by the appurtenances of both the Riverhead Water District and the Riverhead Sewer District.

2. Impacts Resulting From Increased Stormwater Runoff:

The transfer of 500 residential development rights will result in increased linear feet (area) of public highways serving residential lots. In receiving areas the collection and draining of stormwater will be managed via the construction of public facilities as required by the Town of Riverhead subdivision regulations.

The transfer of commercial/industrial development rights will result in increased floor areas and parking areas on parcels in receiving areas. Increased stormwater runoff will be contained on site via the installation of appropriate drainage structures as required by the Riverhead Zoning Ordinance.

3. Impacts Resulting From Increased Motor Vehicle Trip Ends:

The transfer of 500 residential development rights to residential receiving districts will redistribute motor vehicle trip ends to residential subdivisions in receiving areas. Given the sum of the areas of the four (4) residential receiving zones (3,075 acres), adverse impacts resulting from increased motor vehicle trip ends will be mitigated through proper roadway layout and subdivision design.

The transfer of commercial/industrial development rights to commercial receiving areas will re-distribute motor vehicle trip ends from the Agricultural Preservation Zone to identified commercial/industrial receiving areas. Given recent improvements made to either County or State highways and future improvements to be made as a function of road opening approvals, the impact of redistributed motor vehicle trip ends will be mitigated.

#### 4. Impacts Upon Existing Land Use Patterns:

The transfer of residential development rights into identified receiving areas was fully studied in the Town of Riverhead Comprehensive Plan. As all receiving densities were halved by the implementation of the Comprehensive Plan, resulting subdivision densities will conform to the existing lot areas in receiving areas.

**Conclusions And Generic Findings:** Based upon the information contained within the Final Supplemental Generic Environmental Impact Statement and as outlined in these Findings, the lead agency finds that the proposed action will not only achieve the goals of this Finding Statement, but will both minimize adverse environmental concerns and provide the necessary balance between the protection of the environment and the need to accommodate both social and economic considerations.

Therefore, having considered the Final Supplemental Generic and having considered the foregoing written facts and conclusions relied upon to meet the requirements of 6NYCRR Part 617.11 this Findings Statement certifies that:

1. The lead agency has considered the relevant environmental impacts, facts and conclusions disclosed in the Draft and Final Supplemental Generic Environmental Impact Statements;
2. The lead agency has weighed and balanced the relevant environmental impacts with social, economic and other considerations.
3. These Findings do provide a sound rationale for the lead agency's decision;
4. The requirements of 6NYCRR Part 617 have been met
5. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures identified;
6. This action is consistent with the applicable policies of Article 42 of the Executive Law as implemented by 19NYCRR 6005.

The lead agency, pursuant to SEQRA Part 617.11 has the Findings stated herein and shall cause it to be filed in accordance with 6NYCRR Pat 617.12.

Copies of this statement have been filed with:

Denise M. Sheehan, Acting Commissioner, NYSDEC  
Randy A. Daniels, Secretary of State  
Peter Scully, Regional Director, NYSDEC  
Environmental Notice Bulletin

Adopted

4/5/05

1996 CLEAN WATER/CLEAN AIR BOND ACT  
TITLE 3 SECTION 56-0303  
WATER QUALITY IMPROVEMENT PROJECTS AND  
ENVIRONMENTAL PROTECTION FUND ARTICLE 17-14  
ENVIRONMENTAL CONSERVATION LAW;  
PERFORMANCE PARTNERSHIP GRANTS  
PUBLIC LAW 104-134  
NONAGRICULTURAL NONPOINT SOURCE PROJECTS  
PROJECTION 2003W QI6104

RIVERHEAD SEWER DISTRICT

RESOLUTION # 286

Adopted \_\_\_\_\_

Councilperson COUNCILWOMAN SANDERS offered the following resolution which was seconded by Councilperson COUNCILMAN DENSIESKI,

WHEREAS, the Town of Riverhead Sewer District, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein referred to as the Sanitary Wastewater - Phase I - STP grounds on site Implementation, called the "Project" is desirable and is in the public interest, and is required in order to implement the Project, and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for water quality improvement projects by means of contract and the District deems it to be in the public interest and benefit under this law to enter into a contract with,

NOW, THEREFORE, BE IT

RESOLVED, by the Riverhead Town Board, as governing body of the Riverhead Sewer District that:

1. PHILIP CARDINALE, Supervisor of the Town of Riverhead, or such person's successor in office, is the representative

authorized to act in behalf of the municipalities governing body in all matters related to the State assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the municipality's governing body in all matters related to the project and to State assistance;

2. The municipality agrees that it will fund its portion of the cost of the project and that funds will be available to initiate the project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;

3. One certified copy of this resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation;

4. This resolution shall take effect immediately.

5. The town clerk forward certified copies of this resolution to the Accounting Department, Frank Russo at H2M, Frank Isler, Esq.; and that the town Clerk is directed to complete the attached Certificate of Recording Officer for submittal with the grant.

THIS RESOLUTION PREPARED BY FRANK ISLER, ESQ., FOR THE RIVERHEAD SEWER DISTRICT

THE VOTE  
Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blass  yes \_\_\_ no DeFisieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no  
THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

CERTIFICATE OF RECORDING OFFICER

That the attached Resolution is a true and correct copy of the Resolution, as regularly adopted at a legally convened meeting of the \_\_\_\_\_  
(Name of Governing Body of Applicant)

duly held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; and further that such Resolution has been fully recorded in the \_\_\_\_\_ in my office.  
(Title of Record Book)

In witness thereof, I have hereunto set my hand this \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Recording Officer

If the Applicant has an Official Seal, Impress here.

\_\_\_\_\_  
Title of Recording Officer

04-05-05

**Adopted**

**TOWN OF RIVERHEAD**

**Resolution # 287**

**ACCEPTS 5% SECURITY BOND OF GEORGE REGINI**  
**(d/b/a/ GIORGIO'S RESTAURANT)**

COUNCILMAN DENSIESKI offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

WHEREAS, George Regini has posted a security bond (Personal check #137 dated 3-16-05) in the sum of Eight Hundred Eighteen Dollars (\$818.00) representing the 5% site plan security bond as noted in the approved site plan dated January 18, 2005 Resolution #1176 for work located at 100 Fox Hill Drive, Baiting Hollow, New York, Suffolk County Tax Map # 600-040.00-02-006.03 pursuant to Section 108-133 (I) of the Riverhead Town Code; and

WHEREAS, the Town Attorney has reviewed said security bond 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 5% performance bond in the sum of Eight Hundred Eighteen Dollars (\$818.00) issued to the Town of Riverhead; and,

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to George Regini, 111 Cliff Road, Port Jefferson, New York 11777, the Building Department; the Planning Department and the Town Attorney's Office.

**THE VOTE**

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not

Thereupon Duly Declared Adopted

4/5/05

Adopted

TOWN OF RIVERHEAD

Resolution # 288

ACCEPTS CERTIFICATE OF DEPOSIT OF HARTILL CONTRACTING, INC.  
(SUBDIVISION ENTITLED, "KELBRIDGE MEADOWS")

COUNCILMAN BARTUNEK offered the following resolution, was seconded  
by COUNCILWOMAN SANDERS:

**WHEREAS**, by Resolution #7 adopted on January 21, 2005, the Riverhead Planning Board conditionally approved the final plat entitled, "Kelbridge Meadows", having one of the conditions of final approval being the submission and filing of a performance bond in the amount of \$450,000.00 in connection with improvements to be completed within said subdivision; and

**WHEREAS**, Hartill Contracting, Inc. has submitted Suffolk County National Bank Certificate of Deposit #000290071261 in the amount of Four Hundred Fifty Thousand and 00/100 (\$450,000.00) Dollars; and

**WHEREAS**, said certificate of deposit is found to be acceptable in connection with improvements to be completed in the subdivision entitled "Kelbridge Meadows".

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead be and hereby accepts Suffolk County National Bank Certificate of Deposit #000290071261 in the amount of Four Hundred Fifty Thousand and 00/100 (\$450,000.00) Dollars for improvements to be completed in the aforementioned subdivision; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Robert F. Kozakiewicz, Esq., 431 Griffing Avenue, P.O. Box 341, Riverhead, New York, 11901; John Raynor, P.E., L.S., P.C., P.O. Box 720, Water Mill, New York, 11976, Attn: Vincent Gaudiello, P.E.; the Planning Department; the Building Department and the Town Attorney's Office.

THE VOTE  
Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no  
THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

April 5, 2005

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 289

ACCEPTS GRANT FUNDS FROM EMPIRE STATE DEVELOPMENT

COUNCILWOMAN SANDERS offered the following resolution, which was seconded by  
COUNCILWOMAN BLASS

WHEREAS, grant funding in the amount of \$4,500 was awarded to the Town of Riverhead by the Empire State Development Corporation; and

WHEREAS, grant funds are intended to support Senior Citizen educational programs including caregiver support and birdwatching workshops; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes grant funds to be accepted and utilized in accordance with applicable guidelines.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Grants Coordinator Jennifer Mesiano, Seniors Programs Director Judy Doll and the Office of Accounting.

THE VOTE

Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blass  yes \_\_\_ no Deñsieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no

THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

4/5/05

# Adopted

TOWN OF RIVERHEAD

Resolution # 290

**AMENDS RESOLUTION #252 OF 2005**  
**(APPROVES CHAPTER 90 APPLICATION OF CALVERTON LINKS, LTD.)**

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN DENSIESKI :

**WHEREAS**, the Riverhead Town Board approved a Chapter 90 Application of Calverton Links, Ltd. for the purpose of conducting various affairs (i.e. golf outings, birthday parties, christening parties, weddings) on their grounds at 149 Edwards Avenue, Calverton, New York, on weekends between April 30, 2005 and June 25, 2005; and

**WHEREAS**, the resolution incorrectly approved the events to take place on weekends only.

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Riverhead hereby amends Resolution #252 adopted by the Riverhead Town Board on March 15, 2005 to approve the Chapter 90 Application to allow the events to take place on any and all days commencing April 30, 2005 through and ending on June 25, 2005; and be it further

**RESOLVED**, that all other terms and conditions of Resolution #252 shall remain in full force and effect; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Calverton Links, Ltd., 149 Edwards Avenue, Calverton, New York, 11933; Bruce Johnson, Fire Marshal; Chief Hegermiller, Police Department; the Riverhead Fire Department and the Office of the Town Attorney.

THE VOTE

Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no

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

# Adopted

TOWN OF RIVERHEAD

Resolution # 291

AMENDS THE SALARIES FOR NON-CSEA PARTIME PERSONNEL CHAPERONE POSITION  
FOR 2005 FOR THE  
RECREATION DEPARTMENT

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

**RESOLVED**, that the Town Board amends the salaries for non-CSEA partime personnel chaperone position for 2005 for Recreation Department.

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

THE VOTE

Bartunek  yes \_\_\_ no \_\_\_ Sanders  yes \_\_\_ no \_\_\_  
 Blass  yes \_\_\_ no \_\_\_ Densieski  yes \_\_\_ no \_\_\_  
 Cardinale  yes \_\_\_ no \_\_\_

THE RESOLUTION  WAS \_\_\_ WAS NOT  
 THEREFORE DULY ADOPTED



**Recreation Department**  
**200 Howell Avenue**  
**Riverhead, NY 11901**  
**(631) 727-5744**

**Non-CSEA Part-Time Recreation Positions**

	Assistant Teen Center Mgr	PT Rec Aid Teen center	PT Rec Aid Skatepark	PT Asst. Rec leader Skatepark	PT Rec Aid Youth sports	PT Rec leader Youth sports	PT Security Guard	PT Rec Aid Volleyball
Level 1	\$13.6366	\$9.0834	\$7.50	\$9.50	\$7.50	\$12.50	\$10.58	\$10.00
Level 2	\$14.50	\$10.00	\$8.50	\$10.50	\$7.75	\$12.75	\$10.75	\$10.25
Level 3	\$14.75	\$10.25	\$8.75	\$11.00	\$8.00	\$13.00	\$11.00	\$10.50
Level 4	\$15.00	\$10.50	\$9.00	\$11.50	\$8.25	\$13.25	\$11.25	\$10.75
Level 5	\$15.25	\$10.75	\$9.25	\$12.00	\$8.50	\$13.50	\$11.50	\$11.00
Level 6		\$11.00	\$9.50	\$12.50	\$8.75	\$13.75	\$11.75	\$11.25
Level 7		\$11.25	\$9.75	\$13.00	\$9.00	\$14.00	\$12.00	\$11.50

	PT Gate Attendant	Park Attendant I	Park Attendant II	Park Attendant III	PT Guard	Chaperone	PT Bus Driver
Level 1	\$9.75	\$7.50	\$9.50	\$10.00	\$10.58	\$8.50	\$11.4642
Level 2	\$10.75	\$8.50	\$10.50	\$11.00	\$10.75	\$8.75	\$12.00
Level 3	\$10.95	\$9.00	\$11.00	\$11.50	\$11.00	\$9.00	\$12.25
Level 4	\$11.05	\$9.50	\$11.50	\$12.00	\$11.25	\$9.25	\$12.50
Level 5	\$11.25	\$10.00	\$12.00	\$12.50	\$11.50	\$9.50	\$12.75
Level 6	\$11.45		\$12.50	\$13.00	\$11.75	\$9.75	\$13.00
Level 7	\$11.65		\$13.00	\$13.50	\$12.00	\$10.00	\$13.25

**NOTE:** The above salaries are listed on a per hour basis. Experience may influence starting level up to Level II.

4/5/05

TOWN OF RIVERHEAD

Adopted

Resolution # 292

**APPOINTS A CHAPERONE  
TO THE RIVERHEAD RECREATION DEPARTMENT**

COUNCILWOMAN BLASS offered the following resolution,  
which was seconded by COUNCILMAN BARTUNEK

**RESOLVED**, that Kim Hasty is hereby appointed to serve as a Chaperone effective April 6, 2005, to serve as needed on an at will basis and to be paid at the rate of \$8.50 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):

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 and the Office of Accounting.

1

THE VOTE  
Bartunek  yes \_\_\_ no \_\_\_ Sanders  yes \_\_\_ no \_\_\_  
Blass  yes \_\_\_ no \_\_\_ Densieski  yes \_\_\_ no \_\_\_  
Cardinale  yes \_\_\_ no \_\_\_  
THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

1 Rec./ Colleen. Chaperone Kim Hasty

4/5/05

TOWN OF RIVERHEAD

Adopted

Resolution # 293

APPOINTMENTS A P/T RECREATION AIDE TO THE RIVERHEAD RECREATION DEPARTMENT

~~COUNCILMAN SANDERS~~ offered the following resolution,  
which was seconded by ~~COUNCILMAN BARTUNEK~~ COUNCILMAN BASS

**RESOLVED**, that Diane Hartill is hereby appointed to serve as a P/T Recreation Aide, effective May 30<sup>th</sup> 2005, to serve as needed on an at will basis and to be paid at the rate of \$7.50 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):

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 and the Office of Accounting.

1

THE VOTE  
Bartunek  yes  no Sanders  yes  no  
Blass  yes  no Densieski  yes  no  
Cardinale  yes  no  
THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

4/5/05

Adopted

TOWN OF RIVERHEAD

Resolution # 294

APPOINTS RECREATION SPECIALISTS (SPORTS INSTRUCTORS)  
TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILWOMAN BLASS offered the following resolution,  
which was seconded by COUNCILMAN BARTUNEK

**RESOLVED**, that Dennis Dougherty, Cheryl Edwards, Scott Hackel, Cheryl Mustacchio, and David Spinella are hereby appointed to serve as a Recreation Specialists (Sports Instructors), effective May 30th, 2005, to serve as needed on an at will basis and to be paid at the rate of \$20.00 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):

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 and the Office of Accounting.

1

THE VOTE

Bartunek  yes  no Saunders  yes  no  
 Blass  yes  no Densieski  yes  no  
 Cardinale  yes  no

THE RESOLUTION  WAS  WAS NOT  
 THEREFORE DULY ADOPTED

Adopted

TOWN OF RIVERHEAD

Resolution # 295

APPOINTS TEMPORARY SECRETARY  
TO THE BOARD OF ASSESSMENT REVIEW

COUNCILMAN DENSIESKI offered the following resolution, which was  
seconded by COUNCILWOMAN SANDERS

WHEREAS, a position of temporary secretary currently exists on the Board of Assessment Review; and

WHEREAS, Maribeth Vail has expressed an interest in serving in this capacity; and

WHEREAS, members of the Board of Assessment Review approve of her appointment.

NOW, THEREFORE, BE IT RESOLVED, that Maribeth Vail be and is hereby appointed as temporary secretary to the Board of Assessment Review at an hourly rate of \$12.00 effective May 1, 2005 through December 31, 2005; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Maribeth Vail, the Assessors' Office, and the Office of Accounting.

THE VOTE

Sanders  Yes  No      Blass  Yes  No  
Densieski  Yes  No      Bartunek  Yes  No  
Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

4/5/05

TOWN OF RIVERHEAD

Adopted

Resolution # 296

**APPROVES CHAPTER 90 APPLICATION OF CAPTAIN HAWKIN'S HOUSE RESTORATION, LLC (DESIGNER SHOW HOUSE)**

COUNCILWOMAN SANDERS

offered the following resolution, was seconded by

COUNCILMAN DENSIESKI :

**WHEREAS**, Captain Hawkin's House Restoration, LLC has submitted a Chapter 90 Application for the purpose of conducting a designer show house to completely decorate individual rooms in this restored house and to allow the public to view all of the furnished rooms having the net proceeds going to Central Suffolk Hospital. The event is to be located at 400 South Jamesport Avenue, Jamesport, New York, to be held for approximately six (6) weeks, commencing on September 15, 2005 and ending on October 31, 2005, between the hours of 10:00 a.m. and 5:00 p.m.; and

**WHEREAS**, Captain Hawkin's House Restoration, LLC has completed and filed and Short Form Environmental Assessment Form in accordance with 6 NYCRR 617; and

**WHEREAS**, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b); and

**WHEREAS**, the applicant has paid the applicable Chapter 90 Application fee; and

**WHEREAS**, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application.

**NOW THEREFORE BE IT RESOLVED**, that Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

**RESOLVED**, that the application of Captain Hawkin's House Restoration, LLC for the purpose of conducting a designer show house to be located at 400 South Jamesport Avenue, Jamesport, New York, to be held for approximately six (6) weeks, commencing on September 15, 2005 and ending on October 31, 2005, between the hours of 10:00 a.m. and 5:00 p.m. is hereby approved; and be it further

**RESOLVED**, that the approval for this event shall be subject to the issuance of a certificate of occupancy by the Riverhead Building Department should this special event involve

W:\Laura Calamita\chap90\Capt.Hawkinsch90.res.doc

any public entry, use or occupancy of the building or construction site; and be it further

**RESOLVED**, that the approval for this event shall be **subject to** receipt of a valid certificate of insurance naming the Town of Riverhead as an additional insured *no later than September 1, 2005*; and be it further

**RESOLVED**, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 209, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Charles R. Cuddy, Esq., 445 Griffing Avenue, Riverhead, New York, 11901; the Riverhead Fire Marshal; the Riverhead Building Department and the Riverhead Police Department.

THE VOTE  
Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blass  yes \_\_\_ no Denisieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no  
THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

4/5/05

# Adopted

TOWN OF RIVERHEAD

Resolution # 297

**APPROVES CHAPTER 90 APPLICATION OF OUR REDEEMER LUTHERAN  
CHURCH OF AQUEBOGUE  
(CARNIVAL & PLANT SALE)**

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILMAN BARTUNEK :

**WHEREAS**, Our Redeemer Lutheran Church of Aquebogue has submitted a Chapter 90 Application for the purpose of conducting a carnival and plant sale to be located on their property located at 269 Main Road, Aquebogue, New York, to be held on May 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>, 2005, between the hours of 2:00 p.m. and 10:00 p.m.; and

**WHEREAS**, Our Redeemer Lutheran Church of Aquebogue has completed and filed and Short Form Environmental Assessment Form in accordance with 6 NYCRR 617, and

**WHEREAS**, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b), and

**WHEREAS**, the applicant has requested the Chapter 90 Application fee be waived due to its not-for-profit status; and

**WHEREAS**, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application; and

**WHEREAS**, a certificate of insurance has been received naming the Town of Riverhead as an additional insured.

**NOW THEREFORE BE IT RESOLVED**, that Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2), and be it further

**RESOLVED**, that the application of Our Redeemer Lutheran Church of Aquebogue for the purpose of conducting a carnival and plant sale to be located on their property located at 269 Main Road, Aquebogue, New York, to be held on May 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>, 2005, between the hours of 2:00 p.m. and 10:00 p.m., is hereby approved; and be it further

**RESOLVED**, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee; and be it further

**RESOLVED**, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 209, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Our Redeemer Lutheran Church of Aquebogue, P.O. Box 960, Aquebogue, New York, 11931; the Riverhead Fire Marshal and the Riverhead Police Department.

THE VOTE  
Bartunek  yes \_\_\_ no \_\_\_ Sanders  yes \_\_\_ no \_\_\_  
Blass  yes \_\_\_ no \_\_\_ Densieski  yes \_\_\_ no \_\_\_  
Cardinale  yes \_\_\_ no \_\_\_  
THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

April 5, 2005

# Adopted

TOWN OF RIVERHEAD  
Resolution # 298

APPROVES TEMPORARY SIGN PERMIT OF BROWNING HOTEL PROPERTIES, LLC

COUNCILMAN BARTUNEK offered the following resolution, which was seconded by

COUNCILWOMAN SANDERS

**WHEREAS**, a temporary sign permit and sketch were submitted by Lee Browning, Sr. for property located at Old Country Road, Riverhead, New York also known as SCTM# 118.00-02-003.00; and

**WHEREAS**, pursuant to Section 108-56 C (5) of the Code of the Town of Riverhead, the application does not require the recommendation of the Architectural Review Board; and

**WHEREAS**, sketch has been approved the three (3) Town Board members;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the temporary sign permit application for Browning Hotel Associates submitted by Lee Browning, Sr. ,

**RESOLVED**, that said temporary sign permit shall expire on October 5, 2005 and the applicant shall removed the affected sign, in its entirety, on or before said date; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Browning Hotel Properties, LLC, Att Lee Browning, Sr., 5000 Express Drive South, Ronkonkoma, New York 11779, the Planning Department and the Building Department.

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No *absain*

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**Application**  
FOR SIGN PERMIT  
**Town of Riverhead**  
Suffolk County, New York

Fee	100	Receipt No	31212
Application No	34069	Date Permit Issued	
ZB No	29263	Building Inspector	
Date Approved or Denied		Board of Appeals No.	
		Date Granted	
		Date Denied	

Dated: 3-22-05  
SCTM# 118-2-3

APPLICATION IS HEREBY MADE to the Building Inspector in the Town of Riverhead for the issuance of a Permit pursuant to the Zoning Ordinance of the Town of Riverhead, Suffolk County, New York, for the use and the erection or the structural alteration of a sign or signs, as hereinafter described and as shown on the accompanying layout or plot plan:

1. The sign to be located at VACANT LAND ROUTE 58 in the Town of Riverhead,  
TAX MAP DESIG.  
600-118-2-2&3 Use District, is to be Erected or Structurally altered

2. The sign will have an area of 32 .. Sq. feet, and will be 6 .. feet in height. The base of the sign will be 2 .. feet above ground level.

3. The sign will be Permanent or Temporary installation.  
(Circle one)

4. Description of sign: (Check appropriate items below).

- .. a. Lighted
- .. b. Single Face
- .. c. Double Faced
- .. d. Attached to Building
- .. e. Facial (Painted or Affixed)
- .. f. Independent Construction
- .. g. Advertising
- .. h. Business

5. Materials to be used: PLYWOOD 4'x8', COROPLAST 4'x8' W/VINYL LETTERS

6. Has permission been obtained from property owner, if other than the applicant, upon which the sign is to be erected? ..

All statements made in this application and shown on the attached plot plan are true to the best of my knowledge and belief.

Property Owner Name & Address: BBC REALTY AND SEAL REALTY CO.  
376 FULTON STREET, FARMINGDALE NY 11735

Applicant Name: LEE BROWNING SR.

Business Name: BROWNING HOTEL PROPERTIES, LLC

Address: 5000 EXPRESS DR. SOUTH, RONKONKOMA NY Phone Number: 631.612.5026.

[Signature]  
(Signature of owner or applicant)

Sworn to before me this 10 day of March, 2006

[Signature]

Notary Public CHRISTOPHER R. ATKINSON  
Notary Public, State of New York  
No. 01AT5062500

2004 Sign permit. Revised 02/09/04 Commission Expires July 1, 2006

\_\_\_\_\_ has submitted papers for a sign permit, dated \_\_\_\_\_.

**NO SIGN CAN BE ERECTED UNTIL THE TOWN BOARD APPROVAL IS OBTAINED AND A SIGN PERMIT IS ISSUED. IT IS ADVISABLE NOT TO ORDER YOUR SIGN UNTIL ALL APPROVALS ARE OBTAINED.**

*Name*

*Date*

**108-56.1. Penalties for offenses against sign provisions. [Added 10-19-1993; amended 8-2-1994]**

Any sign installed without benefit of a sign permit pursuant to 108-56 of the Riverhead Town Code shall be charged a civil penalty of **five hundred dollars (\$500.)** in addition to the sign permit and application fee as specified in 52-10 of the Riverhead Town Code. Said civil penalty shall be due and payable upon application for a sign permit.

READ THIS DOCUMENT CAREFULLY  
YOU MAY CONSULT YOUR ATTORNEY BEFORE COMPLETING.

DISCLOSURE AFFIDAVIT

STATE OF NEW YORK)

SS:

COUNTY OF SUFFOLK)

I, LEE BROWNING SR. an applicant for  
the following relief: SIGN PERMIT and being  
(Type of Permit)  
duly sworn, deposes and says:

That I make and complete this affidavit under the penalty of perjury and swear to the truth thereof.

knowing failure to provide true information is punishable as a misdemeanor. Being so warned, I state:

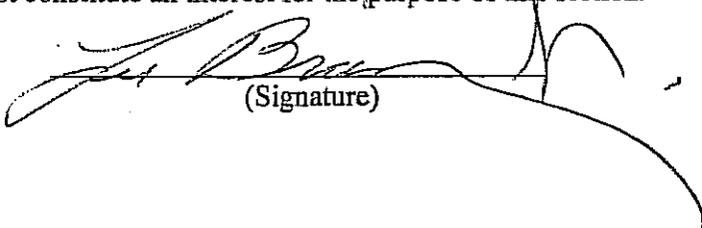
That \_\_\_\_\_, is a State Officer, is  
(Relative)

an officer or employee of Riverhead Town, and:

*That this person has an interest in the person, partnership or association requesting the above stated relief.*

That for the purpose of this section, an officer or employee shall be deemed to have an interest in the applicant where  
his spouse, or their brothers, sisters, parents, children, grandchildren or the spouse of any of them.

- a. is an applicant,
- b. is an officer, director, partner or employee of the applicant,
- c. legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association, applicant, or
- d. is a party to an agreement with such an application, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependant or contingent upon the favorable approval of such application, petition or request.
- e. That ownership of less than five (5) per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchange shall not constitute an interest for the purpose of this section.

  
(Signature)

Sworn to before me this 10 day

of MARCH, 2005



Notary Public

CHRISTOPHER R. ATKINSON  
Notary Public, State of New York  
No. 01AT5062500  
Qualified in Suffolk County  
Commission Expires July 1, 2006

# BROWNING HOTEL PROPERTIES, LLC

5000 EXPRESS DRIVE SOUTH  
RONKONKOMA, NY 11779  
PHONE: 631.612.5026  
FAX: 631.612.5024  
E-MAIL: BROWNING HOTEL @MSN.COM

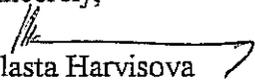
March 11, 2005

Town of Riverhead  
Building Department  
200 Howell Avenue  
Riverhead, NY 11901

Dear Sir or Madam:

Please find enclosed the Application for Sign Permit. If you have any questions or need additional information, please feel free to call.

Sincerely,

  
Vlasta Harvisova

MAR 14 2005

Colors:  
RED - PMS 185  
BLACK

→ Futura XbK Cn Bt  
9.6"

# PRIME RETAIL SPACE

# AVAILABLE

# STACK REALTY, LLC

Exclusive Broker

# 631-223-3004

Futura XbK Cn Bt

9"

Bodoni Bdn Cn Bt

5"

Bodoni Bdn Cn Bt

3"

Currendon Cn Bt

6 3/4"

96"

48"

Scale 10" : 1"



**PRIME RETAIL SPACE  
AVAILABLE**  
**STACK REALTY, LLC**  
Exclusive Broker  
**631-223-3004**

1'8"

4'

4"

4"

8'

4"

4"

4'

1'8"



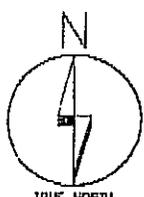
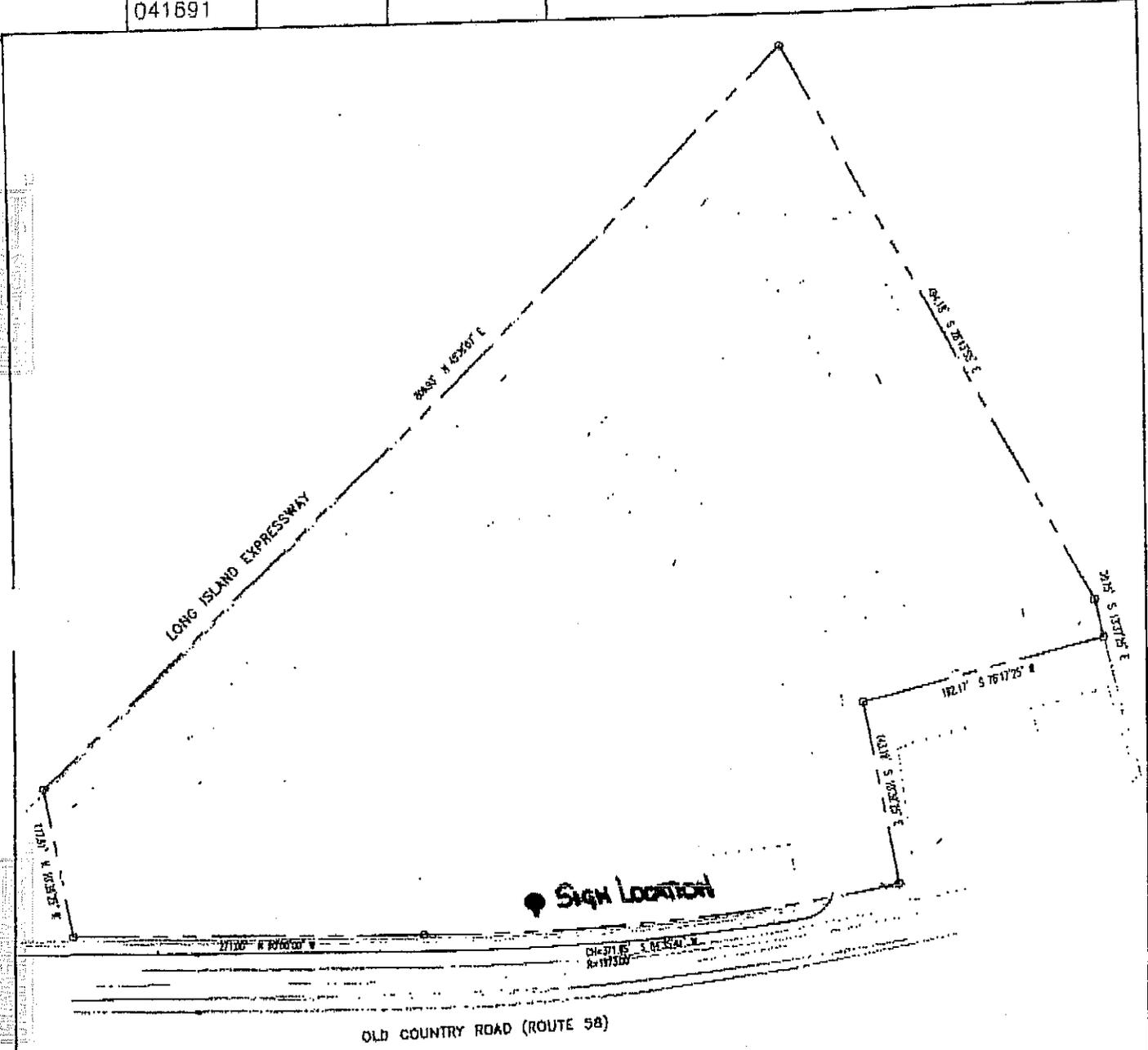


Parkway Plaza I  
 14110 Dallas Parkway  
 Suite 100  
 Dallas Texas 75240  
 PH: (972) 239-8884  
 Fax: (972) 239-5054

Architecture / Development

Job No.	GHA Job No.	Date	Sheet No.	Project
	041690	09/30/04	SCHEME 1A	
	041691			

OLD COUNTRY ROAD  
 RIVERHEAD, NY



TRUE NORTH  
 SCALE: NTS

GENERAL NOTES:  
 1. PROPERTY AREA: 303,449 SF - 6.97 ACRES TOTAL

April 5, 2005

# Adopted

TOWN OF RIVERHEAD  
Resolution # 299

APPROVES TEMPORARY SIGN PERMIT OF FIRST CHOICE MEDICAL

COUNCILWOMAN SANDERS offered the following resolution, which was seconded by

COUNCILWOMAN BLASS

**WHEREAS**, a temporary sign permit and sketch were submitted by Clyde Volpe for First Choice Medical for property located at Old Country Road, Riverhead, New York also known as SCTM# 101.00-01-010.07; and

**WHEREAS**, pursuant to Section 108-56 C (5) of the Code of the Town of Riverhead, the application does not require the recommendation of the Architectural Review Board; and

**WHEREAS**, sketch has been approved the three (3) Town Board members;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the temporary sign permit application for First Choice Medical submitted by Clyde Volpe and be it

**RESOLVED**, that said temporary sign permit shall expire on July 5, 2005 and the applicant shall removed the affected sign, in its entirety, on or before said date; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to First Choice Medical, 47 Commerce Drive, Riverhead, New York 11901, the Planning Department and the Building Department.

**THE VOTE**

Bartunek  Yes  No

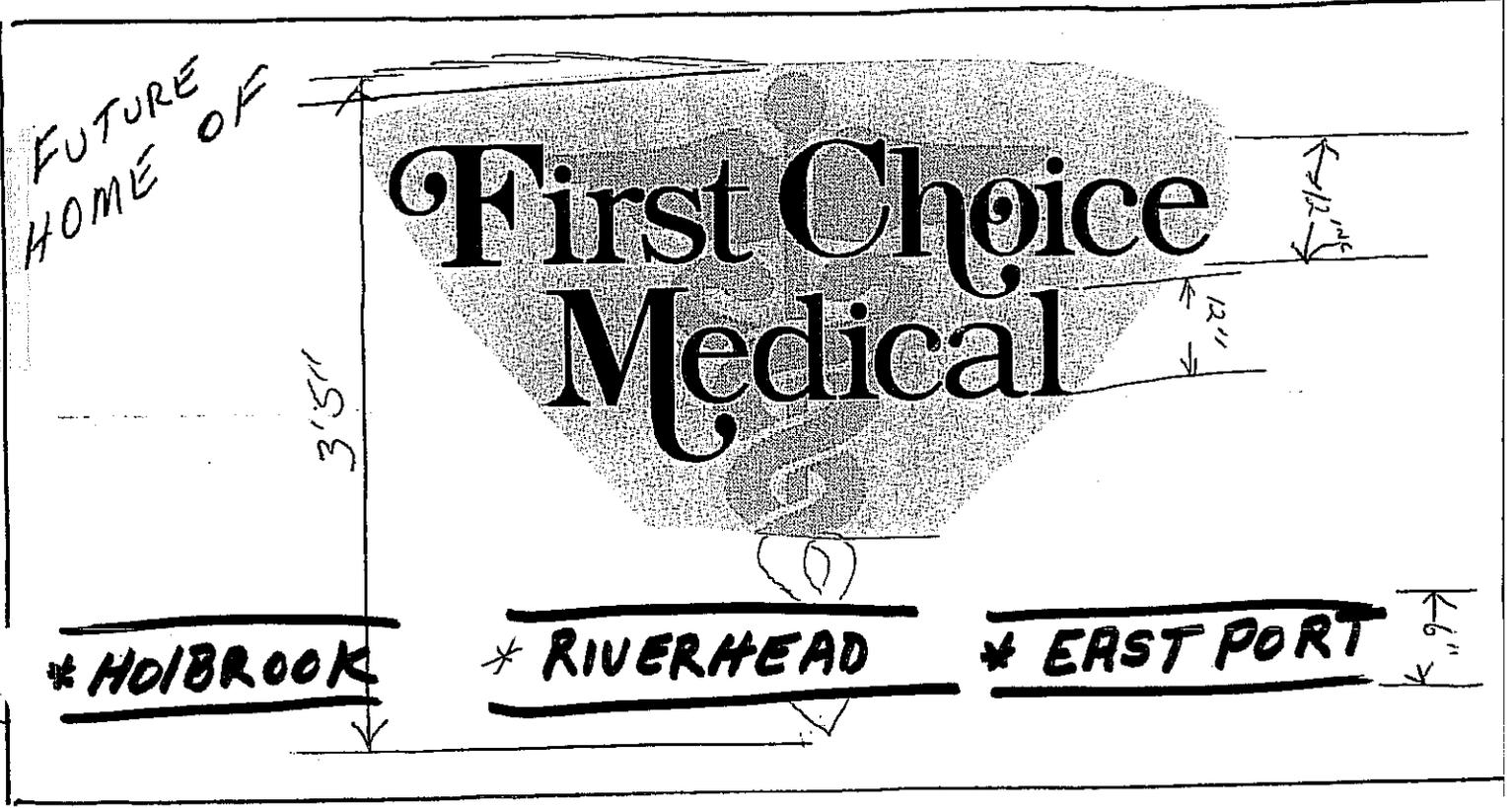
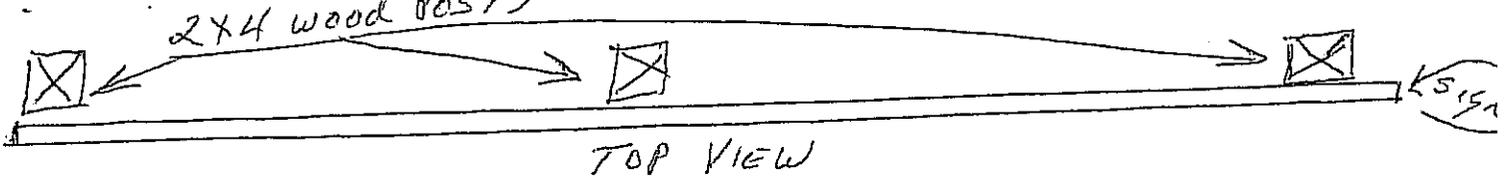
Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted



Vinyl Copy

- WHITE COROPLAST BACKGROUND
- BLUE FIRST CHOICE MEDICAL
- BLUE HOLBROOK - RIVERHEAD - EAST PORT
- LIGHT BLUE - MEDUSA
- BLUE - FUTURE HOME OF

SIGN TO BE 15 FEET OFF ROAD  
AND 25 FEET FROM TWO SIDE PROPERTY LINE

April 5, 2005

Adopted

06/07/05

Tabled

TOWN OF RIVERHEAD  
Resolution # 300

APPROVES TEMPORARY SIGN PERMIT OF TIMOTHY HILL CHILDREN'S RANCH

COUNCILMAN BARTUNEK offered the following resolution, which was seconded by

COUNCILWOMAN BLASS

WHEREAS, a temporary sign permit and sketch were submitted by Timothy Hill Children's Ranch for properties located at Mill Road and Route 58, Northville Turnpike and Route 58, First Choice Medical-Route 58 and small signs placed around traffic circle at Route 58 Riverhead, New York; and

WHEREAS, pursuant to Section 108-56 C (5) of the Code of the Town of Riverhead, the application does not require the recommendation of the Architectural Review Board; and

WHEREAS, sketch has been approved the three (3) Town Board members;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the temporary sign permit application for Timothy Hill Children's Ranch submitted by Nicole Chance for Country Western Day, September 10, 2005 and be it

RESOLVED, that said temporary sign permit shall expire on September 18, 2005 and the applicant shall removed the affected signs, in its entirety, on or before said date; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Timothy Hill Children's Ranch, Att: Nicole Chance, 298 Middle Road, Riverhead, New York 11901, the Planning Department and the Building Department.

06/07/05 Town Board Mtg  
Councilwoman Blass offered the resolution  
be brought off the table, seconded by Sanders.  
Bartunek  Yes  No

All members in  
favor of certifying the resolution.  
Blass  Yes  No

Councilwoman Blass offered the  
resolution for adoption, seconded  
by Councilwoman Sanders.  
Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted  
All Members in favor of  
adoption.

THE VOTE

Sanders  Yes  No

Densieski  Yes  No

Adopted

06/07/05

Tabled

Application FOR SIGN PERMIT

Town of Riverhead

Suffolk County, New York

dated: February 25, 2005

SCTM#

APPLICATION IS HEREBY MADE to the Building Inspector in the Town of Riverhead for the issuance of a Permit pursuant to the Zoning Ordinance of the Town of Riverhead, Suffolk County, New York, for the use and the erection or the structural alteration of a sign or signs, as hereinafter described and as shown on the accompanying layout or plot plan:

- 1. The signs to be located at 1 Mill # 58, 2 Northville # 58, 3 1st choice medical on 58, 4 Ranoke # 58 (traffic circle), 5 small signs placed around Rt. 58, Main St in the Town of Riverhead, traffic circle

Commercial Use District, is to be Erected 9/10/2005 event date Erected or Structurally altered

- 2. The signs will have an area of 32 Sq. feet, and will be 5 feet in height. The base of the sign will be 12 inches feet above ground level. One will be a 4x8 double sided lighted sign on wheels. Will be First choice Medical on #58.

- 3. The sign will be Permanent or Temporary installation. (Circle one)

4. Description of sign: (Check appropriate items below).

- a. Lighted [checked] b. Single Face c. Double Faced [checked] d. Attached to Building e. Facial (Painted or Affixed) f. Independent Construction [checked] g. Advertising [checked] h. Business

Materials to be used: Wooden posts, signs, wheeled lighted double sign

Has permission been obtained from property owner, if other than the applicant, upon which the sign is to be erected? [checked]

All statements made in this application and shown on the attached plot plan are true to the best of my knowledge and belief.

Property Owner Name & Address: Gary Fioretti, Warner Oil Heat Co. 1698 Old Country Rd., Riverhead, NY 11901

Applicant Name: Thaddaeus Hill

Business Name: Timothy Hill Children's Ranch

Address: 298 Middle Road, Riverhead, NY 11901 Phone Number: 631-369-1234

Michelle Chance for Timothy Hill (Signature of owner or applicant)

Sworn to before me this 25th day of

February, 2005

Cynthia A. Sales Notary Public

CYNTHIA A. GALES Notary Public, State of New York Registration #01GA6039461 Qualified In Suffolk County My Commission Expires March 1, 2006

Timothy Hill Children's Ranch has submitted papers for a sign permit, dated February 25, 2005

NO SIGN CAN BE ERECTED UNTIL THE TOWN BOARD APPROVAL IS OBTAINED AND A SIGN PERMIT IS ISSUED. IT IS ADVISABLE NOT TO ORDER YOUR SIGN UNTIL ALL APPROVALS ARE OBTAINED.

Timothy Hill Children's Ranch  
Name

February 25, 2005  
Date

**108-56.1. Penalties for offenses against sign provisions.** [Added 10-19-1993; amended 8-2-1994]

Any sign installed without benefit of a sign permit pursuant to 108-56 of the Riverhead Town Code shall be charged a civil penalty of **five hundred dollars (\$500.)** in addition to the sign permit and application fee as specified in 52-10 of the Riverhead Town Code. Said civil penalty shall be due and payable upon application for a sign permit.

~~READ THIS DOCUMENT CAREFULLY~~

YOU MAY CONSULT YOUR ATTORNEY BEFORE COMPLETING.

DISCLOSURE AFFIDAVIT

STATE OF NEW YORK)

SS:

COUNTY OF SUFFOLK)

I, Nicole Chance - Timothy Hill Childrens Ranch an applicant for  
the following relief: Sign Permit and being  
(Type of Permit)

duly sworn, deposes and says:

That I make and complete this affidavit under the penalty of perjury and swear to the truth thereof.

knowing failure to provide true information is punishable as a misdemeanor. Being so warned, I state:

That \_\_\_\_\_, is a State Officer, is  
(Relative)

an officer or employee of Riverhead Town, and:

*That this person has an interest in the person, partnership or association requesting the above stated relief.*

I. For the purpose of this section, an officer or employee shall be deemed to have an interest in the applicant where he, his spouse, or their brothers, sisters, parents, children, grandchildren or the spouse of any of them.

- a. is an applicant,
- b. is an officer, director, partner or employee of the applicant,
- c. legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association, applicant, or
- d. is a party to an agreement with such an application, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependant or contingent upon the favorable approval of such application, petition or request.
- e. That ownership of less than five (5) per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchange shall not constitute an interest for the purpose of this section.

A. Nicole Chance  
(Signature)

Sworn to before me this 25<sup>th</sup> day  
of February, 2005

Cynthia A. Gales  
Notary Public

CYNTHIA A. GALES  
Notary Public, State of New York  
Registration #01GA6039461  
Qualified In Suffolk County  
My Commission Expires March 1, 2006

# Timothy Hill Children's Ranch

February 25, 2005

Riverhead Town Board  
200 Howell Ave.  
Riverhead, NY 11901

Dear Sirs,

Timothy Hill Children's Ranch is a Christian not-for-profit group home for abused and neglected adolescent boys ages, 10-21. Each year we host an "open house fundraiser" for the community to come and see what we are about. We call this event Country Western Day. All proceeds from this event are used for the care and nurturing of our young boys.

Our application for this event is being submitted for a one-day event, three to four large temporary erected signs and twenty-four small plastic signs to be placed around Route 58 and Main Street. These signs will be placed two weeks prior to the event and removed the first day after the event, no later than 5pm. We will also be renting a 4x8 double sided, lighted sign on wheels, which we would like to place on Route 58 near the First Choice Medical Center. This also, will be placed two weeks prior to the event and removed directly after the event.

We respectfully submit a request for waiver of event and sign permit fees, as well as the permission to place the signs. Enclosed are photographs of the proposed temporary signage. We do not have a picture of the rental sign.

If you should have further questions, please contact me at (631) 369-1234 ext. 108.  
Thank you for your continued support.

Sincerely,

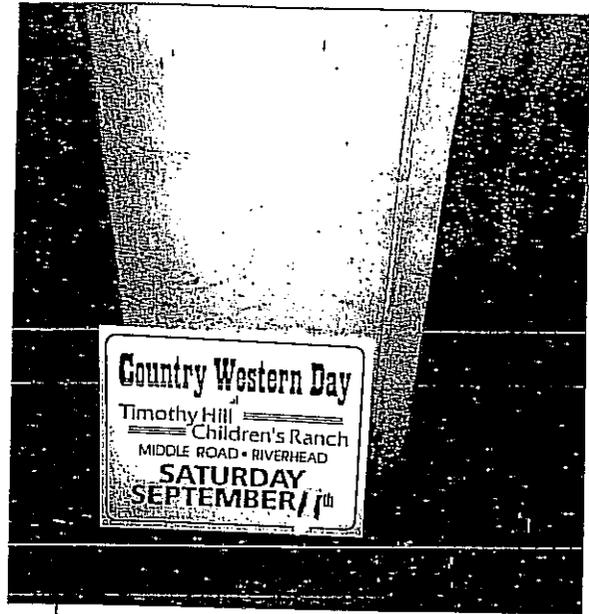
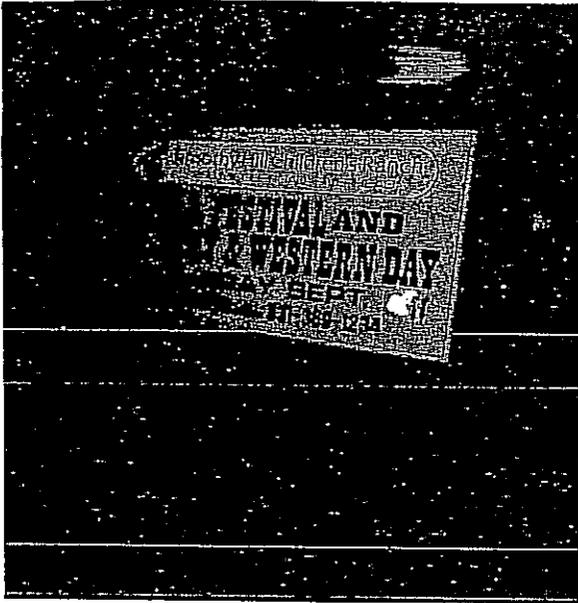
*Nicole Chance*

Nicole Chance  
Development Assistant

*Sept 10, 2005*

# TEMPORARY

copy



5ft sign

one placed @ Mill + 58

one placed @

Northville + 58

~~one placed @ Franke + 58~~  
~~@ Traffic Circle~~

one placed on 58 next to First Choice Medical (see below)

approximately 24 of these small signs to be placed around town.

Also: The — 4x8 double sided lighted sign on wheels which will be placed in front of 1<sup>st</sup> Choice Medical on Rt 58: Address: Commerce Drive and Old City Rd.

4/5/05

TOWN OF RIVERHEAD

16  
**Adopted**

Resolution # 301

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF  
JOSEPH RUGGIERI (VINEYARD CATERERS)**

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILMAN BARTUNEK :

**WHEREAS**, Joseph Ruggieri has submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held at Vineyard Caterers, Main Road, Aquebogue, New York on April 9, 2005 at 9:00 p.m.; and

**WHEREAS**, the Town Attorney is in receipt of a completed Fireworks Application executed by the Chief of the Jamesport Fire Department and the Riverhead Fire Marshal and a certificate of insurance from the fireworks company (Fireworks by Grucci, Inc.) naming the Town of Riverhead as an additional insured and has determined that same is satisfactory as to their form.

**NOW THEREFORE BE IT RESOLVED**, that the Fireworks Permit Application of Joseph Ruggieri for the purpose of conducting a fireworks display to be held at Vineyard Caterers, Main Road, Aquebogue, New York on April 9, 2005 at 9:00 p.m. is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by the Jamesport Fire Department;
- Scheduling a pre-event inspection between 12:00 noon and 2:00 p.m. on the day of the event having the Fireworks technician(s), the Riverhead Fire Marshal and the Jamesport Fire Chief in attendance;
- Fireworks and technicians must arrive at Vineyard Caterers no later than 2:00 p.m. on the day of the event;
- The fireworks shall be discharged between the hours of 8:30 p.m. and 9:30 p.m. The discharge of fireworks shall not be permitted beyond 9:30 p.m.; and be it further

**RESOLVED**, that the applicant shall notify all property owners (via certified return receipt requested mail) of the proposed fireworks display within a half (1/2) mile radius of Vineyard Caterers, providing proof of said mailing to the Office of the Town Clerk no later than March 31, 2005; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Joseph Ruggieri, P.O. Box 757, Patchogue, New York, 11772; the Jamesport Fire Department; Bruce Johnson, Riverhead Fire Marshal; the Office of the Town Attorney and Chief Hegermiller, Riverhead Police Department.

THE VOTE  
Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no  
THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

Adopted

April 5, 2005

TOWN OF RIVERHEAD

RESOLUTION # 302

APPROVES THE SUBMISSION OF A GRANT MODIFICATION REQUEST TO THE NEW YORK STATE ATTORNEY GENERAL FOR VITAGRANT DISTRIBUTION AGREEMENT

COUNCILMAN BARTUNEK

offered the following resolution, which was seconded by

COUNCILMAN DENSIESKI

WHEREAS, grant funding in the amount of \$150,000 was awarded to the Town of Riverhead by the New York State Attorney General under the Indirect Vitamins Purchasers Antitrust Litigation Settlement to implement nutrition outreach programs; and

WHEREAS, a grant modification is required to utilize grant funds to support the Town of Riverhead Senior Center; and

WHEREAS, the Town Board supports utilizing \$60,895 in remaining grant funds to purchase two Meals on Wheels vehicles, conduct a healthy breakfast program, and enhance Senior Center marketing efforts; and

WHEREAS, the modified budget will allocate funds as follows:

Equipment	\$73,018
Supplies	\$13,683
Construction	\$850
Consultants/Contracts	\$55,500
Other	\$6,949
<b>TOTAL</b>	<b>\$150,000</b>

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes Grants Coordinator Jennifer Mesiano to work in cooperation with the Accounting Director Jack Hansen and Senior Programs Director Judy Doll to complete and submit a grant modification supporting the stated activities and authorizes the Town Supervisor to sign the modification request.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Grants Coordinator Jennifer Mesiano, Seniors Programs Director Judy Doll and the Office of Accounting.

mesiano\_Vitagrant\_2005

THE VOTE

Bartunek / yes no Sanders / yes no
Blass / yes no Densieski / yes no
Cardinale / yes no

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

# Adopted

4/5/2005

## TOWN OF RIVERHEAD

Resolution # 303

### AUTHORIZES THE DESIGNATION OF CERTAIN STRUCTURE(S) AS LANDMARKS PURSUANT TO CHAPTER 73 ENTITLED, "LANDMARKS PRESERVATION" OF THE RIVERHEAD TOWN CODE

COUNCILWOMAN BLASS offered the following resolution, which was seconded  
by COUNCILWOMAN SANDERS.

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider the designation of the following structure as a landmark:

Washington Young House: Suffolk County Tax Map #0600 088.000 0001 016-002

WHEREAS, a public hearing was held on the 15<sup>th</sup> day of March, 2005 at 7:05 p.m. o'clock at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby designates the aforementioned structure as a landmark pursuant to Chapter 73 "Landmarks Preservation", of the Riverhead Town Code be as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the Traveler-Watchman newspaper and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Board is hereby authorized to forward a certified copy of this resolution to the Riverhead Planning Board; the Riverhead Planning Department and the Riverhead Building Department.

#### THE VOTE

Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no

THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD  
NOTICE OF ADOPTION

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a resolution pursuant to Chapter 73 entitled, "Landmarks Preservation" of the Riverhead Town Code at its regular meeting held on April 5<sup>th</sup>, 2005 designating the following structure as a landmark:

Washington Young House: Suffolk County Tax Map #0600 088.000 0001 016-002

DATED: Riverhead, New York  
April 5, 2005

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN  
TOWN CLERK

# Adopted

## TOWN OF RIVERHEAD

Resolution No. 304

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING  
TO ADD A MOVIE THEATRE AND MULTIPLEX CINEMA IN DC3

Councilman Densieski offered the following resolution which was seconded by  
**COUNCILMAN BARTUNEK**

WHEREAS, the citizens of Riverhead strongly desire to watch movies in Riverhead Town and:

WHEREAS, the Town Board wishes to hear and include public input;

NOW THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board will hold a Public Hearing on April 19, 2005 to receive public input.

### THE VOTE

Sanders	<del>Yes</del>	No	Blass	<del>Yes</del>	No
Densieski	<del>Yes</del>	No	Bartunek	<del>Yes</del>	No
Cardinale	<del>Yes</del>	No			

TownBoard.theatre

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 19<sup>th</sup> day of April at 7:25 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (DC-3) as follows:

§ 108-306. Uses.

In the DC-3 Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

A. Permitted uses:

- (1) Retail stores.
- (2) Banks.
- (3) Personal services businesses.
- (4) Funeral homes.
- (5) Art galleries and studios.
- (6) Restaurants, cafes, bakeries with retail sales on premises, banquet facilities, ice cream parlors.
- (7) Offices and professional offices.
- (8) Governmental offices or other public offices.
- (9) Museums, libraries and other cultural attractions.
- (10) Schools (Including business and secretarial).
- (11) Places of worship.
- (12) Townhouses.
- (13) Parking facilities.
- (14) Movie Theater and Multiplex Cinema

Dated: Riverhead, New York  
April 5, 2005

BY ORDER OF THE BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

Adopted

4/5/05

**AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS  
REMOTE SEWAGE PUMPING STATIONS  
ALARM AND MONITORING SYSTEM**

**CALVERTON SEWER DISTRICT**

Adopted \_\_\_\_\_

Resolution # 305

Councilperson COUNCILWOMAN SANDERS offered the following resolution which was seconded by Councilperson COUNCILWOMAN BLASS,

RESOLVED, that the town Clerk be and is hereby authorized to publish and post the attached Notice of Bidders in the April 14, 2005, edition of the Traveller Watchman Newspaper, with regard to receiving bids for the remote sewage pumping stations alarm and monitoring system for the Calverton Sewer District, and be it further

RESOLVED, that the town Clerk shall forward certified copies of this resolution to Michael Reichel, H2M, and Frank Isler, Esq.

THIS RESOLUTION PREAPRED BY FRANK A. ISLER FOR THE CALVERTON SEWER DISTRICT

THE VOTE

Bartunek	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	Sanders	<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

H2M GROUP  
NOTICE TO BIDDERS

The Town Board of Riverhead will receive bids for the following contract:

REMOTE SEWAGE PUMPING STATIONS ALARM AND MONITORING SYSTEM

for the Calverton Sewer District at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, at 11:00 AM prevailing time, on Thursday, May 5, 2005, at which time and place the bids will be publicly opened and read.

Contract documents, including technical specifications, are on file at the following offices:

Town Clerk, Town of Riverhead  
Town Hall, 200 Howell Avenue  
Riverhead, New York 11901  
(631) 727-3200

Holzmacher, McLendon & Murrell, P.C.  
575 Broad Hollow Road  
Melville, New York 11747  
(631) 756-8000 (Ext. 1433)

Copies of the contract documents may be obtained at the Riverhead Town Hall (Town Clerk's Office) on or after April 14, 2005, upon deposit of Fifty Dollars (\$50.00) in cash, certified check, bank money order or postal money order, made payable to the TOWN OF RIVERHEAD for each set furnished.

Deposits for Specifications will be refunded to Bidders who have submitted a bid.

Each proposal must be accompanied by a bid bond in the amount of five percent (5%) of the total bid, or a certified check made payable to the TOWN OF RIVERHEAD as assurance that the bid is made in good faith.

The right is reserved to reject any or all bids, to waive any informalities, and to accept the lowest responsible bid.

BY ORDER OF THE TOWN BOARD  
TOWN OF RIVERHEAD  
SUFFOLK COUNTY, NEW YORK

ACTING AS THE GOVERNING BODY  
OF THE CALVERTON SEWER DISTRICT

BARBARA GRATTAN, TOWN CLERK

April 5, 2005

**Adopted**

**TOWN OF RIVERHEAD**

**RESOLUTION # 306**

**AUTHORIZES THE TOWN CLERK TO POST AND PUBLISH A NOTICE TO  
BIDDERS FOR  
PECONIC RIVER PEDESTRIAN AND BICYCLE PATH  
IMPROVEMENT PROJECT**

COUNCILWOMAN BLASS offered the following resolution which was  
seconded by COUNCILWOMAN SANDERS

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the April 21, 2005 issue of the official Town newspaper for the Peconic River Pedestrian and Bicycle Path Improvement Project, Riverhead, New York; 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., Andrea Lohneiss, and the Office of Accounting.

THE VOTE

Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
 Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
 Cardinale  yes \_\_\_ no

THE RESOLUTION  WAS \_\_\_ WAS NOT  
 THEREFORE DULY ADOPTED

**Town Of Riverhead  
Notice To Bidders  
Peconic Riverfront Pedestrian and Bicycle Improvement Project**

Sealed proposals for the Peconic Riverfront Pedestrian and Bicycle Improvement 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 11:00 am on Monday, May 23, 2005, at which time they will be opened and read aloud.

Bidders are advised that this project is funded in part with federal funds and in part by a grant from the New York State Office of Parks, Recreation, and Historic Preservation. The contract documents contain questionnaires, forms, and other procedures which must be followed during the bidding process, as well as during the construction phase of the project. Prospective bidders' attention is directed to Appendices B, C and D of these bid documents for special contract requirements associated with the use of federal and state aid on this project.

It is the policy of the Town of Riverhead and the funding agencies to encourage the use of minority and woman-owned business enterprises in this project. All qualified Minority and Women-Owned Business Enterprise (M/WBE) contractors, suppliers, and/or businesses will be afforded equal opportunity without discrimination because of race, religion, national origin, sex, age, disability, sexual preference, or Vietnam Era Veterans status. Bidders are also advised that specific M/WBE goals have been established for this project as follows:

Disadvantaged Business Enterprise Goal	8.0%
--	------

Each bidder is required to attach a non-collusion statement pursuant to Section 103 of the General Municipal Law. Plans and specifications may be picked up at the Office of the Town Clerk at Town Hall on or after Friday, April 22, 2005 between 8:30 am and 4:30 pm, Monday through Friday. There is a non-refundable fee of \$50.00 for the Contract Documents. All bids must be submitted on the prescribed forms as bound herein and returned intact with complete Contract Documents. Each bid must be accompanied by a certified check, bank check or bid bond payable to the Town of Riverhead in the amount of not less than 5% of the total bid unless otherwise specified by Addendum.

No proposal will be considered unless it is delivered to Town Hall in a sealed envelope, plainly marked "Peconic Riverfront Pedestrian and Bicycle Improvement Project".

Each proposal must contain the full name or names of the party or parties making the proposal, and of all persons interested therein.

Proposals will be considered only from bidders who, for themselves or for intended and stated subcontractors, can show recent experience in the performance of similar work of equal difficulty or magnitude. Bidders must use the forms furnished by the Town of Riverhead.

PLEASE TAKE FURTHER NOTICE THAT the Town Board reserves the right to reject in whole or in part any or all bids, waive any informality in the bids and accept the bid which is deemed most favorable in the interest of the Town of Riverhead. The Town Board will use its discretion to make judgmental determination as to its best estimate of the low bidder.

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

Dated April 21, 2005

April 5, 2005

Adopted

TOWN OF RIVERHEAD

RESOLUTION #<sup>307</sup>\_\_\_\_\_

**AUTHORIZES TOWN SUPERVISOR TO EXECUTE CHANGE ORDER FOR BOAT RAMP FACILITY AT CREEK ROAD, WADING RIVER**

Adopted April 5, 2005

COUNCILMAN DENSIESKI offered the following resolution which  
COUNCILMAN BARTUNEK  
was seconded by \_\_\_\_\_.

WHEREAS, on March 24, 2005, the Riverhead Town Board adopted Resolution No. 272 entitled, "Awards Bid for Wading River Boat Ramp Facility at Creek Road"; and

WHEREAS, the bid was awarded to Terry Contracting and Materials, Inc. in the amount Four Hundred Thirty Nine Thousand, Five Hundred Thirty Five & 00/100 (\$439,535.00), and

WHEREAS, Section 9, Contract Security, of the Conditions of Contract provided the Town the option of requiring a Performance Bond for this project, and

WHEREAS, Section 9, Contract Security, of the Conditions of Contract further states that the cost of said Performance Bond shall be paid by the Town.

NOW, THEREFORE, BE IT RESOLVED, THAT the Town wishes to require a Performance Bond in the amount of this contract (\$439,535.00) at a cost of \$5813.00. The Town Supervisor be and is hereby authorized to execute a Change Order in the amount of \$5813.00 and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Terry Contracting and Materials, Inc., 840 West Main Street, Riverhead, NY 11901, Thomas C. Wolpert, P.E., Young & Young, 400 Ostrander Avenue, Riverhead, NY 11901, Kenneth Testa, P.E. and the Office of Accounting.

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<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

### CHANGE ORDER NO. 1

PROJECT: BOAT RAMP FACILITY AT CREEK ROAD  
(name, address)

At Wading River, T/O Riverhead,  
Suffolk County, New York

CHANGE ORDER NO.: 1

DATE: 03/30/05

CONTRACTOR: Terry Contracting & Materials, Inc.  
(name, address) 840 West Main Street  
Riverhead, New York 11901

ENGINEER'S PROJECT NO.: 05-0016

CONTRACT DATE: 03/30/05

CONTRACT FOR: BOAT RAMP FACILITY AT  
CREEK ROAD

The Contract is changed as follows:

- 1. Add Performance Bond . . . . . \$ 5,813.00
- Net Change (Increase) . . . . . \$ 5,813.00

**Not valid until signed by the Owner, Engineer and Contractor**

The original Contract Sum was . . . . . \$439,535.00

Net change by previously authorized Change Order . . . . . 0.00

The Contract Sum prior to this Change Order was . . . . . \$439,535.00

The Contract Sum will be increased by this  
Change Order in the amount of . . . . . \$ 5,813.00

The new Contract Sum including this Change Order will be . . . . . \$445,348.00

The Contract Time will be increased by . . . . . 0 DAYS

The date of Substantial Completion as of the date  
of this Change Order therefore is . . . . . 05/28/05

Young & Young  
ENGINEER

Terry Contracting  
& Materials, Inc.  
CONTRACTOR

Town of Riverhead  
OWNER

400 Ostrander Avenue  
ADDRESS

840 West Main Street  
ADDRESS

200 Howell Avenue  
ADDRESS

Riverhead, NY 11901

Riverhead, NY 11901

Riverhead, NY 11901

By: A. Worcester

By: \_\_\_\_\_

By: \_\_\_\_\_

Date: 3/30/05

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Adopted

April 5, 2005

TOWN OF RIVERHEAD

AWARDS BID FOR CORROSION CONTROL CHEMICAL

RESOLUTION # 308

COUNCILMAN BARTUNEK offered the following resolution, which was seconded by COUNCILWOMAN SANDERS:

**WHEREAS**, the Town Clerk was authorized to publish and post a notice to bidders for Corrosion Control Chemical; and

**WHEREAS**, bids were received, opened and read aloud on the 9<sup>th</sup> day of March, 2005, at 11:10 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York 11901, the date, time and place given in the notice to bidders.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the bid for Corrosion Control Chemical be and is hereby awarded to CalciQuest, Inc. pursuant to the attached letter; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to CalciQuest, Inc., 181 Woodlawn Avenue, Belmont, NC, 28012, the Riverhead Water District and the Purchasing Department.

THE VOTE

Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no

Blass  yes \_\_\_ no Densieski  yes \_\_\_ no

Cardinale  yes \_\_\_ no

THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

SMITH, FINKELSTEIN, LUNDBERG, ISLER AND YAKABOSKI, LLP

ATTORNEYS AND COUNSELORS AT LAW

456 GRIFFING AVENUE, CORNER OF LINCOLN STREET

P. O. BOX 389

RIVERHEAD, N. Y. 11901-0203

(631) 727-4100

FAX (631) 727-4130

E-MAIL sfliy@peconic.net

FRANCIS J. YAKABOSKI  
OF COUNSEL

REGINALD C. SMITH  
1926-1983

HOWARD M. FINKELSTEIN  
PIERRE G. LUNDBERG  
FRANK A. ISLER  
SUSAN ROGERS GRUN  
GAIR G. BETTS  
JEANMARIE GUNDERSON  
PHIL SIEGEL

March 18, 2005

Mr. Gary Pendzick  
Superintendent  
Riverhead Water District  
200 Howell Avenue  
Riverhead, NY 11901

Re: Corrosion Control Chemical PO4 Bid

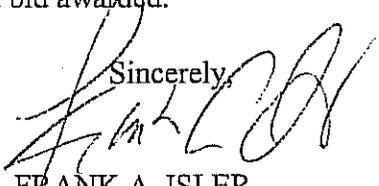
Dear Gary:

You have requested an opinion regarding the award of a bid for Corrosion Control Chemical PO4. I understand that the low bidder failed to provide the calculation of product effectiveness required by paragraph 4C of the bid form. This is a requirement that may be the basis for rejection of the bid pursuant to paragraph 5.

I understand that formulation of the bid material is proprietary information. Therefore, the formulation of each bidders product is different. The purpose of the required calculation is to provide the district with a basis to evaluate the relative "strength" or "efficiency" of the bidder's product. Absent this calculation, the district cannot quantify quality of the bidder's product that will be necessary to treat a given quantity of water meeting the chemical consistency specified. Said another way, one unit of a bidders product may treat twice as many gallons of water as another bidders product.

The information required by paragraph 4C of the bid form is essential to the district in making the determination of which is the lowest responsible bidder. Therefore, this bid may be rejected and the next lowest bid awarded.

Sincerely,

  
FRANK A. ISLER

FAI/KH

April 5, 2005

TOWN OF RIVERHEAD

AWARDS BID FOR DRY HYDRATED LIME  
(CALCIUM HYDROXIDE)

RESOLUTION # 309

COUNCILWOMAN SANDERS offered the following resolution, which was  
seconded by COUNCILWOMAN BLASS:

**WHEREAS**, the Town Clerk was authorized to publish and post a notice to bidders for dry hydrated lime (calcium hydroxide); and

**WHEREAS**, bids were received, opened and read aloud on the 9<sup>th</sup> day of March, 2005, at 11:05 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York 11901, the date, time and place given in the notice to bidders.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the bid for dry hydrated lime (calcium hydroxide) be and is hereby awarded to Long Island Cauliflower Association; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Long Island Cauliflower Association, 139 Marcy Avenue, Riverhead, New York, 11901, the Riverhead Water District and the Purchasing Department.

**THE VOTE**

Bartunek  yes \_\_\_ no Sanders \_\_\_ yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no

THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

April 5, 2005

TOWN OF RIVERHEAD

**Adopted**

AWARDS BID FOR WATER SERVICE MATERIALS  
FOR USE BY THE RIVERHEAD WATER DISTRICT

RESOLUTION # 310

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

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for water service materials for use by the Riverhead Water District; and

WHEREAS, bids were received, opened and read aloud on the 9th day of March, 2005, at 11:00 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York 11901, the date, time and place given in the notice to bidders.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the bid for water service materials for use by the Riverhead Water District be and is hereby awarded as follows:

<u>BIDDER</u>	<u>BID ITEM NUMBERS</u>
Blackman Plumbing Supply	23, 84, 85, 86, 88, 89, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 154, 155, 156, 157, 161, 162, 164, 167, 168, 169, 175
Friendly Bytes Software, Inc.	75, 76, 77, 78, 79
Joseph G. Pollard Co., Inc.	22, 60, 61, 62, 63, 64, 65, 66, 71, 72, 73, 74, 87, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 146, 147, 150, 151, 152, 153, 158, 159, 160, 163, 165, 166, 170, 171, 172, 173, 174, 176, 177, 178, 179
T. Mina Supply, Inc.	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 67, 68, 69, 70, 80, 81, 82, 83, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 143, 144, 145, 148, 149

and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Mr. James Jerman, Blackman Plumbing Supply, 2700 Route 112,

THE VOTE

Badunek	yes	no	Sanders	yes	no
Blass	yes	no	Densieski	yes	no
Cardinale	yes	no			

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

Medford, New York, 11763; Mr. Richard Baldwin, Friendly Bytes Software, Inc., 300 Rabro Drive, Suite 148, Hauppauge, New York, 11788; Mr. Michael Baker, Joseph G. Pollard Co., Inc., 200 Atlantic Avenue, New Hyde Park, New York, 11040; Mr. Thomas Cox, T. Mina Supply, Inc., 168 Long Island Avenue, Holtsville, New York, 11742; the Riverhead Water District and the Purchasing Department.

THE VOTE

Bartunek \_\_\_ yes \_\_\_ no Sanders \_\_\_ yes \_\_\_ no  
Blass \_\_\_ yes \_\_\_ no Densieski \_\_\_ yes \_\_\_ no  
Cardinale \_\_\_ yes \_\_\_ no

THE RESOLUTION \_\_\_ WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

4/5/05

Adopted

**AWARDS BID  
RIVERHEAD WATER DISTRICT  
HOUNDS GATE DEVELOPMENT**

RESOLUTION # 311

Adopted \_\_\_\_\_

Councilperson COUNCILMAN DENSIESKI offered the following resolution which was seconded by Councilperson COUNCILMAN BARTUNEK,

**WHEREAS, this Town Board did authorize the advertisement for bids for the installation of water mains and appurtenances for the project known as Hounds Gate Development, and**

**WHEREAS, the Town Clerk was authorized to advertise for such bids, and**

**WHEREAS, all bids received were opened and read aloud on the date and time advertised in the notice, and**

**WHEREAS, by letter dated March 22, 2005, H2M, consulting engineers to the Riverhead Water district, did recommend that the bid be awarded as follows:**

**Alessio Pipe & Construction Co.  
Of Huntington Station, NY  
\$77,937.50**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the bid for the installation of water mains and appurtenances for the project known as Hounds Gate Development be and is hereby awarded to:**

**Alessio Pipe & Construction Co.  
Of Huntington Station, NY  
\$77,937.50**

And be it further

**RESOLVED**, that the town clerk forward certified copies of this resolution to the above named contractor, Frank A. Isler, Esq., H2M, Riverhead Water District and the Accounting Department, and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to return to all the unsuccessful original bidders their respective bid security, and be it further

**RESOLVED**, that upon completion of fully executed contracts and the filing of said contract with the town Clerk, the town clerk is hereby authorized to release to the successful bidder the bidder's bid security.

**THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE RIVERHEAD WATER DISTRICT**

THE VOTE  
Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no  
THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

4/5/05

# Adopted

## AUTHORIZES SUPERVISOR TO EXECUTE CHANGE ORDER NO.

1

### HEADWORKS IMPROVEMENTS - CONTRACT E SCAVENGER WASTE DISTRICT

RESOLUTION # 312 ~~313~~

**Adopted** \_\_\_\_\_

Councilperson COUNCILMAN BARTUNEK offered the following resolution which was seconded by Councilperson COUNCILWOMAN SANDERS,

RESOLVED, that the Supervisor be and is hereby authorized to execute the attached Change Order No. 1, Headworks ~~IMPROVEMENT~~ Contract E for the Riverhead Scavenger Waste District, and be it further

RESOLVED, that the Town Clerk shall forward copies of this resolution to Michael Reichel, H2M, and Hawkeye, LLC.

THE VOTE

Bartunek  yes  no Sanders  yes  no  
 Bias  yes  no  Denieski  yes  no  
 Cardinale  yes  no

THE RESOLUTION  WAS  WAS NOT  
 THEREFORE DULY ADOPTED

H2M

**TOWN OF RIVERHEAD/SCAVENGER WASTE DISTRICT  
HEADWORKS IMPROVEMENTS  
ELECTRICAL CONSTRUCTION - CONTRACT RDSO 0210-E  
DATED: MAY 13, 2003**

**CHANGE ORDER NO. 1 - LEVEL CONTROL TRANSDUCERS AND OUTDOOR  
HIGH WATER LEVEL ALARM**

---

**PROJECT / CONTRACT:**  
DISTRICT

TOWN OF RIVERHEAD/SCAVENGER WASTE  
**HEADWORKS IMPROVEMENTS**  
Electrical Construction - Contract E

**OWNER:**

Town of Riverhead/Scavenger Waste District  
200 Howell Avenue  
Riverhead, New York 11901  
  
Michael P. Reichel  
200 Howell Avenue  
Riverhead, New York 11901

**CONTRACTOR:**

Hawkeye, LLC  
2 Access Road  
Patchogue, New York 11772  
(631) 447-3100

**ENGINEER:**

Holzmacher, McLendon & Murrell, P.C.  
575 Broad Hollow Road  
Melville, New York 11747-5076

Mr. Frank M. Russo, P.E.  
(631) 756-8000 (ext. 1433)

**DESCRIPTION OF CHANGE ORDER:**

This change order involves the installation of level control transducers and an outdoor high water level alarm for the new bar screen equipment in the Scavenger Waste Screen Room.

H2M

**TOWN OF RIVERHEAD/SCAVENGER WASTE DISTRICT  
HEADWORKS IMPROVEMENTS  
ELECTRICAL CONSTRUCTION - CONTRACT RDSO 0210-E  
DATED: MAY 13, 2003**

**CHANGE ORDER NO. 1 - LEVEL CONTROL TRANSDUCERS AND OUTDOOR  
HIGH WATER LEVEL ALARM**

**REASON FOR THESE MODIFICATIONS**

The reason for this modification to the contract is that the owner requested automatic screen operation based upon the differential water levels across the screen equipment, in addition to the manual and timer controls as specified.

**CONTRACTOR'S PROPOSAL**

The contractor's proposal letters dated January 12, 2005 for the work as outlined above are attached and are made a part of this change order. The cost of this change order is the lump sum amount of \$4,541.49 and is based on the labor and material costs as presented in the proposals.

**CHANGE IN CONTRACT PRICE:**

ORIGINAL CONTRACT AMOUNT:	\$79,941.00
PRIOR NET CHANGE (CHANGE ORDER NO. <u>N/A</u> ):	\$0.00
CHANGE ORDER NO. 1 - LEVEL CONTROL TRANSDUCERS AND OUTDOOR HIGH WATER LEVEL ALARM	\$4,541.49
NEW CONTRACT AMOUNT:	\$84,482.49

**CHANGE IN CONTRACT TIME:**

ORIGINAL CONTRACT TIME:	300 DAYS
PRIOR NET CHANGE (CHANGE ORDERS NO. <u>N/A</u> ):	0 DAYS
CHANGE ORDER NO. 1 - LEVEL CONTROL TRANSDUCERS AND OUTDOOR HIGH WATER LEVEL ALARM	369 DAYS
NEW CONTRACT TIME:	669 DAYS

All work under the under the Contract shall be completed by March 11,2005.

H2M

TOWN OF RIVERHEAD/SCAVENGER WASTE DISTRICT  
HEADWORKS IMPROVEMENTS  
ELECTRICAL CONSTRUCTION - CONTRACT RDSD 0210-E  
DATED: MAY 13, 2003

CHANGE ORDER NO. 1 - LEVEL CONTROL TRANSDUCERS AND OUTDOOR  
HIGH WATER LEVEL ALARM

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# HAWKEYE

2 Access Road  
Patchogue, NY 11772  
Tel. (631) 447-3100  
Fax (631) 447-3851

January 12, 2005

**H2M Group**  
575 Broad Hollow Road  
Melville, NY 11747

**Attn: Dennis A. Davis – Senior Resident Engineer**

Re: Riverhead Scavenger Waste Treatment Plant – Added Conduits for Level Indicators For Bar Screen and Replacement Transducer

Dennis,

Hawkeye LLC is pleased to present our proposal for the installation of PVC coated conduit and control wiring for the level indicators as well as the supply of a replacement transducer at the above referenced project. Our proposal includes the following.

- Installation of ¾" PVC coated Rigid conduit
- Installation of required wiring
- Installation of junction boxes and terminal strips to extend manufacturers wiring on transducers
- Transducers will be directly mounted on threaded pipe fittings
- Calibration will be by others
- Supply of Tank Level Transducer

The following is an itemized list that details the costs associated with this work.

## Labor

1 Foreman Electrician at \$93.85 per hour @ 8 hours	= \$750.80
1 Journeyman Electrician at \$89.79 per hour @ 8 hours	= \$710.32

**Material**

130' - 3/4" PVC Coated Rigid Conduit @ \$229.69/c	= \$298.60
3 - 3/4" PVC Coated Condulets @ \$27.00 ea	= \$81.00
1 - 8" x 8" x 4" PVC Coated Junction Box @ \$71.00/m	= \$71.00
8 - 3/4" PVC Coated 90 degree bends @ \$14.30 ea	= \$114.40
1 - 3/4" PVC Coated Meyers Hubs @ \$8.10 ea	= \$8.10
1 - 3/4" LB Type Condulet @ \$8.70 ea	= \$8.70
2 - 1" LB Type Condulet @ \$12.81 ea	= \$25.62
4 - 3/4" Meyers Hubs @ \$4.10 ea	= \$16.40
1 - Transducer For Tank Level Indication (see attached invoice)	= \$965.00
Lot - Fittings & Supports	= \$35.00
Ten percent markup on material	= \$162.38

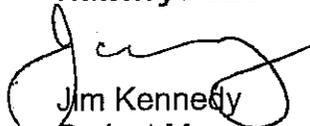
**Equipment**

Service Van - 1 days @ \$140.00 per day = No Charge

**Total Cost This Change = \$3,247.32**

We trust that this proposal will meet with your approval and that you will contact us if you require additional information.

Sincerely  
**Hawkeye LLC**

  
Jim Kennedy  
Project Manager

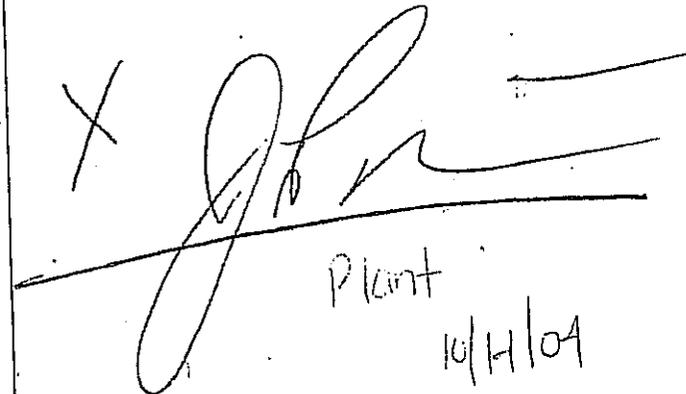
# EAGLE CONTROL CORP.

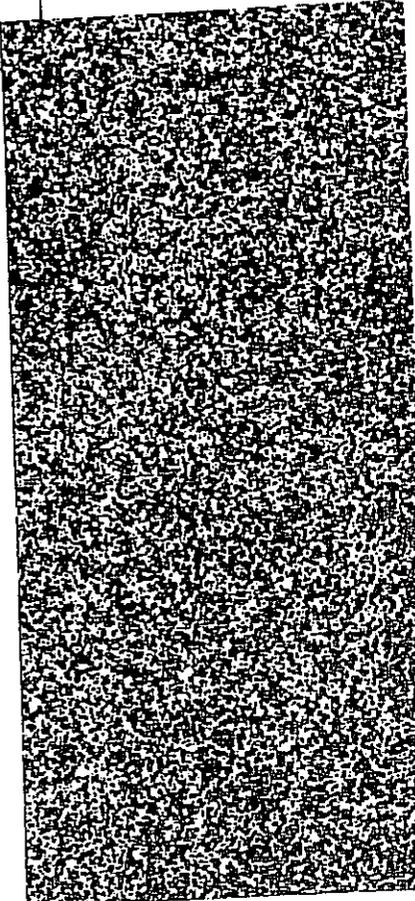
23 Old Dock Road, Yaphank, N.Y. 11980 • (631) 924-1315

11-03-138

34260LD TO  
**HAWKEYE ELECTRIC LLC**  
 2 ACCESS ROAD  
 PATCHOGUE, NY  
 11772

SHIP TO  
**HAWKEYE ELECTRIC LLC**  
 PLEASE ADVISE DZ/SP  
 WHEN ORDER ARRIVES

ORDER NO. I-03-138		OUR ORDER NUMBER 33947	TERMS NET 30	SHIPPED VIA	SALESMAN OR REPRESENTATIVE DEAN ZAHRADKA	
QUANTITY ORDERED		DESCRIPTION			COMM. CODE	
1		TRANSDUCER FOR 2500 ULTRASONIC LEVEL TRANSMITTER  38281/33947   Plant 10/11/04				



Contracts, Agreements, Deliveries are contingent on strikes, fires, accidents and other courses beyond our control.

9-27 (S) 11/11/04

PACKING SLIP

CONTROL NO.

# EAGLE CONTROL

CORP.

23 OLD DOCK ROAD, YAPHANK, N.Y. 11980  
 (631) 924-1315 • FAX (631) 924-1012

INVOICE NO. INVOICE DATE

12312

10/28/04

ALL CLAIMS MUST  
 BE MADE IMMEDIATELY  
 UPON RECEIPT OF GOODS

RECEIVED

3424 SOLD TO  
 HAWKEYE ELECTRIC LLC  
 2 ACCESS ROAD

2004 OCT 29

SHIPTO  
 HAWKEYE ELECTRIC LLC  
 CUSTOMER PICK UP

PATCHOGUE, NY  
 11772

ORDER NO. 03-138	OUR ORDER NUMBER 33947	TERMS NET 30	SHIPPED VIA CUST P/UP	SALESMAN OR REPRESENTATIVE DEAN ZAHRADKA
---------------------	---------------------------	-----------------	--------------------------	---

QUANTITY		DESCRIPTION	COMM. CODE	PRICE	AMOUNT
ID	ORDERED				
1	1	TRANSDUCER FOR 2500 ULTRASONIC LEVEL TRANSMITTER WITH 300' OF CABLE  Date <u>12/7/04</u> Buyer <u>J. Krawiec</u> Job # <u>11-03-138</u> Eq #/ec _____ Bill to Customer <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Price Verified <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Goods Received <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Manager Approval <u>[Signature]</u>		965.00	965.00
				TOTAL:	965.00

Contracts, Agreements, Deliveries are contingent on strikes, fires, accidents and other courses beyond our control.

ORIGINAL INVOICE

January 12, 2005

**H2M Group**  
575 Broad Hollow Road  
Melville, NY 11747

**Attn: Dennis A. Davis – Senior Resident Engineer**

Re: Riverhead Scavenger Waste Treatment Plant – Added Horn & Strobe On  
East Side Of Building

Dennis,

Hawkeye LLC is pleased to present our proposal for the installation of the conduit wiring and the devices to provide a horn and strobe on the east side of the building that was installed at your request. Our proposal includes the following.

- Installation of conduits and boxes
- Core Drill Building
- Installation of required wiring
- Installation of horn and strobe

The following is an itemized list that details the costs associated with this work.

## Labor

1 Foreman Electrician at \$93.85 per hour @ 6 hours	= \$563.10
1 Journeyman Electrician at \$89.79 per hour @ 6 hours	= \$538.74

## Material

10' – ¾" Rigid Conduit @ \$142.00/c	= \$14.20
180' - #12 wire for control & Lighting @\$51.00/m	= \$9.18
1 – Fire Alarm Bell (see attached)	= \$88.69
1 – Fire Alarm Strobe (see attached)	= \$62.78
Ten percent markup on material	= \$17.48

**Equipment**

Service Van – 1 days @ \$140.00 per day

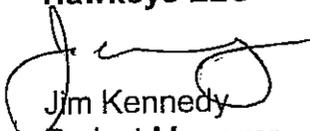
=No Charge

**Total Cost This Change**

**= \$1,294.17**

We trust that this proposal will meet with your approval and that you will contact us if you require additional information.

Sincerely  
**Hawkeye LLC**



Jim Kennedy  
Project Manager

**GRAINGER.**

ORVILLE DRIVE  
BOHEMIA, NY 11716-2515

SHIP TO  
HAWKEYE CONSTRUCTION  
2 ACCESS RD  
PATCHOGUE, NY 11772-2470

GRAINGER ACCOUNT NUMBER 545 852078286  
INVOICE NUMBER 939-084414-1  
INVOICE DATE 10/27/2004  
DUE DATE 11/26/2004  
AMOUNT DUE \$164.29

RECEIVED  
2004 OCT 33

PO NUMBER: IM-04-014  
CALLER: JIM KENNEDY  
CUSTOMER PHONE: (631)447-3100  
DELIVERY NUMBER: 6143361827

BILL TO  
MDG2003 00001868 1 AT 0292 01



ATTN: ACCOUNTS PAYABLE  
HAWKEYE CONSTRUCTION  
2 ACCESS RD  
PATCHOGUE, NY 11772-2470

001868

THANK YOU!

FEI NUMBER 35-1150280

FOR QUESTIONS ABOUT THIS INVOICE OR ACCOUNT CALL (631)567-8591

PO LINE #	ITEM #	DESCRIPTION	QUANTITY	BACK ORDERED	UNIT PRICE	TOTAL
	4A960-6	BELL, 120 VAC @ 60 HZ V	1		88.29	88.29
	5WF96-8	STROBE, LOW PROFILE	1		62.78	62.78

Date 11-18-04 Buyer J. Kennedy  
 Job # IM-04-014 Eq. #/cc \_\_\_\_\_  
 Bill to Customer  Yes  No  
 Price Verified  Yes  No  
 Goods Received  Yes  No  
 Manager Approval [Signature]

NUMBER OF PIECES: 2 WEIGHT: 3 DATE SHIPPED: 10/27/04  
CARRIER: UPS GROUND

INVOICE SUB TOTAL 151.07  
TAX 13.22

PAYMENT TERMS NET 30 DAYS. PAY THIS INVOICE NO STATEMENT SENT. PAYABLE IN U.S. DOLLARS.

AMOUNT DUE \$164.29

PLEASE DETACH THIS PORTION AND RETURN WITH YOUR PAYMENT

BILL TO:  
ATTN: ACCOUNTS PAYABLE  
HAWKEYE CONSTRUCTION  
2 ACCESS RD  
PATCHOGUE, NY 11772-2470

REMIT TO:  
**GRAINGER.**  
DEPT 545 - 852078286  
PALATINE, IL 60038-0001

852078286939084414110000164291000132210000000100000004112631

X

ACCOUNT NUMBER 545 852078286 DATE 10/27/2004 INVOICE NUMBER 939-084414-1 AMOUNT DUE \$164.29

FOR COMMENTS OR CHANGE OF ADDRESS, ENTER INFORMATION ON REVERSE SIDE.  
grainger.com

H2M

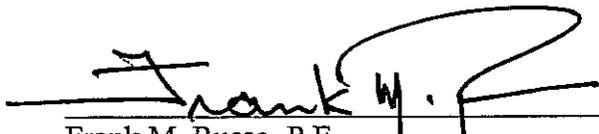
**TOWN OF RIVERHEAD/SCAVENGER WASTE DISTRICT  
HEADWORKS IMPROVEMENTS**

**ELECTRICAL CONSTRUCTION - CONTRACT RDSO 0210-E**

**DATED: MAY 13, 2003**

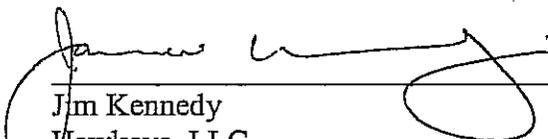
**CHANGE ORDER NO. 1 - LEVEL CONTROL TRANSDUCERS AND OUTDOOR  
HIGH WATER LEVEL ALARM**

**PREPARED & RECOMMENDED BY ENGINEER:**

  
\_\_\_\_\_  
Frank M. Russo, P.E.  
Holzmacher, McLendon & Murrell, P.C.

DATE: 3/17/05

**APPROVED BY CONTRACTOR:**

  
\_\_\_\_\_  
Jim Kennedy  
Hawkeye, LLC

DATE: MARCH 15, 2005

**APPROVED BY OWNER:**

\_\_\_\_\_  
Town of Riverhead  
Phil Cardinale, Supervisor

DATE: \_\_\_\_\_

April 1, 2005

Adopted

TOWN OF RIVERHEAD

HOUNDS GATE WATER IMPROVEMENT PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 313

COUNCILMAN DENSIESKI offered the following resolution,

which was seconded by COUNCILWOMAN BLASS.

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

		<u>FROM</u>	<u>TO</u>
406.083200.547900.30075	CONTINGENCY	\$ 3,000	
406.083200.543315.30075	LEGAL EXPENSE	14,700	
406.083200.523002.30075	WATER MAIN CONSTRUCTION		\$ 3,640
406.083200.543501.30075	ENGINEERING EXPENSE		10,700
406.083200.549001.30075	TOWN & DIST ADMIN EXPENSE		3,360

**THE VOTE**

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

APRIL 5, 2005

Adopted

TOWN OF RIVERHEAD

2005 SPLISH SPLASH WATER MAIN EXT.

BUDGET ADOPTION

RESOLUTION # 314

COUNCILWOMAN BLASS offered the following resolution,  
which was seconded by COUNCILWOMAN SANDERS.

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

		<u>FROM</u>	<u>TO</u>
406.092705.421050.60085	Developer Fees	\$3,000	
406.083200.543501.60085	Engineering Expense		\$3,000

THE VOTE

Bartunek  Yes  No      Sanders  Yes  No  
 Blass  Yes  No      Densieski  Yes  No  
 Cardinale  Yes  No

Adopted

April 5, 2005

**TOWN OF RIVERHEAD**

Resolution # 315

**CLASSIFIES ACTION, SPECIAL PERMIT OF AQUEBOGUE BISTRO AND REFERS PETITION TO THE PLANNING BOARD**

COUNCILWOMAN SANDERS offered the following resolution which

was seconded by COUNCILMAN BARTUNEK

**WHEREAS**, the Riverhead Town Board is in receipt of a special permit application from Mineo Shimura and Theresa Dilworth for the conversion of an existing two story structure including placement of related improvements for a bistro use on a 0.465ac. parcel zoned Rural Corridor; such property more particularly described as SCTM 0600-67-2-27, and

**WHEREAS**, the Riverhead Planning Department has reviewed the submission and has recommended it to be a Type II action pursuant to 6NYCRR Part 617.5(c)(5) as construction of a non residential facility of less than 4,000sq.ft. gross floor area and not requiring a zone change or use variance, and

**WHEREAS**, pursuant to Part 617.3(f), 617.5(a) and 617.6(a)(1)(i), agency responsibilities for SEQR end with this designation with no determination of significance being necessary, and

**WHEREAS**, the Town Board desires the recommendations of the Riverhead Planning Board respecting planning and zoning issues, now

**THEREFORE, BE IT**

**RESOLVED**, that the Riverhead Town Board declares the special permit application of Aquebogue Bistro to be a Type II action for the purposes of SEQR compliance, and

**BE IT FURTHER**

**RESOLVED**, that this classification be considered to also apply to the concurrent site plan petition, 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  
Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no

Planning/JBH

THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD

Resolution # 316

**REDUCES IRREVOCABLE LETTERS OF CREDIT (2) OF MILL POND DEVELOPERS, LLC ("MILL POND COMMONS")**

COUNCILMAN BARTUNEK offered the following resolution, was seconded by  
COUNCILMAN DENSIESK :

**WHEREAS**, by Resolution #598 adopted on May 20, 2003, the Riverhead Town Board did accept two (2) irrevocable letters of credit representing Water key money (\$250,000.00) and Sewer key money (\$196,332.50) in connection with the condominium project entitled, "Mill Pond Commons"; and

**WHEREAS**, by letter dated March 29, 2005 from Patricia Dempsey, Esq. of Ciarelli & Dempsey, Esqs., it is requested that a reduction be approved for the aforementioned irrevocable letters of credit due to partial payments of same; and

**WHEREAS**, it has been determined that a payment of \$120,000.00 has been made toward the \$250,000.00 Water key money fee and that a payment of \$94,239.84 has been made toward the \$196,332.50 Sewer key money fee.

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Riverhead hereby approves a reduction of the Water key money irrevocable letter of credit to an amount of \$130,000.00 and a reduction in the Sewer key money irrevocable letter of credit to an amount of \$102,092.66; and be it further

**RESOLVED**, that upon receipt of the two irrevocable letters of credit in the reduced amount of \$130,000.00 (Water key money) and \$102,092.66 (Sewer key money), the Town Clerk will be authorized to release the previously submitted irrevocable letters of credit (\$250,000.00 – Water key money and \$196,332.50 – Sewer key money); and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Ciarelli & Dempsey, Esqs., Attn: Patricia Dempsey, Esq., 737 Roanoke Avenue, P.O. Box 488, Riverhead, New York, 11901; Richard Ehlers, Esq.; Frank Isler, Esq.; Michael Reichel; Gary Pendzick; the Planning Department; the Building Department and the Office of the Town Attorney.

THE VOTE  
Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no

THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD

Resolution No. 317

REAFFIRMS RIVERHEAD TOWN'S DESIRE TO  
PURSUE THE DEPARTMENT OF TRANSPORTATION STATE GRANT  
TO REHAB THE EPCAL PARK RAIL SPUR

Councilman Densieski offered the following resolution which was seconded by  
COUNCILWOMAN SANDERS

WHEREAS, a verbal request was made to Senator Kenneth Lavalle to reinstate said Rail Spur Rehab Grant; the Senator strongly agreed and;

WHEREAS, upon careful consideration, the Town Board considers the Rail Spur to be an integral part of the economic engine at EPCAL and;

WHEREAS, the Rail Spur will lessen truck traffic on Long Island roads and;

WHEREAS, it is more efficient to receive and deliver goods by rail and;

WHEREAS, the Rail Spur use lessens pollution and is better for the environment compared to trucks and;

WHEREAS, many of the existing and potential businesses at EPCAL desire to move goods by rail, and;

WHEREAS, the addition of a Rail spur will further economic development by attracting new industrial businesses to EPCAL and;

NOW THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board directs the Community Development Agency to pursue all grant opportunities associated with the rehabilitation of the rail spur at EPCAL.

BE IT FURTHER RESOLVED, that the Town Clerk shall hereby forward a copy of this resolution to Senator Kenneth P. LaValle and the Community Development Director Andrea Lohneiss.

THE VOTE

Bartunek ✓	yes	no	Sanders ✓	yes	no
Blass ✓	yes	no	Densieski ✓	yes	no
			Cardinale ✓	yes	no

THE RESOLUTION    WAS    WAS NOT  
THEREFORE DULY ADOPTED

# Adopted

April 5, 2005

## TOWN OF RIVERHEAD

### SUPPORTS STATE LEGISLATION TO INCREASE EAST END REPRESENTATION ON THE REGIONAL EMERGENCY MEDICAL SERVICES COUNCIL (REMSCO)

Resolution # 318

COUNCILWOMAN BLASS

\_\_\_\_\_ offered the following resolution which was seconded

by COUNCILWOMAN SANDERS

WHEREAS, the Regional Emergency Medical Services Council (REMSCO) has evolved into a most significant regulatory body in the area of New York State emergency service providers on the local level, and

WHEREAS, the EMS providers and the numerous volunteers associated with them in the Town of Riverhead have valiantly and heroically protected the lives of Riverhead residents during every hour of every day, year after year, and,

WHEREAS, Riverhead's EMS providers and volunteers are inadequately and insufficiently represented on the board of REMSCO, and

WHEREAS, such underrepresentation on REMSCO is the plight suffered by all the EMS providers and volunteers from the East End Towns, and

WHEREAS, adequate and effective representation of Riverhead's EMS providers on REMSCO would be in the best interests of the residents of the Town of Riverhead, and

WHEREAS, legislation introduced in the Assembly by NYS Assemblyman Fred Thiele, Jr., (A4607) and in the Senate by New York State Senator Kenneth J. LaValle, (S2492), copy attached, would, if enacted into law, provide for such improved and balanced representation from the East End, including the Town of Riverhead,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby expresses its strongest support for the abovementioned pending legislation and hereby respectfully urges its earliest possible adoption by the New York State Legislature and Governor Pataki, and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Governor George Pataki, NYS Assemblyman Fred Thiele, Jr., NYS Assemblywoman Patricia L. Acampora, NYS Senate Kenneth J. La Valle, Members of the East End Supervisor's and Mayor's Association and Riverhead Chiefs Council.

THE VOTE

Bartunek <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Sanders <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



Monday, March 21, 2005

## Bill Summary - A04607

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Bill Text](#)

### A04607 Summary:

SAME AS Same as S 2492

SPONSOR Thiele

COSPNSR Raia

MLTSPNSR Fitzpatrick

Amd S3003, Pub Health L

Relates to membership of the regional medical services council for the county of Suffolk; requires at least one representative from each of the ten towns comprising the county of Suffolk.

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### A04607 Actions:

02/10/2005 referred to health

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### A04607 Votes:

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### A04607 Memo:

**TITLE OF BILL:** An act to amend the public health law, in relation to the membership of the regional emergency medical services council for the county of Suffolk

**PURPOSE OR GENERAL IDEA OF BILL:** Relates to membership of the regional emergency medical services council for the county of Suffolk.

**SUMMARY OF SPECIFIC PROVISIONS:** Section 3003 of the public health law is amended by adding a new subdivision 1-a.

**JUSTIFICATION:** Article 30 of the New York State Public Health Law, provides for the creation of regional emergency services councils ;whose duties include, but are not limited to, having the responsibility of

making determinations of public need for the establishment of additional medical services and ambulance services within its jurisdiction.

In the case of the Suffolk County REMSCO, it is the opinion of local ambulance companies that in order to effectively address the needs of all 10 towns in the county, which have differing demographics, that a representative from each one of the towns has a seat on the Suffolk County REMSCO board. Each town representative shall be a resident of the town that he/she is representing. It is the goal of this legislation to achieve that result.

PRIOR LEGISLATIVE HISTORY: New bill.

FISCAL IMPLICATIONS: None to the State.

EFFECTIVE DATE: This act shall take effect immediately.

Contact Webmaster



Monday, March 21, 2005

**Bill Text - A04607**

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Bill Summary](#)

S T A T E   O F   N E W   Y O R K

4607

2005-2006 Regular Sessions

I N A S S E M B L Y

February 10, 2005

Introduced by M. of A. THIELE -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the membership of the regional emergency medical services council for the county of Suffolk

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Section 3003 of the public health law is amended by adding  
 2 a new subdivision 1-a to read as follows:  
 3 1-A. *NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ARTICLE, THE*  
 4 *MEMBERSHIP OF THE REGIONAL EMERGENCY MEDICAL SERVICES COUNCIL FOR THE*  
 5 *COUNTY OF SUFFOLK SHALL INCLUDE AT LEAST ONE REPRESENTATIVE FOR EACH OF*  
 6 *THE TEN TOWNS COMPRISING THE COUNTY OF SUFFOLK. EACH TOWN REPRESENTATIVE*  
 7 *SHALL BE A RESIDENT OF SAID TOWN.*  
 8 S 2. This act shall take effect immediately.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets { } is old law to be omitted.

.SO DOC A 4607

\*END\*

BTXT

LBD00005-01-5  
2005

Contact Webmaster

APRIL 5, 2005

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 319

COUNCILWOMAN SANDERS offered the following resolution,  
which was seconded by COUNCILWOMAN BLASS

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

		<u>FROM</u>	<u>TO</u>
001.000000.390599	Appropriated Fund Balance	\$750.00	
001.033310.492300	Environmental Aid-Boat	\$2,250.00	
001.031220.542100	Bay Constable, Supplies		\$3,000.00

THE VOTE

Bartunek  Yes  No      Sanders  Yes  No  
 Blass  Yes  No      Densieski  Yes  No  
 Cardinale  Yes  No

Adopted

APRIL 5, 2005

TOWN OF RIVERHEAD

STONELEIGH RETIREMENT COMMUNITY WATER EXT #83 PROJECT

BUDGET ADOPTION

RESOLUTION # 320

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

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

		<u>FROM</u>	<u>TO</u>
406.092705.421050.30077	Developer Fees	\$5,000	
406.083200.543501.30077	Engineering Expense		\$ 5,000

**THE VOTE**

Bartunek  Yes  No      Sanders  Yes  No  
 Blass  Yes  No      Densieski  Yes  No  
 Cardinale  Yes  No

APRIL 5, 2005

Adopted

TOWN OF RIVERHEAD

HIGHWAY FUND

BUDGET ADJUSTMENT

RESOLUTION # 321

COUNCILMAN DENSIESKI offered the following resolution,  
which was seconded by COUNCILMAN BARTUNEK

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

	<u>FROM</u>	<u>TO</u>
111.051400.541306 Drainage	\$2,500.00	
111.051100.542612 Equipment Rental		\$2,500.00

THE VOTE

Bartunek  Yes  No      Sanders  Yes  No  
 Blass  Yes  No      Densieski  Yes  No  
 Cardinale  Yes  No

APRIL 5, 2005

Adopted

TOWN OF RIVERHEAD

UPPER MILLS DAM REPAIR PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 322

COUNCILMAN BARTUNEK

offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

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

	<u>FROM</u>	<u>TO</u>
406.051200.547900.40117 CONTINGENCY	\$4,000	
406.051200.543502.40117 ENGINEERING EXPENSE	\$1,200	
406-051200.481000.40117 GENERAL FUND TRANSFER	\$4,315	
406.051200.523011.40117 DAM IMPROVEMENTS		\$9,515

THE VOTE

Bartunek  Yes  No      Sanders  Yes  No  
 Blass  Yes  No      Densieski  Yes  No  
 Cardinale  Yes  No

APRIL 5, 2005

Adopted

TOWN OF RIVERHEAD

KELBRIDGE MEADOWS

HARTILL WATER IMP. PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 323

COUNCILWOMAN SANDERS

offered the following resolution,

COUNCILWOMAN BLASS

which was seconded by \_\_\_\_\_

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

	<u>FROM</u>	<u>TO</u>
406.092705.421050.30076 Developer Fees	\$57,000.00	
406.083200.523002.30076 Construction		\$40,000.00
406.083200.543501.30076 Engineering		\$9,000.00
406.083200.549001.30076 Administrative Fees		\$6,800.00
406.083200.547900.30076 Contingency		\$1,200.00

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

4/5/05

Adopted

TOWN OF RIVERHEAD

Resolution # 324

**APPOINTS A PARK ATTENDANT II**  
**TO THE RIVERHEAD RECREATION DEPARTMENT**

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

**RESOLVED**, that James Marengo is hereby appointed as a Park Attendant II effective, April 6, 2005 to serve as needed on an at will basis to be paid at the rate of \$11.50 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):

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

**BE IT FURTHER, RESOLVED**, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.<sup>1</sup>

THE VOTE

Bartunek <input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders <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

<sup>1</sup> Rec. Colleen/ Resolution. Park Attend II James Marengo

TOWN OF RIVERHEAD

Adopted

Resolution # 325

**REDUCES PERFORMANCE BOND OF BAITING HOLLOW FARMS  
(ZOUMAS CONTRACTING CORP.)**

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

**WHEREAS**, pursuant to Resolution #540 dated June 15, 2004, the Riverhead Town Board accepted an irrevocable letter of credit from Zoumas Contracting Corp. in the amount of \$725,000.00 (S.C.N.B. Irrevocable Letter of Credit #040415A) representing road and drainage improvements to be completed in the subdivision entitled, "Baiting Hollow Farms"; and

**WHEREAS**, pursuant to Riverhead Planning Board Resolution #25 dated March 18, 2005, it has determined that a substantial portion of the road and drainage improvements have been completed and further recommends that the performance bond be reduced to the amount of \$420,500.00.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the reduction of the security posted by Zoumas Contracting Corp. to the amount of \$420,500.00; and be it further

**RESOLVED**, that upon receipt of security in the reduced amount of \$420,500.00, the Town Clerk will be authorized to release the previously submitted irrevocable letter of credit in the amount of \$725,000.00; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Peter S. Danowski, Jr., Esq., P.O. Box 779, Riverhead, New York, 11901; the Riverhead Planning Department; the Riverhead Building Department and the Office of the Town Attorney.

THE VOTE

Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no

Blass  yes \_\_\_ no Densieski  yes \_\_\_ no

Cardinale  yes \_\_\_ no

THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

April 5<sup>th</sup>, 2005

TOWN OF RIVERHEAD

**Adopted**

RESOLUTION # 326

**APPROVES SITE PLAN OF EAGLE PROPERTIES LLC**  
**(EAGLE AUTO MALL)**

COUNCILWOMAN SANDERS offered the following resolution,  
which was seconded by COUNCILWOMAN BLASS.

WHEREAS, by Resolution #419 adopted on April 16<sup>th</sup>, 2002 by the Riverhead Town Board, the Riverhead Town Board did approve the site plan of Eagle Properties LLC (Eagle Auto Mall) to construct three new buildings as an expansion of an existing auto dealership, located at the Northeast corner of Old Country Road and Osborne Avenue, Riverhead, New York, known and designated as Suffolk Tax Map Number 0600-108-1-9 & 10; and

WHEREAS, Eagle Properties LLC (Eagle Auto Mall) has requested that a modification of said site plan approval be approved by the Riverhead Town Board in order to: (i) eliminate two (2) landscaped islands; (ii) modify a walkway; (iii) relocate handicapped parking; (iv) eliminate a proposed split rail fence in the front yard; (v) redesign a proposed retaining wall; and

WHEREAS, the Planning Department has reviewed the landscape and dimensional plan dated March 28th, 2005, as prepared by Young and Young, LS and has recommended that the Town Board grant such amendment; and

WHEREAS, this Town Board has reviewed the amendment aforementioned; and

WHEREAS, the site plan fee, as required by Section 108-131 B (3) of the Code of the Town of Riverhead has been received and deposited as per Check Number 2004-1026 of the Office of the Financial Administrator.

NOW, THEREFORE BE IT

RESOLVED, that in the matter of the site plan application of Eagle Properties LLC (Riverhead Auto Mall); the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the Action to be Type II pursuant to 6NYCRR Part 617.

BE IT FURTHER

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Densleski	<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

RESOLVED, the Town Board of Riverhead does hereby approve the site plan amendment of Eagle Properties LLC as prepared by Young and Young, LS, dated March 28th, 2005.

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Robert Kozakiewicz, Esq., agent for Eagle Properties LLC, 431 Griffing Avenue, PO Box 341, Riverhead, New York 11901, the Riverhead Planning Department, Building Department, Town Engineer, Assessors' Office and the Office of the Town Attorney.

*Planning Department*

ROBERT F. KOZAKIEWICZ

ATTORNEY AT LAW

431 GRIFFING AVENUE  
P.O. Box 341  
RIVERHEAD, NY 11901

TEL: (631) 208-1100  
FAX: (631) 727-7182

March 11, 2005

BY HAND

Philip Cardinale, Supervisor  
Town Board Members  
200 Howell Avenue  
Riverhead, New York 11901

Re: Eagle Properties LLC (Site Plan – Eagle Auto Mall)  
1320 & 1330 Old Country Road, Riverhead, NY (600-108.00-01.00-010.001)

Dear Mr. Cardinale:

As per your request at work session held on March 10, 2005, the applicant respectfully submits the within letter in support of the pending application for site plan approval.

The subject project, as pointed out by Planning Director Hanley, has received prior site plan approvals under Resolution Numbers 419, 1249 and 98, adopted by the Town Board of the Town of Riverhead on April 16, 2002, on December 17, 2002 and on January 22, 2003.

This letter will address the items raised in the memorandum of Vincent A. Guadiello, P.E. dated March 9, 2005 in the order they appear. A copy of the March 9, 2005 Guadiello memo is included for the Board's quick reference.

1. Mr. Guadiello writes, "Only one new building (26,338 square feet) and modifications (exterior finishes) to the existing 14,335 square foot building are proposed." Due to amended plans at this juncture; the applicant's plans require phased approval. Immediate plans are limited to the construction and use of the new showroom and the reuse of the former Volvo/Mazda/Jeep showroom for the relocated Chevrolet dealership. Further, as the Board is aware, before applicant can proceed with any construction of the future buildings elevations of the future buildings must be submitted and approved by the Architectural Review Board. The undersigned has confirmed with the applicant that the only exterior modifications to the 14,335 square foot building involve the Chevrolet/GM signage which replaced or supplements the prior signage on that building. All signage was approved by the town and copies are included herewith for your reference.

2. Mr. Guadiello notes, "Segments of concrete curbing and raised landscape islands have been eliminated." The two (2) landscaped and raised islands shown along the northeasterly side of the new showroom did not provide sufficient turning radius for car carriers delivering automobiles. In fact, the car carriers would routinely hang up on these islands, causing problems with free, unimpeded traffic flow on the site. In lieu thereof, the applicant proposes additional landscaping along CR 58 and Osborne to offset any loss of landscaping. Further, the amended site plan before the board shows the former landscaped islands as hash marked areas not to be used for parking, standing or stopping.

3. Guadiello states, "The walkway area along the proposed building has been modified." The original site plans depicted a wider walkway that was raised or elevated above the asphalt. The changes were made in the field to accommodate access to the showroom by wheelchair and to ensure compliance with ADA standards. The change in elevation also posed a potential trip hazard to customers entering and leaving the showroom.

4. Regarding handicapped parking, Mr. Guadiello comments that, "consideration should be given in providing some handicapped stalls in front of the new building." The applicant has stated it is willing to provide handicapped stalls if the handicapped committee and/or Town Board seeks same.

5. Guadiello notes, "The proposed split railing or parkway fencing along the road frontage has been eliminated." As the Board is aware, the purpose of the fence was to prevent cars being parked in the buffer area, which has subsequently been addressed by self-policing by the car dealerships. Further, the applicant admits and acknowledges that parking of cars in that buffer may cause town code violations to issue. The applicant submits that the landscaped islands or plantings along the road frontage provide a more aesthetic look. In addition, it is noted that the Town Board has relaxed this standard and granted site plan approval to the Porsche, VW dealership for this relief.

6. Mr. Guadiello writes, "The design for the soil stabilization structure proposed along the easterly property line has been change [sic] from a standard concrete retaining wall to a "Geo-Wall" concrete retaining system (planting boxes)..." The standard concrete wall presented a number of problems during construction. First, under applicable OSHA standards for this excavation, the applicant was required to provide a 2 to 1 slope for any excavation. In order to comply when digging to pour the footings for the standard concrete wall, the applicant would have encroached upon neighboring residential properties to achieve the OSHA 2 to 1 standard. Instead of providing the OSHA 2 to 1 slope, the applicant could have driven pilings. However, it was determined that the "violence" caused during this process would have rattled the residences and/or impacted lateral support to those homes. The Geo-Wall system also provides a benefit in that additional landscape plantings and a sprinkler system have been provided at additional cost without any relaxation of structural integrity. Further, unlike the standard concrete retaining wall, the Geo-Wall system eliminates "hydrostatic pressure" which can impact the integrity of the standard wall if not properly designed with weeping holes, etc. In addition, the applicant notes that when confronted with these safety and potentially injurious concerns, the Town did act promptly, conducted a review and analysis of the

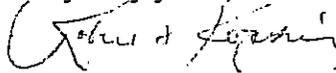
"Geo-Wall" system and issued letter dated October 2, 2002 a copy of which is enclosed. The prompt courteous attention to this issue is acknowledged and noted by the applicant.

7. It is also noted by Guadiello that, "Landscaping improvements have been altered in conjunction with the elimination of several curbed islands." It requires mention that nowhere is there any indication that landscaping is inadequate. Indeed, Guadiello adds later in his memo, "The revised design substantially conforms to the standards and requirements of the Town Code..." and "engineering approval is recommended." As noted, the applicant has proposed additional landscaping along the road frontage so that landscaping requirements provided for by the Town Code are met. As a footnote, the landscape calculations do not include any landscaping to be placed in the "Geo-Wall" system. The revised site plan does have a number of trees eliminated with substitute landscape material proposed. Trees and their falling leaves are problematic for car dealerships and the location of some of the trees also obstructed sight lines and posed a safety hazard. It should be noted that the Town Board granted the request of Porsche, VW to eliminate trees in recognition that falling leaves are a problem for car dealerships.

8. Last, Guadiello writes, "An exterior light design is proposed ...consistent with the variance issued and adopted by the Zoning Board of Appeals (No. 03- 54) dated July 10, 2003." A copy of that ZBA decision is also annexed and applicant submits that the rationale for granting the relief cited by the ZBA provide justification for this change and/or addition to prior site plan approvals. In addition, although not required the applicant has replaced all exterior lighting although not required to provide a consistent and more aesthetically pleasing look to the site at an additional cost of \$150,000.

Based upon the foregoing, the applicant respectfully requests that this Board act in the affirmative regarding the resolution approving the site plan of Eagle Auto Mall at its next Town Board meeting of March 15, 2005.

Very truly yours,



Robert F. Kozakiewicz

Enclosures

cc: Mr. Mark Calisi  
Young & Young

Adopted

APRIL 1, 2005

TOWN OF RIVERHEAD

AWARDS BID FOR REMOVAL OF HOUSEHOLD HAZARDOUS WASTE

RESOLUTION # 327

COUNCILMAN DENSIESKI 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 **REMOVAL OF HOUSEHOLD HAZARDOUS WASTE.**

**WHEREAS,** bids were received, opened and read aloud on the 18<sup>th</sup> day of March, 2005, at 11:05 A.M. at Town Hall, 200 Howell Avenue, Riverhead, New York 11901, the date, time and place given in the notice to bidders.

**NOW, THEREFORE BE IT RESOLVED,** that the bid for **REMOVAL OF HOUSEHOLD HAZARDOUS WASTE,** be and is hereby awarded to Radiac Research Corp.

**RESOLVED,** that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Radiac Environmental Services, 261 Kent Avenue, Brooklyn, NY 11211, Attention: John Tekan, John Reeve, Sanitation Superintendent and the Purchasing Department.

THE VOTE

Bartunek  yes \_\_\_ no \_\_\_ Sanders  yes \_\_\_ no \_\_\_

Blass  yes \_\_\_ no \_\_\_ Densieski  yes \_\_\_ no \_\_\_

Cardinale  yes \_\_\_ no \_\_\_

THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD  
Resolution #328

**Adopted**

APPROVES SITE PLAN OF FRANK P. GUARINO  
THE PONDS RESTAURANT

COUNCILWOMAN SANDERS offered the following resolution,

which as seconded by COUNCILMAN BARTUNEK.

WHEREAS, by Resolution #794, dated October 15<sup>th</sup>, 1996, the Riverhead Town Board did approve the site plan of Frank P. Guarino, for renovations of a building, including building additions, and attendant site improvements, for use as a restaurant, located at the north side of North Country Road, 300' east of Sound Road, Wading River, New York, such real property known and designated as Suffolk County Tax Map Number 0600-49-2-15; and

WHEREAS, Frank P. Guarino, has requested that modification of said site plan approval be approved by the Riverhead Town Board; and

WHEREAS, the Planning Department has reviewed the amended site plan as prepared by Douglas J. Robinson, R.A.

WHEREAS, this Town Board has reviewed the amendment aforementioned; and

WHEREAS, the site plan amendment fee, as required by Section 108-131 b (3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 2004-1221 of the Office of the Financial Administrator of the Town or Riverhead.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Riverhead does hereby amend the site plan approval of Frank P. Guarino, as depicted by the revised site plan prepared by Douglas J. Robinson, R.A., dated July 22, 2004.

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby Authorized to forward a certified copy of this resolution to Frank P. Gaurino, Esq., PO Box 66, 1530 North Country Road, Wading River, New York 11792, the Riverhead Planning Department, Riverhead Building Department and the Town Engineer.

*Planning Dept.*

THE VOTE  
Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no  
THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

04/05/05

# Adopted

## TOWN OF RIVERHEAD

Resolution # 329

### ADOPTS LOCAL LAW TO AMEND CHAPTER 12 ENTITLED, "COASTAL EROSION HAZARD AREAS" OF THE RIVERHEAD TOWN CODE

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN BARTUNEK :

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 12 of the Riverhead Town Code entitled, "Coastal Erosion Hazard Areas" and to post same on the signboard in Town Hall; and

**WHEREAS**, a public hearing was held on the 3rd day of November, 2004 at 2:20 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law amending Chapter 12 entitled, "Coastal Erosion Hazard Areas" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the News Review Newspaper and to post same on the signboard at Town Hall; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Riverhead Code Enforcement; Riverhead Planning Board, Riverhead Planning Department ; Riverhead Zoning Board of Appeals; Riverhead Police Department; Riverhead Building Department and the Office of the Town Attorney.

THE VOTE

Bartunek  yes \_\_\_ no     Sanders  yes \_\_\_ no  
 Blass  yes \_\_\_ no     Densieski  yes \_\_\_ no  
 Cardinale  yes \_\_\_ no

THE RESOLUTION  WAS \_\_\_ WAS NOT  
 THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 12 entitled, "Coastal Erosion Hazard Areas:" of the Riverhead Town Code at its regular meeting held on April 5, 2005.

A copy of the entire text of the proposed local law may be reviewed at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Dated: Riverhead, New York  
April 5, 2005

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

**BARBARA GRATTAN, Town Clerk**

## Chapter 12, COASTAL EROSION HAZARD AREAS

[HISTORY: Adopted by the Town Board of the Town of Riverhead 3-5-1991 as L.L. No. 1-1991. Amendments noted where applicable.]

### GENERAL REFERENCES

Planning Board -- See Ch. 30.

Bays and creeks -- See Ch. 47.

Beaches and recreation centers -- See Ch. 48.

Environmental quality review -- See Ch. 61.

Waterways -- See Ch. 106.

Wetlands, floodplains and drainage -- See Ch. 107.

Zoning -- See Ch. 108.

Marina regulations -- See Ch. A113.

### § 12-1. Statutory authority.

Pursuant to the provisions of Article 34 of the New York State Environmental Conservation Law and § 10 of the Municipal Home Rule Law, the Town of Riverhead, County of Suffolk, State of New York, hereby enacts, by Local Law No. 1 of 1991, this chapter.

### § 12-2. Title.

This chapter shall be known and may be cited as the "Town of Riverhead Coastal Erosion Hazard Area Law."

### § 12-3. When effective.

This chapter shall take effect 20 calendar days from certification by the Commissioner of the New York State Department of Environmental Conservation, which is the date of this chapter's adoption and filing, pursuant to § 27 of the Municipal Home Rule Law, or the date of filing the official maps, whichever is later.

### § 12-4. Purpose.

The Town of Riverhead hereby assumes the responsibility and authority to implement and administer a coastal erosion management program within its jurisdiction pursuant to Article 34 of New York State Environmental Conservation Law. In addition, it is the purpose of this chapter to:

- A. Establish standards and procedures for minimizing and preventing damage to structures from coastal flooding and erosion and to protect natural protective features and other natural resources.
- B. Regulate, in coastal areas subject to coastal flooding and erosion, land use and development activities so as to minimize or prevent damage or destruction to man-made property, natural protective features and other natural resources and to protect human life.
- C. Regulate new construction or placement of structures in order to place them a safe distance from areas of active erosion and the impact of coastal storms to ensure that these structures are not prematurely destroyed or damaged due to improper siting, as well as to prevent damage to natural protective features and other natural resources.
- D. Restrict public investment in services, facilities or activities which are likely to encourage new permanent development in erosion hazard areas.
- E. Regulate the construction of erosion protection structures in coastal areas subject to serious erosion to assure that when the construction of erosion protection structures is justified, their construction and operation will minimize or prevent damage or destruction to man-made property, private and public property, natural protective features and other natural resources.

## § 12-5. Findings.

A. The Town of Riverhead finds that the coastal erosion hazard area:

(1) Is prone to erosion from action of the Long Island Sound and related water bodies. Such erosion may be caused by the action of waves, currents running along the shore and wind-driven water and ice. Such areas are also prone to erosion caused by the wind, runoff of rainwater along the surface of the land or groundwater seepage, as well as by human activities such as construction, navigation and certain forms of recreation.

(2) Experiences coastal erosion which causes extensive damage to publicly and privately owned property and to natural resources as well as endangering human lives. When this occurs, individuals and private businesses suffer significant economic losses, as do the Town and the state economies, either directly through property damage or indirectly through loss of economic return. Large public expenditures may also be necessary for the removal of debris and damaged structures and replacement of essential public facilities and services.

(3) Experiences erosion-related problems that are often contributed to by man's building without considering the potential for damage to property, by undertaking activities which destroy natural protective features, such as dunes or vegetation, by building structures intended for erosion prevention which may exacerbate erosion conditions on adjacent or nearby property and by water action produced by wakes from boats.

(4) Is the subject of programs which foster erosion protection structures, either with private or public funds, which are costly, often only partially effective over time and may even be harmful to adjacent or nearby properties. In some sections of the town, major erosion protection structures of great length would be required to effectively reduce future damages due to erosion.

(5) Incorporates nearshore areas which dissipate a substantial amount of wave energy before it is expended on beaches, bluffs or dunes by causing waves to collapse or break. Nearshore areas also function as reservoirs of sand, gravel and other unconsolidated material for beaches. Sandbars, which are located in nearshore areas, control the orientation of incoming waves and promote the development of ice cap formations, which help protect shorelines during winter storms. The roots of aquatic vegetation in nearshore areas bind fine grained silts, clays and organic matter to form a cohesive bottom that resists erosion.

(6) Incorporates beaches which buffer shorelands from erosion by absorbing wave energy that otherwise would be expended on the toes of bluffs or dunes. Beaches that are high and wide protect shorelands from erosion more effectively than beaches that are low or narrow. Beaches also act as reservoirs of sand or other unconsolidated material for longshore littoral transport and offshore sandbar and shoal formation.

(7) Incorporates dunes which prevent over-topping and store sand for coastal processes. High, vegetated dunes provide a greater degree of protection than low, unvegetated ones. Dunes are of the greatest protective value during conditions of storm-induced high water. Because dunes often protect some of the most biologically productive areas as well as developed coastal areas, their protective value is especially great. The key to maintaining a stable dune system is the establishment and maintenance of beach grass or other vegetation on the dunes and assurance of a supply of nourishment sand to the dunes.

(8) Incorporates bluff areas which protect shorelands and coastal development by absorbing the often destructive energy of open water. Bluffs are a source of depositional material for beaches and other unconsolidated natural protective features.

(9) Includes natural features as identified by the State of New York and by the Town of Riverhead and that the Riverhead Town Board finds that by this regulation, the Town of Riverhead hereby retains and exercises its home rule powers.

#### **§ 12-6. Definitions.**

The following terms, as used in this chapter, have the meanings indicated, unless the context clearly requires otherwise:

**ACCESSORY BUILDING** – a building without a permanent foundation, with a maximum floor area of one hundred (100) square feet or less, a maximum height of twelve (12) feet or less, located in the rear yard in a residentially zoned area when constructed by homeowner or tenant.

**ADMINISTRATOR**- the Town of Riverhead Planning Board is the local official responsible for administering this local law.

**BEACH** -- The zone of unconsolidated earth that extends landward from the mean low-water line to the seaward toe of a dune or bluff, whichever is most seaward. Where no dune or bluff exists landward of a beach, the landward limit of a beach is 100 feet landward from the place where there is a marked change in material or physiographic form or from the line of permanent vegetation, whichever is most seaward. Shorelands subject to seasonal or more frequent overwash or inundation are considered to be "beaches."

**BLUFF** -- Any bank or cliff with a precipitous or steeply sloped face adjoining a beach or a body of water. The waterward limit of a "bluff" is the landward limit of its waterward natural protective feature. Where no beach is present, the waterward limit of a "bluff" is the mean low water. The landward limit is 50 feet landward of the receding edge or, in those cases where there is no discernible line of active erosion, 50 feet landward of the point of inflection on the top of the "bluff." The point of inflection is that point along the top of the "bluff" where the trend of the land slope changes to begin its descent to the shoreline.

**COASTAL EROSION HAZARD AREA MAP** -- The final map, as approved by the Riverhead Town Board, and any amendments thereof, issued by the Commissioner of the New York State Department of Environmental Conservation, which delineates the boundaries of coastal erosion hazard areas subject to regulation under this chapter.

**COASTAL EROSION MANAGEMENT PERMIT** – a permit of which is reviewed and issued by the "administrator" of this chapter for "regulated activities" that comply with the general standards, restrictions and requirements of the applicable sections of this chapter.

**COASTAL WATERS** -- The Long Island Sound.

**COASTLINE** -- The lands adjacent to the town's coastal waters.

**CODE ENFORCEMENT OFFICIAL**—the officer or other designated authority charged with the enforcement of this code, or a duly authorized representative.

**CONSERVATION ADVISORY COUNCIL OF THE TOWN OF RIVERHEAD** –a Town Board appointed council consisting of (7) members, as its function, shall advise the Planning Board of the Town of Riverhead in the promotion, development, management and protection of its natural resources, and such Council shall engage in those functions authorized by the provisions of the General Municipal Law § 239-x.

**DEBRIS LINE** -- A linear accumulation of waterborne debris deposited by high waters on a beach.

**DUNE** -- A ridge or hill of loose, windblown or artificially placed earth, the principal component of which is sand.

**EROSION** -- The loss or displacement of land along the coastline due to the action of waves, currents, wind-driven water, waterborne ice or other impacts of storms. It also

means the loss or displacement of land due to the action of wind, runoff of surface waters or groundwaters or groundwater seepage.

**EROSION HAZARD AREA** -- An area of the coastline which is regulated under this chapter as a Structural Hazard Area or a Natural Protective Feature Area as defined herein.

**EROSION PROTECTION STRUCTURE** -- A structure specifically designed to reduce or prevent erosion, such as a groin, jetty, revetment, breakwater or artificial beach nourishment project.

**EXISTING STRUCTURE** -- A structure and appurtenances in existence or one where construction has commenced or one where construction has not begun but for which a building permit has been issued prior to the effective date of this chapter.

**GRADING** -- A redistribution of sand or other unconsolidated earth to effect a change in profile.

**MAJOR ADDITION** -- An addition to a structure resulting in a 25% or greater increase in the ground area coverage of the structure, other than an erosion protection structure or a pier, dock or wharf. The increase will be calculated as the ground area coverage to be added, including any additions previously constructed under a Coastal Erosion Management Permit, divided by the ground area coverage of the existing structure, as defined in "existing structure."

**MEAN LOW WATER** -- The approximate average low water level for a given body of water at a given location, determined by reference to hydrological information concerning water levels or other appropriate tests.

**MOVABLE STRUCTURE** -- A structure designed and constructed to be readily relocated with minimum disruption of the intended use. Mobile homes and structures built on skids or piles and not having a permanent foundation are examples of "movable structures."

**NATURAL PROTECTIVE FEATURE** -- A nearshore area, beach, bluff, primary dune, secondary dune or marsh, and their vegetation. (SEE DEFINITIONS HEREIN)

**NATURAL PROTECTIVE FEATURE AREA** -- A land and/or water area containing natural protective features, the alteration of which might reduce or destroy the protection afforded other lands against erosion or high water or lower the reserve of sand or other natural materials available to replenish storm losses through natural processes.

**NEARSHORE AREA** -- Those lands under water beginning at a mean low water line and extending waterward in a direction perpendicular to the shoreline to a point where the mean low water depth is 15 feet or to a horizontal distance of 1,000 feet from the mean low water line, whichever is greater.

**NORMAL MAINTENANCE** -- Periodic replacement or repair of same-kind structural elements or protective coatings which do not change the size, design or function of a functioning structure. A functioning structure is one which is fully performing as originally designed at the time that normal maintenance is scheduled to begin. Normal maintenance of a structure does not require a Coastal Erosion Management Permit.

**PERSON** -- Any individual, public or private corporation, political subdivision, government agency, public improvement district, partnership, association, firm, trust, estate or any other legal entity whatsoever.

**PLANNING BOARD** -- An appointed Board consisting of five (5) members whose function is to provide an impartial and professional perspectives and decisions on land use issues based on the long range needs of the community contained in the comprehensive plan.

**POINT OF INFLECTION** -- That point along the top of the bluff where the trend of the land slope changes to begin its descent to the shoreline.

**PRIMARY DUNE** -- The most waterward major dune where there are two or more parallel dunes within a coastal area. Where there is only one dune present, it is the "primary" one. Occasionally one or more relatively small dune formations exist waterward of the primary dune. These smaller formations will be considered to be part of the primary dune for the purposes of this chapter. The waterward limit of a primary dune is the landward limit of its fronting beach. The landward limit of the primary dune is 25 feet landward of its landward toe.

**RECEDING EDGE** -- The most landward line of active erosion or, in cases where there is no discernible line of active erosion, the most waterward line of permanent vegetation.

**RECESSION RATE** -- The rate, expressed in feet per year, at which an eroding shoreline moves landward.

**REGULATED ACTIVITY** -- The construction, modification, restoration or placement of a structure or major addition to a structure or any action or use of land which materially alters the condition of land, including grading, excavating, dumping, mining, dredging, filling or other disturbance of soil or any activity which alters or disturbs the existing "natural protective features", which includes trimming and clearing of vegetation.

