

Withdrawn

5/3/07

TOWN OF RIVERHEAD

Resolution # 443

AMENDS RESOLUTION #437 OF 2007
(AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE FOR A
LOCAL LAW TO CONSIDER AN AMENDMENT TO CHAPTER 108 ENTITLED,
"ZONING" OF THE RIVERHEAD TOWN CODE -
PLANNED INDUSTRIAL PARK (PIP) DISTRICT)

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

WHEREAS, by Resolution #437 dated May 1, 2007, the Riverhead Town Board authorized the Town Clerk to publish and post public notice for a local law to consider an amendment to Chapter 108 entitled, "Zoning" of the Riverhead Town Code Planned Industrial Park (PIP) District and

WHEREAS, said public hearing incorrectly noticed the location of the public hearing to be at Wading River Congregational Church, North Country Road, Wading River, New York; and

WHEREAS, the correct location for said public hearing shall be at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Riverhead hereby amends Resolution #437 dated May 1, 2007 to reflect the aforementioned change of the location of the public hearing; and be it further

RESOLVED, that all other terms and conditions of Resolution #437 shall remain in full force and effect; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward notification of this resolution to the Building Department; the Planning Department, Division of Code Enforcement and the Office of the Town Attorney.

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

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

Withdrawn

5/3/07

Adopted

TOWN OF RIVERHEAD

Resolution # 444

AMENDS RESOLUTION #413 OF 2007
(AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE FOR A
LOCAL LAW TO CONSIDER AN AMENDMENT TO CHAPTER 86 ENTITLED,
“RENTAL DWELLING UNITS” OF THE RIVERHEAD TOWN CODE -
§86-6 “Fees”

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN BARTUNEK:

WHEREAS, by Resolution #413 dated May 1, 2007, the Riverhead Town Board authorized the Town Clerk to publish and post public notice for a local law to consider an amendment to Chapter 86 entitled, “Rental Dwelling Units” of the Riverhead Town Code (§86-6. “Fees”.); and

WHEREAS, said public hearing incorrectly noticed the location of the public hearing to be at Riverhead Town Hall; and

WHEREAS, the correct location for said public hearing shall be at the Senior Citizen Human Resource Center, 60 Shade Tree Lane, Aquebogue, New York; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Riverhead hereby amends Resolution #413 dated May 1, 2007 to reflect the aforementioned change of the location of the public hearing; and be it further

RESOLVED, that all other terms and conditions of Resolution #413 shall remain in full force and effect; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward notification of this resolution to the Building Department; the Planning Department, Division of Code Enforcement and the Office of the Town Attorney.

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

5/3/07

Adopted

TOWN OF RIVERHEAD

Resolution # 445

APPROVES CHAPTER 90 APPLICATION OF A&D PROMOTIONS LLC
(MOTORCYCLE SHOW)

COUNCILMAN BARTUNEK

_____ offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY

_____:

WHEREAS, on March 16, 2007, A&D Promotions LLC had submitted a Chapter 90 Application for the purpose of conducting a Static Motorcycle Show to include live entertainment, a stunt show and a childrens bounce house to be held at the parking lot of Splish Splash located at 2425 Splish Splash Drive, Calverton, New York as follows:

Saturday, May 5, 2007 – between the hours of 9:00 a.m. and 7:00 p.m.; and
Sunday, May 6, 2007 - between the hours of 9:00 a.m. and 6:00 p.m.; and

WHEREAS, A&D Promotions LLC has completed and filed a 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, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

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

WHEREAS, the applicant has paid the required Chapter 90 Application fee.

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 Chapter 90 Application of A&D Promotions LLC for the purpose of conducting a Static Motorcycle Show to include live entertainment, a stunt show and a childrens bounce house to be held at the parking lot of Splish Splash located at 2425 Splish Splash Drive, Calverton, New York on the aforementioned dates and times is hereby approved;

and be it further

RESOLVED, that this approval is subject to Riverhead Town Code Chapter 81 entitled, "Noise Control" and that applicant shall not exceed the noise limits as defined in Section 81-5 Prohibited Acts.; and be it further

RESOLVED, that any tent installations and any and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 and the Tents & Membrane Structures; and be it further

RESOLVED, that approval for this event shall be subject to the receipt of required Suffolk County Department of Health permit(s), including the food handling permit(s); and be it further

