

**TOWN OF RIVERHEAD  
SPECIAL TOWN BOARD MEETING AUGUST 20, 2009**

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- Res. #816      Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 108 of the Code of the Town of Riverhead Entitled "Zoning" (§108-56 Signs)
- Res. #817      Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 52 of the Code of the Town of Riverhead Entitled "Building Construction"
- Res. #818      Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 108 of the code of the Town of Riverhead entitled "Zoning" (§108-3 Bar or Tavern)
- Res. #819      Authorizes Special Council to Retain Expert Services Related to Supreme Court Action Against the Owners, Tenants, Occupants and Mortgagees of Premises Located at Youngs Avenue, Riverhead New York

TOWN OF RIVERHEAD

Adopted

Resolution # 816

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

COUNCILMAN WOOTEN offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the August 27, 2009 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 local law amending Chapter 108 entitled "Zoning", Article XIII entitled "Supplemental Use Regulations", §108-56 entitled "Signs" of the Riverhead Town Code, to be posted on the sign board of the Town; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN  YES  NO      DUNLEAVY  YES  NO

BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED 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 the Wading River Congregational Church, North Wading River Road, Wading River, New York, on the 15<sup>th</sup> day of September, 2009 at 7:30 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning", Article XIII entitled "Supplemental Use Regulations", §108-56 entitled "Signs", of the Riverhead Town Code as follows:

CHAPTER 108  
ZONING  
ARTICLE XIII  
Supplemental Use Regulations

**§108-56. Signs.**

E. Additional sign types requiring a permit.

(7) Temporary special event signs. One temporary special event sign may be permitted at the location of the special event and no more than two additional temporary special event signs may be permitted at locations other than the event site and shall be posted no more than ~~seven~~ fourteen days prior to the event, provided that such sign:

(a) Conditions.

- [1] Shall not be erected prior to the approval of the special event permit by the Town Board pursuant to Chapter 90.
- [2] Shall be constructed of light material such as cloth, canvas, fabric, plywood or designed such that the sign is not required to be affixed to real property and readily removable.
- [23] Shall not exceed 50 square feet in area.
- [34] Shall not be posted more than 15 feet above the average level of the ground surrounding the sign.
- [45] Shall not be placed within a public right-of-way or create a potential danger to vehicular traffic.
- [6] May be double-sided.
- [7] Shall have received a sign permit application.
- [8] Shall be removed within five days after the event.

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

Dated: Riverhead, New York  
August 20, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 817

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 52 OF THE CODE OF THE TOWN OF RIVERHEAD ENTITLED "BUILDING CONSTRUCTION"**

COUNCILMAN DUNLEAVY

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

COUNCILMAN WOOTEN :

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the August 27, 2009 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 local law amending Chapter 52 entitled "Building Construction", Article I entitled "Administration and Enforcement", §52-6 entitled "Application for building permit" of the Riverhead Town Code, to be posted on the sign board of the Town; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN  YES \_\_\_ NO      DUNLEAVY  YES \_\_\_ NO

BLASS  YES \_\_\_ NO

CARDINALE  YES \_\_\_ NO

THIS RESOLUTION  IS \_\_\_ IS NOT  
DECLARED 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 the Wading River Congregational Church, North Wading River Road, Wading River, New York, on the 15<sup>th</sup> day of September, 2009 at 7:25 o'clock p.m. to consider a local law amending Chapter 52 entitled "Building Construction", Article I entitled "Administration and Enforcement", §52-6 entitled "Application for building permit", of the Riverhead Town Code as follows:

CHAPTER 52  
BUILDING CONSTRUCTION  
ARTICLE I  
Administration and Enforcement

§ 52-6. Application for building permit.