"Regulated activity" does not include routine agricultural operations involving cultivation and harvesting or the implementation of practices recommended in a soil and water conservation plan, as defined in § 3(12) of the Soil and Water Conservation Districts Law, provided that such agricultural operations and implementation of practices will not be construed to include any activity that involves the construction or placement of a structure. "Regulated activity" does not include the restoration of a preexisting, nonconforming structure which is damaged or destroyed by events not related to coastal flooding or erosion. [Amended 10-7-2003 by L.L. No. 19-2003]

**RESTORATION** -- The reconstruction without modification of a structure, the cost of which equals or exceeds 50% of the estimated full replacement cost of the structure at the time of restoration. Modifications, however, may be allowed if they do not exceed preexisting size limits and are intended to mitigate impacts to natural protective features and other natural resources.

**SECONDARY DUNE** -- The major dune immediately landward of the primary dune. The waterward limit of a "secondary dune" is the landward limit of its fronting primary dune. The landward limit of a "secondary dune" is 25 feet landward of its landward toe.

**SIGNIFICANT FISH AND WILDLIFE HABITAT** -- Those habitats which are essential to the survival of a large portion of a particular fish or wildlife population; support rare or endangered species; are found at a very low frequency within a geographic area; support fish or wildlife populations having significant commercial or recreational value; or that would be difficult or impossible to replace.

**STRUCTURAL HAZARD AREA** -- Those shorelands located landward of natural protective features and having shorelines receding at a long-term average recession rate of one foot or more per year. The inland boundary of a structural hazard area is calculated by starting at a landward limit of the fronting natural protective feature and measuring along a line perpendicular to the shoreline a horizontal distance landward which is 40 times the long-term average annual recession rate.

**STRUCTURE** -- Any object constructed, installed or placed in, on or under land or water, including but not limited to a building or permanent shed; deck; in-ground and aboveground pool; garage; mobile home; road; public service distribution, transmission or collection system; tank; dock; pier; wharf; groin; jetty; seawall; bulkhead; breakwater; revetment; artificial beach nourishment; or any addition to or alteration of the same.

TOE -- The lowest point on a slope of a dune or bluff.

UNREGULATED ACTIVITY -- Excepted activities that are not regulated by this chapter include but are not limited to: docks, piers, wharves or structures built on floats, columns, open timber piles or other similar openwork supports with a top surface area of less than 200 square feet or which are removed in the fall of each year; normal beach grooming or cleanup; maintenance of structures when normal and customary and/or in compliance with an approved maintenance program; planting vegetation and sand fencing so as to stabilize or entrap sand in primary dune and secondary dune areas in order to maintain or increase the height and width of dunes; routine agricultural operations, including cultivation or harvesting, and the implementation of practices recommended in a soil and water conservation plan as defined in § 3(12) of the Soil and Water Conservation Districts Law; provided, however, that agricultural operations and implementation of practices will not be construed to include any activity that involves the construction or placement of a structure. In addition, the restoration (as defined in this chapter) of a preexisting, nonconforming structure damaged or destroyed by events not related to coastal flooding or erosion is considered an "unregulated activity."

VEGETATION -- Plant life capable of surviving and successfully reproducing in the area or region and which is compatible with the environment of the coastal erosion hazard area.

#### **§ 12-7. Establishment of areas; map.**

The coastal erosion hazard area is hereby established to classify land and water areas within the Town of Riverhead, based upon shoreline recession rates or the location of natural protective features. The boundaries of the area are established on the final map prepared by the New York State Department of Environmental Conservation under §.34-0104 of the New York State Environmental Conservation Law and by the Town of Riverhead, which adopts and incorporates the final map entitled "Coastal Erosion Hazard Area Map of the Town of Riverhead."

#### **§ 12-8. Permit required for regulated activities.**

No person may engage in any regulated activity in an erosion hazard area as depicted on the Coastal Erosion Hazard Area Map of the Town of Riverhead, as amended, and/or a Natural Protective Feature or Natural Protective Feature Area as defined in § 12-6 herein, without first obtaining a Coastal Erosion Management Permit. No Coastal Erosion Management Permit is required for unregulated activities.

#### **§ 12-9. Standards for issuance.**

A Coastal Erosion Management Permit will be issued only with a finding by the Administrator that the proposed regulated activity:

- A. Is reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the proposed activity requires a shoreline location.
- B. Is not likely to cause a measurable increase in erosion at the proposed site and at other locations.
- C. Prevents, if possible, or minimizes adverse effects on natural protective features and their functions and protective values, existing erosion protection structures and natural resources.

#### **§ 12-10. Structural hazard area restrictions.**

The following restrictions apply to regulated activities within a Structural Hazard Area:

- A. A Coastal Erosion Management Permit is required for the installation of public service distribution, transmission or collection systems for gas, electricity, water or wastewater. Systems installed along the shoreline must be located landward of the shoreline structures.

- B. The construction of nonmovable structures or placement of major nonmovable additions to an existing structure is prohibited.
- C. Permanent foundations may not be attached to movable structures, and any temporary foundations are to be removed at the time the structure is moved. Below-grade footings will be allowed if satisfactory provisions are made for their removal.
- D. No movable structure may be located closer to the landward limit of a bluff than 50 feet.
- E. No movable structure may be placed or constructed such that, according to accepted engineering practice, its weight places excessive groundloading on a bluff.
- F. Plans for landward relocation of movable structures must be included with each application for a permit. Movable structures which have been located within a Structural Hazard Area pursuant to a Coastal Erosion Management Permit must be removed before any part of the structure is within 10 feet of the receding edge. The last owner of record, as shown on the latest assessment roll, is responsible for removing that structure and its foundation, unless a removal agreement was attached to the original Coastal Erosion Management Permit. With the attachment of a removal agreement to the Coastal Erosion Management Permit, the landowner or the signator is responsible for the landward relocation of movable structures. Removal agreements may be made when the last owner of record and the owner of the structure are different, with the approval of the Town at the time the permit is issued.
- G. Debris from structural damage which may occur as a result of sudden unanticipated bluff edge failure, dune migration or wave or ice action must be removed within 60 days of the damaging event.
- H. Any grading, excavation or other soil disturbance conducted within a Structural Hazard Area must not direct surface water runoff over a bluff face.
- I. Dumping, filling or other disturbance of soil or any activity which alters or disturbs the existing Natural Protective Feature and/or Natural Protective Feature Areas which includes trimming and clearing of vegetation without a Coastal Erosion Management Permit is prohibited.

**§ 12-11. Nearshore area restrictions.**

The following restrictions apply to regulated activities in nearshore areas:

- A. Excavating, grading, mining or dredging which diminishes the erosion protection afforded by a nearshore area is prohibited, except construction or maintenance of navigation channels, bypassing sand around natural and man-made obstructions and artificial beach nourishment, all of which require a Coastal Erosion Management Permit.
- B. Clean sand or gravel of an equivalent or slightly larger grain size is the only material which may be deposited within nearshore areas. Any deposit will require a Coastal Erosion Management Permit.
- C. All development is prohibited in nearshore areas unless specifically provided for by this chapter.

**§ 12-12. Beach area restrictions.**

The following restrictions apply to regulated activities in beach areas:

- A. Excavating, grading or mining which diminishes the erosion protection afforded by beaches is prohibited.
- B. Clean sand or gravel of an equivalent or slightly larger grain size is the only material which may be deposited within beach areas. Any deposit will require a Coastal Erosion Management Permit, which may be issued only for expansion or stabilization of beaches.

C. Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved, in writing, by the New York State Department of Environmental Conservation (NYSDEC).

D. All development is prohibited on beaches unless specifically provided for by this chapter.

#### **§ 12-13. Dune area restrictions.**

The following restrictions apply to regulated activities in dune areas:

A. In primary dune areas:

(1) Excavating, grading or mining of primary dunes is prohibited.

(2) Clean sand of a compatible type and size is the only material which may be deposited. Any deposit requires a Coastal Erosion Management Permit.

(3) All deposits must be vegetatively stabilized using species tolerant of the conditions at the site and must be placed so as to increase the size of or restore a dune or dune area.

(4) Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved, in writing, by the New York State Department of Environmental Conservation (NYSDEC).

(5) Nonmajor additions to existing structures are allowed on primary dunes pursuant to a Coastal Erosion Management Permit and subject to permit conditions concerning the location, design and potential impact of the structure on the primary dune.

(6) Stone revetments or other erosion protection structures compatible with primary dunes will only be allowed at the waterward toe of primary dunes and must not interfere with the exchange of sand between primary dunes and their fronting beaches.

B. In secondary dune areas:

(1) All deposits must be clean sand of a compatible type and size, and all grading must be performed so as to increase the size of or restore a dune or former dune area.

(2) Excavating, grading or mining must not diminish the erosion protection afforded by them.

(3) Nonmajor additions to existing structures are allowed on secondary dunes pursuant to a Coastal Erosion Management Permit.

(4) Permitted construction, reconstruction, restoration or modifications must be built on adequately anchored pilings such that at least three feet of open space exists between the floor joists and the surface of the secondary dune, and the permitted activity must leave the space below the lowest horizontal structural members free of obstructions.

C. All other activities and development in dune areas are prohibited unless specifically provided for by this chapter.

D. The restoration of existing structures on dune areas that are damaged or destroyed by events not related to coastal flooding or erosion may be undertaken without a Coastal Erosion Management Permit.

#### **§ 12-14. Bluff area restrictions.**

A. The following activities are prohibited on bluffs:

(1) Excavating or mining, except when in conjunction with conditions stated in a Coastal Erosion Management Permit issued for minor alterations in construction of an erosion protection structure or for provision of shoreline access.

(2) All development, unless specifically allowed by § 12-14 B. of this chapter.

(3) Disturbance of active bird nesting and breeding areas, unless such disturbance is pursuant to a specific wildlife management activity approved by the New York State Department of Environmental Conservation (NYSDEC).

(4) Soil disturbance that directs surface water runoff over a bluff face.

(5) Dumping, filling or other disturbance of soil or any activity which alters or disturbs the existing Natural Protective Feature and/or Natural Protective Feature Areas which includes trimming and clearing of vegetation without a Coastal Erosion Management Permit.

B. Activities specifically allowed under this section are:

(1) Minor alteration of a bluff done in accordance with conditions stated in a Coastal Erosion Management Permit issued for new construction, modification or restoration of an erosion protection structure.

(2) Bluff cuts done in accordance with conditions stated in a Coastal Erosion Management Permit issued for the provision of shoreline access, where:

(a) The cut is made in a direction perpendicular to the shoreline.

(b) The ramp slope may not exceed one to six (1:6).

(c) The side slopes may not exceed one to three (1:3) unless terraced or otherwise structurally stabilized.

(d) The side slopes and other disturbed nonroadway areas must be stabilized with vegetation or other approved physical means.

(e) The completed roadway must be stabilized and drainage provided for.

(3) New construction, modification or restoration of walkways or stairways done in accordance with conditions of a Coastal Erosion Management Permit.

(4) Nonmajor additions to existing structures pursuant to a Coastal Erosion Management Permit.

(5) Trimming and clearing of vegetation done in accordance with conditions stated in a Coastal Erosion Management Permit as issued by the Administrator.

(6) The placement of One (1) Accessory Building as defined in this chapter, shall be allowable pursuant to a Coastal Erosion Management Permit and the following limitations shall apply:

(a) Said Accessory Building shall not be placed less than twenty-five (25) feet landward of the landward limit of the Natural Protective Feature Area as identified on the Coastal Erosion Hazard Area Maps filed with the Town of Riverhead and/or the landward limit of the Natural Protective Feature or Natural Protective Feature Area as defined in §12-6 of this chapter; whichever is more landward shall apply.

(b) Said Accessory Building shall be more than five (5) feet from a property line, ten (10) feet from any other structure, sixty (60) feet from a side street line and not require a building permit.

(c) With the exception of the removal of grass groundcover, no vegetation shall be removed trimmed, cut or cleared to construct said accessory building.

C. The restoration of existing structures on bluff areas that are damaged or destroyed by events not related to coastal flooding or erosion may be undertaken without a Coastal Erosion Management Permit.

### **§ 12-15. Erosion protection structures.**

The following requirements apply to the construction, modification or restoration of erosion protection structures:

A. The construction, modification or restoration of erosion protection structures must:

(1) Not be likely to cause a measurable increase in erosion at the development site or at other locations.

(2) Minimize and, if possible, prevent adverse effects upon natural protective features, existing erosion protection structures and natural resources, such as significant fish and wildlife habitats.

B. All erosion protection structures must be designed and constructed according to generally accepted engineering principles and demonstrate a likelihood of success in controlling long-term erosion. The protective measures must have a reasonable probability of controlling erosion on the immediate site for a minimum of 30 years.

C. All materials used in such structures must be durable and capable of withstanding inundation, wave impacts, weathering and other effects of storm conditions for a minimum of 30 years. Individual component materials may have a working life of less than 30 years only when a maintenance program ensures that they will be regularly maintained and replaced as necessary to attain the required 30 years of erosion protection.

D. A long-term maintenance program must be included with every permit application for construction, modification or restoration of an erosion protection structure. The maintenance program must include specifications for normal maintenance of degradable materials. To assure compliance with the proposed maintenance programs, a bond may be required.

#### **§ 12-16. Traffic control.**

Motorized and nonmotorized traffic must comply with the following restrictions:

A. Motor vehicles must not travel on vegetation, must operate waterward of the debris line and, when no debris line exists, must operate seaward of the line of mean high water.

B. Motor vehicle traffic is prohibited on primary dunes, except for officially designated crossing areas, and on bluffs.

C. Pedestrian passage across primary dunes must utilize elevated walkways and stairways or other specially designed dune crossing structures.

#### **§ 12-17. Applicability.**

The requirements of this chapter do not apply to emergency activities that are necessary to protect public health, safety or welfare, including preventing damage to natural resources. Whenever emergency activities are undertaken, damage to natural protective features and other natural resources must be prevented, if possible, or minimized.

#### **§ 12-18. Notification to Administrator.**

The Administrator must be notified by the person responsible for taking the emergency measures within two (2) working days from the commencement of an emergency measure and a description of the problem and activities provided. The description must be in written form, outline the public health or safety or resource for which protection was sought and relate the measures which were taken to secure the protection.

#### **§ 12-19. Improper or insufficient notification.**

If the Administrator determines that a regulated activity has been undertaken without a Coastal Erosion Management Permit and does not meet the emergency activity criteria, then the Administrator will order the immediate cessation of the activity. In addition, the Administrator may require:

A. Removal of any structure that was constructed or placed without a Coastal Erosion Management Permit; and

B. The return to former conditions of any natural protective feature that was excavated, mined or otherwise disturbed without a Coastal Erosion Management Permit.

#### **§ 12-20. Variances.**

Strict application of the standards and restrictions of this chapter may cause practical difficulty or unnecessary hardship. When this can be shown, such standards and restrictions may be varied or modified, provided that the following criteria are met:

A. No reasonable, prudent, alternative site is available.

- B. All responsible means and measures to mitigate adverse impacts on natural systems and their functions and values have been incorporated into the activity's design at the property owner's expense.
- C. The development will be reasonably safe from flood and erosion damage.
- D. The variance requested is the minimum necessary to overcome the practical difficulty or hardship which was the basis for the requested variance.
- E. Where public funds are utilized, the public benefits must clearly outweigh the long-term adverse effects.

**§ 12-21. Format and procedure.**

Any request for a variance must be in writing and specify the standard, restriction or requirement to be varied and how the requested variance meets the criteria of § 12-20 of this chapter. The burden of demonstrating that the requested variance meets those criteria rests entirely with the applicant.

**§ 12-22. Fees for variances.**

Each variance request must be accompanied by the required fee or fees as established by the Town legislative body under separate resolution.

**§ 12-23. Expiration.**

Any construction activity allowed by a variance granted by the Coastal Erosion Hazard Board of Review must be completed within one year from the date of approval or approval with modifications or conditions. Variances expire at the end of this one-year period without further hearing or action by the Coastal Erosion Hazard Board of Review.

**§ 12-24. Coastal Erosion Hazard Board of Review.**

The Town of Riverhead Zoning Board of Appeals is hereby designated as the Coastal Erosion Hazard Board of Review and has the authority to:

- A. Hear, approve, approve with modification or deny requests for variances or other forms of relief from the requirements of this chapter.
- B. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by The Administrator and/or Code Enforcement Official (CEO) in the enforcement of this chapter, including any order requiring an alleged violator to stop, cease and desist.

**§ 12-25. Appeal.**

The Coastal Erosion Hazard Board of Review may, in conformance with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Administrator, including stop or cease-and-desist orders. Notice of such decision will forthwith be given to all parties in interest. The rules and procedures for filing appeals are as follows:

- A. Appeals must be filed with the Municipal Clerk within 30 days of the date of the adverse decision.
- B. All appeals made to the Coastal Erosion Hazard Board of Review must be in writing on standard forms prescribed by the Board. The Board will transmit a copy to the Commissioner of the New York State Department of Environmental Conservation for his information.
- C. All appeals must refer to the specific provisions of this chapter involved, specify the alleged errors, the interpretation thereof that is claimed to be correct and the relief which the appellant claims.

**§ 12-26. Appeal to Court.**

Any person or persons, jointly or severally, aggrieved by a decision by the Coastal Erosion Hazard Board of Review or any officer, department or Board of the Town may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules.

**§ 12-27. Fees for permits and appeals. [Amended 12-16-2003 by L.L. No. 28-2003]**

Applications for Coastal Erosion Management Permits and appeals must be accompanied by a money order or personal check made payable to the Town of Riverhead as follows:

- A. Construction or placement of structures other than erosion-protection structures, docks, piers and wharves: \$90.
- B. Excavation, grading, mining or filling at:
  - (1) One hundred cubic yards or less: \$50.
  - (2) One hundred to 1,000 cubic yards: \$100.
  - (3) One thousand one cubic yards or greater: \$200.
- C. Dredging at:
  - (1) One hundred cubic yards or less: \$50.
  - (2) One hundred to 1,000 cubic yards: \$100.
  - (3) One thousand one cubic yards or greater: \$200.
- D. Construction or modification of docks, piers or wharves:
  - (1) Fixed docks: \$70.
  - (2) Solid-fill docks: \$100.
  - (3) Floating docks on piles or fixed dock, ramp and float combination: \$50.
- E. Construction or modification of erosion-protection structures:
  - (1) Structures not exceeding 100 linear feet: \$100.
  - (2) Structures greater than 100 linear feet: \$200.
- F. Appeal of coastal erosion permit denial: \$100.
- G. Any project or activity not described in this section: \$100.

**§ 12-28. Coastal Erosion Management Permit.**

A Coastal Erosion Management Permit will be issued for regulated activities which comply with the general standards restrictions and requirements of the applicable sections of this chapter, provided that the following are adhered to:

- A. The application for a Coastal Erosion Management Permit must be made upon the form provided by the Administrator and must include the following minimum information:
  - (1) A description of the proposed activity.
  - (2) A topographical survey drawn to a suitable scale showing the location of the Natural Protective Features, the Natural Protective Feature Areas and the proposed activity, as well as a depiction of those boundaries appearing on the approved Coastal Erosion Hazard Area Map.
  - (3) Any additional information the Administrator may require to properly evaluate the proposed activity.
- B. Each application for a Coastal Erosion Management Permit:
  - (1) Must be accompanied by the required fee or fees as established in section §12-27 herein.
  - (2) Must be received by the Administrator and shall be referred to the Conservation Advisory Council of the Town of Riverhead for an advisory report and recommendation. Such report shall be issued to the Administrator within (62) days from the date of referral.
- C. Permits will be issued by and bear the name and signature of the Chairman of the Planning Board and will specify:
  - (1) The activity or operation for which the permit is issued.
  - (2) The address or location where the activity or operation is to be conducted.

- (3) The name and address of the permittee.
- (4) The permit number and date of issuance.
- (5) The period of permit validity. If not otherwise specified, a permit will expire one year from the date of issuance.
- (6) The terms and conditions of the approval.

D. When more than one Coastal Erosion Management Permit is required for the same property or premises under this chapter, a single permit may be issued listing all activities permitted and any conditions, restrictions or bonding requirements. Revocation of a portion or portions of such consolidated permits will not invalidate the remainder.

E. A Coastal Erosion Management Permit may be issued with such terms and conditions as are necessary to ensure compliance with the policies and provisions of this chapter and the policies of the Town of Riverhead.

F. When an application is made for a Coastal Erosion Management Permit, a variance thereto or other form of approval required by this chapter and such activity is subject to other permit, variance, hearing or application procedures required by another federal, state or local regulatory agency pursuant to any federal, state or local law or ordinance, the Planning Director shall, at the request of the applicant, consolidate and coordinate the application, permit, variance and hearing procedures as required by each regulatory agency into a single, comprehensive hearing and review procedure. However, nothing contained in this section shall be deemed to limit or restrict any regulatory agencies which are properly a party to such a consolidated review proceeding from the independent exercise of such discretionary authority with respect to the issuance, denial or modification of such permits, variances or other forms of approval as they may have been granted by law.

#### **§ 12-29. Bonds.**

The Town may require a bond or other form of financial security. Such bond or security must be in an amount, with such surety and conditions as are satisfactory to the town, so as to ensure compliance with the terms and conditions stated in the Coastal Erosion Management Permit.

#### **§ 12-30. Duties of the Administrator.**

The authority for administering this chapter is hereby conferred upon the Administrator. The Administrator has the power and duty to:

- A. Apply the regulations, restrictions and standards or other provisions of this chapter.
- B. Explain to applicants the map which designates the land and water areas subject to regulation and advise applicants of the standards, restrictions and requirements of this chapter.
- C. Review and take appropriate actions on completed applications.
- D. Issue and sign all approved permits.
- E. Serve as the primary liaison with the New York State Department of Environmental Conservation.
- F. Keep official records of all permits, inspections, inspection reports, recommendations, actions of the Coastal Erosion Hazard Board of Review and any other reports or communications relative to this chapter or request for information from the New York State Department of Environmental Conservation.
- G. Perform normal and customary administrative functions required by the Town Code relative in and relating to this chapter.
- H. Have, in addition, the powers and duties as are established in or reasonably implied from this chapter as are necessary to achieve its stated purpose.

**§ 12-31. Enforcement.**

The authority for enforcing this chapter is hereby conferred upon the Code Enforcement Official. The Code Enforcement Official has the power and duty to:

- A. Transmit written notice of violations to property owners or to other responsible persons.
- B. Perform compliance inspections.
- C. Prepare and submit reports to the Administrator.
- D. Post a stop order in a form approved by the Town Board. Said stop order shall be posted at the site of said violation. It shall be a further violation of this chapter to remove said stop order or to continue the use or construction specified in said stop order until the violation is corrected or adjudicated.
- E. Have powers and duties as are established in or reasonably implied from this chapter as are necessary to achieve its stated purpose.

**§ 12-32. Interpretation.**

The provisions, regulations, procedures and standards of this chapter will be held to be the minimum requirements necessary to carry out the purposes of this chapter.

**§ 12-33. Conflicts.**

The provisions of this chapter will take precedence over any other laws, ordinances or codes in effect in the Town to the extent that the provisions of this chapter are more stringent than such other laws, ordinances or codes. A Coastal Erosion Management Permit issued pursuant to this chapter does not relieve the permit applicant from the responsibility of obtaining other permits or approvals as may be necessary nor does it convey any rights or interest in real property.

**§ 12-34. Severability.**

The provisions of this chapter are severable. If any clause, sentence, paragraph, subdivision, section or part is adjudged invalid by a court of competent jurisdiction, the effect of such order or judgment does not affect or invalidate any other provisions of this chapter or their application to other persons and circumstances.

**§ 12-35. Environmental review.**

All regulated activities are subject to the review procedures required by the New York State Environmental Quality Review Act (SEQR), Article 8 of the New York State Environmental Conservation Law. The applicant may be required to submit information necessary for compliance with SEQR in addition to information required under this chapter.

**§ 12-36. Penalties for offenses.**

For any and every violation of this chapter, the owner or general agent of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation of this chapter has been committed or shall exist, and any builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in any such violation of this chapter, shall, upon conviction thereof, be liable to a fine or penalty not exceeding \$5,000 per day from the day of discovery of the incident, continuing until a restoration plan approved by the Administrator is enacted, or imprisonment for a period not to exceed (6) months, or both. Nothing herein will prevent the proper local authorities of the Town from taking such other lawful actions or proceedings as may be necessary to restrain, correct or abate any violation of this chapter.

**§ 12-37. Amendment procedure.**

A. The Town Board may, on its own motion or on petition or recommendation, amend, supplement or repeal the provisions, regulations, procedures or standards of this chapter.

B. When an amendment is duly proposed, the Town Board must:

- (1) Notify the Commissioner of the New York State Department of Environmental Conservation, in writing, of all proposed amendments and whether such amendment conforms to the minimum standards of a certified program.
- (2) Issue public notice and conduct a hearing on all proposed amendments pursuant to the Municipal Home Rule Law § 20.
- (3) Refer the proposed amendment at least 30 days prior to the public hearing, in writing, to the Administrator, unless initiated thereby, for its review of the amendment and its report to the Town Board of recommendations thereon, including a full statement of reasons for such recommendations; and similarly to the Suffolk County Planning Commission.

**§ 12-38. Certification by Commissioner.**

After enactment the amendment must be sent to the Commissioner of Environmental Conservation for certification.

**§ 12-39. Recording of amendments.**

After an amendment to this chapter has been initially reviewed and found to be in conformance by the Commissioner of the New York State Department of Environmental Conservation, has completed the public hearing process and intergovernmental review, has been finally approved and adopted by the Town Board and has been certified by the Commissioner of the New York State Department of Environmental Conservation, the Town Clerk will, as prescribed by § 27 of the Municipal Home Rule Law:

- A. Record the amending local law in the Municipal Clerk's Minute Book and in the Recorded Book of Local Laws.
- B. File the amending local law within five days after adoption as follows:
  - (1) One copy in the Clerk's office.
  - (2) One copy in the office of the State Comptroller.
  - (3) Three copies in the office of the Secretary of State.
  - (4) One copy with the Commissioner of the New York State Department of Environmental Conservation.
  - (5) One copy with the Suffolk County Planning Commission.

# Adopted

04/05/05

## TOWN OF RIVERHEAD

Resolution # 330

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW TO REPEAL AND REPLACE A PORTION OF CHAPTER 108 ENTITLED "ZONING" (SIGNS) OF THE RIVERHEAD TOWN CODE**

COUNCILMAN BARTUNEK

\_\_\_\_\_ offered the following resolution,

COUNCILWOMAN BLASS

which was seconded by \_\_\_\_\_:

**RESOLVED**, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a proposed local law to consider a proposed local law repealing and replacing a portion of Chapter 108 entitled, "Zoning" (Signs) of the Riverhead Town Code, once in the April 14th issue of the Traveler-Watchman, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

**RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to the Building Department, Planning Department, the Riverhead Police Department; the Riverhead Highway Department and the Office of the Town Attorney.

### THE VOTE

Bartunek  yes \_\_\_ no Sanders  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 on the **19<sup>th</sup>** day of April at **7:30** p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to repeal and replace a portion of Chapter 108 of the Riverhead Town Code entitled, "Zoning" (Signs) as follows:

§ 108-56. Signs

A. Definitions

As used in this Section, the following terms shall have the meanings set forth herewith:

ANIMATED OR MOVING SIGN - any sign or part of a sign which changes physical position by movement or rotation occasioned by natural, manual, mechanical, electrical, or other means, or which gives the visual impression of such movement or rotation;

ANNOUNCEMENT SIGN – A sign announcing the activities conducted or to be conducted at the public or semi-public building to which it refers.

AWNING – Any retractable or fixed shade-producing device made of flexible fabric or similar material covering a rigid skeleton structure attached to a building;

BANNER OR PENNANT – A sign that is painted or displayed on a sheet composed of fabric, pliable plastic, paper or other non-rigid material, fastened to the exterior of a building or exterior structure other than a flagpole, but excluding any flag representing any federal, state or other governmental entity;

BILLBOARD – A sign relating, in whole or in part, to a business, commodity, service, entertainment or attraction sold, offered or existing at a location other than the location where such sign is displayed;

BUILDING WALL FACE – the area of the building wall including area occupied by any doors or windows in that wall;

CANOPY – An architectural projection comprised of a rigid structure over which a covering is attached that provides weather protection, identity or decoration and is supported at one end by the building to which is attached and at the outer end by not less than one stanchion;

DIRECTORY SIGN - an aggregate sign containing a list of the names of the establishments located within a commercial or industrial complex;

ELECTRONIC TIME/TEMPERATURE SIGN – an electronic programmed display of time and temperature information only;

FARM MARKET – a direct marketing operation which may be seasonal in nature and features on-farm produce as well as locally grown agricultural produce, enhanced agricultural products, and handmade crafts;

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FREESTANDING SIGN – A sign detached from any supporting element of a building and consisting of a double or single sided sign face attached to a single or double pole structure embedded in the ground or mounted on its own self-supporting permanent structure or base;

GRADE - the uppermost surface of the ground directly below the sign or immediately adjacent to the support where the uppermost surface has been artificially raised for landscaping or other purpose, grade shall be measured from the level of the nearest curb of a public street;

ILLUMINATED SIGN – A sign illuminated either internally, where the source of illumination is inside the sign or from light bulbs or light tubes affixed or incorporated into the structure thereof, or externally where the source of illumination is separate from the sign and reflected off the surface thereof;

INCIDENTAL SIGN – a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business;

MANSARD ROOF – A roof whose pitch has a twelve (12) inch or greater vertical projection for each six (6) inch horizontal projection.

MARQUEE, ATTACHED - a fixed, constructed permanent canopy or roof like structure of rigid materials which may contain a means for changeable lettering thereon, supported by and extending more than twelve (12) inches from the facade of a theater, hotel, banquet facility, or sports arena;

MOBILE SIGN – mobile signs standing on the ground or attached to vehicles or trailers shall be prohibited, except signs painted on registered vehicles identifying the owner and utilized in the conduct of such business. Vehicles or trailers may not be used primarily for on or off premises advertising;

NEON SIGN – an illuminated sign consisting, in part, of a glass tube filled with neon, argon, mercury or other gasses caused to emit light by the passage of an electric current and commonly bent into various forms.

NONCONFORMING SIGN - a sign which was legally installed under laws or ordinances in effect prior to the effective date of the ordinance codified in this title or subsequent revisions, but which is in conflict with the design and sign type provisions of this Chapter;

OFF-PREMISES SIGN - a sign that identifies or communicates a message related to an activity conducted, a service rendered, entertainment, or a commodity sold, which is not the primary activity, service, or commodity provided on the premises where the sign is located (e.g., billboards or outdoor advertising);

POLE SIGN – A freestanding sign wholly supported by a single vertical pole or similar structure embedded in the ground.

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POLITICAL SIGN - a temporary sign indicating the name and/or picture of an individual seeking election or appointment to a public office, or relating to a proposition or change of law in a public election or referendum, or pertaining to the advocacy by persons, groups, or parties of political views or policies;

PROJECTING SIGN - a sign not exceeding four (4) inches in thickness, which is attached at a right angle from a wall or other essentially vertical plane of a building or structure, which is wholly or partly dependent upon the building for support, and which projects more than (twelve) 12 inches from said building not more than thirty-six (36) inches; said signs shall not exceed a two (2) foot height dimension; the bottom of the sign shall be a minimum of seven (7) feet above the average grade of the ground surrounding the sign.

PROFESSIONAL NAMEPLATE SIGN – A non-electric identification sign that directs attention to a resident's home, which bears only the name and profession or occupation of the home occupant or group of occupants.

REAL ESTATE SIGN – A sign advertising the sale, exchange, lease or rental of the real property on which it is located.

ROOF SIGN – A sign erected upon or above a roof or parapet of a building or structure.

SANDWICH BOARD – A portable sign capable of standing without support or attachment.

SIGN - any object, device, display, or structure, including a flag, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images, together with a framework, background, material structure, component parts, and bracing materials;

SIGN AREA - the area of a sign shall be the entire face of a sign including the advertising surface and any framing, trim, or molding. The area of any sign lacking clear and distinct borders shall be determined by the smallest rectangle that encompasses all of the letters and/or symbols that make up the sign, together with the area outside that rectangle of a different color or material than the general finish of the building or window, whether painted or applied.

SOFFIT SIGN - a sign affixed to the underside of a roof overhang, and perpendicular to the wall, adjacent to a store or a commercial premise;

WALL SIGN - a sign fastened to or painted on an exterior wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign. A wall sign shall not project above the height of the building wall face. Said height shall be the vertical distance from the average grade of the ground surrounding the building to the lowest point of the roof. Such a sign may not

project more than twelve (12) inches beyond the building wall face, nor shall it contain copy on the sides or the edges, or it shall be considered as a projecting sign;

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WINDOW AREA – The area of the window shall be the largest uninterrupted expanse of glass. Such interruptions shall include but not be limited to the mullions, minions, and structural or applied support columns.

WINDOW SIGN - a sign, which is painted in, applied, or attached to, the interior side of a window or glass doors, or which is inside an individual window or door and mounted within three (3) feet of a window. Such signage shall occupy no more than twenty-five percent (25%) of the area of each window or door.

## B. Purpose and Intent

### Purpose

It is the express purpose of this Section to regulate existing and proposed signs in order to: perpetuate the open character and rural appearance of the Town; promote good community planning and a positive aesthetic environment; protect property values; recognize the economic importance and attractiveness of properly-sited and well-designed signs; preserve the historic character and architectural heritage of the Town; provide a more enjoyable and pleasing community; and to promote and accomplish the goals, policies and objectives of the 2003 Riverhead Comprehensive Master Plan.

### Intent

It is the intent of this Section to coordinate the type, placement and scale of signs within the various zoning use districts to recognize the commercial communication requirements of all sectors of the business community; reduce distraction and obstructions which may cause motorists confusion, impair visibility, and lead to accidents; reduce hazards that may be caused by signs overhanging, projecting into, or otherwise obstructing public rights-of-way; avoid detracting from the legitimate identification of businesses, street names, or street numbers. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs.

## C. Signs Allowed With Permit.

The following signs are allowed in appropriate Zoning Use Districts upon the issue of a permit by the Town of Riverhead Building Department

### 1. Wall Signs.

(a)The aggregate area of any and all wall signs shall not exceed twenty five percent (25%) of the building or wall face on which they are mounted. The aggregate width of any and all signs shall not exceed seventy five percent (75%) of

the width of the building or wall face on which they are mounted.

(b) Signs shall not project more than one foot perpendicular to the walls on which they are mounted nor extend in any manner above the façade or roofline of the building or structure containing such wall.

(c) All signage shall pertain to businesses operating within the building or structure and no more than one sign per business shall be permitted.

## 2. Roof Signs.

(a) Where no walls of a building or structure facing a public street frontage exist to reasonably accommodate a wall sign, a sign painted on, incorporated into, or affixed to a mansard roof or parapet of such building shall be permitted, provided it complies with the following:

(1) The vertical midpoint of the sign shall be no higher than the vertical midpoint of the mansard roof or parapet so that the sign does not project above the roof line or break the silhouette of the building.

(2) No part of such sign shall project from such mansard roof or parapet a distance greater than twenty four (24) inches, and all structural supports, including any angle irons, guy wires, or braces, shall appear to be an integral part of the roof or roof sign and enclosed or otherwise hidden from view.

(3) The area of any such sign shall not exceed seventy five percent (75%) of the width of such roof or parapet.

## 3. Freestanding Signs, Including Pole, Monument, and Directory Signs.

(a) Freestanding Signs

(1) No freestanding sign shall be permitted on premises where buildings or structures are set back less than twenty (20) feet from the front property line.

(2) One freestanding, non-flashing, nonmoving, on-premises sign shall be permitted per business provided it complies with the following:

(a) The aggregate area of signage shall not exceed thirty

two (32) square feet.

(3) Said sign may not exceed ten (10) feet in vertical height from the grade of the ground surrounding the sign.

(4) Said sign(s) shall be at least twenty five (25) feet from each side line of the property and at least fifteen (15) feet from the front and rear property lines.

(5) Where more than one sign occupies a property, no sign shall be closer than twenty five (25) feet from any other sign.

(b) Pole Signs.

One pole sign shall be permitted per business, with no more than three pole signs total per property, provided it complies with the following:

(1) The sign shall consist of a vertical upright, a horizontal sign support, and a suspended sign, as illustrated below.

(2) Total area of sign shall not exceed sixteen (16) square feet.

(3) Said sign shall not exceed a height of ten (10) feet from the grade of the surrounding ground to the top of the vertical support.

(4) Said sign shall be located at least twenty five (25) feet from each side line of the property and at least fifteen (15) feet from the front and rear property lines, measured from the back edge of the vertical support

(5) Where more than one sign occupies a property, no sign shall be closer than twenty five (25) feet from any other sign.

(c) Monument Signs.

One monument sign shall be permitted per premises provided it complies with the following:

(1) Total area of said sign shall not exceed thirty two (32) square feet.

(2) Said sign shall not exceed six (6) feet in vertical height from the grade of the ground surrounding the sign, except that any embellishments thereon extending up to

twelve (12) inches on any side shall not be considered in determining compliance with such size limitations.

(3) Said sign shall be at least twenty five (25) feet from each side line of the property and at least fifteen (15) feet from the front and rear property lines.

(4) Where more than one sign occupies a property, no sign must be no closer than twenty five (25) feet from any other sign.

(d) Directory Signs.

Each commercial or industrial complex which contains more than one legal use shall, as a whole, be permitted one (1) freestanding directory sign on the premises to be used for the purpose of notifying the public of the names of the businesses located within the complex provided that:

(1) No advertising of any sort shall be allowed on said sign other than to identify the complex itself.

(2) The aggregate height of said sign shall not exceed fifteen (15) feet measured from the grade of the ground surrounding the sign.

(3) Each business name shall occupy no more than eight (8) square feet in area.

(4) Each business shall advertise with coordinated size, color, lettering, and sign shape such that no single sign is more prominent than another sign.

(5) A portion of the sign may be dedicated to the identification of the commercial or industrial complex provided that this area does not exceed thirty two (32) square feet.

(6) The aggregate area of the sign shall not exceed sixty (60) square feet.

(7) A directory sign shall be allowed in conjunction with wall, window, or façade signs, but such sign shall not be permitted with any freestanding sign(s).

(8) The nearest point of the front of any building of the complex is set back a minimum of fifty (50) feet.

4. Permanent Window Signs.

(a) Permanent Window signs may occupy no more than twenty five percent (25%) of the window area as defined herein.

(b) Permanent window signs are permitted in addition to any wall signs displayed on the same building or structure, provided the aggregate coverage area for both signs does not exceed twenty five percent (25%) of the building or structure wall face.

(c) Window signs shall be stationary in nature and shall not flash or rotate

5. Parking Signs.

With the exception of any sign erected by or with the consent of Town, County, State, or any other government authority, all signs pertaining to traffic regulations, parking regulations, and fire zones which are subject to the rules and regulations of the New York State Vehicle and Traffic law, no sign shall be located within or upon the right-of-way of any Town, County, or State or other publicly-owned land.

6. Commercial Property Real Estate Signs.

Sign advertisement of the sale, rental, or lease of commercial property is permitted provided that:

(a) Only one (1) real estate sign per commercial parcel shall be permitted.

(b) Freestanding signs, signs affixed to a building or structure, or a sign displayed within any window therein shall not exceed nine (9) square feet in area.

(c) No freestanding sign shall be permitted within a parking lot, roadway, or sidewalk area.

(d) Said sign(s) shall be removed no later than fifteen (15)

days after the property to which they relate is no longer  
for sale, rent, lease, or exchange.

(e) Said sign shall not be illuminated.

(f) Real estate signs in all use districts shall be set back not  
less than twenty five (25) feet from any side line and five (5)  
feet from the front and rear property lines. No real estate  
sign shall be placed in a public right of way.

#### 7. Residential Property Real Estate signs

Real estate signs advertising the sale, rental, or lease of residential real estate is  
permitted provided that:

(a) No more than two (2) such signs shall be erected on the  
property to be sold, rented, or leased.

(b) Said sign(s) may not be illuminated nor exceed four (4) square  
feet in area.

(c) Said sign(s) may be erected only by a licensed real estate  
broker who has paid an annual permit fee of one hundred  
dollars (\$100) to the Town of Riverhead.

(d) Erection of a single sign by the owner of the property shall  
require a deposit of one hundred dollars (\$100) to be refunded  
upon removal of the sign by the applicant.

(e) No sign shall be permitted in any public right-of-way.

(f) Said sign(s) shall be removed no later than fifteen (15) days  
after the property to which they relate is no longer for sale,  
rent, lease, or exchange.

#### 8. Construction and Subdivision Signs.

(a) No more than one sign shall be permitted at any construction or  
subdivision site.

(b) Said sign shall not be erected prior to project approval by the Riverhead  
Building Department.

(c) Such sign shall not be illuminated nor exceed sixteen (16) square feet in  
area.

(d) Said sign may display the name(s) of the contractor(s), architect(s), and financing institution(s) connected to development of the site.

(e) Said sign shall be at least twenty (25) feet from each side line of the property and at least fifteen (15) feet from the front and rear property lines.

(f) Any such sign shall not interfere with any public right of way and shall be removed no later than fifteen (15) days after completion of the project to which it relates or one (1) year from the date of installation of said sign, whichever occurs first.

(g) Any other signs on such property shall conform to all other applicable provisions of this Article.

#### 9. Awnings/Canopies.

(a) Signs painted on or in the form of an awning or canopy shall be permitted for business use only, provided that:

(1) Awnings are not located above the first floor of the buildings to which they are attached.

(2) Canopies are located at the street or parking lot entrance of the building to which they are attached and do not interfere with pedestrian traffic.

(b) Any identification or lettering on such awnings or canopies shall be limited to the edge of the awning or canopy and shall not exceed six (6) inches in height.

(c) The vertical clearance from the public right of way to the lowest part of the awning or canopy, including the valance, shall be a minimum of seven (7) feet.

#### 10. Off Premises Directional Signs.

(a) Two (2) standardized off-premises directional signs, in accordance with the further provisions of this subsection, shall be permitted per applicant, based upon the necessity for said signs as shown by the applicant. Under no circumstances shall more than two (2) such signs be allowed, nor shall any two (2) such signs bearing the same information face the same lane of traffic.

(b) Such signs shall not exceed four (4) square feet in area, nor

exceed six (6) feet in vertical height from the grade of  
the ground surrounding the sign.

- (c) Such signs may display commercial logos in the customary colors.
- (d) Signs constructed with direct or indirect illumination must obtain an electrical permit and inspection pursuant to Chapter 52 of the Town Code and must comply with provisions for outdoor lighting pursuant to Article XLV of the Town Code of Riverhead.
- (e) There shall be no exclusive right to any location. An advertiser shall not prohibit subsequent advertisers which have obtained necessary approvals.
- (f) No off-premises directional sign shall be permitted within one hundred (100) feet of any other permitted sign
- (g) Such signs shall be located as follows and shall be subject to the prior approval, in writing, of the New York State Department of Transportation, the Suffolk County Department of Public Works, the Riverhead Superintendent of Highways or the owner of private property, as applicable:
- (1) Said sign shall be set back at least fifteen (15) feet from the public right-of-way or five (5) feet from the sidewalk, whichever is greater. Under no circumstances shall such sign be placed in the public right of way.
- (2) Said sign shall face the flow of traffic nearest it.
- (3) Said sign shall not be permitted less than one hundred (100) feet approaching nor one hundred (100) feet beyond a traffic control or device, railroad grade crossing, or public highway intersection with a federal, state or county route.
- (4) Such sign shall not be permitted less than one hundred (100) feet approaching and one hundred (100) feet beyond town highway intersections.
- (5) In its deliberation of the permit, public safety, including but not limited to visibility of and by motorists as well as pedestrians relative to the proposed sign location, shall be a primary consideration of the Board.

11. Electronic Time/Temperature Signs.

A computerized time/temperature display or electronic message center shall be permitted subject to the following conditions:

(a) Shall be located on-premises only;

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(b) Shall be accessory to, and incorporated within the main structure of a freestanding sign. Such sign shall be no more than twenty four (24) square feet in total area, and an aggregate square footage of all signs on the sign structure shall not exceed thirty two (32) square feet;

(c) Said sign shall be located a minimum of four hundred (400) lineal feet from any other time/temperature display;

(d) Shall display a minimum time interval of five (5) seconds between flashed readings of time and temperature;

(e) Shall exhibit the minimum display necessary to convey the intended message. No horizontal traveling or vertical scrolling moving messages, animation, or graphics shall be permitted.

(f) Shall be extinguished by 11 P.M.

12. Menu Board

Restaurants may display one (1) menu board in conjunction with A drive-through window provided that:

(a) The sign is one-sided, freestanding, or attached to a wall.

(b) Said sign shall be non-flashing and non-moving.

(c) Said sign shall not exceed thirty two (32) square feet in area nor exceed a height of five (5) feet above the grade surrounding the sign.

(d) Said sign shall be located at least twenty five (25) feet from the front of the property line and from each side line, and a minimum of fifteen (15) feet from the rear property line.

- (e) Said sign shall not be located in a front yard or in a side yard adjacent to a street nor shall the sign be readable from a street.

13. Marquee – Attached

An marquee attached to a theater, hotel, or sports arena shall be permitted provided that such sign:

- (a) Does not extend beyond the curb line in front of the building.
- (b) Shall be placed no less than ten (10) feet above the grade or curb surrounding the sign.
- (c) Shall not display any temporary sign or information attachment(s).
- (d) Shall be constructed of noncombustible materials, shall be securely supported from the façade of the building, and shall provide proper drainage.

14. Gasoline Station Signs

(a) One (1) sign per business location shall be permitted to advertise the sale of gasoline with the provision that said sign:

- (1) Shall be freestanding, non-flashing, and non-moving.
- (2) Shall be located on the premises of the business and not located in any public right-of-way.
- (3) Shall only advertise the identification of the gasoline retailer and the price(s) of gasoline.
- (4) Shall not exceed an area of forty eight (48) square feet, nor exceed a height of fifteen (15) feet above the grade surrounding the sign.
- (5) Shall be located not less than fifteen (15) feet from the front or rear property lines and not less than twenty five (25) feet from each side property line.

(b) One sign may be permitted for the advertisement of services in addition to the sale of gasoline provided that such sign:

- (1) Shall be freestanding, non-flashing, non-moving, and not illuminated.
- (2) Shall not exceed sixteen (16) in area.

(3) Shall not exceed a height of six (6) feet above the grade of the area surrounding the sign.

(4) May be double-sided.

(5) Shall be located on the premises of the business and not located in any public right-of-way.

#### D. Signs Not Requiring Permits.

The following types of signs are exempted from permit requirements but must conform with all other requirements of this ordinance:

##### (1) Temporary Window Signs.

Signs attached to, or incorporated on a window or door which are of a temporary nature not exceeding a display period of two (2) weeks.

(a) Such signs shall occupy no more than twenty five percent (25%) of the window area and may be displayed only in a window or door facing toward the front property line.

(b) Said signs shall not be illuminated, flash, rotate, oscillate, or be animated.

##### (2) Parking Signs and Traffic Regulation Signs Erected by Government Authority.

##### (3) Farm Market Temporary Ground Identification Signs.

Temporary farm market ground identification signs shall be allowed in all zoned districts in the Town without a permit from the Building Department provided that the premises complies with Section 66-3 of the Town Code and the following:

(a) A farm market may have up to ten (10) temporary ground identification signs provided that:

(1) No more than two (2) signs between twelve (12) square feet and twenty (20) square feet in area shall be permitted.

(2) Each of the additional eight (8) signs shall not exceed twelve (12) square feet in area.

- (b) No sign shall exceed six (6) feet in vertical height from the grade of the ground surrounding the sign.
- (c) All signs may be single-faced or double-faced, and square footage will be calculated based on 1 side.
- d) All signs shall be located on the premises of the farm property and shall not be placed more than one hundred fifty (150) feet from the perpendicular intersection of a line bisecting the farm market or farm stand and the front property line.
- (e) All signs shall be set back at least fifteen (15) feet from any vehicular public right of way or five (5) feet from a public sidewalk, whichever is greater. Under no circumstances shall a sign be placed in any public right-of-way or create a potential danger to vehicular traffic.

(f) No sign shall be illuminated.

4. Theater outer lobby posters, provided they are enclosed.
5. Incidental signs, such as information, emergency, and public service signs that identify such services as rest rooms, telephones, credit cards accepted, hours of operation, vacancies, and emergency information provided that:

(a) Such signs shall not exceed one (1) square foot in area.

(b) There shall be a limit of one (1) such sign or group of signs per building entrance.

6. Nameplates attached to a building wall bearing only the name and profession or occupation of the resident provided that:

(a) Only one (1) nameplate shall be permitted per profession or resident.

(b) Such sign shall not exceed two (2) square feet in area.

7. Banners

Shall be allowed only as a means of advertising a business establishment prior to the installation of a permanent facade or freestanding sign provided that such display:

(a) shall be erected for a period not to exceed thirty (30) days.

(b) shall not exceed an aggregate area of sixteen (16) square feet.

(c) shall conform to all setbacks as required for a permanent sign in the subject location.

(d) shall require a deposit of one hundred dollars (\$100), which will be refunded upon the removal of the display by the applicant and compliance with provision 7(a) of this article.

8. Streamers

Shall be allowed to advertise a special event provided that such a display:

(a) shall not exceed two (2) weeks.

(b) shall conform to all freestanding or monument sign setback restrictions and any other conditions as may be set forth in this Article.

(c) shall not be allowed on or in a public right-of-way or on utility poles or other public property.

(d) shall require a deposit of one hundred dollars (\$100), which will be refunded upon the removal of the display by the applicant and compliance with provision 8(a) of this article.

9. Political Signs.

(a) Political signs shall be allowed on premises within the Town of Riverhead for a period not to exceed sixty (60) days from the date of the posting of the bond provided for herein.

(b) All political signs shall conform in terms of size, location, setback and all other conditions as may be set forth in the further provisions of this chapter.

(c) Prior to displaying any political sign, a bond in the sum of one hundred dollars (\$100.) per candidate must be posted with the Town Clerk. Said bond shall guarantee compliance with the provisions of this subsection.

(d) Written permission of the owner of any land used for political signs must be obtained prior to the erection of the sign.

(e) No political sign may be erected or maintained on or in a public right-of-way or upon utility poles.

(f) The existence of political signs in violation of these provisions

relating to private property, public rights-of-way or utility poles shall act to forfeit the aforementioned bond and to allow the town to remove said sign(s).

#### 10. Historic Signs.

Pursuant to the provisions of a special permit or site plan review, the town Board may determine that a particular sign is of significant historic quality in terms of age, design, or relationship to an historic restoration project in order to be designated an historic sign. The Town Board may allow the restoration, repair, and maintenance of such signs upon such terms as may be just and proper in addition to, or to the exclusion of, any other signs permitted by this Code. Any such sign must be structurally safe or capable of being made so without substantially altering its historic significance.

#### 11. Dedicatory Signs.

One dedicatory sign indicating the name and date of erection of a building, or serving as a memorial or historical plaque may be allowed pursuant to review by the Town Board provided that such sign:

(a) Is cut into a masonry surface or fabricated of bronze or other noncombustible material.

(b) Does not exceed four (4) square feet in area.

#### 12. Public Information Sign.

The Town Board may allow the erection of a special public information sign in any district. Under no circumstances shall such a sign be placed in a public right-of-way or create a hazard to traffic.

#### 13. Prohibited Signs.

The following types of signs are prohibited in every use district in the Town of Riverhead unless otherwise specified in this Chapter:

(a) Off-premises commercial advertising signs, including but not limited to billboards and banners.

(b) Animated, flashing, moving, rotating, revolving, chasing, oscillating, or blinking signs or devices, other than a time and temperature display.

( c) Banners, ribbons, pennants, spinners, streamers or other such devices.

(c) Any sign visible from a public right-of-way that is mounted on a vehicle or trailer, designed to be transported by wheels, or is mounted on a chassis with or without wheels.

(d) Menu, sandwich board, and other sidewalk signs.

(e) Promotional banners, posters, sandwich boards located at automobile dealerships.

(f) Any sign, including handbills and stickers, affixed to a traffic sign, signal, controller cabinet or supporting structure, fire hydrant, utility pole, bridge, tree, rock, statue, or sculpture.

#### D. Zoning Use Districts.

The following limitations shall apply to signs in the zoning use districts indicated below:

1. In all zoning use districts the following signs are allowed with a permit from the Riverhead Building Department:

Real estate signs

Construction signs

Subdivision signs

Political signs

Farm Market Temporary Ground Identification signs (permit not required)

Incidental

Announcement

Professional

2. RA-80, RB-80, RA-40, RB-40, HR

Specifically permitted signs in all residential zones RA-80, RB-80, RA-40, and HR shall be:

Real Estate

Construction

Subdivision

Political

Professional/Nameplate

3. APZ

In the Agricultural Protection Zones (APZ) all signs shall be

permitted with the exception of:

Window signs

Neon

Illuminated

Time/temperature Display

Roof

Professional/Nameplate

#### 4. DRC, SC, BC, and Business F

In the Destination Retail Center (DRC), Shopping Center (SC), and Business Center (BC) Districts all signs are permitted with the exception of:

Profession/Nameplate

#### 5. VC

In the Village Center (VC) District all signs are permitted with the exception of:

Neon

Internally Illuminated

Time/Temperature Display

Roof

#### 6. HC

In the Hamlet Center (HC) District all signs are permitted with the exception of:

Neon

Internally Illuminated

Time/temperature Display

#### 7. RLC

In the Rural Corridor (RCL) District all signs are permitted with the exception of:

Neon

Internally Illuminated

Time/Temperature Display

Roof

8. TRC and RFC

In the Tourism/Resort Campus (TRC) and Riverfront Corridor (RFC) Districts all signs are permitted with the exception of:

Wall

Window

Neon

Internally Illuminated

Time/Temperature Display

Roof

Professional Nameplate

9. IA

In the Industrial A Use (IA) District all signs are permitted with the exception of:

Neon

Time/Temperature Display

Roof

Professional Nameplate

10. IB and IC Districts

In the Industrial B Use (IB) and Industrial C Use (IC) Districts the following sign is prohibited:

Neon

11. CRC, DC-2, and DC-4

In the Commercial/Residential Campus (CRC), Downtown Center – 2 (DC-2), and Downtown Center – 4 (DC-4) Districts all signs are permitted with the exception of:

Neon

Internally Illuminated

Time/Temperature Display

Roof

12. DC-1

In the Downtown Center -1 (DC-1) District all signs are permitted with the exception of:

Roof (except on mansard)

13. DC-3

In the Downtown Center-3 (DC-3) District all signs are permitted with the exception of:

Internally Illuminated  
Time Temperature Display  
Roof

14. DC-5

In the Downtown Center-5 (DC-5) District all signs are permitted with the exception of:

Window  
Awning/Canopy  
Neon  
Internally Illuminated  
Time/Temperature Display  
Roof

15. PB

In the Professional Service Building (PB) District all signs are permitted with the exception of:

Window  
Awning/Canopy  
Neon  
Internally Illuminated  
Time/Temperature Display  
Roof

16 CR

In the Rural Neighborhood Business (CR) District all signs are permitted with the exception of:

Neon  
Externally, backlit, or internally illuminated (light box)  
Roof (above roof line)

§108-56.1

SIGN PERMITS

A. Permitting procedure.

1. Sign maker registration

Any sign maker licensed to do business in Suffolk County may, upon submitting proof of such licensure, register his or her company name with the Building Department on a form to be designated by the Building Inspector. Registered sign makers shall be entitled to inspect the installation of signs they install in accordance with the provisions of this Article. Upon a determination by the Building Inspector that a registered sign maker has failed to comply with the terms of this Article, the Building Inspector may elect to discontinue the registration of that sign maker.

B. Application for a sign permit

1. Unless otherwise stated herein, all signs permitted in this chapter, shall have a sign permit issued by the Town of Riverhead Building Department. Sign permits may be applied for through the site plan application process or directly to the Building Department. The procedure for obtaining a sign permit is as follows:

(i) Submission of a sign permit application form to the building department, or in the case of a site plan application, to the Town Board, together with the three copies of each of the following:

(a) copies of the certificate(s) of occupancy, certificate(s) of compliance or letter(s) of pre-existing use for all structures located upon the premises where the sign(s) is/are proposed to be installed.

(b) a color rendering (drawn at a 1 inch equals 1 foot scale) of each sign for which a permit is sought indicating the exact dimensions of the sign, sign area, sign depth or thickness, font type(s) and size(s) of all lettering to be used on the sign. The rendering shall also include a drawing and the dimensions of all structures to be used to support the sign. If the sign is to be attached to a wall, a scaled drawing of the sign and its proposed location on the wall shall be submitted with the application.

(c) samples of the actual colors to be used on the sign.

(d) a list of all materials to be used in constructing the major components of the sign including any supporting structures and illumination. Any illumination proposed shall be in accordance with Article XLV (Outdoor Lighting) of the Town Code of the Town of Riverhead.

(e) a color photograph of the all exteriors walls of the building upon which the sign is to be placed or a color photograph of the location where the sign is to be constructed showing its relationship to the structures on the property.

(f) a permit fee of \$ \_\_\_\_\_.

## **C. Issuance of Sign Permit**

### **I. Architectural Review Board Referral**

1. Upon receipt of a complete application for a sign permit, the building department administrator shall refer the application to the Architectural Review Board for its recommendation. The applicant may request to appear before the Architectural Review Board in order to review the sign design and facilitate the process.

2. The Architectural Review Board shall provide a recommendation to the Building Department within 30 days of its receipt of the Building Department referral. Applications not acted upon by the Architectural Review Board within thirty (30) days of the receipt of the application shall be deemed approved.

### **II. Building Department Approval**

1. Upon receipt of the approval of the Architectural Review Board, the Building Inspector shall issue a sign permit to the applicant. Each sign permit shall be numbered in accordance with a numbering system to be designated by the Building Inspector. In the case of an application for a sign permit made in connection with an application for site plan approval, the sign permit shall be issued by the Building Inspector upon issuance of a building permit following approval of the site plan including proposed signs.

2. Upon completion of the construction of the sign authorized in the sign permit, the applicant shall request an inspection to ensure that the sign was constructed in accordance with the terms of the sign permit. Alternatively, the applicant may submit the affidavit of a sign maker registered with the Town of Riverhead Building Department in a form to be designated by the Building Inspector indicating that the sign construction is complete and that the sign was constructed in accordance with the terms of the permit.

3. All signs must be installed within six months of the issuance of the sign permit. Failure to complete the installation of a permitted sign within six month of the date of the issuance of the permit will result in the automatic expiration of

the sign permit. The Building Inspector, at his discretion, may extend the duration of a sign permit one time for a period of six months.

4. Upon completion of the inspection of the sign by the Building Department or the submission of the affidavit of a registered sign maker as described herein, the Building Department shall issue a placard to the applicant which placard shall be attached to the lower right hand corner or portion of the sign. The placard shall bear the seal of the Town of Riverhead and indicate the permit number for the sign as well as the date of approval of the sign permit application or site plan.

#### **D. Sign Maintenance**

1. The owners of a permitted sign must maintain the sign and its supporting structures in good condition. Failure to replace sign components for general compliance with the conditions of the original approval, including but not limited to non operative lighting, sign structures, landscaping, color, materials, lettering and or other sign components shall be considered a failure to maintain a sign in good condition.

2. Each sign having received a sign permit placard from the Building Department may be inspected periodically for adequate maintenance.

3. Upon a determination that a sign is not being maintained in good condition, the Code Enforcement Division shall serve a notice upon the individual or entity to which the permit was issued by certified mail, return receipt requested to the address shown on the sign permit application.

#### **Nonconforming signs.**

(1) Any roof or wall sign, on-premises freestanding sign, shopping center sign, off-premises directional sign or projecting sign legally existing on January 20, 1976, may be continued, although such sign does not thereafter conform to the regulations of the district in which it is located.

(2) No nonconforming use may be reestablished where such nonconforming use has been discontinued for a period of six months.

(3) Nothing in this chapter shall prevent the complete restoration within six months of a sign destroyed by an accidental cause such as fire, flood, explosion, riot, act of God or act of the public enemy. Such restored sign shall not exceed the dimensions of the sign destroyed.

#### **Penalties for violations of the provisions of this article.**

Any sign installed without benefit of a sign permit pursuant to § of the Riverhead Town Code shall be guilty of an unclassified misdemeanor and shall be subject to a fine of \$100 for each day that the illegal sign shall remain in place.

Dated: Riverhead, New York  
April 5, 2005

BY ORDER OF THE BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

4/05/05

Adopted

TOWN OF RIVERHEAD

Resolution # 331

**ACCEPTS THE RETIREMENT OF JAMES SCRUGGS  
IN THE HIGHWAY DEPARTMENT**

COUNCILMAN DENSIESKI offered the following  
resolution, which was seconded by COUNCILWOMAN SANDERS

**WHEREAS**, the Town has received a letter from James Scruggs advising of his intent to retire effective March 31, 2005.

**NOW, THEREFORE, BE IT RESOLVED**, that this Town Board hereby accepts the retirement of James Scruggs.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to James Scruggs, and the Office of Accounting.

**THE VOTE**

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No



New York State and Local Retirement Systems  
Employees' Retirement System  
Police and Fire Retirement System

Alan G. Hevesi, New York State Comptroller

110 State Street, Albany, New York 12244

1-866-805-0990 or 518-474-7736 Fax: 518-402-4433

<http://www.osc.state.ny.us> Email: [nyslrsinfo@osc.state.ny.us](mailto:nyslrsinfo@osc.state.ny.us)

Town Of Riverhead  
Accounting Dept  
200 Howell Ave

Riverhead NY 119012515

February 3, 2005  
In reply refer to

[REDACTED]  
Unit ID : Unit B3  
[REDACTED]

Dear Employer:

James H Scruggs applied for retirement effective March 31, 2005. The last day for which salary may be paid is the day before the effective date of retirement. The Statement of Accrued Payments and Leave Credits form (RS6221) will be sent on or about the effective date of retirement, March 31, 2005.

We cannot complete this member's benefit calculation until the Statement of Accrued Payments and Leave Credits form is received.

Very truly yours,

*William J. Flynn, Jr.*

William J. Flynn, Jr.  
Employees' Retirement System Examiner V

WJF/RT498

APRIL 5, 2005

# Adopted

## TOWN OF RIVERHEAD

### '05 REEVES AVE ROAD IMP PROJECT

(Between Doctors Path & Roanoke Ave)

#### BUDGET ADOPTION

RESOLUTION # 332

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by 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>
406.051100.487451.45086	TRANSFER FROM CHIPS PROGRAM	\$200,000	
406.051100.541301.45086	ROAD PAVING EXPENSE		\$200,000

#### THE VOTE

Bartunek  Yes  No      Sanders  Yes  No  
 Blass  Yes  No      Densieski  Yes  No  
 Cardinale  Yes  No

04/05/05

TOWN OF RIVERHEAD

Adopted

Resolution # 333

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" (FARM STANDS) OF THE RIVERHEAD TOWN CODE**

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK :

**RESOLVED**, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a proposed local law to consider a proposed local law to amend Chapter 108 entitled, "Zoning" (Farm Stands) of the Riverhead Town Code, once in the April 14th 2005 issue of the Traveler-Watchman, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

**RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to the Building Department, Planning Department, the Riverhead Police Department; the Riverhead Highway Department and the Office of the Town Attorney.

THE VOTE

Bartunek  yes \_\_\_ no Sanders  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 on the **19** day of April at **7:20** p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (Farm Stands) as follows:

Dated: Riverhead, New York  
April 5, 2005

BY ORDER OF THE BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

PROPOSED CODE OF THE TOWN OF RIVERHEAD, NEW YORK

CHAPTER 66 -- FARM STANDS April 5, 2005

§ 66-1. Legislative Intent

Farm stands are an important part of the town's agricultural and rural character. The purpose of this chapter of the Town Code is to encourage farming and agricultural operations within the Town of Riverhead by permitting, in addition to the principle agricultural activities conducted upon such site, retail sales of certain farm and farm-related products.

§ 66-2. Definitions

A. Agricultural Building: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged; nor shall it be a place used by the public.

B. Agricultural Tourism: Agriculturally related tours, events and activities used to attract people and promote the sales of farm produce and agricultural products. Such tours, events and activities include but are not limited to petting zoos, school tours, corn mazes, hayrides, pony rides, outdoor trails and outdoor recreation.

C. Agricultural Production: The production for commercial purposes of all crops, livestock and livestock products, including but not limited to the following:

1. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.

2. Fruits, including apples, peaches, grapes, cherries and berries.

3. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.

4. Horticultural specialties, including ornamental shrubs, trees and flowers.

5. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, hens, ducks, milk and eggs.

D. Enhanced Agricultural Products: An agricultural product that has been altered or processed in a way so as to increase its value to consumers and increase profitability to the farmer. Such products may include, but are not limited to, baked items, roasted corn, eggs, preserves, syrup, salad dressing, juice, milk and cheese products. Enhanced agricultural products shall not include food service or prepackaged items.

E. Farm: Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry or dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used.

F. Farm Stand: A direct marketing operation which may be seasonal in nature and features on-farm produce as well as locally grown agricultural produce, enhanced agricultural products, and handmade crafts produced or made on Long Island.

G. Pick Your Own Operation: A fruit, vegetable or evergreen growing farm which provides the opportunity for customers to harvest their own fruits vegetables or trees directly from the plant or farm field. A farm field used as part of a pick your own operation shall not be considered part of the retail merchandizing area of a farm stand.

H. Retail Merchandizing Area: Space within the farm stand that is accessible to the public, used for the presentation of products for the purpose of direct sales in small quantities to the public. This area does not include space used exclusively for storage or refrigeration of produce and products which is not accessible to the public.

I. Supporting Farm Products: Ancillary merchandise which may or may not be produced by the farmer, but which is related to agricultural heritage, agricultural production or gardening. Such products may include, but are not limited to, hand-made garden ornaments, and small gardening implements.

#### § 66-3. Permit Required

A. It shall be unlawful for any person to erect, place or sell from a farm stand or road-side stands in excess of a total of 200 square feet of total merchandizing area unless the operation has been issued a farm stand permit by the Building Department. Farm stands that are less than 200 square feet in retail merchandizing area do not require a permit from the Town of Riverhead.

B. A permit as provided for in Chapter 90 of the Town Code shall be required by all farmer-applicants conducting agricultural tourism events.

#### § 66-4. Standard for Issuance of a Permit

A. The area devoted to the principal use of growing crops by the farmer-applicant shall be no less than five (5) acres. The farmer-applicant may grow his or her products on a number of smaller parcels, provided that the total number of acres where products are grown is no less than five (5) acres and that all the parcels are part of a single agricultural operation under the control of the farmer-applicant; or

B. The farmer-applicant must demonstrate land used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products as required in Chapter 305 of the New York State Agricultural and Markets Law.

C. Notwithstanding the aforementioned restrictions, forty percent (40%) of the retail products and farm products sold by the farmer-applicant may be enhanced or supporting farm products provided that sixty percent (60%) of the retail products available for retail sale are Long Island grown.

D. A farm stand permit shall remain in effect unless there is a structural alteration or change of property ownership or increase of retail merchandizing area of the farm stand. If such changes shall occur, a new permit must be obtained.

## § 66-5 Permit Fees

The fee for a farm stand permit shall be One Hundred Dollars (\$100).

## § 66-6 Parking

To ensure public safety, farm stands shall be required to provide off-street parking with adequate ingress and egress with an adequate area for turn-around. Adequate parking shall be provided with:

A. A minimum of one 10 foot X 20 foot parking space per two hundred (200) square feet of retail merchandizing area, with a minimum of two (2) parking spaces, shall be required.

B. Production facilities, garden plots, planting beds, and outdoor storage areas not accessible to the public are excluded from the calculation of parking spaces.

C. Parking spaces are exclusive of driveways and turnarounds.

D. Entrances and exits onto public roadways must have an all-weather surface.

E. Agricultural tourism events and pick your own operations must provide a safe parking area off the paved public right of way and must provide sufficient parking space for the expected number of cars per day. The farmer-applicant shall be responsible for informing the public of the requirement to park off the paved public right-of-way by posting appropriate signage or by assigning personnel to direct traffic.

## § 66-7. Signs

Farm stand signs shall conform with Chapter 108.56 of this Code except as provided as follows:

A. There shall be no limit to the number or size of temporary ground signs provided that such signs are placed on the property of the farmer-applicant.

B. Two (2) temporary off-premises signs advertising specific seasonal crop production may be allowed without a permit provided that a notarized letter granting permission from the property owner, if not the farmer-applicant, is filed with the Building Department. Such signs may be double-sided but shall not exceed twenty (20) square feet in area on each side of the sign.

C. All signs shall be set back at least fifteen (15) feet from the pavement or five (5) feet from the sidewalk, whichever is greater. Under no circumstances shall the sign be placed in the public right of way or create a hazard to traffic.

D. No sign(s) shall be illuminated.

E. All temporary ground signs and off-premises signs shall be removed from sight within ten (10) days of the seasonal closing of the farm stand.

## § 66-8. Uses

A. The farm stand shall be accessory to the principal use of growing crops by the farmer-applicant on lands located in the Town of Riverhead.

B. Nothing herein shall preclude the temporary use of a legally existing agricultural accessory building on a farm for the retail sale of crops and other farm-related products, provided that said building is set back no less than fifty (50) feet from the edge of the paved public right of way and otherwise meets the requirements of this Chapter of the Town Code. Said agricultural accessory building shall conform with Chapter 108.73, Chapter 52 and Chapter 54 of the Riverhead Town Code.

C. All retail merchandizing areas and displays shall be set back no less than fifty (50) feet from the edge of the pavement.

#### § 66-9. Requirements and Standards for Site Plan Review

Site plan review is deemed necessary in order for the Town to assure that issues regarding public safety and welfare are appropriately addressed, as well as to provide to the farmer-applicant an efficient, economical, and predictable process.

A. A farm stand that exceeds four hundred (400) square feet of retail merchandizing area shall require a site plan review as provided for in Chapter 108 of this Code. A farm stand in excess of four thousand (4000) square feet shall require SEQR review.

B. Site plans for agricultural buildings and farm stands less than four thousand (4000) square feet in floor area shall:

- (1) Provide a sketch of the parcel on a copy of the Real Property Tax Map of Suffolk County showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways.
- (2) Show the existing features of the site including land and water areas, water or sewer systems and the appropriate location of all existing structures on or immediately adjacent to the site. If any new structures are to be located adjacent to a stream or wetland, shall provide a copy of the floodplain map and/or wetland map that corresponds with the boundaries of the property.
- (3) Show the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.
- (4) Provide a sketch of any proposed building, structure, or sign(s), including exterior dimensions and elevations of front, side and rear views. Blueprints or plans prepared by a licensed architect may be determined to be necessary as part of the site plan process.
- (5) Provide a description of the project and a narrative of the intended use of such proposed buildings, structures, or sign(s), including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide notarized authorization of the owner.

(6) In accordance with Town Law Sect.274-a and Village Law Sect.7-725, a decision on a site plan application shall be made within a maximum of sixty two (62) days after receipt by the Town Clerk of the application or date of a public hearing, if one is required.

§ 66-10 Nonconforming Farm Stands

A. A farm stand existing on the date of adoption of this law which does not conform to the provisions of this chapter shall be deemed to be a nonconforming building and shall be subject to the provisions within this Code for nonconforming buildings with the following exceptions:

- (1) Farm stands that are existing on the date of adoption of this law which do not conform to parking and or sign provisions of this Chapter, shall have an amortization period of one (1) year to comply with the parking and sign provisions of this Chapter.

§ 66-11 Violations and Penalties for Offenses.

(A) Since a farm stand, as permitted under this section, is an accessory use to the principal use of the agricultural production on certain lands, such a farm stand shall only be for the use of the farmer-applicant and his/her immediate family. In the event that such farm stand is used by any other person, company, corporation, business or commercial entity, whether it is rented, leased or the right of use transferred in any other way from the farmer-applicant to any other person, company, corporation or business or commercial entity, such a use shall not be deemed an accessory use and shall be deemed a violation of this chapter.

(B) The farmer-applicant must remove from sight along the public right-of-way all temporary buildings, structures and signs erected under the temporary farm stand permit within ten (10) days of the closing of the farm stand. If the farmer-applicant fails to remove said temporary buildings, structures, and signs within ten (10) days of closing of the farm stand or ten (10) days after the expiration of the permit, it shall be deemed a violation of this chapter.

(C) Any violation of this chapter shall be grounds for revocation of the farm stand permit. Furthermore, any violator of this chapter shall, upon conviction, be guilty of a violation punishable by a fine not exceeding \$250. Each day on which such violation shall occur shall constitute a separate additional offense. For a second and subsequent conviction within eighteen (18) months thereafter, such person shall be guilty of a violation punishable by a fine not exceeding \$1,000.

# Adopted

04/05/05

TOWN OF RIVERHEAD

Resolution # 335

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW TO AMEND CHAPTER 107 ENTITLED "Freshwater Wetlands" OF THE RIVERHEAD TOWN CODE**

COUNCILMAN BARTUNEK

\_\_\_\_\_ offered the following resolution,

which was seconded by \_\_\_\_\_

COUNCILWOMAN BLASS

**RESOLVED**, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a proposed local law to amend Chapter 107 entitled, "Freshwater Wetlands" of the Riverhead Town Code, once in the April 14th issue of the Traveler-Watchman, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

**RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to the Building Department, Planning Department, the Riverhead Police Department; Conservation Advisory Council, Division of Code Enforcement and the Office of the Town Attorney.

**THE VOTE**

Bartunek  yes \_\_\_ no \_\_\_ Sanders  yes \_\_\_ no \_\_\_  
Blass  yes \_\_\_ no \_\_\_ Densleski  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 on the ~~19<sup>th</sup>~~ day of April at ~~7:15~~ p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 107 of the Riverhead Town Code entitled, "Freshwater Wetlands" as follows: (

§ 107-8. Compliance with conditions.

A. The permit applicant, upon approval of a permit, shall file with the Town Clerk a performance bond, if required, in an amount and with sureties and in a form approved by the Town Board. The bond and sureties shall be conditioned upon compliance with all provisions of this chapter and conditions imposed upon permit approval.

B. The applicant shall certify that he has public liability insurance against any liability which might result from proposed operations or use covering any and all damage which might occur within three years of completion of such operations. The amount of liability insurance coverage shall be a minimum of \$500,000 for all accidents resulting in bodily injury or death and \$100,000 for property damage.

C. The applicant shall also submit to the Town Clerk an affidavit which indemnifies and saves harmless the Town or any agency or agent thereof from any claims arising out of or connected with operations under the permit and from all acts, omissions, commissions or negligence on the part of the applicant, his agents or employees.

D. In the case of removal, deposition, placement of structures and other operations or uses permitted within tidal waters, tidal wetlands, freshwater wetlands, natural drainage systems or other watercourses, the Town Board shall reserve the right to require payments to the Town in an amount and in such manner as the Town Board shall direct.

E. The Town Board shall reserve the right to require a permit or license for any operations or uses permitted in the tidal waters, tidal wetlands, freshwater wetlands, natural drainage systems, or other watercourses.

§ 107-9. Notice of violation; penalties for offenses.

A. The provisions of this chapter shall be enforced by Ordinance Inspectors and Police Officers of the Town of Riverhead, who shall be authorized to issue appearance tickets to violators at the site of the violation.

B. In addition to the penalties provided for in elsewhere in Chapter 108 of the Town Code of the Town of Riverhead, any person or entity who shall violate any of the provisions here shall restore the subject premises or property in accordance with an approved restoration plan or shall undertake any necessary remedial action, including but not limited to the posting of a performance and maintenance bond, as required by the Town Board in order to bring the subject premises into conformance with the requirements of this chapter or any permit, covenant or condition issued thereto.

C. Restoration. In lieu or in addition to these penalties, any offender may be punished by being ordered to restore the affected wetland to its condition prior to the offense. Any such order shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the approving authority. The Town Board reserves the right to require site specific environmental impact mitigation including planting and other generally accepted restoration remedies. The Town Board further

reserves the right to require the preparation of a site restoration plan to be prepared by a licensed professional to be submitted within a prescribed period of time, and shall require Town Board approval prior to commencement of said restoration.

D. Mitigation. When on-site wetlands restoration and creation may be unfeasible due to technical or other constraints, other mitigative measures such as off-site wetland restoration or creation may be required.

E. Town Approvals: The Town Board shall not consider any application for development upon a property upon which a violation has occurred or persists unless the violations and any restoration has been completed and any fines assessed are paid unless the applicant posts a performance bond in favor of the Town of Riverhead insuring the performance of the restoration in an amount equal to the cost of the restoration as determined by the Town Board.

F. Any person or entity who shall violate any of the provisions contained in this chapter or any permit covenant or condition issued pursuant thereto, shall be guilty of a violation of such, which shall be punishable by a fine not to exceed \$10,000 or no more than one year in jail. A violation of this section shall be classified as an unclassified misdemeanor.

~~B. A violation of this chapter is hereby declared to be an offense punishable by a fine not exceeding \$1,000 or imprisonment for a period not to exceed six months, or both. Each day's continued violation of this chapter will constitute a separate additional violation.~~

C.G Nothing herein will prevent the proper local authorities of the Town from taking such other lawful actions of proceedings as may be necessary to restrain, correct or abate any violation of this chapter.

D.H Any person, firm, corporation or entity violating the provisions of this chapter shall become liable to the Town for any expense or loss or damage occasioned the Town by reason of such violation.

E.I In addition to any penalties, fines, forfeitures or injunctions that may be imposed pursuant to this § 107-9, an applicant who files an application for a permit pursuant to § 107-7, after a violation of this chapter has occurred, shall pay an application fee of \$1500 in lieu of the fifty-dollar application fee provided for in § 107-6.

Dated: Riverhead, New York  
April 5, 2005

BY ORDER OF THE BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

04/05/05

# Adopted

TOWN OF RIVERHEAD

Resolution # 336

**AUTHORIZES THE PUBLICATION OF A NOTICE OF COMPLETION OF A  
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT**

**TRANSFER OF DEVELOPMENT RIGHTS LAW**

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

**WHEREAS**, pursuant to resolution #73 of 2005, the Town Board of the Town of Riverhead, as lead agency, authorized the Town Clerk to publish and post notice of a public hearing to consider a final generic environmental impact statement (FGEIS) for the Town's proposed local law establishing a Transfer of Development Rights Program, and

**WHEREAS**, the aforementioned public hearing was held on the 15<sup>th</sup> day of February 2005 at which time all persons having interest were heard, and

**WHEREAS**, the Town of Riverhead has not received additional comment on the FGEIS,

**NOW, THEREFORE, be it hereby**

**RESOLVED** that the Town Board, as lead agency, hereby determines the FGEIS to be complete and authorizes the Planning Department to cause the publication of the Notice of Completion as specified in 6 NYCRR Part 617, and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Planning Department and the Town Attorney.

**THE VOTE**

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<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**