RESOLVED, that A&D Promotions LLC provide ambulance service with related personnel for the duration of this event; and be it further

RESOLVED, that A&D Promotions LLC shall provide adequate personnel to direct all visitors to designated parking areas. There shall no parking permitted on Splish Splash Drive to ensure emergency vehicle access; 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 so that an outdoor place of assembly permit can be issued. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 209 for the purpose of scheduling the required 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 A&D Promotions LLC, 250 Stewart Avenue, Bethpage, New York, 11714; Bruce Johnson, Fire Marshal; Chief Hegermiller, Riverhead Police Department; the Riverhead Fire Department and the Office of the Town Attorney.

THE VOTE

Dunleavy	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Donsieski	<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**

5/3/07

Adopted

TOWN OF RIVERHEAD

Resolution # 446

AUTHORIZES THE SUPERVISOR TO EXECUTE A HOLD HARMLESS AGREEMENT BETWEEN THE TOWN OF RIVERHEAD AND PECONIC BAY MEDICAL CENTER

COUNCILMAN DUNLEAVY

_____ offered the following resolution, was seconded by

COUNCILMAN DENSIESKI

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached Hold Harmless Agreement; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Peconic Bay Medical Center, 1300 Roanoke Avenue, Riverhead, NY and Axis Construction Corp., 125 Lazer Court, Hauppauge, NY 11788. Please send notification to the Office of Accounting and the Office of the Town Attorney.

DUNLEAVY ✓ YES ___ NO BARTUNEK ✓ YES ___ NO

BLASS ~~YES~~ ~~NO~~ *ablen* DENSIESKI ✓ YES ___ NO

CARDINALE ✓ YES ___ NO

THIS RESOLUTION ~~X~~ IS ___ IS NOT
DECLARED DULY ADOPTED

AGREEMENT

This Agreement made the ____ day of May, 2007 between the TOWN OF RIVERHEAD, (hereinafter "TOWN") a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York, 11901, and Peconic Bay Medical Center, (hereinafter "PECONIC BAY") a facility affiliated with Stony Brook University Hospital and Stony Brook University School of Medicine, located at 1300 Roanoke Avenue, Riverhead, New York and Axis Construction Corporation, (hereinafter "AXIS") a corporation existing under the laws of the State of New York with a principal place of business at 125 Lazer Court, Hauppauge, NY 11788.

WITNESSETH

WHEREAS, PECONIC BAY made application and received all required Town, County, State, and Federal permits to begin site preparation work for the expansion of PECONIC BAY's Emergency Department;

WHEREAS, PECONIC BAY contracted with AXIS to act as general contractor for all site preparation required for the hospital's expansion project.

WHEREAS, AXIS began site preparation on or about November 2006. The site preparation included excavation along the north and southwest side of the pre-existing building. The excavation along the north side of the building (hereinafter referred to as "north excavation site") was completed and the sand/dirt (hereinafter referred to as "material") was relocated to an area towards the southwest side of the building in anticipation of use of this material during the construction phase of the expansion project. During the excavation along the southwest side of the building ("southwest excavation site"), oil tanks were uncovered by AXIS. The New York State Department of Environmental Conservation (DEC) inspected the materials in and around the oil tanks and determined that that the soils located in the southwest excavation site were contaminated with Grade 6 Oil.

WHEREAS, the DEC instructed PECONIC BAY and AXIS to remediate the southwest excavation site which will require additional excavation and removal of the contaminated materials such that the materials which were removed from the north excavation site must be relocated to avoid the potential contamination of the materials removed from the north excavation site.

WHEREAS, PECONIC BAY and AXIS have requested that the TOWN permit AXIS to relocate the material excavated from the north excavation site aka "clean fill" and store this material at the Town's Highway Department yard located at Youngs Avenue, Riverhead, NY.

NOW THEREFORE, The TOWN hereby consents to the relocation of the material removed from the north excavation site aka "clean" fill to the Highway Department yard under the following terms and conditions:

1. PECONIC BAY, as owner of property and material sought to be removed from the property, and AXIS, as general contractor for PECONIC BAY, represent that the material sought to be transported to and stored at the Highway Department yard is "clean fill" free from any "hazardous substance". "Hazardous substance" shall mean any flammable material chemical, radioactive materials, hazardous wastes, hazardous and toxic substances or related materials, asbestos or any materials containing asbestos, or any other hazardous or toxic substance or material as defined by any federal, state or local environmental law, rule or regulation, including without limitation, the Resource Conservation and Recovery Act of 1976, as amended from time to time, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended from time to time, the Hazardous Materials Transportation Act, as amended from time to time, and the regulations adopted and the publications promulgated pursuant to each of the foregoing; and,

2. PECONIC BAY and AXIS shall not transport any of the material originating from the north excavation site until random on-site visual and olfactory inspection is performed by a Environmental Program Specialist of New York State Department of Environmental Protection to confirm that the material is not a "hazardous substance" as defined above.;
and ,

3. PECONIC BAY and AXIS agree to install a plastic barrier as ground cover in the storage area determined by the Highway Department yard where the material shall be stored; and,

4. PECONIC BAY and AXIS shall not have access to the Highway Department yard except for the limited purpose of transporting the material to the Highway Department yard and retrieving the material from said property; and,

5. PECONIC BAY and AXIS shall remove all material from the Highway Department yard on or before June 8, 2007. In the event that PECONIC BAY and/or AXIS is unable to remove or fails to remove all of the material from the Highway Department yard on or before June 8, 2007, PECONIC BAY shall be required to pay a storage fee in the amount of \$100.00 per day for each day any portion of the material remains on Highway Department property; and,

6. PECONIC BAY and AXIS shall be required to restore the storage area at the Highway Department yard to its original condition, and if required, shall be responsible for any remediation as a result of the storage of the material on Highway

Department to the full and complete satisfaction of the TOWN, DEC and any and all other Local, State, and Federal agencies as may be required under law; and,

7. PECONIC BAY and AXIS shall be liable for any loss of, or damage to, the Highway Department yard incurred in connection with the transportation, loading and unloading, and storage of material to the Highway Department yard; and,

8. PECONIC BAY and AXIS shall indemnify and hold Town harmless from and against any and all claims, actions, liabilities, losses, damages (including without limitation consequential and special damages), costs and expenses (including, without limitation, court costs and reasonable attorneys' fees and expenses) arising from or in connection with (i) the transport of the material from the project site to the Highway Department yard (ii) the storage of material at the Highway Department yard (iii) any work or thing done or any condition created by or any other act or omission of PECONIC BAY or AXIS, its employees, agents, contractors in connection with the transportation, location, loading and unloading, and storage of material at the Highway Yard, or (iv) the failure to perform any of the obligations imposed hereunder.

IN WITNESS WHEREOF, the parties hereto do hereby execute this agreement as of the day and year first above written.

TOWN OF RIVERHEAD

By:

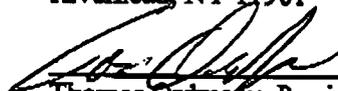
Philip J. Cardinalc, Supervisor

George Bartunek, Councilman

Edward Densieski, Councilman



Jay Zuckerman, Administrator
Peconic Bay Medical Center
1300 Roanoke Avenue
Riverhead, NY 11901



Thomas Ordmany, President Project Manager.
Axis Construction Corporation
125 Lazer Court
Hauppague, NY 11788

Department to the full and complete satisfaction of the TOWN, DEC and any and all other Local, State, and Federal agencies as may be required under law; and,

7. PECONIC BAY and AXIS shall be liable for any loss of, or damage to, the Highway Department yard incurred in connection with the transportation, loading and unloading, and storage of material to the Highway Department yard; and,

8. PECONIC BAY and AXIS shall indemnify and hold Town harmless from and against any and all claims, actions, liabilities, losses, damages (including without limitation consequential and special damages), costs and expenses (including, without limitation, court costs and reasonable attorneys' fees and expenses) arising from or in connection with (i) the transport of the material from the project site to the Highway Department yard (ii) the storage of material at the Highway Department yard (iii) any work or thing done or any condition created by or any other act or omission of PECONIC BAY or AXIS, its employees, agents, contractors in connection with the transportation, location, loading and unloading, and storage of material at the Highway Yard, or (iv) the failure to perform any of the obligations imposed hereunder.

IN WITNESS WHEREOF, the parties hereto do hereby execute this agreement as of the day and year first above written.

TOWN OF RIVERHEAD

By:

Philip J. Cardinale, Supervisor

George Bartunek, Councilman

Edward Densieski, Councilman

Jay Zuckerman, Administrator
Peconic Bay Medical Center
1300 Roanoke Avenue
Riverhead, NY 11901

Thomas Ordmany, President
Axis Construction Corporation
125 Lazer Court
Hauppague, NY 11788

5/3/07

Adopted

TOWN OF RIVERHEAD

Resolution # 447

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF
THE RIVERHEAD TOWN CODE**

(Agriculture Protection Zoning Use District (APZ))

COUNCILMAN DENSIESKI

_____ offered the following resolution, was seconded by

COUNCILWOMAN BLASS _____ :

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the May 10, 2007 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Deñsieski yes ___ no
Cardinale yes ___ no

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

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 5th day of June, 2007 at 7:05 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**Chapter 108
Zoning**

**ARTICLE VI
Agriculture Protection Zoning Use District (APZ)**

§ 108-26.1. Guidelines.

The following guidelines are to be applied in addition to subdivision regulations (Article XX) and cluster development (Article XIX) and shall apply to all cluster subdivisions within the APZ:

- A. In order to better preserve agricultural vistas, the cluster subdivision plat shall be designed so as to situate agricultural lots along Sound Avenue or NYS Route 25.
- B. The cluster subdivision plat must locate and arrange the residential lots so as to protect, to the maximum extent practicable, that portion of the tract preserved for agricultural use.
- C. The cluster subdivision plat must depict an arrangement of residential lots so as to reduce, to the maximum extent practicable, any nuisance or conflict between residential and agricultural uses, both within the tract and in relation to adjoining and nearby tracts and to demonstrate compatibility of the cluster plat with existing residential development and agricultural land uses.
- D. The residential portion of the cluster subdivision plat must be so laid out, and protected during construction, as to remain as harmonious to the greatest extent practicable with the natural environment minimizing the clearing of treed areas, the grading of earth, removal of soils, and precluding the disturbance of surface waters and wetlands and other similar disturbances of the natural environment pursuant to Chapter 107 of the Riverhead Town Code.
- E. The agricultural lots of a cluster subdivision plat must be so laid out as to provide for a minimum lot size of 10 acres, a minimum building area of one acre, contiguity with existing agricultural tracts, bounding of prime agricultural soils and retention of all storm water runoff.
- F. The cluster subdivision tract must demonstrate the ways in which scenic vistas are being considered or enhanced and shall depict a lot arrangement which has considered the visual impact of residential development upon such vistas.
- ~~G. The Planning Board shall not cluster lots in order to create golf courses, playgrounds, tennis courts, swimming pools or any other amenity as required open space. The purpose of the~~

~~cluster plan is to preserve agricultural land for agricultural use and other natural features to the greatest extent practicable.~~

- G. As the purpose of this Article is to conserve agricultural lands to the greatest extent practicable, the Planning Board shall not approve cluster subdivisions which set aside open space to be used as golf courses, playgrounds, tennis facilities or any other outdoor recreational facilities. In the review of applications for cluster subdivisions which preserve existing golf courses or any other outdoor recreational activity, the Planning Board shall observe the following guidelines:
- (i) The yield shall be sixty six percent (66%) of the yield allowed in the applicable zoning use district.
 - (ii) Cluster subdivisions shall be limited to attached homeowner association realty subdivisions. The Planning Board shall not entertain or approve condominium maps pursuant to Article XXIX of the Town of Riverhead Zoning Ordinance.
 - (iii) All residential units shall be restricted to owners of the age of 55 years or older.

ARTICLE V Residence B-80 Zoning Use District

§ 108-19.2. Guidelines.

The following guidelines are to be applied in addition to subdivision regulations (Article XX) and cluster development (Article XIX) and shall apply to all cluster subdivisions within the RB-80 Zoning Use District:

- F. ~~The Planning Board shall not cluster lots in order to create golf courses, playgrounds, tennis courts, swimming pools or any other amenity as required open space. The purpose of the cluster plan is to preserve agricultural land for agricultural use and other natural features to the greatest extent practicable.~~
- F. As the purpose of this Article is to conserve agricultural lands to the greatest extent practicable, the Planning Board shall not approve cluster subdivisions which set aside open space to be used as golf courses, playgrounds, tennis facilities or any other outdoor recreational facilities. In the review of applications for cluster subdivisions which preserve existing golf courses or any other outdoor recreational activity, the Planning Board shall observe the following guidelines:

- (iv) The yield shall be sixty six percent (66%) of the yield allowed in the applicable zoning use district.
- (v) Cluster subdivisions shall be limited to attached homeowner association realty subdivisions. The Planning Board shall not entertain or approve condominium maps pursuant to Article XXIX of the Town of Riverhead Zoning Ordinance.
- (vi) All residential units shall be restricted to owners of the age of 55 years or older.

ARTICLE VA
Residence A-80 (RA-80) Zoning Use District

§ 108-20.7. Guidelines.

The following guidelines are to be applied in addition to subdivision regulations (Article XX) and cluster development (Article XIX) and shall apply to all cluster subdivisions within the RA-80 Zoning Use District:

- ~~D. The Planning Board shall not cluster lots in order to create golf courses, playgrounds, tennis courts, swimming pools or any other amenity as required open space. The sole purpose of the cluster plan is to preserve agricultural land for agricultural use and other natural features and open space to the greatest extent practicable.~~
- D. As the purpose of this Article is to conserve agricultural lands to the greatest extent practicable, the Planning Board shall not approve cluster subdivisions which set aside open space to be used as golf courses, playgrounds, tennis facilities or any other outdoor recreational facilities. In the review of applications for cluster subdivisions which preserve existing golf courses or any other outdoor recreational activity, the Planning Board shall observe the following guidelines:
 - (vii) The yield shall be sixty six percent (66%) of the yield allowed in the applicable zoning use district.
 - (viii) Cluster subdivisions shall be limited to attached homeowner association realty subdivisions. The Planning Board shall not entertain or approve condominium maps pursuant to Article XXIX of the Town of Riverhead Zoning Ordinance.
 - (ix) All residential units shall be restricted to owners of the age of 55 years or older.

ARTICLE XIX
Cluster Development

§ 108-87. Yield plan and cluster plan; requirements and procedure for approval by Planning Board.

~~G. The Planning Board shall not cluster lots in order to create golf courses, playgrounds, tennis courts, swimming pools or any other amenity as required open space. The purpose of the cluster plan is to preserve agricultural land for agricultural use and other natural features to the greatest extent practicable.~~

G. As the purpose of this Article is to conserve agricultural lands to the greatest extent practicable, the Planning Board shall not approve cluster subdivisions which set aside open space to be used as golf courses, playgrounds, tennis facilities or any other outdoor recreational facilities. In the review of applications for cluster subdivisions which preserve existing golf courses or any other outdoor recreational activity, the Planning Board shall observe the following guidelines:

- (x) The yield shall be sixty six percent (66%) of the yield allowed in the applicable zoning use district.
- (xi) Cluster subdivisions shall be limited to attached homeowner association realty subdivisions. The Planning Board shall not entertain or approve condominium maps pursuant to Article XXIX of the Town of Riverhead Zoning Ordinance.
- (xii) All residential units shall be restricted to owners of the age of 55 years or older.

- Underline represents addition(s)
- Overstrike represents deletion(s)

Dated: Riverhead, New York
May 3, 2007

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

BARBARA GRATTAN, Town Clerk

Adopted

May 3, 2007

TOWN OF RIVERHEAD
RESOLUTION # 448

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST THE ATTACHED
NOTICE TO BIDDERS FOR THE TOWN WIDE ANNUAL ASPHALT AND
~~COUNCILMAN DENSIES~~ DRAINAGE CONTRACT

_____ offered the following resolution which
was seconded by COUNCILMAN BARTUNEK.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the May 10, 2007 issue of the official Town newspaper for the Town Wide Annual Asphalt and Drainage Contract; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Engineering and the Office of Accounting.

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Sealed proposals for the Town Wide Annual Asphalt and Drainage Contract, Riverhead, New York 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 May 21, 2007 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and obtained on or about May 10, 2007 at the Office of the Town Clerk between the hours of 8:30 am to 4:30 pm weekdays, except holidays or by visiting the Town of Riverhead website: www.riverheadli.com and click on Bid Requests.

A non-refundable fee of \$50.00 will be required for each hard copy of the contract documents obtained from the Office of the Town Clerk.

Each proposal must be submitted on the form provided and must be in a sealed envelope clearly marked, "Annual Asphalt and Drainage Contract" and must be accompanied by a bid surety as stated in the Instructions to Bidders.

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

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

Dated: May 3, 2007

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED.

May 1, 2007

Adopted

TOWN OF RIVERHEAD

Tabled

@ Special Board Meeting of May 3, 2007

Resolution # 414

**Grants Special Use Permit of Ric Stott (Suffolk Theatre)
For Increased Lot Coverage**

COUNCILMAN DUNLEAVY

WHEREAS Councilman _____ offered the following resolution
which was seconded by Councilman _____
COUNCILMAN DENSIESKI

WHEREAS, the Riverhead Town Board is in receipt of a special use permit from Ric Stott pursuant to Section 108-69 of the Riverhead Town Code to allow a lot coverage of percent 84 rather than the allowed 80 percent upon a property within the Riverhead Parking District located at Main Street, Riverhead, such real property more particularly described as Suffolk county Tax Map Parcel Number 0600-129-1-8.4, and

WHEREAS, by Resolution No. 156 dated February 21, 2007, the Riverhead Town Board declared itself to be the lead agency in the matter and further determined the action to be unlisted pursuant to 6NYCRR Part 617, and a draft environmental impact statement need not be prepared, and

WHEREAS, the Town Board held a public hearing on this matter on the 20th day of March 2007 pursuant to Section 108-133.4 B of the Town of Riverhead Zoning ordinance, and

WHEREAS, the petition was referred to the Suffolk County Planning Commission pursuant to General Municipal Law §239-m for its report and recommendation; such Planning Commission concluding the matter was one of local determination, and

WHEREAS, the Town Board of the Town of Riverhead has carefully considered the merits of the special use permit petition, the SEQRA record created to date, the report of the Planning Department, the commentary made at the relevant public hearing, as well as all other planning, zoning and environmental information, and

WHEREAS, the property lies within the Riverhead Parking District No. 1, and

WHEREAS, the Town of Riverhead Planning Staff has reviewed prepared a report on the application and the FEAF, and completed a independent review of the parking available within the immediate vicinity of the proposed Culinary Arts school, and

WHEREAS, on March 20, 2006 a public hearing was held on the special permit petition of Ric Stott (Suffolk Theatre) before the Town Board at which all testimony was given under oath, and

WHEREAS, the Town Board has carefully considered the merits of the petition, the Planning Staff report the SEQRA record created to date, the sworn testimony given Councilwoman Blass offered the resolution to be TABLED, which was seconded by Councilman Bartunek. All in favor to TABLE.

Suffolk Theatre
Resolution

at the public hearing, as well as all relevant planning, zoning and environmental information, and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby makes findings as follows:

FIRST: That the subject premises lies within the DC-1 Use District;

SECOND: That §108-69 of the Riverhead Town Code provides the Town Board may, by special permit, allow within the Riverhead Public Parking District No. 1 a minimum front yard depth of zero feet and/or a total building area of up to 100% of the area of a parcel of land held in one ownership, either by erection of a new building or by alteration or extension of an existing building.

THIRD: That the property lies within the Town of Riverhead Public Parking District No. 1,

FOURTH: That the Town of Riverhead Public Parking District No. 1 has sufficient capacity to contain all of the parking expected to be generated by the Suffolk Theatre and the addition thereto that will be constructed on the site,

FIFTH: That the applicant has met the requirements of Town Law §274-b for the issuance of the special permit in that the proposed special permit use is in harmony with the existing zoning and that it will not adversely affect the neighborhood.

RESOLVED, that the matter of the special use permit of Ric Stott, the Riverhead Town Board hereby finds that the subject property is particularly suitable for the increased lot coverage proposed, and

RESOLVED, that based upon its findings, the Riverhead Town Board hereby grants the special use permit of Ric Stott (Suffolk Theatre) subject to the following conditions:

1. That theatre construction be completed and the use begin before February 18, 2008, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Rick Stott as agent for the applicant.

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

Adopted
Special Board Meeting
of May 3, 2007

Tabled