- A. No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvements, demolition, conversion or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a building permit, separate and distinct from that required by the Zoning Ordinance, from the Building Inspector for each such building or structure, except that no building permit shall be required for the installation of fences which are not part of an enclosure to a swimming pool; installation of window awnings supported by an exterior wall of a one or two family dwelling; installation of swings and other playground equipment associated with a one or two family dwelling; installation of one story detached structures associated with one or two family dwellings which are used for tools and storage sheds, playhouses or similar type uses provided the gross floor area does not exceed 100 square feet. A person, firm or corporation may obtain a waiver for building permit for construction, change, replacement or alteration to an existing building or structure which do not materially affect the structural elements and cost less than \$500.00 provided that the changes or alterations do not involve changes to a load bearing element or otherwise materially affect structural components, removal of or changes to any means of egress, or enlargement, change or replacement of any building system or portion thereof, including plumbing, heating/ventilation or fire protection systems. performance of ordinary repairs which are not structural in nature and which do not exceed \$3,000 in total value. An application for a building permit is not required where there is no change in the perimeter of an existing structure which is being repaired, improved or remodeled at a value not exceeding \$3,000 nor for such kinds, types and methods of repairs, improvements and alterations as the Town Board shall specify, from time to time, in regulations adopted by said Board, by resolution, applicable to this chapter. The Building Inspector may waive the requirement for

~~a building permit only in reference to those nonstructural ordinary repairs which exceed the sum of \$3,000.~~

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

Dated: Riverhead, New York  
August 20, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Adopted

Resolution # 818

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

COUNCILWOMAN BLASS

offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY:

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the August 27, 2009 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 local law amending Chapter 108 entitled "Zoning", §108-3 of the Riverhead Town Code entitled "Definitions", to be posted on the sign board of the Town, and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN  YES \_\_\_ NO     DUNLEAVY  YES \_\_\_ NO

BLASS  YES \_\_\_ NO

CARDINALE  YES \_\_\_ NO

THIS RESOLUTION  IS \_\_\_ IS NOT  
DECLARED 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 the Wading River Congregational Church, North Wading River Road, Wading River, New York, on the 15<sup>th</sup> day of September, 2009 at 7:35 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning", §108-3 entitled "Definitions", of the Riverhead Town Code as follows:

CHAPTER 108  
ZONING  
ARTICLE I  
General Provisions

BAR or TAVERN – An establishment primarily engaged in the sale and service of alcoholic beverages for on-premises consumption, subject to regulatory authority of the New York State Liquor Authority and consisting of one or more of the following characteristics: age restrictions or cover charges for admission; listening to music; hours of operation which extend beyond the normal dining times for dinner; and snacks, chips, peanuts, finger foods and tapas is ancillary to the principal use of serving and consuming alcoholic beverages. The accessory or incidental sale of food or snacks shall not entitle such a use to be considered a restaurant or bistro under other provisions of this Code.

~~BISTRO/CAFÉ—An eating establishment of 50 seats or less, whether indoor or outdoor, without drive through or drive in service.~~

BISTRO – A restaurant as defined in 108-3 which shall be limited to 50 seats and which the architectural style, height, size, scale and appearance of the building shall be compatible with the hamlet in which the bistro is located as determined by Planning Board site plan approval.

~~DRIVE-IN RESTAURANT—A building with accessory uses devoted to the preparation, sale and/or service of food, refreshments, edibles or drink within the premises and which makes available any facility (including but not limited to parking or standing space on the premises for vehicles or persons) for, or which permits in open space, patios, accessory buildings or automobiles on the premises, the consumption of such food, refreshments, edibles or drink.~~

~~RESTAURANT—A use in a building having as its sole purpose the preparation and serving of food to patrons for consumption on the premises within furnished dining areas, including as possible accessory uses live entertainment, outdoor dining and the serving of alcoholic beverages with meals and which does not provide for nor permit the consumption of food in vehicles. A restaurant shall not be construed to include any form of drive-in, open front or curbside service eating establishments, cart, wagon, vehicle, lunch wagon, dining car or camp car or any form of tavern, bar, nightclub or similar entertainment establishment.~~

RESTAURANT – An establishment kept, used, maintained, advertised, or held out to the public as a place where the primary business is the service of meals with suitable kitchen facilities and with sit-down service to customers for the preparation and serving of food and beverages selected by patrons. Food or drink are prepared and served within an enclosed building or outside dining area, and predominantly consumed by customers seated at tables and served by wait staff on the premises, and shall not include bars, taverns or fast-food restaurants. The facility must focus primarily on the preparation and serving of food and any other activity such as entertainment or the operation of a bar is ancillary to this purpose. The facility will have permanent seating facilities with counters or tables adequate to accommodate all customers served, and the surface of these counters and/or tables will be sufficient to accommodate full culinary services for each customer. A special permit shall be required for seasonal outdoor seating and outside music or entertainment. To the extent that food is separately ordered and taken out, this latter function shall be considered accessory to the primary restaurant use. The term “restaurant” shall not include bars, taverns, fast food restaurants, take-out restaurants or bistro.

RESTAURANT, FAST-FOOD – An establishment in which food is pre-prepared or prepared according to standardized procedures for consumption either on or off the premises and selection is made from a limited menu. Generally, the food or beverage is sold over a counter or pick up is made through a drive through window, the food is packaged in disposable containers and wrappers. Generally, there is no table service and cleanup is performed by the customer.

RESTAURANT, TAKE-OUT – An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried or griddled quickly or heated in a device such as an oven or microwave oven. Generally, there is no table service, and food is generally served in a disposable wrapping or container. Take-out restaurants include prepared ice cream stores, bakeries, pizza-to-go, bagel and coffee establishments and the like, whether these have tables for patron seating or not.

~~TAVERN – Any building or use commonly known as a “bar,” “barroom,” “tavern,” “saloon,” “cabaret” or “nightclub”; a place or building where intoxicating liquors are sold to be drunk on the premises; a room containing a bar or counter at which liquors are sold or where liquors and refreshments are sold; or a room or place of entertainment where live music, live performances or films are permitted in conjunction with the sale of liquors.~~

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

Dated: Riverhead, New York  
August 20, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

Adopted

Special Town Board Meeting  
8/20/09

TOWN OF RIVERHEAD

Resolution # 819

**AUTHORIZES SPECIAL COUNCIL TO RETAIN EXPERT SERVICES  
RELATED TO SUPREME COURT ACTION AGAINST THE OWNERS,  
TENANTS, OCCUPANTS AND MORTGAGEES OF PREMISES LOCATED  
AT YOUNGS AVENUE, RIVERHEAD NEW YORK**

COUNCILMAN WOOTEN

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

COUNCILWOMAN BLASS

**WHEREAS**, the Town Board retained the firm of Twomey, Latham, Shea and Kelley, et al. to act as special counsel in connection the commencement of Supreme Court action for the enforcement of Riverhead Town Code against the owners, operators, tenants and mortgages of property located at Youngs Avenue, Riverhead, New York; and

**WHEREAS**, the firm of Twomey, Latham, Shea, Kelley, et al. has requested permission to retain expert services at \$175.00 per hour not to exceed 5 hours;

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the Law Firm of Twomey, Latham, Shea, Kelley, et al. to retain expert services to assist in the pending litigation against the owners, tenants, occupants and mortgagees of premises located at Youngs Avenue, Riverhead, New York (SCTM # 0600-80-2-14.1) in Supreme Court to enforce the Town Code of the Town of Riverhead, which litigation may seek injunctive relief in connection; and be it further

**RESOLVED**, that the Riverhead Town Board hereby authorizes the Supervisor to execute the Retainer Agreement; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to the Law Firm of Twomey, Latham, Shea, Kelley, LLP., Second Street, Riverhead, New York 11901; the Office of the Supervisor; the Town Attorney's Office and the Office of Accounting.

WOOTEN  YES  NO

DUNLEAVY  YES  NO      BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED