

Barbara Grattan

**TOWN BOARD MEETING
AGENDA
ROBERT F. KOZAKIEWICZ, Supervisor**

November 5th , 2003

**Edward Densieski, Councilman
James Lull, 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
Judy Doll
John Reeve
Michael Reichel
Gary Pendzick**

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

Call to Order and Salute to the Flag

Approves Minutes of October 21st, 2003

Sull Offered the minutes to be approved, which was
seconded by Sanders

Syes

EMPLOYEE OF THE QUARTER

CONGRATULATIONS TO DONALD OWEN

HALLOWEEN POSTER CONTEST

REPORTS

Town Clerk: Monthly Report for October, 2003
Total Collected: \$10,949.11

Police Dept.: Monthly Report for July, 2003

APPLICATIONS

SPECIAL PERMIT: HOLLOW PROPERTIES, INC.-RENOVATE BARN E
FOR RESIDENTIAL PURPOSES.

SITE PLAN: EMB ENTERPRISES-CONSTRUCT A RETAIL
SHOPPING CENTER WITH RETIL STORES AND
RESTAURANT-N.E. CORNER OF SOUND AVE. &
PARK ROAD.

CORRESPONDENCE

PETER DANOWSKI: RE: THE RIVER CLUB

*Committee Reports: Boys & Acks - B. Glass
Animal Control Committee - Councilman Sull
Youth Court - Sanchez*

PUBLIC HEARINGS

- 2:05 P.M. THE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION.
- 2:10 P.M. THE ADOPTION OF THE 2004 ANNUAL BUDGET
- 2:20 P.M. THE SPECIAL PERMIT PETITION OF ALLAN CORBY

Chapter 98 Entitled, "Littering" of the Riverhead
Town Code (Dumpsters)

- #1187 Ratifies Leave of Absence for a Police Officer (T. McAllister)
- #1188 Authorizes the Supervisor to Execute a Sales Agreement with Queues Enforth Development, Incorporated for an Automated Public Safety Software System
- #1189 Accepts 5% Security Bond of Mill Pond Developers, LLC (Clubhouse)
- #1190 Appoints Interpretation Consultant for Police Department and Justice Court
- #1191 Extends Bid Contract for office Supplies and Furniture
- #1192 Extends Bid Contract for Milk
- #1193 Appoints Laborer to the Yard Waste Department
- #1194 Riverhead Sewer District Budget Adjustment
- #1195 Scavenger Waste District Budget Adjustment
- #1196 Hulse's Development Road Improvement Project Budget Adoption
- #1197 Appoints a P/T Recreation Leader (Basketball) to the Recreation Dept. (D. Jackson)
- #1198 Appoints a P/T Recreation Aide (Teen Center) to the Recreation Dept. (R. Wilson)
- #1199 Approves Return to Work (C. Hotchkiss)
- #1200 Riverhead Town Human Services Center Project Budget Adjustment

- #1201 Riverhead Sewer Denitrification Reserve Fund Budget Adjustment
- #1202 Classifies Action and Declares Lead Agency on Special Permit Restaurant of Robert Patchell, and Refers Petition to the Planning Board
- #1203 Approves Site Plan of Maximum Motor Sports
- #1204 Ratifies Leave of Absence for a Police Officer (M. Roberts)
- #1205 Authorizes the Attendance at the Certification Course for Tactical Baton & OCAT for Animal Control Officer
- #1206 Approves Stipulation of Settlement
- #1207 Authorizes Town Clerk to Publish and Post Public Notice to Consider an Amendment to Chapter 52 of the Town Code of the Town of Riverhead Entitled, "Building Permit Fees"
- #1208 Authorizes Town Clerk to Publish and Post Public Notice to Consider an Amendment to Chapter 108 of the Code of the Town of Riverhead Entitled, "Zoning" (108-77, 108-81, 108-97, 108-131, 108-133.4)
- #1209 Authorizes the Town Clerk to Publish and Post Public Notice to Consider an Amendment to Chapter 62 of the Town Code of the Town of Riverhead Entitled, "Excavations"
- #1210 Authorizes Town Clerk to Publish and Post Public Notice to Consider an Amendment to Chapter 12 of the Code of the Town of Riverhead Entitled, "Coastal Erosion Hazardous Areas"
- #1211 Promotion to Wastewater Treatment Plant Operator IIIA (M. Hattorff)

- #1212 General Fund Budget Adjustment
- #1213 Water District Budget Adjustment
- #1214 Authorizes Town Clerk to Publish and Post Public Notice for a Local Law to Consider an Amendment to Chapter 46A "Architectural Review" of the Riverhead Town Code
- #1215 Authorizes Town Clerk to Publish and Post Notice of Public Hearing-Special Permit of 23 West Second Street Associates, LLC & 33 West Second Street Associates, LLC
- #1216 Pays Bills

11/05/03

Adopted**TOWN OF RIVERHEAD****Resolution # 1176****ACCEPTS 5% SECURITY BOND OF RIVERHEAD, NY CONGREGATION OF JEHOVAH'S WITNESSES****COUNCILWOMAN SANDERS**

offered the following resolution,

which was seconded by

COUNCILMAN DENSIESKI

WHEREAS, Riverhead, NY Congregation of Jehovah's Witnesses, has posted a security bond in the sum of Fifteen Thousand Dollars (\$15,000) (Bond #001S104157116) representing the 5% site plan surety bond as noted in the approved site plan dated June 3rd, 2003 Resolution #648 for a new Church to be located at Main Road, Aquebogue, New York, Suffolk County Tax Map # 600- 085.00-03-001.06 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 Fifteen Thousand Dollars (\$15,000) 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 Riverhead, NY Congregation of Jehovah's Witnesses, PO Box 677, Aquebogue, New York 11931, the Building Department; the Planning Department and the Town Attorney's Office.

THE VOTESanders Yes NoBlass Yes NoDensieski Yes NoLull Yes NoKozakiewicz Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Adopted

Resolution # 1177

ACCEPTS SURETY BOND OF HOOK SUPERX, INC. (CVS DRUGS)

COUNCILMAN DENSIESKI offered the following resolution,

which was seconded by COUNCILMAN LULL

WHEREAS, Hook SuperRx, Inc. (CVS Drugs) has posted a surety bond in the sum of Fifty Thousand Dollars (\$50,000)(Safeco Insurance Company Bond No. 6176380) representing the 5% site plan bond as noted on Resolution #726 dated June 17, 2003 and special permit approval Resolution #583 dated May 20, 2003 for a new building with drive up pharmacy window to be located at 1116 Old Country Road, Riverhead, New York 11901, Suffolk County Tax Map # 600-108.00-03-018.00, pursuant to Section 108-133 (I) of the Riverhead Town Code;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the 5% surety bond in the sum of Fifty Thousand Dollars (\$50,000); 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 Keith H Archer, Esq., Morton Weber and Associates, 201 Old Country Road, Suite 300, Melville, New York 11747, JATO Building Contractors, Inc., 905 Lincoln Avenue, Holbrook, New York 11741, the Building Department, the Planning Department and the Town Attorney's Office.

THE VOTE

Sanders Yes No Blass Yes No

Densieski Yes No Lull Yes No

Kozakiewicz Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

11/5/03

Adopted

TOWN OF RIVERHEAD

Resolution # 1178

RELEASES PERFORMANCE BOND OF HARBORVIEW HOMES, INC.
(600 MIDDLE ROAD, RIVERHEAD)

COUNCILMAN LULL offered the following resolution, was seconded by

COUNCILWOMAN SANDERS

WHEREAS, by Resolution #174 dated February 20, 2002, the Riverhead Town Board did accept Oriska Insurance Company Performance Bond #JK1002988 in the amount of \$8,500.00 from Harborview Homes, Inc. to ensure the placement of asphalt to the right of way (driveway) at 600 Middle Road, Riverhead; and

WHEREAS, by memorandum from Leroy Barnes, Jr., Building Department Administrator, dated October 27, 2003, said driveway has been completed to the Building Department's satisfaction.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of Oriska Insurance Company Performance Bond #JK1002988 in the amount of \$8,500.00; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Harborview Homes, Inc., 1706 North Highway, Suite 2, Southampton, New York, 11968; Oriska Insurance Company, 1310 Utica Street, P.O. Box 855, Oriskany, New York, 13424; the Building Department; the Planning Department and the Office of the town Attorney.

THE VOTE

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	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY ADOPTED

Adopted

November 5, 2003

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST NOTICE OF AUCTION OF ABANDONED VEHICLES AND ALL OTHER UNCLAIMED PROPERTY BEING HELD BY THE POLICE DEPARTMENT

COUNCILMAN DENSIESKI offered the following resolution which was seconded by

COUNCILWOMAN BLASS

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Public Notice of Abandoned Vehicles to be sold at Public Auction, pursuant to Section 1224 of the Vehicle and Traffic Law of the State of New York, once in the November 6, 2003 issue of the Traveler Watchman the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the notice to be posted on the sign board of the Town; and be it further

RESOLVED, that any and all other unclaimed property being held by the Police Department will also be available for public auction on November 22, 2003; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Police Chief David Hegermiller; Municipal Garage, and the office of Accounting.

THE VOTE

Sanders Yes No Blass Yes No

Densieski Yes No Lull Yes No

Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT

THEREUPON DULY ADOPTED

PLEASE TAKE NOTICE, that a public auction will be held on November 22, 2003 at 9:00 a.m. to be held at the Riverhead Town Impound Area, located on Route 58 in the Town of Riverhead as follows:

AV-01	01-03033	1974	Vindale	354HLK Double Wide Hse Trlr	VC2493	
AV-02	01-22094	1993	Subaru	2 door	JF1GF244XPH806595	Red
AV-03	02-11545	1985	Honda	Dirt Bike 80R	None	Yellow
AV-04	02-12574	1997	Honda	XR200R	JH2ME0504VK100536	White
AV-05	02-15908	1969	Glastron	Outboard/Boat	61400011	Blk/Yw
AV-06	02-16398	1985	Yamaha	80 CC/Quad	JY455X002FC000717	Blue
AV-07	02-18203	1989	Yamaha	XT Dirt Bike	JYA3NVE02KA001227	Rd/White
AV-08	02-19005	1980	Agway	8/30 Riding Lawn Mower	5-24371	Red
AV-09	02-20048	1984	Honda	Dirt Bike CR250R	JH2ME0302EC605360	Red
AV-10	02-24149	1977	Honda	750 Motorcycle	CB750A7101263	Red
AV-11	02-24869	1987	Kawasaki	Jetski	KAW44007A787	White
AV-12	03-04506	1994	Oldsmobile	88	1G3HY52L5RH333115	Tan
AV-13	03-09042	1995	Ford	Probe	1ZVLT20A4S5135896	White
AV-14	03-09306	1997	Pontiac	Grand Prix	1G2WJ52K1VF226849	Green
AV-15	03-11695	1995	Pontiac	Grand AM	1G2NE15M3SM506298	Black
AV-16	03-11890	1986	Pontiac	Motorcycle	JYA2AX001GA003634	Purple
AV-17	03-12621	1992	Isuzu	Amigo	JACBG07L5N9804591	Blue
TV-01		1988	Newholland	LB620	735312	Yellow
TV-02		1995	Ford	Crown Victoria	2FALP71W2SX196263	White
TV-03		1985	Chevrolet	C-10 Pickup	2GCCC14H2F1215936	White
TV-04		1979	Ford	Fairmont	9X94F179655	Green
TV-05		1989	Ford	Crown Victoria	2FABP72G8KX186534	Red
TV-06		1988	Ford	F-150 Pickup	1FTEF14NXJNB55370	Orange
TV-07		1982	Ford	L-8000 Dump	1FDYK80S4CVA21000	Orange
TV-08		1979	Ford	L-800 Dump	F80CVD2110	Orange
TV-09		1982	Ford	L-8000 Dump	1FDYK80S3CVA20999	Orange
TV-10		1986	Ford	F-700 Dump	1FDXK74N4GVA36967	Orange
TV-11		1991	Ford	Crown Victoria	2FACFP72F8MX113792	White
TV-12		1989	Ford	Crown Victoria	2FAFBP72F2KX213993	White
TV-13		1991	Ford	Crown Victoria	2FACFP72F4MX113787	White

Vehicles may be inspected prior to the auction on November 21, 2003 between the hours of 9:00 a.m. to 2:00 p.m.

DATED: Riverhead, New York
November 5, 2003

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

11/05/03

Adopted**TOWN OF RIVERHEAD****Resolution # 1180****ISSUES FINDINGS STATEMENT PURSUANT TO 6 NYCRR PART 617.11 AND GRANTS CHANGE OF ZONE PETITION OF TRADITIONAL LINKS, LLC.**

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

WHEREAS, by resolution dated February 1, 2000, the Riverhead Town Board did issue Findings pursuant to 6 NYCRR Part 617.11 and did further conditionally grant the Change of Zone petition of Traditional Links, LLC., ("Applicant") to allow the construction of a championship 18 hole golf course with customary accessory uses; and

WHEREAS, by resolution dated February 1, 2000, the Riverhead Town Board did approve the site plan of the Applicant to allow for the clearing, grading and construction of an 18 hole golf course with clubhouse and customary accessory uses; and

WHEREAS, on February 2, 2000, the Town of Riverhead Building Department did issue Land Clearing Permit Number 105 to the Applicant pursuant to Chapter 52 of the Riverhead Town Code; and

WHEREAS, upon application by the applicant and the submission of supporting materials, the Riverhead Town Board did grant amendments to the aforementioned site plan approval to include other grading activities (Resolution Number 578, July 5, 2000), an irrigation pond (Resolution Number 219, February 20, 2001), a maintenance facility and yard (Resolution Number 699, June 19, 2001) and a teaching building, clubhouse and entry road (Resolution Number 1070, October 16, 2001); and

WHEREAS, subsequent to the acquisition of the aforementioned approvals, the applicant did proceed with land clearing and construction of the approved golf course, irrigation pond and pump house, maintenance facility and yard, and as substantially all the clearing for the entrance pond, pool and tennis center, clubhouse and a portion of the associated parking areas; and

WHEREAS, concurrent with grading and clearing activities, a legal challenge respecting the environmental and land use review and Town approvals associated with the project was commenced and a decision upholding the approvals was rendered by the Supreme Court of the State of New York in a decision dated November 6, 2000; and

WHEREAS, an appeal was taken from that decision and on January 14, 2002, following completion of the aforementioned golf course construction, the Appellate Division, Second Department, reversed the lower courts decision and found the Final Environmental Impact Statement (FEIS), on which the 2000 Findings Statement had been based, was deficient in certain discrete respects, notably, (i) the failure to identify and analyze the number, location and impacts of the proposed residential units, (ii) the failure to explore a purely organic system of maintaining the golf course; (iii) the failure to identify any adverse environmental impact from the loss of woodlands and to mitigate any such adverse environmental impact, and the (iv) failure to consider a "no action" alternative; and

WHEREAS, the applicant subsequently reduced the scale of the project, modified the proposed project and further submitted a new application for a Change of Zone to the Town Board on July 1, 2003, accompanied by a Supplemental Draft Environmental Impact Statement (SDEIS) in order to address each of the impacts specified by the Appellate Division as applicable to the modified project; and

WHEREAS, on July 15, 2003, by resolution number 830, the Riverhead Town Board as lead agency, accepted the SDEIS as having adequately addressed the deficiencies identified by the Appellate Division and being satisfactory and complete for public review; and

WHEREAS, on August 6, 2003, the Riverhead Town Board did hold a public hearing upon the SDEIS which was opened and closed without public comment and it was further determined that written comments would be accepted until August 18, 2003; and

WHEREAS, by resolution number 968, dated August 19, 2003, the Town Board referred the proposed action to the Riverhead Planning Board for its report and recommendation; such Planning Board recommending the granting of the change of zone petition; and

WHEREAS, the proposed action was referred to the Suffolk County Planning Commission for its report and recommendation; such Planning Commission recommending the granting of the change of zone petition subject to certain conditions; and

WHEREAS, by resolution dated September 3, 2003, Town Board of the Town of Riverhead did accept the Supplemental Final Environmental Impact Statement (SFEIS) supporting the proposed action; and

WHEREAS, the Riverhead Town Board has carefully considered the merits of the petition, the SEQRA record created to date, the report of the Planning Department, the report of the Riverhead Planning Board, the report of the Suffolk County Planning Commission, the testimony offered at the relevant public hearing, as well as all other pertinent planning, zoning and environmental information, and in so doing has undertaken the requisite "hard look" at those environmental affects as disclosed in the SFEIS and has further identified potential mitigation measures where appropriate; and

WHEREAS, all Lead Agency proceedings required by New York State Environmental Quality Review and Local Law have been completed

NOW THEREFORE IT BE RESOLVED, that in the matter of the Change of Zone petition of Traditional Links, LLC, the Riverhead Town Board hereby adopts the Finding Statement prepared pursuant to 6 NYCRR Part 617.11 as attached and incorporated herein, and based upon its Findings hereby grants the Change of Zone petition of Traditional Links, LLC, and hereby amends the Zoning Use District Map of the Town of Riverhead in order to provide for the Agriculture A Zoning Use District to the exclusion of the existing Residence A and Recreational Zoning Use Districts upon real property located at Sound Avenue, Baiting Hollow, New York; such real property more particularly described as Suffolk County Tax Map Parcel Numbers 0600-041-01-004.2 and 0600-041-01-010.5; and

BE IT FURTHER RESOLVED, that by the adoption of this resolution, the Riverhead Town Board hereby overrides Condition Numbers Three, Four, Seven, Nine and Ten of the Suffolk County Planning Commission for the reasons set forth in the attending Findings Statement.

BE IT FURTHER RESOLVED, that the Town Clerk be authorized to publish a map of the aforementioned zoning amendment in the official newspaper of the Town of Riverhead pursuant to Section 265 of the Town Law; and

BE IT FURTHER RESOLVED, that such zoning amendment shall take effect immediately upon the adoption of this resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Office of the Town Attorney, the Planning Department, Frank Isler, Esq. and Sheppard Scheinberg, Esq. as Attorney for the Applicant.

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Lull Yes No

Kozakiewicz Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**SUPPLEMENTAL FINDINGS STATEMENT PURSUANT TO THE STATE
ENVIRONMENTAL QUALITY REVIEW ACT BY THE TOWN BOARD OF THE
TOWN OF RIVERHEAD FOR THE ZONING AMENDMENT AND SITE PLAN
APPLICATION OF TRADITIONAL LINKS LLC, BASIS FOR DECISION AND
DECISION**

I. INTRODUCTION

This Supplemental Findings Statement is issued by the Town Board of the Town of Riverhead ("Town Board") pursuant to the State Environmental Quality Review Act ("SEQRA"), Article 8 of the N.Y. Environmental Conservation Law, and the regulations promulgated there under (6 NYCRR Part 617), and to document the bases for the Town's decisions in connection with proposed rezoning of approximately 297 acres of a 350 acre site in Baiting Hollow to permit construction of a private membership golf club and single-family residential development ("Proposed Action"). This document supplements the Findings Statement previously issued by the Town Board on February 1, 2000 ("2000 Findings Statement") with regard to the Proposed Action and incorporates the attached 2000 Findings Statement by reference.

Part 1 of this Supplemental Findings Statement sets forth the nature of the Proposed Action, the purpose of the Proposed Action, the location of the land which is the subject of the Proposed Action (the "Subject Property") and the basis for the Town Board's jurisdiction. Part II provides additional procedural background of the Proposed Action. Part III provides a statement of the facts and bases for the conclusions relied upon to support the Supplemental Findings, including determinations respecting the recommendations of the Planning Board of the Town of Riverhead ("Planning Board") and the Suffolk County Planning Commission ("Planning Commission"). The conclusions of this Supplemental Findings Statement as required by the SEQRA regulations are provided in Part IV.

II. FACTS AND CONCLUSIONS RELIED UPON TO SUPPORT THE DECISION¹

A. DESCRIPTION OF MODIFIED PROJECT

The project sponsor, Traditional Links, LLC, proposes to build a golf and residential development on a 350-acre site north of Sound Avenue and west of Horton Avenue in Riverhead, New York. The golf component of the project includes an 18-hole golf course with clubhouse, pool and tennis center, short-stay cottages for members, and other accessory uses, and would be operated as a private membership club called "Friar's Head." The residential component of the project consists of approximately 70 single-family residential units to be interspersed at specified locations within and around the golf development. See SFEIS Fig. No. 1.1, Illustrative Site Plan.

The modified project program ("Modified Project") is similar in concept to the Golf-Residential Alternative that was adopted by the Riverhead Town Board in connection with the prior change of zone for the property that was granted in 2000. The planning for the current proposal has incorporated limitations on residential density and unit layout recommended by the Riverhead Planning Board and the Town's environmental consultant respectively during the prior Town review of the project to limit the project's impact on the site's natural resources.

1. Golf Course and Related Structures

The completed par-71 golf course and practice facilities were constructed in 2000 and 2001 utilizing environmentally sensitive design principles and engineering practices described in Section 1.1.1. of the 1999 FEIS. The golf course maintenance buildings that are located along and accessed directly from Sound Avenue have already been renovated or newly constructed in the style of the original barns that already existed on the site in order to maintain, preserve and enhance the beauty of the Scenic Sound Avenue Corridor from which they are visible. The remaining club buildings and uses proposed for construction include

¹ These Facts and Conclusions supplement those contained in Section III of the 2000 Findings Statement, which are incorporated herein by reference.

a clubhouse (comprised of two separate buildings, one housing the kitchen/dining/bar facilities, administrative offices and golf shop, and the other housing the men's and women's locker rooms and cart/bag storage facilities), a teaching building adjacent to the practice range, a pool and tennis center, up to 22 golf cottages for short stay use only by members and their guests, and staff housing units. On-grade parking areas would be located at the clubhouse, pool and tennis center, teaching building, maintenance buildings (already completed), and staff housing.

The primary access to the club would be from Sound Avenue via the proposed eastern access drive ("Eastern Drive"), located at the southeast corner of the property, approximately 250 feet west of Horton Avenue. There would be a gate at the south end of this drive, which would then run along the east boundary of the site and provide access to a limited number of the single-family home sites, several of the golf cottages and the pool and tennis center before terminating at the clubhouse. A second gated roadway ("Western Drive") from Sound Avenue, located approximately 1200 feet east of Osborne Avenue, would provide access to most of the other single-family home sites, the teaching building and the practice area. The staff housing building would be located along and accessed directly from Sound Avenue near the center of the site frontage.

The buildings and structures associated with Friar's Head are proposed to be designed with an old-world charm and architectural style reminiscent of buildings constructed in the early part of the 20th Century on the north shore of Long Island. Substantially all of the granite facia, original hand-hewn slate roof and limestone and wood-beam elements that were salvaged piece-by-piece from a mansion constructed in the 1920's were purchased by Traditional Links for use in these buildings in order to capture the old-world patina that is desired.

The short-stay golf cottages, which would be used only by members and their guests when visiting Friar's Head, have been planned for development in 3

different areas – on the western side of the Eastern Drive in the northeastern wooded quadrant of the site, on the eastern side of the northernmost clubhouse parking area and along the edges of the central woods by the 10th and 18th holes. These cottages have not yet been designed, but are each anticipated to have 4 bedrooms, 4 bathrooms and a common living room/kitchen area comprising not more than 3,000 square feet of interior space. Of the 22 golf cottages proposed for development, only the 11 located along the Eastern Drive would have provisions for parking at the rate of 2 spaces per cottage, while the other 11 would not require any additional parking due to their close proximity to the clubhouse parking area. The golf cottages will be operated by the Applicant and would not be subdivided from the golf club property.

The pool and tennis facility planned for the northeast corner of the site would have one or more pools, 3-4 tennis courts, a snack bar grill with locker rooms (not yet designed) and associated parking nearby. This facility has been located adjacent to an existing roadbed that has historically provided access to the Long Island Sound beach.

A staff housing building has been planned for an area along Sound Avenue that would accommodate up to 40 seasonal employees. It is anticipated that this building would be fully occupied during the April to October period each year, but less than 25% occupied in the November to March period. It has not yet been designed, but its style of design would be consistent with the other farm-like and residential buildings that currently exist along Sound Avenue by the site.

a. Construction

The golf course, maintenance buildings, irrigation pond and practice facility were constructed during the 2000 and 2001 calendar years. Substantially all of the clearing necessary for the construction of the eastern access drive, clubhouse, pool and tennis facility and associated parking has also been completed. Dependent on the granting of the

required approvals, construction of these elements would be commenced in 2004 and completed in 2005. Construction of the staff housing building and associated parking, the teaching building with associated parking, and various rain/lightening/bathroom shelter buildings and structures would be commenced and completed in 2004.

b. Operations

Friar's Head would be operated as a private golf club, available for use only by its members and their guests. The number of members is not expected to exceed 400 persons, although substantially fewer people would typically be on site at any given time due to the nature of the private golf club use. The golf club is anticipated to be fully operational 7 days per week during the April to October primary golf season, with limited operations functioning during the November to March period. Members and their guests would be playing golf and tennis, dining, swimming and, during the summer months, using the Long Island Sound beach.

c. Organics-Based Turf Management Program

The Applicant originally retained A. Martin Petrovic, Ph.D. in May of 1998 to develop an Integrated Turfgrass Management Program for the maintenance of the golf course at Friar's Head. The golf course has been maintained in accordance with such turfgrass management program since it was completed in 2001.

Dr. Petrovic is a professor of turf grass in the Department of Horticulture at Cornell University and has been researching, teaching and consulting in turfgrass management since obtaining his doctorate in turfgrass science from Michigan State University in 1979. It is Dr. Petrovic's professional opinion that it is not currently possible or feasible, based on current technology and science, to successfully implement a purely natural-

organic system of maintaining the turfgrass at Friar's Head. In fact, he is not aware of a single golf course in the northeast region of the United States, championship quality or otherwise, that has yet been successful in implementing a purely natural-organic turfgrass maintenance program. He is aware of two golf courses in the west (California and Colorado) that have successfully implemented natural-organic only maintenance programs; however, neither one is subjected to the same level of disease pressure as the golf course at Friar's Head, where higher temperature and humidity conditions favor diseases. Furthermore, both the New York State Department of Parks and the Suffolk County Department of Parks have confirmed that they are not currently able to manage a single golf course under their control on Long Island in a purely natural-organic manner.

To Dr. Petrovic's knowledge, there are no natural-organic only methods that would give 100% control for many of the pests (weeds, insects and diseases) that can and may very well appear at this golf course. Consequently, some synthetic-organic pesticides (herbicides, insecticides and fungicides) will inevitably need to be applied. For example, there are no natural-organic only methods that give high level control of:

- Broad leaf weeds, annual bluegrass and crabgrass
- Diseases like dollar spot, Pythium blight and brown patch
- Insects like Hyperodes weevil or large populations of white grubs

Dr. Petrovic has, however, developed a "state-of-the-art" Organics-Based Turf Management Program ("OTMP"; see SDEIS Appendix I) in response to Traditional Links' interest in becoming a leader in organics-based turf maintenance practices to the greatest extent practicable within the bounds of current scientific knowledge. In addition, Friar's Head would employ its own Supplemental Organic Turf Management Measures (See SDEIS Appendix I, OTMP) in order to fulfill its commitment to keep up-to-date

with new technologies and research in the organics-based turf management field.

The basic philosophy of the proposed OTMP is to produce a healthy pest resistant golf-playing surface and soil that would have little or no impact on the surrounding environment. Materials to be used on this golf course would mostly be natural organic fertilizers and pest control methods in order to produce a healthy plant while having a low likelihood of contaminating either surface water (via runoff) or groundwater (via leaching). Synthetic-organic pesticides would be used to a limited extent, and only after all practicable natural organic pest control options have failed. Although a recent report (*Golf Course Impacts to Shallow Groundwater*, Suffolk County Department of Health Services, Division of Environmental Quality, December 2002, "2002 Golf Course Impacts Report") shows that golf courses in Suffolk County are not contaminating groundwater, no chemical (fertilizer or pesticide) that was found by the environmental risk assessment performed at the Friar's Head site to pose a risk of either surface or groundwater quality would be used on the golf course unless it has been determined that no other control methods are available and would be applied only under special use conditions outlined in the OTMP to reduce the risk of either surface or ground water contamination.

2. Residential Development

The Applicant recognized two guiding criteria that were expressed by the Town during its review of the 1999 FEIS in the planning and design of the single-family residential and golf cottage development portions of the Modified Project:

- **75 Single-Family Unit Maximum**

During its review of the Prior Zone Change for the project, the Riverhead Planning Board made a recommendation to the Riverhead Town Board that

residential yield not exceed 75 units for the entire assemblage. The Applicant has adopted the 75 single-family lot recommendation (excluding the golf cottages) as a design criterion for the residential component of this project.

- **Low-Density & Clustered Woodland Development**

The Golf-Residential Plan presented in the 1999 FEIS identified areas throughout the site where residential development might occur sometime in the future. A lot layout plan in those areas was not presented in the 1999 FEIS, however, because the amount and type of future residential development was highly uncertain at that time. Although clearing limitations on residential development in the woodland portion of the property were projected and assessed in the 1999 FEIS, the specific portions of the woodlands that would have been impacted by each residential structure were not identified. Consequently, when the Riverhead Town Board granted the Prior Zone Change and site plan approval necessary to proceed with the construction of the golf course portion of the project, it incorporated a recommendation made by EEA, Inc., the independent environmental consultant of the Town of Riverhead that reviewed and commented on the 1999 FEIS, to limit any future residential development within the woodlands to low-density and/or clustered development as a mitigation measure to lessen the impacts to natural resources (see p. 117 of 2000 Findings Statement). In conformity with this previously imposed mitigation measure, all single-family lots and golf cottages proposed for development in the woodland portion of the site have been designed and located by the Applicant in a low-density and/or clustered fashion to preserve connected woodlands.

As a result of the aforementioned design considerations, approximately 70 single-family lots are proposed to be created² within and around the golf course under

²The "Golf-Residential Alternative" discussed in the 1999 FEIS included 213 40,000 square foot lots within the Residence A and Agriculture A areas of the site and 120 20,000 square foot lots within the Recreational area of the site, for a total of 333 single-family lots. Under the terms of the residential moratorium in place in Riverhead until at least June 2003, however, the lot yield for a cluster subdivision on this site that would not

the provisions of the Town of Riverhead "Cluster Development" regulations (Town of Riverhead Zoning Code, Article XIX), approximately 80% of which have been located in the open areas of the site. The single-family homes and golf cottages have been clustered along the already exposed woodland edges so as to preserve contiguous woodlands to the greatest extent possible. The single-family home lots generally range in size from 40,000 to 80,000 square feet, but some of the woodland located lots are as large as 4 acres.

a. Single-Family Residential Lots

Access to the residential lots would be provided from three private drives, with 18 lots being accessed from the Eastern Drive, 44 lots from the Western Drive, and 7 lots from an extension of Palane North. The site drives would be constructed to Town of Riverhead subdivision road standards with regard to right-of-way width and pavement section, but are currently proposed to be remain in private ownership. Two emergency-access-only connections would also be provided from Baywood Drive to serve the lots at the north end of the Western Drive.

The single-family residential lots are proposed to be held in fee-simple ownership. Each lot would have an individual sanitary disposal system and be connected to the Town of Riverhead public water supply system. Each lot owner would be a member of a Homeowner's Association, which would be responsible for shared costs including maintenance of the private drives, trash collection, and general landscape maintenance. Residential lot owners would not automatically become members of the golf club, but

be subject to the moratorium must be based on an 80,000 square foot minimum lot size. Applying the calculations described in § 108-88 of the Riverhead Zoning Ordinance, the number of individual detached dwelling units permitted on this 350 acre parcel would be approximately 137. (350 - 35 acres of beach and bluff = 315 acres, less 20% for roads and drainage = 252 acres, divided by 80,000 square feet per lot = 137. lots). This represents the number of lots on this site for which subdivision approval could be sought during the moratorium period.

could apply for membership under the procedures to be established by Friar's Head.

b. Single-Family Residential Construction

Construction of the approximately 70 single-family residential homes is anticipated to begin immediately following the completion of the private golf club portion of the Proposed Action, although it could begin sooner, depending on market driven factors.

B. DESCRIPTION OF EXISTING ENVIRONMENT

1. Natural Resources

The ecology of the Friar's Head site was extensively studied by the Applicant's ecologists, led by Dru Associates, during the 1990's, with the results reported in the 1999 FEIS. A continuing ecological assessment of the Friar's Head property was conducted throughout the 2000-2003 period, during which time the woodland corridors were opened for the construction of golf holes which were completed in 2001, as well as for substantially all of the areas identified for the clubhouse buildings, the pool & tennis facility, associated parking areas and the Eastern Drive.

Dru Associates visited the site in every month and season during construction of the golf course, often several times per month when critical clearing or earthworks were in process, to ensure that the clearing was kept to the minimum needed to achieve the golf course objectives, and that drainage and erosion were controlled to prevent or minimize adverse impacts. There were more than 50 visits to the site to observe site work, wildlife activity and habitat management practices. These visits were made with the objectives of recording observations of erosion control practices, condition of woodlands and edge habitats, placement of native plantings, design of, and installation of pond and wetland habitats, and wildlife activity. Observations were recorded using digital photography and handwritten notes. In each season, visits were made to observe wildlife activity to

ensure that changes to the site's fauna were accounted for in record keeping. The site was evaluated for habitat conservation, clearing impacts, drainage management and erosion control.

a. Topography and Geology

The physiography of the Friar's Head site includes a generally level turf grass, meadow and farm field area located south of a series of sandy hills rising to a coastal bluff, which descends to a rocky and sandy beachfront on the Long Island Sound. The site soils consist largely of Haven loam, Riverhead sandy loam, Plymouth gravelly loamy sand and Scio silt loam that tend to be dry, fertile and hold fertilizer well. The well-drained to excessively well-drained soils rarely puddle, and there has been no evidence of erosion or soil loss throughout the entire site as a result of the golf course construction activities.

b. Water Resources

The groundwater resources of the site consist of a deep aquifer, 80-200 feet below ground level elevations, and the site is classified as Hydrogeological Zone VIII, which is not part of the Special Groundwater Protection Area. Surface water on the site is limited to the irrigation pond, which was constructed as part of the golf course during 2001.

c. Ecology

The ecology of the site is presented through a description of the different elements comprising the local ecosystem as well as a functional assessment of the ecosystem as a whole.

(1) Terrestrial Habitat

The terrestrial habitats on the site include a north-facing coastal bluff, old farm fields, golf turf intermingled with

native meadow in the process of natural and enhanced restoration, and an array of woodland habitats created by the site's history of human disturbance. The existing areas of the site's various ecological types are:

The clearing activities conducted during 2000-2001 have conserved the coastal woodland complex that serves to provide a large tract of woodlands just inland of the Maritime Dwarf Beech Forest, providing a contiguous belt of woodlands along the entire coastline of the Friar's Head property. This large contiguous woodland habitat is comprised of about 15 acres of Successional woods and approximately 12 acres of conifer forest combined with 11.3 acres of Dwarf Beech woodlands, resulting in a 38-acre coastal belt of undisturbed woods that provide a "buffer" between the golf corridors and the coastal bluff and bluff crest. This "buffer" provides a visual screen for wildlife moving across the site, prevents excessive desiccation of the subsoils above the bluff, prevents

Habitat	2003
Dwarf Beech	11.3
Beech-Oak	21.1
Hickory-Oak	7.7
Conifer	18.6
Successional woods	34.1
Isolated conifers	2.1
Sand	23.5
Trail	2.3
Farm/old field	98.4
Native meadow	54.4
Pond-wetland	2.1
Golf turf/cartpaths	45.6
Rough/Margin	28.8
Totals	350

excessive southerly wind shears among the trees at the bluff crest, and prevents the growth of large stands of invasive plants that might encroach on the Dwarf Beech habitat.

Within the central portion of the site there is another belt of unaltered woodlands

which, although interrupted by historic trails, is effectively contiguous for wildlife purposes, and is comprised of 7.7 acres of Hickory-oak, 21 acres of Beech-oak, about 7 acres of conifer forest and about 20 acres of Successional woodlands. This central swath of habitat includes a contiguous woodland along the western boundary of the site comprised of 20 acres of Successional woods, which forms both an ecological and visual buffer to the residences west of the site. Along the eastern boundary of the site, a 23-acre tract of contiguous woods is comprised of 18.6 acres of Coniferous trees and 4 acres of Hickory woodlands. This eastern woodland is contiguous with a much larger undeveloped off-site woodland of more than 200 acres to the east, resulting in a mixed woodland habitat in excess of 225 acres.

In recognition of the Town's concern for controlling the ecological effects of clearing in the site's woodlands, Dru Associates monitored the following aspects of woodland ecology during the 2000-2003 period.

- Light/solar radiation: The site woodland's photosynthesis production (i.e., nutrient cycling) has been maintained because there have been no changes to the temperature regime or development of edge effect or "thickets" due to management practices.
- Wind: The woodlands were not affected by changes in wind shear, as evidenced by the lack of wind throw of trees throughout the property. This indicates that the golf course architects were successful in preserving a proper.

- balance between the horizontal width of golf corridor openings and the vertical height of the woodland canopies.
- Water flux: The soil water budget of the woodlands remains unchanged because the natural substrate is so well drained, meaning that this site's ecological water budget is entirely reliant upon precipitation. Field observations along the bluff or just inland of it supporting this finding are that there were no changes to vegetation which would indicate a change in soil moisture regimes: there have been no increases in the amount of moisture-loving species, nor have there been any areas where excessive dryness led to the loss of plants due to desiccation.
 - Isolation: The project's clearing activities have not created any impenetrable or un-crossable barriers and, therefore, no interference with wildlife migration has occurred. Observations of wildlife activity continue to reflect a similar level of the local populations as were observed during the 1990's, such that deer and fox tracks continue to cross the site, bird movements through the woodlands areas have not declined for passerines, while aerial predators are more active in the area along the woodland edges.
 - Size and shape: The project's clearing activities have preserved large tracts of woodlands that provide for uninterrupted movements of wildlife across the site, and made no changes to the Maritime Dwarf Beech Forest. Thus, the wildlife functions of these habitats have been maintained.

The 45 acres of woodland clearing³ during 2000-2001 was performed in a manner to preserve as much woodland as practicable by removing only those trees necessary to achieve the width required for the golf hole corridors, with care taken not to disturb either the substrate or the trees remaining outside of the golf corridor. The existing forest floor was not disturbed outside of the golf corridors, thereby creating in essence a no-disturbance envelope, so that the native groundcovers along the woodland edge could recolonize the margin of the golf play areas, making a natural transition from golf to native habitat.

Inspections of the woodlands were performed throughout the 2000-2003 period to ensure that the potential for adverse "edge-effects" had been controlled as part of the golf course management practices. There is no evidence of undue wind damage to the trees, either along the edges or within the woodlands. If adverse edge-effects had occurred, then there would have been some growth of "edge-effect" thickets and some degree of deterioration of the woods, either by loss of trees (at or near the edge areas) or invasion by exotic species, such as catbriar or Japanese barberry, none of which has occurred. No activity has occurred in the Dwarf Beech Forest, so it remains as it was in 1999, except for impacts at the toe of the bluff (where no development has occurred) caused by irregular storm action (the risk of which was explained in the 1999 FEIS).

³ This total was made up of approximately 43.4 acres of upland woodlands and approximately 1.6 acres of isolated conifers located within the farm fields.

The ecological profile of the Friar's Head site has changed in the following ways as a result of the 2000-2001 construction activities. In the woodlands, trees have been cleared for some of the golf corridors where golf turf has now been planted, as well as for the areas planned for certain golf club buildings, parking areas and entrance road, thereby creating more woodland edge. In the southern farm field portion of the site, sod production has been replaced by golf turf, the planting of native meadow and early successional trees and shrubs throughout the areas between the golf turf, and quality wetland and aquatic habitat has been created as part of the development of the irrigation pond. The golf turf was installed and has been maintained following the protocols presented in the 1999 FEIS.

(2) Wetlands

The only jurisdictional wetlands found at Friar's Head are the tidal wetlands along the beachfront, an area that has not been involved in the development of the site. As part of the golf course construction, a pond of approximately 1.9 acres in size was created with a margin of aquatic vegetation. While this feature is not within the jurisdiction of State or Federal wetland regulations (the Town does not separately regulate wetlands), this part of the project has created some quality wetland habitat. The addition of the aquatic vegetated and wetland margin has benefited the site's overall habitat diversity. After being stocked with fish, the pond has attracted and is developing a complete food web, with invertebrates, amphibians, predator and prey fish and predatory birds.

(3) Wildlife

The terrestrial wildlife of Friar's Head is a cosmopolitan assemblage that includes some remnants of the pre-colonial fauna, but since the advent of agricultural activity throughout Baiting Hollow and eastern Suffolk County, many opportunistic and widely ranging species have joined Long Island's fauna, while some more disturbance-sensitive species have declined. The ecology of the "suburban" fauna of Friar's Head was reported in the 1999 FEIS (pp 170-203). At this time (2003), the fauna of the site continues to exhibit the characteristics described in the 1999 FEIS. For birds and mammals, no changes were made to their lists, although changes have occurred to the distribution and abundance of the aerial predators normally found in the general area. There are a greater number of both hawks and Ospreys foraging across the site to either visit the new pond at the interior of the site and/or to search the increased amount of forest edge provided along the newly opened golf corridors. These changes benefit the predators by increasing the visibility of their prey along the increased linear footage of woodland edge, which in turn increases the exposure of their prey to predation from above.

The changes observed in wildlife activity in the farm field areas have been a reflection of the creation of the pond, bringing some piscivorous and insectivorous species (swifts, Ospreys, and waterfowl) to this area. The abundance and distribution of species reliant upon the previous crops has changed, even though the total abundance and diversity of birds has remained steady. While the golf turf offers some similarity to the former sod crop conditions, the conditions differ enough to have altered bird foraging behavior. Accordingly, some species have increased and others have decreased, and some have shifted their focus of attention. None of

these ecological circumstances significantly change the presence or absence of any species on the site, nor do they alter the viability of the regional populations of the species involved in these habitat shifts.

(4) Functional Assessment

The ecological functional assessment considers the site as three physiographic zones: maritime, morainal hills and farm fields. The maritime zone includes the Long Island Sound beachfront with the coastal bluff and Dwarf Beech Forest. The morainal hills include the woodlands covering the area between the inland side of the bluff to the grassed areas and level farm fields, which extend from the southern edge of the wooded hills south to Sound Avenue. The golf course was constructed in the morainal hills and farm fields.

The evaluation of eleven ecological functions for each of the physiographic zones was presented in the 1999 FEIS in Section 3.2.4 as a means of characterizing the site's ecosystem functions. A re-evaluation of those functions was undertaken in 2003 to characterize the site's present ecosystem functions. In the following analysis, each of the distinct portions of the site is assessed (Table 3.3) showing the present condition (2003). Each value is assigned a rank: L= low or marginally present on the site; M= moderate or present but at a level not to be distinguished from any similar site elsewhere in the Town of Riverhead; and H= high or particularly strong for this or any similar site in the region.

Value/Function	Maritime	Moraine	Fields/Golf
Species richness	L	M	M
Relative abundance of common spp.	L	M	M
Topo/geologic profile	H	M	L
Vegetative composition	L	M	M
Special wildlife habitats	L	M	H
Visual quality	H	M	M
Ecosystem cleansing	L	M	M
Nutrient cycling	L	M	M
Wildlife transit corridors	L	H	M
Ecological resilience/succession	M	H	M
Uniqueness/rareness of habitat/species	H	L	M

The wildlife present at the Friar's Head site is a reflection of the habitats available to support them, all of which form the underpinning of this Functional Assessment. The woodlands on the moraine hills, and more recently the farm fields area since the development of the pond and wetland habitats and introduction of more native grass habitat, host the most species in terms of richness and individual abundance. This fact correlates with both vegetative diversity and "Special wildlife habitats" (i.e., the pond/wetlands and the site's increased woodland edge for aerial predators). Similarly, healthy woodlands and a robust pond system contribute most to ecosystem cleansing and nutrient cycling. The woodlands provide transit corridors and the ecological resilience at the site, while the Maritime Dwarf Beech Forest and shoreline are the most unique features of the site.

In summary, the Friar's Head site has a modest, ecological value, with its widely varying land forms contributing as much to the site's uniqueness and diversity as its biotic resources. While there has been some potential reduction in the amount of certain disturbance-sensitive species due to recent construction activities

as previously discussed, this reduction is limited and does not diminish the site's Functional Value for Species Richness or Special Habitats. The site was not before, and is not now, home to any species listed by the State Natural Resources Division or the US Fish and Wildlife Service as rare or endangered. In fact, the site's overall biology is as diverse and ecologically functional as it was when presented in the 1999 FEIS, and the site's ecological functioning for wildlife (i.e., forage for aerial predators, travel corridors for mammals and birds) has remained relatively constant.

During the review of the 1999 FEIS, concerns were expressed for impacts to the site's ecology that might result from the proposed development. Dru Associates' assessment of the current conditions finds that through ecologically sensitive design, continual monitoring and the application of Best Management Practices during and following the recent construction activities, these potential impacts were avoided or minimized:

- Erosion of the bluff face and soil loss throughout the site were controlled by properly implemented erosion control measures and care taken with respect to all clearing and earthworks, including a sediment barrier (haybales anchored with silt fence) bounding the entire margin of the golf-bluff interface, stormwater collection and recharge basins and routine inspection and maintenance of these features as explained in the 1999 FEIS.
- The potential for adverse impacts to groundwater quality has been minimized by the implementation of "state-of-the-art" integrated turf management measures, including application of treatments only when they are necessary and

only for those specific needs determined by scouting for signs of problems, and by the use of only those compounds designated as safe for the site's soils, and by optimizing applications by correct timing and quantities that avoid over-treatment or excessive leaching.

- The potential for adverse impacts (i.e., loss of dwarf beech trees and reduction in viability) to the Maritime Dwarf Beech forest was prevented by respecting the setback from the Coastal Erosion Hazard Area Line, and by intensive erosion and stormwater control measures above the bluff.
- The functional benefit of the coastal woodland complex was maintained to act as a buffer to the Maritime Dwarf Beech Forest.
- The potential adverse impacts from "edge-effects" were minimized or avoided through the sensitive clearing of the woodlands for golf corridors and proper management practices.
- There has been no loss or reduction in biodiversity alluded to by commentators in the 1999 FEIS and, in fact, the introduction of new habitat has benefited the site's overall biodiversity because the minor loss of species within the woodlands has been offset by the attraction of more species throughout the site to these new habitats.
- The importance of Friar's Head to the region's migrating wildlife has been conserved through the maintenance of wildlife corridors along the coast and throughout the woodlands.

2. Human Resources

In the SDEIS, the Applicant updated certain components of the Existing Conditions - Human Resources sections of the 1999 FEIS to reflect changed circumstances in 2003.

a. Transportation

(1) Existing Peak Hour Traffic Volumes

Manual traffic counts were taken and analyzed at the following seven intersections in March 2003:

- Edwards Avenue and Sound Avenue (signalized intersection)
- Osborne Avenue and Sound Avenue
- Proposed Western Drive and Sound Avenue
- Proposed Eastern Drive and Sound Avenue
- Horton Avenue and Sound Avenue
- Roanoke Avenue and Sound Avenue (signalized intersection)
- Cross River Drive (Route 105) and Sound Avenue

Based on New York State Department of Transportation data, the March 2003 weekday and Saturday counts at the study intersections were factored upward by 12 percent and 30 percent respectively to reflect projected summer season volumes. Analysis of the traffic count data confirmed that peak hours at the aforementioned study intersections remain the same as was presented in the 1999 FEIS, generally occur between the hours of 7:15 AM – 8:15 AM and 4:45 – 5:45 PM on weekdays and 12:00 PM – 1:00 PM on Saturday.

(2) Accident History

Based on discussions with the Town of Riverhead Police Department, accident rates appear to have decreased at the intersections of Edwards Avenue and Sound Avenue, and Roanoke

Avenue and Sound Avenue since traffic signals were installed at those locations.

(3) Intersection Capacity Analysis

The intersection capacity analysis for the study intersections has been based on existing peak hour traffic volumes, existing intersection geometry and existing traffic control devices. The results of the analysis indicate that the existing study intersections currently operate at acceptable peak hour levels of service of "C" or better for all turning movements and approaches.

b. Land Use and Zoning

(1) Existing Land Use and Zoning

The Subject Property consists of two tax parcels located north of Sound Avenue totaling approximately 350 acres in size. The 80.6-acre west parcel (SCTM 0600-041-01-04.2) currently lies within the "Recreational" zoning district of the Town of Riverhead. The 269.4-acre east parcel (SCTM 0600-041-01-10.5) is currently in two Town zoning districts: "Agriculture A" (52.8 acres along Sound Avenue) and "Residence A" (216.6 acres north of the Agriculture A section). As described in 1999 FEIS 3.3.2A, the property lies within the Town of Riverhead TDR (transfer of development rights) Receiving Zone north of Sound Avenue.

The prior use of the central and southern portions of the site as a sod farm was discontinued with the golf course construction that began on the property in 2000.

(2) **Land Use Plans**

(i) **Comprehensive Plan**

The Board began preparation of a Comprehensive Plan for the Town in the late 1990's with a series of public workshops and planning studies to identify the issues of concern for the Town and its residents. These planning efforts resulted in the issuance by the Board of the "Proposed Comprehensive Plan for the Town of Riverhead" for public review in July 2002. The Comprehensive Plan addresses topics such as downtown revitalization, preservation of agricultural lands, protection of natural resources and accommodation of new growth within the town. When adopted by the Board in final form, which is anticipated to be sometime in 2003, the Comprehensive Plan is expected to be the basis for future amendments to the zoning ordinance that would also be adopted by the Board.

(ii) **Moratorium**

On December 12, 2001, the Board adopted a moratorium on the subdivision of land within certain areas of the town to provide the Town sufficient time to adopt and implement the agricultural preservation strategy being developed as part of the Comprehensive Plan process. The Board subsequently extended the moratorium in June 2002 (Local Law No. 20-2002) and in July 2003 (Local Law No. 12-2003).

The text of Local Law No. 20-2002 noted that it "is not a building moratorium... The law also provides both exclusions and exemptions for owners of property, so that it

does not impose an undue burden upon them." Among the applications that were to be excluded from the provisions of the law are "major land subdivisions upon real property lying within development rights receiving areas ... which subdivision meet one of the following criteria: a) residential lot yields with a minimum lot area of 80,000 square feet."

c. Community Services

(1) Educational Facilities

The subject parcel is situated within the Riverhead Central School District. Current enrollment of 5,008 students represents the peak number of students enrolled in the district. Children living on the project site would attend the Riley School (Pre-K, K through grade 4), Pulaski School (grades 5-6) and the Riverhead Middle and High Schools, as the district is presently configured. These changes in grade configuration occurred during the 2000-2001 school year when the Riverhead School District reorganized its use of space in order to alleviate overcrowding.

Current reorganization of existing space has helped to alleviate space problems but expansion of existing facilities and development of new facilities are the only long-term solution for the district. While the Riley (located on 15 acres) and Pulaski Schools could potentially accommodate additions, the Middle and High Schools have insufficient room to expand and the school district is currently working on identifying appropriate new school sites.

d. Social and Economic Conditions**(1) Population Characteristics**

The population in the Town of Riverhead is estimated to be 28,862 persons, (LIPA, Jan. 1, 2002), an increase from 27,680 (LIPA, 2001 Population Survey) of 880 persons over approximately 14 months. There has been an increase within the Town from 8,736 households in 1990 (1990 Census) to 11,223 households in 2002 (LIPA, Jan 1, 2002).

(2) Employment and Local Economy

Riverhead's unemployment rates have decreased from 8.9% in 1992 to 2.9% in 2000 (U.S. Bureau of Labor Statistics). The low 2000 Riverhead unemployment rates are in part due to the creation of "tourist destinations" which have provided new job opportunities. Housing starts in Riverhead have increased over the past several years from an all time low in 1993. According to the 2000 U.S. Census, Riverhead now supports 12,470 housing units. This represents an increase of almost 16% from the 1990 Census figures of 10,801 units.

The strongest element of the Long Island economy continues to be in the service sector, a factor fully discussed in the 1999 FEIS, and a trend into which Riverhead has fit, particularly within the sphere of service to the tourist entertainment industry (five golf courses, Splish Splash, the Aquarium, and ever-expanding Tanger Outlets and large-scale shopping centers with restaurants). Projected job growth openings for the years 1996-2006 are expected to be greatest in Service, Marketing/Sales and Professional/Technical occupations.

(3) Property/School Tax

The site of the proposed Friar's Head golf club and residential development is no longer generating income from its historical use for agriculture. Its present economic activity is, therefore, limited to the taxes generated from the assessment as agricultural lands. This assessment is currently comprised of approximately \$44,000 to the Town of Riverhead, \$77,000 to the Riverhead Central School District, and \$8,000 to other local and county entities, totaling approximately \$129,000 per year.

C. IMPACTS ON THE ENVIRONMENT

1. Natural Resources

a. Topography and Geology

The construction work for the golf course, irrigation pond and practice areas was completed in 2001. The impacts to the site's geological resources from the remaining construction activities would involve primarily clearing without grading, while foundations for buildings would require only minor movements of the site's sandy soils. The tree clearing of the areas proposed for the clubhouse buildings, the pool & tennis facility, associated parking areas and the access road was also substantially completed in 2001; although some additional clearing would be needed in these areas as identified on the proposed site plan, no significant changes of grade would be required. The golf cottages and home sites have all been located in a manner that would preclude the need for any significant re-grading for those structures as well. The site's only sensitive geological feature, the coastal bluff, was not altered by the golf course and would not be impacted by the remaining construction. Therefore, no significant changes to the site's topography would result from the remaining construction activities.

b. Water Resources

The groundwater resources at Friar's Head will not be impacted by the proposed construction or future operation of the golf course because the depth to groundwater is sufficient to protect the resource from leachate, and the site will not produce any excess leachate due to the implementation of the OTMP. The addition to the site of a pond with wetland margin is a positive benefit, further discussed under the Wetlands section below.

c. Ecology**(1) Terrestrial Habitat**

The impacts to ecological habitats anticipated from the completion of the remaining proposed construction activities, including some of the accessory uses to the golf club as well as the single-family residences, are presented in Figure 4.1 and Table 4.1 of the SDEIS. The clearing of 15 acres of woodlands for the single-family home sites, golf cottages and other accessory golf club uses represents an adverse impact to the plants and animals directly affected. The conversion of 67.2 acres of farm fields and 19.4 acres of meadow habitat (all of which was planted by the Applicant in the 2000-2003 period) to residential lots would represent an adverse impact that is considered to be minor because (a) there are only a few species or individuals of plants and animals directly affected by this action and (b) 31.1 acres of Farm/Old field and approximately 35 acres of the native meadow habit planted by the Applicant in the 2000-2003 period would remain available for such species. The potential for a significant impact has been avoided because the total number of species able to use the site will not decline, nor will the current balance of the most common species be lost.

The construction activities proposed to complete the balance of the project would reduce the acreage of the inland woodland habitats, but the composition of the mosaic of woodland habitats on site would not change after full build-out because they would remain in roughly the same proportions as they exist today, providing tracts of each habitat type that are large enough to conserve, on the Friar's Head site, each of the plants comprising each habitat. Therefore, the site's total vegetative diversity would not decline because the communities supported on the site would still be adequately represented in tracts large enough and close enough together to provide a seed source for reproduction. Moreover, the common species at the site are ubiquitous on Long Island, and will reproduce from patches of habitat smaller than those proposed at Friar's Head. The dominant tree species found at Friar's Head (i.e., Beech, Oak, Hickory, Maple and Pines) are abundant, and they are well adapted to the effects of "isolation." The abundance of oaks, beech, hickory and maple throughout developed and undeveloped lands in Suffolk County is explained in the 1999 FEIS, and would remain adequate at the site to preserve its population, even after the remaining construction at Friar's Head. The project will not lose its importance to the region's biodiversity, and will continue to be as ecologically resilient as it has been for several hundred years.

The clearing required to complete the remaining construction activities would have the following consequences:

- The entire Maritime Dwarf Beech Forest, and its adjacent Coastal woodland complex (the inland woodlands that are

contiguous with the bluff crest) would remain as they were prior to 1999, thereby conserving about 38 acres of contiguous woodland habitat (comprised of about 15 acres of Successional forest and about 12 acres of Conifers combined with 11.3 acres of Dwarf Beech woodlands) which would continue to serve wildlife functions and provide a wide swath of woods to serve as a margin between the golf corridors and the bluff crest.

- In the wooded western boundary of the site, the proposed development is limited to 6 single-family home sites that would require about 4 acres of clearing. The clearing envelopes for these homes have been located along the woodland edges in order to preserve the largest possible interior tracts of these woodlands. Following completion of this component of the Project, about 20 acres of contiguous Successional woods would be conserved which would continue to serve as both an ecological and visual buffer to the residences west of the site. This woodland would also continue to serve as a buffer to the western portion of the maritime dwarf beech forest.
- The proposed development in the central wooded portion of the site would require about 8 acres of clearing for a limited number of cottages and isolated homes, thereby conserving about 25 acres of contiguous woodlands within the central portion of the site, comprised of about 3 acres of Hickory-oak, 17.2 acres of Beech-oak and about 5 acres of Successional woodlands. The golf cottages along the 10th and 18th fairways and the clearing envelopes for the five isolated home sites proposed in the central woods (Lots 59-63) have been limited in size and located along

the central woodland edges so as to conserve the majority of the canopy throughout this central woodland.

Proposed development in the eastern wooded portion of the site would include the clubhouse buildings, the pool and tennis facility, associated parking and some golf cottages (which were located along the woodland edge on the west side of the Eastern Drive to limit the amount of clearing needed). Substantially all of the clearing necessary for the clubhouse and pool & tennis facility was completed in 2001. The clearing of approximately 7 acres would be needed in the eastern woods to complete the remaining golf accessory uses, after which a large tract of contiguous woods comprised of approximately 13 acres of Coniferous woods connected to the Dwarf Beech Forest and the woodlands to the east of the site would be conserved. This eastern woodland, when combined with the much larger contiguous undeveloped woodland of more than 200 acres offsite to the east (McQuade and 4H properties), would leave a mixed woodland habitat in excess of 225 acres.

The full build-out of the Modified Project would not cause any significant adverse impacts to the individual functions of the wooded habitat, despite discrete adverse impacts, because these functions would not be so changed or impaired as to reduce the viability of the woodland habitats:

- Light/solar radiation: The woodlands' photosynthesis production (i.e., nutrient cycling) would be maintained because there would be no changes to the temperature regime or development of edge effect or "thickets" due to management practices.

- Wind: The woodlands would not be affected by changes in wind shear, as evidenced by the lack of wind throw of trees throughout the property following the recent construction of the golf course.
- Water flux: The soil water budget of the woodlands would remain unchanged because the natural substrate is so well drained, meaning that this site's ecological water budget is entirely reliant upon precipitation.
- Isolation: The project's remaining clearing activities would not create any impenetrable or un-crossable barriers and, therefore, the site's value for wildlife migration would not be significantly diminished.
- Size and shape: The project's proposed clearing activities would preserve large contiguous tracts of woodlands, and no changes to the coastal habitat would be made. Thus, the wildlife function of the coastal belt of woodlands would be maintained (See Wildlife Section).

In conclusion, the Board finds that although there would be some adverse impact to the terrestrial habitats at the site as a result of the proposed construction activities, none of such impacts would be significant and there would be some beneficial impacts to counter-balance such adverse impacts. Therefore, there would not be any significant adverse impacts to the site's terrestrial habitats associated with the full build-out of the project.

(2) Wetlands

The proposed activities at Friar's Head do not involve any changes to the Long Island coast, which is subject to State wetland regulation, so there will be no significant impact to jurisdictional

wetlands. The newly created pond and wetland system on the site will continue to be cultivated to maximize vegetation diversity and wildlife benefits, and will not be physically altered at all. Therefore, the Board finds that the project will not have any significant impacts on wetlands.

(3) Wildlife

There will be no significant impacts to the site's wildlife from any of the remaining construction activities proposed, either in the total number of species able to use the site or their ability to move about and through the area. Of the work remaining to be completed at Friar's Head, the greatest potential impacts to wildlife would be due to the clearing for a small number of single-family homes and golf cottages proposed in the woodlands, and the construction of the club house on its already cleared site, also in the woodlands. The immediate impacts ordinarily occur to the trees removed within which animals nest, which could result in the loss of those individuals from their respective populations on site. Due to the conservation of diverse habitats, however, none of the species commonly using the site would be eliminated from the site. This is borne out by the fact that the changes to the site over the past three years have not eliminated any of the species found to routinely use the site. Therefore, while the development proposed in the woodlands would result in an adverse impact to individuals of tree nesting species (both birds and small mammals), the Board finds that the Proposed Action will not significantly impact the site's or the region's wildlife species richness, or the relative abundance of common animals.

(4) Functional Assessment

Based on a functional assessment of the site following construction of the Proposed Action, the Friar's Head site would continue to provide the same ecological functions as it does at present and would not experience a significant adverse impact to its ecosystem functions from the proposed activities. Within the functional categories that could be impacted by the remaining construction, i.e., those associated with wildlife species diversity, abundance and migration, there are no reductions in functional values within any of the three portions of the site. In the moraine woodlands, where some disturbance-sensitive bird species may be impacted, there would be increases in the activities of other bird species, thus balancing the negative and positive impacts and resulting in essentially no net change in species-related functions. Aside from the issue of species functions in the woodlands, the remainder of the ecological changes only benefit an ecological system already adapted to the developed conditions of the Baiting Hollow region.

In the following table, each of the three distinct portions of the site is assessed showing the present condition (2003) and projected condition at full build-out (F). As presented in the SDEIS, each value is assigned a rank: L= low or marginally present on the site; M= moderate or present but at a level not to be distinguished from any similar site elsewhere in the Town of Riverhead; and H= high or particularly strong for this or any similar site in the region.

Value/Function	Maritime		Moraine		Fields/Golf	
	'03	F	'03	F	'03	F
Species richness	L	L	M	M	M	M
Relative abundance of common spp.	L	L	M	M	M	M
Topo/geologic profile	H	H	M	M	L	L
Vegetative composition	L	L	M	M	M	M
Special wildlife habitats	L	L	M	M	H	H
Visual quality	H	H	M	M	M	M
Ecosystem cleansing	L	L	M	M	M	M
Nutrient cycling	L	L	M	M	M	M
Wildlife transit corridors	L	L	H	H	M	M
Ecological resilience/succession	M	M	H	H	M	M
Uniqueness/rareness of habitat/species	H	H	L	L	M	M

Overall there are no changes anticipated in the assessment between the existing and post-development conditions. The Board therefore finds that no significant adverse environmental impacts would occur to the ecosystem of the site as a whole from the remaining construction activities associated with the Proposed Action.

Further, the Board finds that any impacts to Natural Resources that would result from the proposed future build-out of the Modified Project would not rise to the level of significant adverse impacts for the following reasons:

- The Friar's Head site does not support rare or endangered species of flora or fauna which would be adversely affected by such action, and the only ecological "community" of note found on the site, the Maritime Dwarf Beech Forest, would not be altered by the remaining project construction.
- Although there would be adverse (and beneficial) impacts to the site's ecological functions and values, none of these would or could be assessed as a significant adverse impact; the site's overall ecological functions would continue to provide virtually the same values that exist today, as determined by the Functional Assessment.
- The overall biodiversity of the site would remain at the same or higher level since the beneficial impacts would counter-balance or perhaps even

outweigh the adverse impacts (i.e., the continuing proper management of the pond/wetland system should continue to benefit the site's overall biodiversity).

- The vegetation and wildlife at Friar's Head have long been adapted to changes in the density and composition of these woodlands, in particular, and throughout this region in general.
- Belts of contiguous woodlands on the site connecting adjacent forests on either side of the site would continue to be maintained, thereby preserving the region's ecological connections.
- Future residential and cottage development within the forested areas has been designed and proposed in a low density and/or clustered manner as recommended by EEA Inc. in connection with its review of the 1999 FEIS, thereby conserving the ecological values of the woodlands to the maximum extent practicable.
- Site observations during and following the construction of the golf course confirm that the potential adverse impacts that were raised as concerns in connection with the prior SEQRA review and approval of the 1999 FEIS have not materialized.

2. Human Resources

a. Transportation

The Proposed Action will consist of the development of an 18-hole golf course with associated uses and up to 70 detached single-family homes. As presented in the updated Traffic Report in the SDEIS, the Proposed Action is expected to generate 52 entering and 65 exiting vehicular trips during the weekday AM peak hour; 77 entering and 59 exiting trips during the weekday PM peak hour; and 91 entering and 85 exiting trips during the Saturday peak hour. Traffic from the golf club and most of the single-family homes will enter and exit the site via the two proposed access drives on Sound Avenue, with vehicular access to six of the single-family

homes to be provided from Palane North. The proposed access drives will each provide one inbound lane and one outbound lane controlled by a stop sign at Sound Avenue.

Based on the SDEIS Traffic Report and proposed access drive improvements, the Board finds that the construction of the Proposed Action would have no significant adverse traffic impact on the roadway system in the Baiting Hollow Area.

b. Land Use and Zoning

The Applicant has submitted an amended zoning petition for the Proposed Action that requests a change of zone for portions of the subject property from Residence A (216.6 acres) and Recreational (80.6 acres) to Agriculture A, which is the current zoning classification of the 52.8-acre southeastern portion of the site. This change of zone would permit the proposed golf course and associated uses and approximately 70 single-family residences to be constructed on the 350-acre property. Such uses have been planned to be in full compliance with the zoning requirements of the Agriculture A district.

The Town of Riverhead Local Law No. 20 of 2002 imposed a moratorium on the subdivision of land within certain areas of the town to provide time to adopt and implement the agricultural preservation strategy being developed as part of the Town's ongoing Comprehensive Plan process. The Applicant's intent is to submit a subdivision application for the residential lots utilizing the cluster development provisions of the Town zoning ordinance and a proposed 80,000 square foot minimum lot size. The Applicant's preliminary calculations indicate that the permitted yield under the cluster provisions on this site would be approximately 137 lots. Assuming that the application for the residential subdivision on the property is submitted while the moratorium is still in effect, it would be

excluded from the application of the moratorium based on the 80,000 square foot lot size.

The Town Board finds that the proposed changes of zone, land uses and residential densities for the Proposed Action would significantly reduce the level of development currently permitted on the site and would not have any significant negative environmental impacts on the land use or zoning of the site, immediate vicinity or Town.

c. Community Services

(1) Educational Facilities

Based on data set forth in the SDEIS, the proposed golf course and 70 single-family residences would contribute approximately 14 school-aged children to the Riverhead Central School District at an annualized cost of service of approximately \$200,000 while generating approximately \$1,800,000 in property taxes, of which approximately \$1,000,000 would accrue to the School District. The Board finds that the Proposed Action would therefore not have a significant negative impact on the school district.

d. Social and Economic Conditions

(1) Economic Stimulus

As further described in the SDEIS, the Board finds that the Proposed Action will have a beneficial economic impact on the Town with regard to revenue generated by construction of the golf club and single-family residences, employment opportunities at the completed golf club, and secondary spending by residents, members and visitors.

(2) Property/School Tax

As further described in the SDEIS, the Board finds that the Proposed Action will result in a significant increase in the property and school taxes generated by the property and limited fiscal burdens being placed on the Town and School District, and would therefore have a beneficial impact on the Town and School District budgets.

D. MITIGATION MEASURES TO MINIMIZE SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS

The Board finds that the Modified Project as described herein and in the SDEIS has been planned and designed to avoid significant adverse environmental impacts to the site and surrounding area. Only 10 of the 70 single-family homes have been located in the site's woodlands and they, together with the transient-stay golf cottages, have all been sited along the woodland edges. This low-density and clustered design along the edges of the woodlands has preserved large belts of contiguous and connected woodlands, thereby avoiding ecological isolation, conserving the ecological values of the woodlands and preserving a buffer to the maritime dwarf beech forest.

As part of the Modified Project design, 77.8 acres of the site's 92.8 acres of woodlands would be conserved, including 100% of the 11.3 acres of maritime dwarf beech forest, 17.3 of the 21.1 acres of beech-oak forest, 4.3 of the 7.7 acres of hickory-oak forest, 13.3 of the 18.6 acres of conifers, and 31.6 of the 34.1 acres of successional habitat. In addition, proper management of the woodland edges would avoid the potential for adverse impacts from edge-effects, and the implementation of an Organics-Based Maintenance Plan to manage the golf turf at Friar's Head would minimize, to the greatest extent possible, any impacts to groundwater and the surrounding environment.

The proposed project for the site is consistent with the requirements of the Agriculture A Zoning Use District and is significantly less dense than previously approved. Further,

both the proposed land use and intensity of development is in conformance with the Town of Riverhead Comprehensive Plan as adopted by the Town Board pursuant to 272-a of the Town Law on 3 November 2003. The proposed golf club and 70 single-family residences would have minor negative impacts on the Town of Riverhead roadways and school system. The increase in property taxes, construction spending, employment and secondary economic benefits from the project would significantly outweigh any Town expenditures related to the project.

Consequently, the Board finds that the Modified Project has been designed and would be managed in a manner that would avoid any significant adverse impacts with the imposition of those mitigation measures made part of the recommendation of the Suffolk County Planning Commission.

E. ALTERNATIVES TO THE PROPOSED ACTION

1. No Action – Status Quo

The “No Action” alternative discussed in Sections 3B and 6.2 of the 1999 FEIS assumed that the No Action Alternative, that is to say, as specified in the SEQRA Regulations, what would occur in the reasonably foreseeable future in the absence of the proposed project, would mean the continuation of then existing conditions or maintenance of the “status quo.” The No Action – Status Quo Alternative was also examined in considerable detail in the Town Board’s 2000 Finding Statement (see pp. 93-97; and pp. 121-24) and was found, among other things, to not satisfy the Applicant’s objective to create and operate a world class championship golf course, to not realize the Town and County’s planning goals and objectives of creating tourist destination uses which serve to stabilize the local economy and tax base and to not provide any of the tax surpluses that the project would create. For all of these reasons, the Town Board previously found and confirms that the No Action – Status Quo Alternative was not practical nor in the best interests of the Town and that it would be unreasonable and improper to deprive the Applicant of the use of its property.

Chapter 3 of the SDEIS included updated information that supplements and renders current the details of the existing conditions, including the completed golf course, at and proximate to the project site. Based on that information, the Town finds the following with regard to the No Action – Status Quo Alternative:

a. Topography and Geology

Under this alternative, the existing surface and subsurface characteristics of the site would remain unchanged, as no additional land alteration or infrastructure construction would take place.

b. Terrestrial Habitats and Wildlife

With this alternative there would be no change in the site's existing habitat cover types, and thus no impact on wildlife resources. The natural and man-made features of the property would remain unchanged under this alternative.

c. Transportation

No additional traffic would be generated from the subject property under this alternative, and vehicular access to the property would continue to be available from one driveway on Sound Avenue.

d. Land Use and Zoning

No zoning changes would be required under this alternative. The subject property's current zoning designations of "Recreational, "Agricultural A", and "Residence A" would remain in place. The applicant could undertake to develop the project site in accordance with existing zoning, which would allow 333 single-family residential units or, in the alternative, a combination of single-family and duplex residential units totaling 453, which could be increased to 546 and 666, respectively, through use of the Town's Transfer of Development Rights Program.

e. Social & Economic Conditions

With this alternative, existing real estate tax revenues generated by the subject property to the various taxing jurisdictions would remain unchanged. There would be no increases in employment in terms of temporary construction jobs or permanent employment positions under this alternative. Further, the No Action alternative would not result in additional secondary economic benefits to the local economy.

2. No-Action Alternative – Preservation

To the extent that the No Action Alternative is viewed by some in terms of a Preservation Alternative involving the acquisition of the project site with money from the State Clean Water/Clean Air Bond Act and Environmental Protection Fund or other such public funds, the Town Board finds that this not a viable alternative, as public funds would not be available in this instance for a number of reasons, including the existence of the completed golf course, and the availability of high quality open space parcels as identified through Town of Riverhead contract with the Nature Conservancy.

Impacts associated with this No Action-Preservation alternative would be virtually identical to those described above herein for the No Action – Status Quo alternative with one exception. Unlike the No Action – Status Quo plan, no real estate tax revenues would be generated to the Town, the school district or the County under the No Action -Preservation alternative as a result of its tax- exempt status.

F. THE TOWN PLANNING BOARD RECOMMENDATION

The Town Board concurs with the Planning Board's positive recommendation of September 18, 2003 regarding the Proposed Action, subject to the findings contained herein.

G. SUFFOLK COUNTY PLANNING COMMISSION RECOMMENDATIONS

The Town Board, having reviewed the recommendation of the Suffolk County Planning Commission dated October 1, 2003, finds that the Planning Commission's recommended conditions should be imposed on the Applicant with the exception of the following conditions and comments which the Town Board finds are inappropriate and unwarranted for the reasons specified in the FEIS.

1. 100 Foot Bluff Line

The Board finds that the Commission's recommendation that all clearing and structures be prohibited from within 100 feet of the bluff line (defined to be coterminous with the watershed divide line) is arbitrary, unwarranted and inconsistent with the Commission's own published guidelines. Thus, any requirement for staking of the watershed divide line should not be imposed.

Initially, the Board finds that there is no justification for defining the bluff line to be coterminous with the watershed divide line. The protection of the bluffs is routinely accomplished by the Town under the CEHA Laws by imposing a 25-foot setback from the CEHA Line. There is no basis provided by the Commission for departing from this long established practice.

The requirement for a setback from bluffs is intended to: (i) avoid erosion of the bluff; (ii) avoid disturbance of natural protective features; and (iii) protect new structures from natural erosion. At the Subject Property, this includes protecting the Dwarf Beech Forest. As explained in detail in the 1999 FEIS and SDEIS, at the Subject Property these principles can and would be adhered to without necessitating a complete ban on clearing and structures within 100 feet of the watershed divide line.

The overwhelming evidence, including tree age data and aerial photographs, established that the bluff crests in the areas where structures are proposed are not

eroding. Even where the vegetative cover is lost by slumping, the bluff is not retreating and no uplands are being lost. The stability of the bluff at the Subject Property is further confirmed by the 1930 aerial photograph provided by the Suffolk County Planning Commission Staff. (Appendix "E", 2000 Findings Statement.) Thus, the 100-foot setback is not required to protect any such new structures. The Board also finds that limited clearing for purposes of creating managed vegetated fairways should be permitted because the vegetated areas, combined with the implementation of the drainage, erosion and sediment control, clearing, grading and Stormwater pollution prevention plans specified above (including the measures identified above to be included in such plans), do not present any significant risk of erosion of the bluff. Thus, the Board finds that imposition of a 25-foot setback from the CEHA Line is adequate to protect both the bluffs and any new structures.

The Board also finds that because, as more fully explained herein and in the 1999 FEIS, there is not interdependence between the upland woods and the Dwarf Beech Forest, and the 100-foot setback from the watershed divide line recommended by the Commission is not required to preserve the Dwarf Beech Forest. Although the Commission has not explained why the 100-foot setback would protect the Maritime Dwarf Beech Forest, the Board finds that the combination of: (i) prohibiting any discharges of Stormwater over the bluff; (ii) requiring the implementation of the above-specified plans and drainage and erosion management techniques which would direct all discharges to south of the bluff; and (iii) the Subject Property's well drained soils would effectively avoid any potential harm to the Dwarf Beech Forest from runoff or changes in hydrogeology. The Board also finds that because the watershed divide line would be hundreds of feet from the bluffs in many locations, the Commission has failed to provide any rational basis for imposing a 100-foot setback from this line. Thus, a prohibition against clearing or new structures within 100 feet of the watershed divide line is overboard and unnecessary to accomplish the desired objectives.

The Board also finds that it would be inconsistent with the goals and objectives of creating a world class championship golf course if all fairways are required to be set back 100 or more feet from the watershed divide line. The scenic resources of the shorefront vistas are essential to achieving the project's goals and objectives. It is precisely these views which caused the Applicant to propose a world class golf course at this location. Conversely, keeping the fairways essentially buried in the tall woodlands which exist 100 or more feet from the bluffs would deprive players of the appealing viewsheds. The Board does find, however, the approval contained herein shall prohibit the cutting or clearing of anything other than dead, damaged or decayed vegetation from within 25 feet of the CEHA Line without the applicant obtaining a land clearing permit from the Building Department.

The Board also finds that to protect the bluff, the Dwarf Beech Forest and the Long Island Sound from any project related discharge, the Town would require that all discharge and drainage be directed away from the bluff.

In order to avoid any inadvertent clearing, in those areas where clearing is proposed within 100 feet of the CEHA Line, the Applicant would be required to stake the Limit of Work lines in the areas proposed to be cleared and make such areas available for inspection by the Town before any clearing is undertaken.

The Board finds that requiring a 100-foot clearing and structure setback from the watershed divide line is inconsistent with the Commission's own practices and guidelines. The bluff line is consistently construed by the Commission to be the top edge of the bluff and the applicable setback can be diminished if it is established that there is no erosion. (Suffolk County Planning Commission Subdivision Guidebook, p.31, §C.2.a.(1)). The bluff crest at the Subject Property is not eroding and there is no basis to substitute the watershed divide line for the top edge of bluff. As explained in the 1999 FEIS and due to the fact that: (i) the discharge of sanitary and Stormwater at the site would be in Hydrogeologic Zone VIII; (ii) the depth to groundwater is 80 to 200 feet; and (iii) the site's soils are

highly permeable, there is no reason to adopt this recommendation. Thus, the Board finds that consistent with its established practices, a twenty-five-foot setback from the CEHA Line is adequate. The Board further finds, consistent with the Commission's Guidelines, that it has adequately been established by expert testimony that there is no erosion of the shoreline and bluffs in the areas where structures are proposed and thus, even the County's usual setbacks may be modified.

2. Woodland Clearing Limitation

The Board finds that for the reasons specified in the FEIS and below, the Commission's proposed condition limiting woodland clearing to 35% is arbitrary, unwarranted and inconsistent with the project's goals and objectives. Most importantly, limiting clearing to 35% of the upland woodlands is not warranted because, as established in the 1999 FEIS and SDEIS, there is no significant adverse impact that it would mitigate. Moreover, imposition of this recommendation would preclude the Modified Project because it would require clearing of 43% of the upland woods.

As detailed in the 1999 FEIS, there were formerly approximately 136.2 acres of upland woodlands⁴ on the Subject Property. Thirty-five percent of that total acreage is 47.6 acres. The Modified Project requires the clearing of 10.8 additional acres beyond the recommended 47.6 for a total of 58.4 acres of clearing⁵. Forty-three percent of the total woodlands would be cleared by the Modified Project, which would therefore preserve 57% of the woodlands or 77.8 acres.

The Commission's recommendation lacks any substantiation or any reference to any scientifically based justification. The Board further finds that the

⁴ This total does not include the isolated conifers located within the former farm fields.

⁵ This is 2.9 acres less clearing than was proposed for the Golf Residential Alternative in the 1999 FEIS.

Commission has failed to establish: (i) that the conclusions in the 1999 FEIS and the SDEIS that there would be no significant adverse environmental impacts caused by clearing 45% or 43% respectively of the upland woods are erroneous; or (ii) that the clearing of 58.4 acres for the Modified Project would cause significant adverse impacts that clearing 47.6 acres would not. The Board finds that without such substantiation, the 35% limitation is arbitrary and should not be imposed on the Applicant.

The Board further finds that based on the reasons provided in the 1999 FEIS and SDEIS and recounted herein, the clearing of 58.4 acres would not cause a significant adverse impact. Thus, as noted above, limiting clearing to 47.6 acres is not necessary to mitigate, avoid or eliminate a significant adverse environmental impact.

The Board finds that it is in the Town's best interests that the golf course achieve its goals and objectives because it would raise the prestige of the Town's recreational character and generate tax revenues without imposing burdens and undue demands on community services. The existence of a world class championship course would also serve to attract second home owners and empty nesters which would provide significant financial benefits to the Town and school district and not exacerbate the already acute financial difficulties confronting the school district. The Board finds that the Town should encourage, as other east end Towns do, the development of second homes.

The Board further finds that the benefits of a world class championship golf course and encouraging the related residential development specified above and in the 1999 FEIS and SDEIS outweigh any potential impacts associated with the attendant loss of woodlands.

3. Limiting Residential Development To The Farmlands

Limiting residential development to the farmfields is not necessary to mitigate significant adverse impacts because there will not be any due to habitat fragmentation, edge effects or grading slopes. In response to the Appellate Division's finding that the 1999 FEIS was deficient in its description of the nature of and impacts associated with the proposed residential units, and in conformity with a mitigation measure imposed by the Town Board in its 2000 Findings Statement, the single-family lots and golf cottages proposed for development in the woodland portion of the site have been specifically located by the Applicant in a low-density and clustered fashion to preserve connected woodlands. As demonstrated in the 1999 FEIS and SDEIS and above, the Board finds that the homes proposed for the woodlands would not cause any significant adverse environmental impacts from fragmentation because the residences would be limited to the non-golf areas. The golf areas would continue to provide habitat for the wildlife at the Subject Property. Moreover, as observed on the developed properties to the west of the Subject Property and based on the 1999 FEIS's and SDEIS's analyses of the types of species present on the Subject Property, essentially the site's wildlife have already adapted to such human intrusions.

4. 500-Foot Sound Avenue Setback

For all the same reasons specified in the 2000 Findings Statement for the rejection of the Town Planning Board's Nov. 4, 1999 recommendation of a 500-foot setback from Sound Avenue, the Board finds that the Commission's identical recommendation should also be rejected.

5. County Golf Course Standards

The Town Board finds that the studied golf alternatives comply with the standards specified by the Commission. Specifically, the Board finds that because the document entitled Environmental Criteria and Threshold Checklist, provided by the Commission, is used for purposes of determining whether a proposed golf course has the potential for a significant adverse environmental

impact necessitating the preparation of an EIS, it is not applicable to this action for the following reasons:

- The determination that an EIS is required has already been made and the FEIS and SDEIS were prepared and then considered and analyzed all of the areas of environmental concern identified on the checklist; and
- The 1999 FEIS and SDEIS established that the Proposed Action and Golf Residential Alternatives would not have any significant adverse environmental impacts.

H. SUFFOLK COUNTY PLANNING COMMISSION COMMENTS

1. NHP Participation

The Board finds that 11.4 acres of the Dwarf Beech Forest has been adequately delineated and is limited to the bluff face. This habitat would be preserved in its entirety as part of the Modified Project. Thus, further delineation with NHP's participation is unwarranted.

2. Limiting Development to the Farm Fields

As explained herein and in the 1999 FEIS and SDEIS, limiting development to the farm fields is not acceptable, reasonable or practicable because: (i) the wooded areas are not subject to any special legal protection; (ii) the golf course depends on the aesthetic and topographical values of the wooded areas for its success; (iii) there are no significant adverse impacts associated with development in the woods; (iv) the impacts associated with all development being in the farm fields are unacceptable; and (v) development in the farm fields would attract a different demographic group than the Modified Project and would frustrate the Town's and School District's realization of the considerable benefits associated with the Modified Project.

I. UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS

The Board finds that there are no unavoidable significant adverse impacts associated with the Modified Project.

J. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

There are various resources, both natural and man-made, that would be expended in the development and operation of the proposed golf and residential project. These resources include the land that makes up the Subject Property, building materials used in the construction of the project, energy in the form of fuel and electricity consumed during the construction and operation of the project, and the human effort required to develop, construct, and operate the various elements of the project. They are considered irretrievably committed because their reuse for some purpose other than the project would be highly unlikely.

III. FINDINGS PURSUANT TO 6 NYCRR §617.11

The Town Board of the Town of Riverhead, having considered the relevant environmental impacts, facts and conclusions disclosed in the 1999 FEIS and supporting materials and comments, and SDEIS, and having exercised its discretion in choosing among competing opinions and having weighed and balanced the relevant environmental impacts with social, economic and other considerations hereby finds and certifies that:

- (1) The requirement of 6 NYCRR Part 617 have been met;
- (2) Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the proposed action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable, including the effects disclosed in the environmental impact statement; and that
- (3) Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse

environmental effects revealed in the environmental impact statement process will be minimized or avoided by adoption of the proposed Project and by incorporating as conditions to the decision those mitigative measures which are identified as practicable contained herein.

- (4) This action is consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5.

November 5th, 2003

TOWN OF RIVERHEAD

Resolution # 1181

APPROVES SITE PLAN OF TRADITIONAL LINKS, LLC
(FRIAR'S HEAD GOLF CLUB)

COUNCILMAN LULL _____ offered the following resolution,

which was seconded by **COUNCILMAN DENSIESKI** _____:

WHEREAS, a site plan and elevations were submitted by Traditional Links, LLC, for construction of an 18 hole golf course with accessory structures: two (2) – two bedroom cottages (1,350 sq. ft.); a mobile unit (1,250 sq. ft.); a maintenance shop (3,600 sq. ft.); a maintenance facility (5,000 sq. ft.); three (3) dry storage buildings (13,400 sq. ft.); a golf training building (2,450 sq. ft.); a golf house (10,502 sq. ft.); a clubhouse (14,423 sq. ft.) and appurtenant site improvements including an irrigation pond and pump house located at Sound Avenue, Baiting Hollow, New York, known and designated as Suffolk County Tax Map Number 0600-41-1-10.5 and 0600-41-1-4.2; and

WHEREAS, the Planning Department has reviewed the site plan dated October 20th, 2003, as prepared by Divney, Tung, Schwalbe, LLP., and elevations dated December 10th, 2001 as prepared by Shope Reno Wharton has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, the proposed project has been the subject of a comprehensive environmental review conducted pursuant to SEQRA and a FEIS and Findings Statement have been adopted; and

WHEREAS, a copy of the site plan has been marked and initialed by the Town Board to show changes that are further set forth in this resolution, which site plan shall be on record with the Town Clerk; and

WHEREAS, the site plan review 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 2003 of the Office of the Supervisor of the Town of Riverhead; and;

WHEREAS, this Town Board has reviewed the site plan and elevations aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Traditional Links, LLC., for construction of an 18 hole golf course with accessory structures: two (2) – bedroom cottages (1,350 sq. ft.); a mobile unit (1,250 sq. ft.); a maintenance shop (3,600

sq. ft.); a maintenance facility (5,000 sq. ft.); three (3) dry storage building (13,400 sq. ft.); a golf training building (2,450 sq. ft.); a golf house (10,502 sq. ft.); a clubhouse (14,423 sq. ft.) and appurtenant site improvements including an irrigation pond and pump house, located at Sound Avenue, Baiting Hollow, New York, site plan dated October 20th, 2003, as prepared by Divney, Tung, Schwalbe, LLP., and elevations as dated December 10th, 2001 as prepared by Shope Reno Wharton and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan proves and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
7. That parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
8. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
9. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of

this document, Traditional Links, LLC., hereby authorizes and consents to the Town of Riverhead to enter premises at Sound Avenue, Baiting Hollow, New York, to enforce said handicapped parking regulations;

- 10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
- 11. That all utilities shall be constructed underground;
- 12. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof.
- 13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
- 14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
- 15. That prior to construction an Erosion and Slope Stabilization Plan shall be submitted and approved by the Planning Director; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Kenneth S. Bakst, c/o Traditional Links, LLC, 2975 Sound Avenue, Riverhead, New York 11901 the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

THE VOTE

Sanders Yes No Blass Yes No
 Densieski Yes No Lull Yes No
 Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT
 THEREUPON DULY ADOPTED

DECLARATION AND COVENANTS

THIS DECLARATION, made the ____ day of _____, 2003, made by Traditional Links, LLC., 2975 Sound Avenue, Riverhead, New York 11901 Declarant:

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto, as provided by Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land, and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
3. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled , "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
6. Parking, paving, and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
8. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Traditional Links, LLC., hereby authorizes and consents to the Town of Riverhead to enter premises at Sound Avenue, Baiting Hollow, New York, to enforce said handicapped parking regulations;
9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
10. That all utilities shall be constructed underground;
11. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall pose a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;
12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

- 14. That there shall be no storm water runoff discharged over the top of the bluff;
- 15. That shall be no pedestrian access to the beach except via existing dirt road and paths

Declarant has hereunto set his/her hand and seal the day and year above first written.

Traditional Links, LLC

STATE OF NEW YORK)
 : ss.:
 COUNTY OF SUFFOLK)

On the ____ day of _____, in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

November 5th, 2003

Adopted

TOWN OF RIVERHEAD

Resolution # **1182**

Dated 11/5/2003

Classifies Action and Declares Lead Agency on Special Permit Petition of Sound Housing, LLC (Willow Ponds) and Refers Petition to Planning Board

Councilwoman Sanders offered the following resolution which was

seconded by Councilman Lull.

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Sound Housing, LLC and pursuant to section 108-125 of the Riverhead Zoning Ordinance to allow the construction of 220 condominium units together with associated water supply, sewage disposal, drainage improvements, roadways, car parks, landscaping and lighting, upon real property located at Sound Avenue, Riverhead; such real property more particularly described as Suffolk County Tax Map Parcel Number 0600-018-01-012, and

WHEREAS, upon the adoption of the Town of Riverhead Comprehensive Plan, the Riverhead Town Board desires to refer the petition for its report and recommendation.

NOW,

THEREFORE BE IT RESOLVED, the Town Clerk is hereby authorized to refer the special permit petition of Sound Housing, LLC (Willow Ponds) to the Riverhead Planning Board for its report and recommendation pursuant to section 108-133.4 of the Town of Riverhead Zoning Ordinance, and

BE IT FURTHER

RESOLVED, that the Town Board hereby declares itself Lead Agency and classifies Action as Type I under the State Environmental Quality Review Act.

Councilwoman Sanders offered to amend the resolution, seconded by Councilman Lull. All Members in favor of amending the resolution.

Councilwoman Sanders offered the adoption of the resolution with amendments, seconded by Councilwoman Blass.

All Members in favor of adopting the resolution with amendments.

Planning/egr

THE VOTE

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	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

THE RESOLUTION WAS WAS NOT

THEREUPON DULY ADOPTED

NOVEMBER 5, 2003

2299
Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1183

AWARDS BID FOR RECREATION BUILDING IMPROVEMENTS
(FORMERLY GRUMMAN GUARD HOUSE)

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 the Recreation Building Improvements; and

WHEREAS, bids were received, opened and read aloud in the Office of the Town Clerk on the date and time published in the Notice to Bidders.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the Recreation Building Improvements to the building formerly known as the Grumman Guard House located at the old Grumman facility be and is hereby awarded as follows:

General Construction – TBL Construction in the amount of One Hundred Sixty Six Thousand Two Hundred Ninety Seven & 00/100 (\$166,297.00).

Mechanical – East Coast Mechanical in the amount of Fifty Six Thousand Three Hundred Seventy Five & 00/100 (\$56,375.00).

Plumbing – Carter-Melence Corporation in the amount of Forty Four Thousand Two Hundred Seventy Seven & 00/100 (\$44,277.00).

Electrical – Commander Electric in the amount of Seventy Four Thousand Nine Hundred Fifty Two & 00/100 (\$74,952.00).

The total amount of the bid award is Three Hundred Forty One Thousand Nine Hundred One & 001/00 (\$341,901.00); and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Clerk to return any and all bid bonds received in connection with the above; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to TBL Construction, East Coast Mechanical, Carter-Melence, Inc., Commander Electric, Kenneth Testa, P.E., Martin Sendlewski, P.E. and the Office of Accounting.

Councilman Densieski offered to amend the resolution, which was seconded by Supervisor Kozakiewicz. The VOTE: Sanders, no, Blass, No, Densieski, yes, Lull, no, Kozakiewicz, yes. Resolution was NOT ADOPTED AS AMENDED.

_____ offered the resolution, seconded by
The VOTE: Sanders, yes, Blass, yes, Densieski, no, Lull, yes, Kozakiewicz, no.
The resolution was thereupon declared to be duly ADOPTED.

Adopted

November 5, 2003

TOWN OF RIVERHEAD

RESOLUTION # 1184

AUTHORIZES THE TOWN CLERK TO POST AND PUBLISH A NOTICE TO BIDDERS FOR PURCHASE OF PREFABRICATED REST ROOM BUILDING

Adopted: November 5, 2003

COUNCILMAN LULL offered the following resolution which was seconded by COUNCILMAN DENSIESKI

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the November 6, 2003 issue of the official Town newspaper for the Purchase of a Prefabricated Rest Room Building.

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

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	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS WAS NOT

THEREUPON FULLY ADOPTED

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Sealed proposals for the purchase of a Prefabricated Concrete Rest Room Building 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 November 24, 2003 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and obtained on or about November 7, 2003 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked "Prefabricated Concrete Restroom Building".

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

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

Dated: November 5, 2003

11/5/03

Adopted

TOWN OF RIVERHEAD

Resolution # 1185

ADOPTS A LOCAL LAW TO REPEAL AND REPLACE CHAPTER 109 ENTITLED, "MORATORIUM ON RESIDENTIAL DEVELOPMENT" OF THE RIVERHEAD TOWN CODE

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to repeal and replace Chapter 109 entitled, "Moratorium on Residential Development" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 7th day of October, 2003 at 7:15 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 to repeal and replace Chapter 109 entitled, "Moratorium on Residential Development" of the Riverhead Town Code 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 Traveler Watchman, the official newspaper for the Town of Riverhead 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 the Riverhead Building Department; the Riverhead Planning Board; the Riverhead Planning Department and the Office of the Town Attorney.

COUNCILWOMAN BLASS offered an amendment to the resolution which was seconded by Councilwoman Sanders.

11 members in favor of adopting the amendment.

Councilman Lull offered the adoption of the resolution with amendments, seconded by Councilwoman Sanders.

11 members in favor of adoption of the resolution with amendments.

THE VOTE

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	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Kozakiewicz	<input type="checkbox"/> Yes	<input type="checkbox"/> No

THE RESOLUTION WAS WAS NOT
THEREUPON BEING ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to repeal and replace Chapter 109 entitled, "Moratorium on Residential Development" of the Riverhead Town Code at its regular meeting held on November 5, 2003 as follows:

**Chapter 109
Moratorium on Residential Development**

109-001. LEGISLATIVE INTENT.

In order to better protect the health, safety and welfare of its residents, the Town of Riverhead has recently adopted an update to its Comprehensive Plan so as to ensure the protection of its natural resources, including farmland, wetlands, coastal areas, water-front lands, and woodlands.

With the intent on establishing a comprehensive means of preserving farmland in Riverhead, Land Ethics, Inc., Inc., a subcontractor to the Town's Comprehensive Plan consultant, Abeles, Phillips, Preiss & Shapiro ("A, P, P & S"), has developed a draft chapter for the Comprehensive Plan entitled "Preservation Strategy for Agriculture in the Town of Riverhead".

With regard to Riverhead's unique opportunities as an agricultural community, in its draft chapter "Preservation Strategy for Agriculture in the Town of Riverhead" Land Ethics, Inc. stated as follows:

"Because of the large amount of farmland remaining in Riverhead, it's excellent climate and soils, as well as it's geographic location at the intersection of the North and South Forks, Riverhead is uniquely situated to benefit from agricultural preservation. Relative to other communities on eastern Long Island, Riverhead still has a large amount of contiguous agricultural space. Riverhead therefore has the potential to become the agricultural nexus or "heartland" of eastern Long Island ... Because of its unique geographic location, Riverhead stands to benefit economically if new growth is well managed. To reap these benefits, Riverhead must carefully balance three areas of actions: the revitalization of downtown; the accommodation of new growth, and the maintenance of rural character in its outlying regions."

With regard to the current state of agriculture and agricultural lands within the Town of Riverhead Land Ethics, Inc. further stated:

Over the nearly fifty-year period between 1950 and 1992, farmland in Suffolk County decreased 71 percent, from 123,346 acres to 35,353 acres. According to

the Suffolk County Planning Department, farmland continues to decline at a rate of roughly 1,300 (1,289) acres per year. ... In 1968, Riverhead has 30 percent of the county's farmland (19,550) acres; nearly 30 years later in 1996, despite a 9 percent drop in the Town agricultural acreage, Riverhead had 38% of the county's farmland – 17,662 acres. These figures indicate that Riverhead has a critical role to play in the protection of prime agricultural lands in eastern Long Island.

In an effort to enable to Town to better preserve its agricultural heritage and open spaces, Land Ethics, Inc., in its draft "Preservation Strategy of Agriculture in the Town of Riverhead" has proposed significant changes to zoning which will impact residential development and to residential land development review procedures with the Town.

Due in part to the ongoing Comprehensive Planning effort that the Town of Riverhead has been engaged in for several years, the Town has experienced a significant increase of subdivision, site plan and special permit project applications in anticipation of pending changes. Currently there are numerous such pending applications within the proposed Agriculture Overlay District and the proposed Development Rights Receiving Districts. The influx of these development applications going forward under outdated policies and procedures will impair the effectiveness of the aforementioned proposed changes, further exacerbating the loss of natural resources sought to be preserved through the implementation of forthcoming update to the Comprehensive Plan. It is expected that the new zoning amendment will be ready to be adopted and implemented by the Town in approximately three months from the effective date of this local law.

Pending the implementation of the Comprehensive Plan, a moratorium on the subdivision of land and/or the approval of site plans or special permits on lands within the proposed Agricultural Overlay District and Development Rights Receiving Areas, will give the Town of Riverhead the breathing room it needs to adopt the zoning and planning changes necessary to protect the public health, safety, and welfare.

The previous moratorium adopted by the Town Board on December 12, 2001, which expired by its own terms on June 12, 2002, did not permit the Town sufficient time to adopt and implement the agricultural preservation strategy which is now in the final stages of completion. That moratorium was extended for a one year period and a subsequent 3 months period which will expire on October 1, 2003. The Town has now in the final stages of adopting and implementing the Comprehensive Plan. The Town Board has conducted the necessary public hearing and expects to adopt the Comprehensive Plan and its attendant Generic Environmental Impact Statement in October. It is anticipated that the public hearing process will conclude with the adoption of new zoning in accordance with the adopted Comprehensive Plan in November 2003. This continuation of moratorium will protect the status quo while the Town Board completes these tasks.

The moratorium is not a building moratorium. Those applicants for development who have

obtained valid building permits are excluded from the moratorium. Likewise, those applicants for development who have received final conditional approval for residential land subdivision, residential site plans or residential special permits are exempted. This local law recognizes the need to balance preservation with business concerns. Those applicants for development who have invested considerable time and money and received their final conditional approvals, building permits, site plan approvals or special permits are exempt from the moratorium.

The law also provides both exclusions and exemptions for owners of property, so that it does not impose an undue burden upon them. As such, undue hardships will not be imposed where community gains can be accomplished.

A well-planned community will serve all of the inhabitants of Riverhead. Surveys reveal that Towns with tighter zoning controls generally have lower taxes. High-density residential development often leads to the need for more expensive infrastructure, including more schools, police, roads, and sewers among other amenities. Low-density residential development generally leads to higher land values because the most beautiful portions of the community can be preserved via clustering and setbacks, a strong agricultural heritage and rural character can remain intact, and bays and ecosystems can be protected.

In addition, the advent of the two- percent transfer tax represents an opportunity of unprecedented proportion to save the best of Riverhead Town for future generations. Wide expenditure of these monies will serve to preserve the quality of life in the Town and enhance property values well into the future.

In an effort to aid the Town in purchasing development rights, in April of, 2002; the Town Board authorized the issuance of serial bonds in the sum of 30 million dollars to allow the Town to increase its purchase power.

In short, sound planning will lead to a higher quality of life for all of Riverhead's citizens. By briefly pausing in order to enact the recommendations of the Comprehensive Plan for the Town of Riverhead, the Town is making an important investment for the future and upholding its commitments and obligations to its citizens.

109-002. Statutory Authority/Supersession.

This Chapter is adopted pursuant to Municipal Home Rule Law and the State Environmental Quality Review Act and its implementing regulations. It expressly supersedes any provisions of the Town Code of the Town of Riverhead, and § 267, 267-a, 267-b, 267-c, 274-a, 274-b and 276 of the Town Law of the State of New York. Furthermore, this Local Law shall supercede the New York State Environmental Conservation Law sections 3-0301(1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 617 also known as the State Environmental Quality Review Act (SEQRA) as it pertains to applications that are neither excluded nor exempt from this Local Law.

In particular, this Local law shall supersede and suspend those provisions of the Town code and New York State Law which require the Planning Board to accept, process and approve residential land subdivision applications within certain statutory time periods. In addition, this Local Law shall supersede and suspend those provisions of the Town Code of the Town of Riverhead as well as the Town Law of the State of New York which require the Town Board to accept, process and approve site plan and special permit applications. Furthermore, this Local Law shall supersede and suspend those provisions of the Town Code and the New York State Town Law which grant the Zoning Board of Appeals authority to hear appeals from applicable zoning provisions and specifically the time frames for decision making and holding hearings for decision making.

109-003 Applicability.

The provisions of this Chapter shall apply to all residential land subdivision, residential site plan and residential special use permit applications for lands within the Town of Riverhead.

109-004. Processing of Residential Subdivision Applications, Residential Site Plans Applications and Residential Special Permit Application Prohibited.

Neither the Planning Board nor the Town Board shall process any residential land subdivision, residential site plans or residential special permits except as set forth herein.

109-005. Time Period.

This Chapter shall apply for a period of three months from the effective date hereof. This Chapter shall expire after said three (3) month period.

109-006 Applications excluded.

The following applications are excluded from this Chapter:

- (1) All minor subdivisions as defined in Chapter 108 of the Town Code of the Town of Riverhead, whether minor by definition, or major treated as minor pursuant, to 108-95 B.
- (2) All major subdivisions of land lying within the development rights sending area as adopted by the Town Board and identified pursuant to the Code of the Town of Riverhead Section 95A-12 which meet the following two criteria:
 - a) residential lot yields in conformance with the subdivision regulations of Chapter 108 of the Town Code of the Town of Riverhead and depicting minimum lot areas of 80,000 square feet, and

- b) Plat plans clustered pursuant to Chapter 108 of the Town Code of the Town of

Riverhead, which depict 70% of the area of the tract to be preserved by an easement restricting the use of the area to agricultural uses as defined in section 44-2 of the Town Code of the Town of Riverhead, in perpetuity.

(3) Major land subdivisions upon real property lying within development rights receiving areas as adopted by the Town Board and identified pursuant to the Town Code of the Town of Riverhead section 95A-12, which subdivisions meet one of the following criteria:

a) residential lots yields with a minimum lot area of 80,000 square feet; or

b) Subdivisions that utilize transferred development rights (TDR) as certified by the Planning Board pursuant to Chapter 95A of the Town Code of the Town of Riverhead, and propose density increases at the rate of one additional lot per TDR with all resulting lots having a minimum lot area of 40,000 square feet. All such excluded land divisions shall depict residential lot yields in conformance with the subdivision regulations of Chapter 108 of the Code of the Town of Riverhead depicting the minimum lot areas of 80,000 square feet.

(4) Residential subdivision applications that have final conditional approval from the Planning Board prior to the effective date of this Chapter.

(5) Any application for residential development which has been determined, by resolution of the Town Board of the Town of Riverhead, to be excluded from the previous moratorium pursuant to section 109-006 of Local Law No. 16 of 2001.

(6) Site Plan applications for residential development which have received a special permit from the Town Board of the Town of Riverhead prior to the enactment of this local law.

(7) Residential special permit and/or site plan applications for two-family dwellings as set forth in section 108-21(b)(3) of the Town Code of the Town of Riverhead.

(8) Residential special permit and/or site plan applications for agricultural worker housing as set forth in 108-21(c)(4) of the Town Code of the Town of Riverhead.

(9) Residential special permit and/or site plan applications for residential development pursuant to sections 108-34(b)(2), 108-39(b)(3), 108-42(b)(3) of the Town Code of the Town of Riverhead.

(10) Applications for approval of a condominium map within the Multi -Family Residential /Professional Office Zone as set forth in section 108-169(a)(1) of the Town Code of the Town of Riverhead.

(11) Residential subdivision applications modifying a map or its conditions of approval, including legal instruments, in connection with a previously filed map or final conditional approval adopted prior to the effective date of this Chapter. However, there shall be no modification to a map or

conditions of approval that would create additional residential building lots on the subject parcel.

(12) Property designated pursuant to Articles 15 and 15-A of the General Municipal Law of the State of New York as an Urban Renewal Area.

(13) There shall be no further subdivision of any property having received any subdivision approval during the moratorium period.

109-007 Exemption Criteria and Procedure for Obtaining an Exemption

1. Applications may be exempted from the provisions of this Chapter, following a public hearing on notice before the Town Board. Upon such application, the Town Board shall consider:

- a) The proximity of the applicant's premises to natural resources, including prime agricultural soils, pine barrens, wetlands, coastal areas, endangered plant and animal species, wildlife and other similar environmental concerns;
- b) The impact of the proposed subdivision of the applicant's premises and the surrounding area;
- c) The environmental significance, if any, of the applicant's parcel and the proposed development's impact upon the environment, including existing transportation resources;
- d) Compatibility of the proposed development with the aesthetic resources of the community and with the existing community character;
- e) Compatibility of the proposed development with the recommendations of Comprehensive Planning studies.

(2) In making a determination concerning a proposed exemption, the Town Board may obtain and consider written reports from the Planning Department, and such other sources as required in the discretion of the Town Board, and consistent with the purposes of this Chapter. A grant of an exemption to an applicant's application hereunder shall include a determination of unreasonable hardship upon the property owner which is unique to the property owner and a finding that the grant of an exemption will be in harmony with, and will be consistent with the recommendations of the Comprehensive Plan Update.

(3) An application under Subsection (1) shall be accompanied by a fee of \$250.00, together with the applicant's written undertaking, in a form to be approved by the Town Attorney and, in substance, approved by the Town Board, to pay either in advance or by reimbursement, at the Town Board's on-going election, any out-of-pocket costs incurred relating to the hearing, review,

and determination of such application.

SECTION 2.

109-008 Severability.

If any section or subsection, paragraph, clause, phrase or portion of this local law shall be judged invalid or held unconstitutional by a court of competent jurisdiction, any judgment made thereby shall not effect the validity of this law as a whole or any part thereof other than the part of provision so adjudged to be invalid or unconstitutional.

SECTION 3.

109-009 Effective Date.

This Local Law shall take effect immediately.

Dated: Riverhead, New York
November 5, 2003

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

BARBARA GRATTAN, Town Clerk

11/5/03

TOWN OF RIVERHEAD

Adopted

Resolution # 1186

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 98 ENTITLED, "LITTERING" OF THE RIVERHEAD TOWN CODE (DUMPSTERS)

COUNCILMAN LULL offered the following resolution, was seconded by
COUNCILMAN DENSIESKI

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 98 entitled, "Littering" of the Riverhead Town Code once in the November 13, 2003 issue of the Traveler-Watchman, 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 and the Riverhead Building Department.

THE VOTE
Sanders ✓ Yes ___ No Blass ✓ Yes ___ No
Densieski ✓ Yes ___ No Lull ✓ Yes ___ No
Kozakiewicz ✓ Yes ___ No
THE RESOLUTION WAS ~~NOT~~ WAS NOT
THEREUPON BEING ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 18th day of November, 2003 at 7:10 o'clock p.m. to consider a local law to amend Chapter 98 entitled, "Littering" of the Riverhead Town Code as follows:

**Chapter 98
Littering**

§ 98-8. Dumpsters.

All dumpsters shall be fully enclosed by an appropriate screening enclosure of no less than five feet and no more than six feet in height. Said dumpster shall be equipped with a lid and shall be of durable construction. Said lid shall be closed and locked when not physically in use. In addition, the fence enclosure shall meet all of the fence specifications as set forth by the Riverhead Town Architectural Review Board. All enclosures will remain in working condition and must function properly at all times. All dumpsters in use before the effective date of this chapter shall be in compliance with said specifications set forth within six months of the effective date of this chapter. Site plan review may be waived if the enclosure meets all requirements set forth by the Architectural Review Board. All application forms shall be received by the Building Department of the Town of Riverhead.

Dated: Riverhead, New York
November 5, 2003

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

* Underline represents addition(s)



THE FOLLOWING ITEMS ARE REQUIRED FOR A DUMPSTER AND/OR ENCLOSURE PERMIT

A fee of \$45.00 per Dumpster and/or Enclosure made payable to Town of Riverhead.

**** All new business or changes to tenancy require a Use Permit.**

1. Three (3) copies of a drawing of the Dumpster and/or Enclosure. The drawing **MUST** be professionally executed, drawn to a uniform scale, and contain at least the following information;
 - a. Color chips provided;
 - b. Materials of the dumpster enclosure and related attachments;
 - c. Overall size (width and height);
2. building relating to dumpster and/or enclosure:
 - a. Specific location of the proposed dumpster and/or enclosure from the building.
 - b. A color photograph of the entire building.
3. dumpster and/or enclosure:
 - a. Three (3) surveys indicating the proposed location of the dumpster and/or enclosure; **(dumpster and/or enclosure must be located 10 feet from any building and 10 feet from adjoining property lines);**
 - b. Photos of all existing dumpster and/or enclosures that are presently on the property;

INSTRUCTIONS

- (1) The attached form must be completed in typed or printed in ink and submitted to the Building Department Town of Riverhead.
- (2) Two (2) copies of a layout or plot plan showing the actual dimensions of the lot or parcel of land upon which the Dumpster and/or Enclosure is to be erected, the exact size and location on the lot or parcel, of the Dumpster and/or Enclosure being erected shall be submitted with this application.
- (3) The layout or plot plan need not be to scale and shall be clearly drawn on a piece of paper not less than 8 ½ X 11" and may be drawn in pencil.
- (4) On the layout or plot plan, the following must be shown;
 - a. The dimensions of the plot or parcel.
 - b. The name of adjacent street(s) and/or the names of adjacent owners.
 - c. An arrow indicating North.
 - d. The location of the Dumpster and/or Enclosure with relation to the front and side yards of the plot or parcel.
 - e. The dimension of the Dumpster and/or Enclosure and a rough sketch of the Dumpster and/or Enclosure of same.
- (5) All necessary data to compare the application, together with the layout or plot plan, with the requirements for the Zoning Ordinance must be furnished.
- (6) Upon approval of this application, the Building Inspector will issue a Zoning Permit to the applicant. It shall be required that the number of the permit be shown on the Dumpster and/or Enclosure for identification purposes, in numerals at *least* two (2) inches in height, prominently and permanently on or affixed to the face of the Dumpster Enclosure there on.

**APPLICATION
FOR DUMPSTER AND/OR
ENCLOSURE PERMIT
TOWN of RIVERHEAD
Suffolk County, New York**

Fee	Receipt No. 2313
Application No	
ZB No.	Date Permit Issued
Date Approved or Denied	
..... <u>Building Inspector</u>	
Board of Appeals No.	
Date Granted	
Date Denied	

Dated:.....
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 Dumpster and/or enclosure, as hereinafter described and as shown on the accompanying layout or plot plan:

- The Dumpster and/or Enclosure to be located at..... in the Town of Riverhead,
..... Use District, is to be Erected
- The Dumpster and/or Enclosure will have an area of Sq. feet, and will be feet in height.
- Description of Dumpster Enclosure materials to be used: _____
- Has permission been obtained from property owner, if other than the applicant, upon which the Dumpster and/or Enclosure 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: _____

Applicant Name: _____

Business Name: _____

Address: _____ Phone Number: _____

(Signature of owner or applicant)

Sworn to before me this _____ day of _____, 200_____

Notary Public

APPLICATION
FOR DUMPSTER AND/OR
ENCLOSURE PERMIT
TOWN of RIVERHEAD
Suffolk County, New York

2314

_____ has submitted papers for a Dumpster and/or Enclosure permit,
dated _____.

No dumpster and/or enclosure can be erected until the architectural review board and the building department approvals are obtained and a dumpster and/or enclosure permit is issued. It is advisable not to order your dumpster and/or enclosure until all approvals are obtained.

Name

Date

§ 98-8. Dumpsters.

All dumpsters shall be fully enclosed by an appropriate screening enclosure of no less than (5) feet and no more than (6) feet in height. Said Dumpster shall be equipped with a lid and shall be of durable construction. Said lid shall be closed and locked when not physically in use. In addition, the fence enclosure shall meet all of the fence specifications as set forth by the Riverhead Town Architectural Review Board. All enclosures will remain in working condition and must function properly at all times. All dumpsters in use before the effective date of this chapter shall be in compliance with said specifications set forth within six (6) months of the effective date of this chapter. Site Plan review may be waived if enclosure meets all requirements set forth by the Architectural Review Board.



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

DISCLOSURE AFFIDAVIT

STATE OF NEW YORK

SS:

COUNTY OF SUFFOLK

I, _____ an applicant for
the following relief: _____ 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 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.

(Signature of Applicant)

Sworn to before me this _____ day

of _____,

Notary Public

Adopted

November 5, 2003

TOWN OF RIVERHEAD

Resolution # 1187

RATIFIES LEAVE OF ABSENCE FOR A POLICE OFFICER

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

WHEREAS, Police Officer Timothy McAllister is a member of the Department of the Air Force, 102 Rescue Squadron; and

WHEREAS, Police Officer McAllister has military orders, issued by the Department of the Air Force, assigning him to active service effective June 24, 2003 through April 13, 2006; and,

WHEREAS, Police Officer McAllister has submitted his orders to the Chief of Police of the Town of Riverhead and the Riverhead Town Board.

NOW, THEREFORE, BE IT RESOLVED that P.O. Timothy McAllister's Leave of Absence without pay is being extended to include October 19, 2003 through January 18, 2004.

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to P.O. Timothy McAllister, the Chief of Police and the Office of Accounting.

THE VOTE
Sanders [checked] Yes ___ No ___ Blass [checked] Yes ___ No ___
Densieski [checked] Yes ___ No ___ Lull [checked] Yes ___ No ___
Kozakiewicz [checked] Yes ___ No ___
THE RESOLUTION WAS [checked] WAS NOT ___
THEREUPON PUBLICLY ADOPTED

11/5/03

Tabled

Town of Riverhead

Resolution # 1188

AUTHORIZES THE SUPERVISOR TO EXECUTE A SALES AGREEMENT WITH QUEUES ENFORTH DEVELOPMENT, INCORPORATED FOR AN AUTOMATED PUBLIC SAFETY SOFTWARE SYSTEM

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILMAN LULL :

WHEREAS, the Town of Riverhead wishes to engage the services of a company which will furnish, deliver and install applications software and certain systems software and hardware components to be utilized by the Riverhead Police Department in connection with an automated public safety software system; and

WHEREAS, Queues Enforth Development, Incorporated has been selected to perform these services.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Supervisor is hereby authorized to execute a Sales Agreement with Queues Enforth Development, Incorporated (copy attached herewith); and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Police Chief David Hegermiller; the Office of the Town Attorney and the Office of Accounting.

Councilwoman Sanders moved to table resolution, which was seconded by Councilwoman Blass.

Sanders- yes to table
Blass- yes to table
Densieski- no to table
Lull- no to table
Kozakiewicz- yes to table

THE VOTE
Sanders Yes ___ No ___ Blass ___ Yes ___ No ___
Densieski ___ Yes ___ No ___ Lull ___ Yes ___ No ___
Kozakiewicz ___ Yes ___ No ___
THE RESOLUTION WAS ___ WAS NOT ___
THEREUPON BEING ADOPTED

The resolution was declared duly **TABLED**

SALES AGREEMENT BETWEEN
QUEUES ENFORTH DEVELOPMENT, INCORPORATED
AND
TOWN OF RIVERHEAD, NEW YORK
FOR AN
AUTOMATED PUBLIC SAFETY SOFTWARE SYSTEM

Agreement entered into this day of , 2003, by and between QUEUES ENFORTH DEVELOPMENT, INCORPORATED., ("Q.E.D."), a Massachusetts corporation with its principal place of business at 14 Summer Street, Malden, Massachusetts 02148, and THE TOWN OF RIVERHEAD, NEW YORK ("the Client").

The Client wishes to have Q.E.D. furnish, deliver and install applications software and certain systems software and hardware components (the "System"), meeting the specifications set forth on Exhibit A attached hereto (the "Specifications") for use by the Client. Q.E.D. has agreed to furnish, deliver and install the System, all on the terms and conditions hereinafter provided.

ACCORDINGLY, the Client and Q.E.D., in consideration of the mutual covenants contained herein, hereby agree as follows:

1. THE SYSTEM

Q.E.D. shall furnish, in the aggregate as a single computer transaction, and not as separate items, the following goods and services:

- a) Hardware as described in Exhibit B attached hereto (the "Hardware");
- b) Non-exclusive licenses and sub-licenses to use the software identified in Exhibit C attached hereto (the "Licensed Software") on the terms and subject to the conditions set forth in Section 2 hereof (the "Licenses");
- c) Training, as described on Exhibit D attached hereto, in the use of the Licensed Software for Client personnel which training shall take place at Q.E.D.'s corporate headquarters and/or on-site at Client's place of business referred to following its signature (the "Site") and which shall be for the personnel identified on said Exhibit D;
- d) Documentation consisting of descriptions and manuals in the type and quantity set forth on Exhibit D attached hereto;
- e) Data Conversion consisting of the services described in Exhibit D, attached hereto; and

2. LICENSES

Q.E.D. hereby grants to the Client, and the Client hereby accepts, subject to the terms and conditions set forth in this Agreement, a non-transferable, non-exclusive license to use the Licensed Software solely as part of the System, which license shall be perpetual, except as otherwise provided in Sections 8 and 16 hereof. The Client acknowledges that it has no rights in the Licensed Software, except as specifically provided in this Agreement.

3. DELIVERY AND INSTALLATION

Q.E.D. shall deliver to the Site, at its own expense and risk, all System equipment and components. The method of shipment must be consistent with the nature of the equipment and the hazards of transportation. Q.E.D. shall furnish all labor required for installation, which includes unpacking and placing each piece of equipment in the desired location.

4. DELIVERY DATES

It is the intent of both parties that all work to be performed under this Agreement will be completed in accordance with the schedule set forth in the Specifications. Q.E.D. recognizes and hereby acknowledges that the performance periods required by Section 7 of this Agreement may require additional time subsequent to delivery and installation, and agrees to perform at a schedule which will allow an adequate length of time for such performance periods.

5. PRICE

The price for the System shall be \$ 120,000. Said price shall be payable by the Client to Q.E.D. as provided in Section 6 hereof.

6. PAYMENT

In full and complete consideration of all obligations to be performed by Q.E.D. pursuant to this Agreement, the Client agrees to pay Q.E.D. in accordance with the schedule set forth on Exhibit E.

7. ACCEPTANCE

The System will not be accepted by the Client until it performs to the reasonable satisfaction of the Client in accordance with this contract. Q.E.D. shall certify in writing to the Client when the System is completed, installed, and fully operational.

8. TERMINATION BY CLIENT

- a) This Agreement may be terminated by the Client if, through any cause, Q.E.D. fails to fulfill any of its material obligations under this Agreement, or if Q.E.D. otherwise materially violates any of its material covenants, agreements or stipulations contained in this Agreement. In the event of such a failure or violation, the Client shall give Q.E.D. written notice of its intent to terminate this Agreement and shall state the reasons therefor. Q.E.D. shall have thirty (30) days from receipt of such notice to correct such failure or violation, in which event this Agreement shall remain in full force and effect. Failure of the Client to exercise immediately its right to terminate this Agreement in accordance with the provisions of this Section 7(a) shall not constitute a waiver of any of its rights hereunder.
- b) In the event of such termination, Q.E.D. shall, within thirty (30) days after the effective date of termination, refund all payments theretofore made by the Client to Q.E.D. under this Agreement and remove all equipment from the Site, provided that the equipment shall not be removed until receipt by the Client of such refund. Upon such refund, title to all equipment shall revert to Q.E.D.

9. TITLE

At the time of the Client's payment to Q.E.D. for invoices submitted pursuant to this Agreement, title to all equipment and components, but not Licensed Software, listed on such invoices shall pass to the Client. Software licenses with respect to Licensed Software shall be effective as of the time of payment by the Client therefor.

10. RISK OF LOSS; INSURANCE

Notwithstanding the provisions of Section 9, all risk of loss of, or damage to, the equipment and components of the System shall be borne by Q.E.D. until such time as Q.E.D. shall deliver such equipment and components to the Client. Q.E.D. shall obtain and maintain insurance against any such loss or damage and shall provide to the Client certificates of insurance or other appropriate documentation of such coverage, upon written request.

11. MAINTENANCE

- a) Q.E.D. shall maintain all Q.E.D. Proprietary Applications Software up until 6 months from the date on which the Client accepts the Base Software Package (see Exhibit E), at no additional cost to the Client.
- b) Q.E.D. hereby grants the Client the option to enter into a one (1) year contract for Q.E.D.'s maintenance services for all Licensed Software, and hardware components provided by Q.E.D. at an annual cost of \$11,395. Maintenance will begin 6 months after acceptance of the base installation.

12. SOURCE CODE

Q.E.D. agrees, on request by the Client, to place a copy of the source code for all Q.E.D. Proprietary Applications Software identified on Exhibit C, Licensed Software, in escrow under a mutually acceptable escrow arrangement, which may be a bank safe deposit box to which Q.E.D. and the Client shall have joint access. Such an escrow arrangement would provide that the source code will be released to the Client for its use within ten (10) days of the occurrence of any one or more of the following events:

- a) Q.E.D. ceases doing business;
- b) Q.E.D. ceases to maintain the Licensed Software;
- c) Q.E.D. declares bankruptcy, seeks protection under the bankruptcy act, or is forced into bankruptcy by its creditors.

The Client agrees to abide by all of the terms of the Licenses with respect to the source code released to it pursuant to this Section 12. All costs and expenses incurred in connection with establishing such an escrow arrangement shall be borne by the Client. I

Standard industry practice dictates that source code for licensed software is the property of the vendor as defined in section 2 of this agreement.

13. WARRANTIES OF Q.E.D.

- a) Q.E.D. warrants that the System, when operated in accordance with the Licensed Software, will meet the Specifications.
- b) Q.E.D. warrants that all System Hardware shall meet the manufacturers' recommendations for compatibility, and that normal use of the Hardware will not violate any of the manufacturers' warranties.
- c) Q.E.D. warrants that the System will include such items, products and services as may be reasonably necessary to provide the Client with the services, processing capabilities and other results set forth in the Specifications.
- d) Q.E.D. warrants that the Q.E.D. Proprietary Software supplied as Licensed Software shall be free from defects in materials or workmanship and errors and further agrees to furnish, promptly and without additional charge, all labor and parts necessary to remedy any such defect or error called to its attention in writing not later than one year after acceptance of the System by the Client.
- e) Q.E.D. agrees that it will use reasonable efforts to obtain and pass through to the Client any and all warranties available from any manufacturer or supplier of any of the Hardware.
- f) Q.E.D. warrants that it is, and at all relevant times will be, authorized by the manufacturers of all Licensed Software, other than the Q.E.D. Proprietary Software, to grant licenses or sublicenses to such Licensed Software.
- g) Q.E.D. warrants that the Q.E.D. Proprietary Software does not infringe any patent, copyright, trade secret or other property rights held by any other person or entity.
- h) Q.E.D.'S OBLIGATIONS FOR BREACH OF WARRANTY SHALL BE LIMITED TO CORRECTION OR REPLACEMENT OF THAT PORTION OF THE SYSTEM WHICH FAILS TO CONFORM TO SUCH WARRANTY. IN NO EVENT SHALL Q.E.D. BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES INCLUDING ANY DAMAGES RESULTING FROM LOSS OF USE, OR LOSS OF DATA ARISING OUT OF OR IN CONNECTION WITH THE USE OF THE SYSTEM. Q.E.D. SHALL HAVE NO RESPONSIBILITY TO CORRECT ANY DATABASE ERRORS OR ANY ERRORS OR DAMAGES CAUSED BY OR ARISING OUT OF HARDWARE DEFECTS OR INPUT ERRORS OR USE OF THE SYSTEM IN WAYS FOR WHICH IT WAS NOT DESIGNED. IN NO EVENT SHALL Q.E.D. BE LIABLE FOR ANY BREACH OF WARRANTY UNLESS WRITTEN NOTICE THEREOF IS GIVEN TO Q.E.D. WITHIN ONE YEAR AFTER ACCEPTANCE OF THE SYSTEM BY THE CLIENT. Q.E.D.'S WARRANTY OBLIGATIONS SHALL BE VOID IF: (i) THE CLIENT MODIFIES THE SYSTEM WITHOUT THE PRIOR WRITTEN CONSENT OF Q.E.D.; OR (ii) THE NONCONFORMANCE OF THE SYSTEM IS DUE TO THE MISUSE OR NEGLIGENCE OF ANY PERSON OTHER THAN Q.E.D.
- i) Q.E.D. shall defend any claim or proceeding brought against the Client to the extent that it is based on an assertion that the Client's use of the System under this Agreement constitutes an infringement of any United States patent, copyright, trade secret, trademark, or other property interest rights, and shall indemnify the Client against all costs, damages and expenses finally awarded against the Client which are attributable to such claim, provided that the Client notifies Q.E.D. promptly in writing of any such claim or proceeding and gives Q.E.D. full and complete authority, information and assistance to defend such claim or proceeding and further provided that Q.E.D. shall have sole control of the defense of any claim or proceeding and all negotiations for its compromise or settlement. In the event that the System is finally held to be infringing and

its use by the client is enjoined, Q.E.D. shall, at its election: (i) procure for the Client the right to continue to use the System; (ii) modify or replace the System so that it becomes non-infringing; or (iii) return to the Client the fee paid under this Agreement, less an allowance for use of the System by the Client, prorating the useful life of the System over a five (5) year period. Q.E.D. shall have no liability hereunder if the Client modified the System in any manner without the prior written consent of Q.E.D. and such modification is determined by a court of competent jurisdiction to be a contributing cause of the infringement or if the Client uses the System in a manner contrary to the provisions of this Agreement or in conjunction with unauthorized equipment. The foregoing states Q.E.D.'s entire liability, and the Client's exclusive remedy, with respect to any claims of infringement of any copyright, patent, trade secret, trademark, or other property interest rights by the System, any part thereof or the use thereof.

- j) THE WARRANTIES CONTAINED IN THIS SECTION 13 ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING, WITHOUT LIMITATION, WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. Q.E.D.'S EXPRESS WARRANTIES SHALL NOT BE ENLARGED, DIMINISHED OR AFFECTED BY, AND NO OBLIGATION OR LIABILITY SHALL ARISE OUT OF, Q.E.D.'S RENDERING OF TECHNICAL OR OTHER ADVICE OR SERVICE IN CONNECTION WITH THE SYSTEM.

14. CONFIDENTIALITY

Both parties recognize that their respective employees and agents, in the course of performance of this Agreement, may be exposed to confidential information and that disclosure of such information could violate rights of private individuals and entities. Each party agrees that it will not disclose any confidential information of the other party and further agrees to take appropriate action to prevent such disclosure by its employees and agents. This provision shall be subject to the provisions of General Laws Chapter 4 Section 7 and Chapter 66 Section 10 to the extent that the same apply.

15. NON-ASSIGNMENT

Q.E.D. shall not assign or in any way transfer any interest in this Agreement without the prior written consent of the Client; provided, however, that claims for any money due or to become due to Q.E.D. from the Client may be assigned to a bank, trust company, or other financial institution without such consent as long as notice of such an assignment is furnished promptly to the Client. Any such assignment shall be expressly made subject to all defenses, rights of set-off or counterclaims which would have been available to the Client against Q.E.D. in the absence of such assignment.

16. CANCELLATION AND MODIFICATION

Except as otherwise provided in Section 8, this Agreement may not be canceled or modified except by the written mutual consent of both parties or as otherwise provided in this Agreement.

17. SEVERABILITY

If any term or provision of this Agreement or any Exhibit attached hereto, or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder or this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

18. ENTIRE AGREEMENT

This Agreement represents the entire and integrated agreement of the Client and Q.E.D. with respect to the System and supersedes any prior agreements, understandings and representations, whether written or oral.

19. NOTICES

All notices required or permitted to be given hereunder shall be in writing and shall be delivered in hand or sent by first class mail, postage prepaid, to the parties at the following addresses or other such addresses or addresses as to which a party shall have notified the other party in accordance with this Section 19.

If to Q.E.D.:

John F. Olson
Executive Vice President
Queues Enforth Development, Inc.
14 Summer Street
Malden, New York 02148

If to the Client: At the address set forth below the
Client's signature

IN WITNESS WHEREOF, the parties to this Agreement have hereunto set their hands and seals effective as of the date first set forth above.

Q.E.D.:

QUEUES ENFORTH DEVELOPMENT, INC.

By: _____
Name Date
Title

For the Client:

RIVERHEAD, NEW YORK

By: _____
Name Date
Title

Address of Client

EXHIBIT A
TO
AGREEMENT BETWEEN
QUEUES ENFORTH DEVELOPMENT, INCORPORATED
AND
RIVERHEAD, NEW YORK

SYSTEM SPECIFICATIONS

The System Specifications consist of Quesues Enforth Developments's proposal to Riverhead Police Department.

EXHIBIT B
TO
AGREEMENT BETWEEN
QUEUES ENFORTH DEVELOPMENT, INCORPORATED
AND
RIVERHEAD, NEW YORK

HARDWARE

Server

Configuration:

DELL Poweredge 2600 Xeon 2.8 GHz w/256KB Cache
2 GB Memory – SDRAM
40X CD-ROM
(3) 36 GB 10,000 RPM Hard Drives
Embedded RAID 5 Controller
DAT 24i Backup Tape Drive
10/100 Ethernet Card
Integrated Graphics Card
Two Serial Ports (E911 plus one other device)
Autoloader Tape Back-up 20/40GB
56K Modem
15" Monitor/Keyboard and Mouse
Includes 3-year, On Site, Next Business Day Maintenance
Documentation
Setup
Installation
Delivery

EXHIBIT C
TO
AGREEMENT BETWEEN
QUEUES ENFORTH DEVELOPMENT, INCORPORATED
AND
RIVERHEAD, NEW YORK

LICENSED SOFTWARE

CAD/Partner - Windows-based Computer Aided Dispatch for Police

Unlimited License

Background Query Processor - Returns known information/hazards at address

Automatic links to Past Incidents at address

Unit Recommendations

Browser-based CAD journals and logs

Unit status

Administrative management utilities

E911 Interface

CrimeWeb - Incident Reporting and Management

Validation of reports against NY State standards

Supervisor approval and rejection process

Police journals and logs

Integration to CAD

Administrative management utilities

Facts tab capability

CrimeTracker - Detective Case Management

Case scheduler

Integration to CAD and Incident Reporting

Case journals, notebook and logs

Digital Image attachment interface

Booking and Offender History

Imaging is optional (See options section)

Personnel Management

Roster management with advanced scheduling

POLICE/Partner application software

Evidence management and tracking with Bar Coding

Quarter Master

Found property

(other Q.E.D. applications software systems, if applicable)

Informix Data Base Software:

- IBM/Informix Dynamic Server Relational Database Management System
- IBM/Informix Dynamic Server Relational Database Standard Engine

Third Party Software:

Windows NT 5.0 Server

Allaire JRUN Application Server

KL Group JCHART Report Generation

pcAnywhere Host

Starbase CodeWright

Adobe Acrobat Reader

SUN Web Start – Server

SUN Web Start – Client

Q.E.D. Security management applications

User administration applications

EXHIBIT D
TO
AGREEMENT BETWEEN
QUEUES ENFORTH DEVELOPMENT, INCORPORATED
AND
RIVERHEAD, NEW YORK

TRAINING

On-site Training (5 days)

Training allocation to be defined by the Riverhead Police Department and Q.E.D.'s trainer. A complete Description of proposed training services is defined in the full proposal in the Training Services section.

DATA CONVERSION

No data conversion has been proposed. System integration between the Comnetix R.I.C.I. system and Q.E.D.'s Offender History System will be provided for the transfer of data from the R.I.C.I. system to the Q.E.D. system providing the Riverhead Police Department acquires the appropriate XML interface provided by Comnetix, Inc.

EXHIBIT E
To
AGREEMENT BETWEEN
QUEUES ENFORTH DEVELOPMENT, INCORPORATED
AND
RIVERHEAD, NEW YORK

PAYMENT SCHEDULE

Hardware, Software and Services as proposed in accordance with the following milestones:

1. 25% (\$30,000) Upon delivery of the hardware and software to the Riverhead Police Department (C.O.D.)
2. 50% (\$60,000) Upon acceptance of base installation by the Riverhead Police Department.
3. 25% (\$30,000) Upon project completion.

Payment 1

Upon contract signing, Q.E.D. will order the proposed server, database software and all other third party software and hardware associated with this proposal. All hardware and third party software will be delivered to Q.E.D.'s office in Malden, Massachusetts for installation, configuration and testing including the loading and configuration of the operating system (Windows 2000 Server), IBM Informix database software and the proposed Q.E.D. software.

Work will also begin on any further site preparation by the department and on the construction of a site specific implementation plan, geobase (geographical information such as streets) and any other site specific work. This work will be defined and supplemented through a site 'kickoff' meeting to be held in the Town of Riverhead and attended by Q.E.D. and Riverhead Police personnel involved in the project.

The intent of the kick-off meeting with the project team is to address the following issues:

- Project Overview
- Scope of Services
- Departmental policies and procedures
- Concerns of departmental personnel
- Overview and planning of:
 - System Manager Training
 - End User Training
 - User and Security setup

Upon completion of site preparation work, Q.E.D. will deliver all proposed hardware and software to the Riverhead Police Department. Q.E.D. will then, in conjunction with the Riverhead Police Department, install the system on the department supplied network. Client configurations and software will be supplied to ensure network functionality.

Payment 2

Upon completion of phase 1, the designated system manager(s) will receive basic training in the administration of the system including system overview, base application software, system security, geobase and hardware. In addition, a review of all software will be provided to ensure complete operation of deliverables in accordance with the proposal.

The system manager or designated official will be asked to accept the base installation in writing to ensure all deliverables have been met. Upon acceptance of the base install, the town will be billed for payment 2.

Payment 3

Upon acceptance of the base installation and delivery of the software, the project team will begin implementation. Services will be delivered in the area of training and implementation in conformance with the project plan developed during the kick-off meeting in phase 1 of the project.

Applications will be phased into a live mode as training is provided for each area. As an example, training for the CAD system will be provided and at a mutually agreed upon time the applications will go live. Training will then commence on the next suite of applications as defined by departmental priorities.

Upon completion and delivery of all services associated with the proposal and mutual agreement that the system meets the requirements of the department and this contract between the Riverhead Police Department and Q.E.D., the final bill will be issued for the remainder of the contracted price.

TOWN OF RIVERHEAD

Adopted

Resolution # 1189

ACCEPTS 5% SECURITY BOND OF MILL POND DEVELOPERS, LLC
(CLUBHOUSE)

COUNCILMAN DENSIESKI offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

WHEREAS, Mill Pond Developers, LLC has posted a security bond in the sum of Three Thousand Four Hundred Fourteen dollars (\$3,414) (Selective Insurance Company of America #B197799) representing the 5% site plan security bond as noted in the approved site plan dated March 20, 1990 Resolution #203 and Amended Site Plan approval dated November 2, 1992 Resolution #659 for work located at Elton Avenue, Riverhead, New York, Suffolk County Tax Map # 600-109.00-02-001.00 and 109.00-01-010.00 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% security bond in the sum of Three Thousand Four Hundred Fourteen Dollars (\$3,414) 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 Mill Pond Developers, LLC, PO Box 999, Riverhead, New York 11901, the Building Department; the Planning Department and the Town Attorney's Office.

THE VOTE

Sanders Yes No Blass Yes No

Densieski Yes No Lull Yes No

Kozakiewicz Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

11/05/03

Adopted

TOWN OF RIVERHEAD

Resolution # 1190

APPOINTS INTERPRETATION CONSULTANT FOR POLICE DEPARTMENT AND JUSTICE COURT

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

WHEREAS, The Town of Riverhead in connection with its municipal operations, requires services consisting of the following: Language Translation; and

WHEREAS, Vilma Kereziene, Contractor is willing to provide the following services to the Town:

Description of Services: Language Translation – Polish,
Russian and Lithuanian

Date(s) and Hours of Service: On call, Flexible.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Supervisor is hereby authorized to execute the Agreement in connection with interpreter services of the aforementioned individual; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Vilma Kereziene, 2 Filmore Avenue, Coram, New York 11727, Police Chief David Hegermiller, Justice Richard Ehlers; Justice Allen Smith; the Office of Accounting and the Town Attorney's Office.

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Lull Yes No

Kozakiewicz Yes No

The Resolution Was Was Not

Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Adopted

Resolution # 1191

EXTENDS BID CONTRACT FOR OFFICE SUPPLIES AND FURNITURE

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

WHEREAS, the Purchasing Department has requested the contract with ABL OFFICE PRODUCTS & WEISS STATIONERY awarded under Resolution #1228 awarded December 3, 2002 was extended one time and request this bid be extended until December 3, 2003 and;

WHEREAS, the contract states that the Town can extend the bid a total of 3 years, this being the second year;

WHEREAS, the above named vendors have agreed to extend the contract until December 3, 2004 for same prices, and;

WHEREAS, the Town Board has reviewed said request.

NOW THEREFORE BE IT RESOLVED, that the contract for OFFICE SUPPLIES AND FURNITURE be, and hereby is, extended until DECEMBER 3, 2004; and

BE IT FURTHER RESOLVED, the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to ABL OFFICE SUPPLIES, WEISS STATIONERY and the PURCHASING DEPARTMENT.

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Lull Yes No

Kozakiewicz Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

Adopted

TOWN OF RIVERHEAD

Resolution # 1192

EXTENDS BID CONTRACT FOR MILK

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

WHEREAS, the Purchasing Department has requested the contract with OAK TREE DAIRY awarded December 3, 2002 was extended one time and request this bid be extended for a second time until December 3, 2004 and;

WHEREAS, the contract states that the Town can extend the bid a total of 3 years, this being the second year;

WHEREAS, the above named vendor have agreed to extend the contract until December 3, 2004 for same prices, and;

WHEREAS, the Town Board has reviewed said request.

NOW THEREFORE BE IT RESOLVED that the contract for MILK be, and hereby is, extended for the price of .172 per 1/2 pint both whole milk and 1% until DECEMBER 3, 2004; and

BE IT FURTHER RESOLVED, the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to OAK TREE DAIRY, Senior Center and the Purchasing Department.

THE VOTE

Sanders Yes No Blass Yes No
Densieski Yes No Lull Yes No
Kozakiewicz Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

NOVEMBER 5, 2003

TOWN OF RIVERHEAD

Adopted

APPOINTS LABORER TO THE
YARD WASTE DEPARTMENT

RESOLUTION # 1193

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

WHEREAS, there exists a vacancy of Laborer in the Yard Waste Department, and

WHEREAS, the position of Laborer was duly posted (posting #21) and all willing applicants were interviewed, and

WHEREAS, the Personal Committee has made a recommendation,

NOW THEREFORE, BE IT RESOLVED, that Ronald Darling is hereby appointed to the position of Laborer Group 3 Step P of the Salary Administration Schedule effective November 17, 2003, and

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

THE VOTE

Sanders Yes No Blass Yes No
Densieski Yes No Lull Yes No
Kozakiewicz Yes No

NOVEMBER 5, 2003

TOWN OF RIVERHEAD**Adopted**RIVERHEAD SEWER DISTRICTBUDGET ADJUSTMENTRESOLUTION # 1194

COUNCILMAN DENSIESKI

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>
114.081300.546203	PLANT ELECTRICITY & GAS EXPENSE	\$15,000	
114.081300.541412	ALARM SYSTEM EXPENSE		\$ 5,000
114.081300.547504	SANITATION DISPOSAL EXPENSE		10,000

THE VOTE

Sanders Yes NoBlass Yes NoDensieski Yes NoLull Yes NoKozakiewicz Yes No

Adopted

MBER 5, 2003

TOWN OF RIVERHEAD

SCAVENGER WASTE DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 1195

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>
128.081890.546100	TELEPHONE EXPENSE	\$ 2,000	
128.081890.546203	PLANT ELECTRICITY & GAS EXPENSE	13,000	
128.081890.546400	WATER EXPENSE		\$ 5,000
128.081890.547504	SANITATION DISPOSAL EXPENSE		10,000

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Lull Yes No

Kozakiewicz Yes No

Adopted

NOVEMBER 5, 2003

TOWN OF RIVERHEAD

HULSE'S DEVELOPMENT ROAD IMPROVEMENT PROJECT

BUDGET ADOPTION

RESOLUTION # 1196

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

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

		<u>FROM</u>	<u>TO</u>
406.051100.487451.45075	TRANSER FROM CHIPS	\$100,000	
406.095731.494200.45075	SERIAL BOND PROCEEDS	120,000	
406.051100.541301.45075	ASPHALT EXPENSE		\$220,000

THE VOTE

Sanders Yes No Blass Yes No
 Densieski Yes No Lull Yes No
 Kozakiewicz Yes No

11/5/03

Adopted

TOWN OF RIVERHEAD

Resolution # 1197

APPOINTS A P/T RECREATION LEADER (BASKETBALL) TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN LULL offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

RESOLVED, that Doreen Jackson is hereby appointed to serve as a P/T Recreation Leader (Basketball), effective November 06, 2003, to and including December 31, 2003, to be paid at the rate of \$12.50 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

Sanders Yes No Blass Yes No
 Densieski Yes No Lull Yes No
 Kozakiewicz Yes No

THE RESOLUTION WAS NOT
 THEREFORE ADOPTED

¹ Rec./ Doris:Res p/tRec Leader Doreen Jackson

11/5/03

Adopted

TOWN OF RIVERHEAD

Resolution # 1198

APPOINTS A P/T RECREATION AIDE (TEEN CENTER) TO THE RIVERHEAD RECREATION DEPARTMENT

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

RESOLVED, that Robbie Wilson is hereby appointed to serve as a P/T Recreation Aide for the Teen Center, effective, November 6, 2003 to and including December 31, 2003 to be paid at the rate of \$9.0834 per hour, and to serve at the pleasure of the Town Board; and

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

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

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

1

THE VOTE

Sanders	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Class	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Densieski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY ADOPTED

¹ Rec. Doris /Res. Robbie Wilson TC

Adopted

NOVEMBER 5, 2003

TOWN OF RIVERHEAD

Resolution # 1199**APPROVES RETURN TO WORK**

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

WHEREAS, Town Board Resolution #1111 approved a 3 month non paid leave of absence for Cheryl Hotchkiss commencing October 6, 2003, and

WHEREAS, Mrs. Hotchkiss has requested that her approved leave of absence be terminated on November 6, 2003 thereby permitting her to return to work as an Assessment Clerk in the Assessor's Office, and

NOW, THEREFORE, BE IT RESOLVED, that Cheryl Hotchkiss is hereby authorized to return to work effective November 6, 2003 as her Civil Service approved title of Assessment Clerk in the Assessor's Office.

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, authorized to forward a copy of this resolution to Cheryl Hotchkiss, the Assessor's Office and the Office of Accounting.

THE VOTE

Sanders Yes No Blass Yes No
 Densieski Yes No Lull Yes No
 Kozakiewicz Yes No

NOVEMBER 5, 2003

Adopted

TOWN OF RIVERHEAD

RIVERHEAD TOWN HUMAN SERVICES CENTER PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 1200

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

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

		<u>FROM</u>	<u>TO</u>
406.071400.521000.40091	LAND ACQUISITION	\$ 310	
406.071400.522150.40091	CONSTRUCTION	3,000	
406.071400.524000.40091	EQUIPMENT		\$3,310

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Lull Yes No

Kozakiewicz Yes No

NOVEMBER 5, 2003

TOWN OF RIVERHEAD

RIVERHEAD SEWER DENITRIFICATION RESERVE FUND

BUDGET ADJUSTMENT

RESOLUTION # 1201

_____ 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>
130.092705.421050	DEVELOPER FEES	\$268,000	
130.099010.597000.20023	TRANSFER TO EFFLUENT REUSE PILOT PROJECT		\$268,000

THE VOTE

Sanders Yes No Blass Yes No
 Densieski Yes No Lull Yes No
 Kozakiewicz Yes No

November 5, 2003

TOWN OF RIVERHEAD

Resolution # 1202

**CLASSIFIES ACTION AND DECLARES LEAD AGENCY
ON SPECIAL PERMIT RESTAURANT OF ROBERT PATCHELL,
AND REFERS PETITION TO THE PLANNING BOARD**

COUNCILMAN LULL offered the following resolution which
was seconded by COUNCILMAN DENSIESKI

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Robert Patchell, pursuant to Section 108-27B.(8) and Article XXVIA of the Riverhead Town Code, to construct a 184 seat restaurant on a 2.3ac. parcel zoned Business A; such property more particularly described as SCTM 0600-92-4-5, and

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

WHEREAS, the Riverhead Planning Department has reviewed these materials and has determined the petition to be an Unlisted action pursuant to 6NYCRR Part 617 for which coordinated review is optional and which in this case was undertaken eliciting no interest in the role of lead agency, and

WHEREAS, the Riverhead Planning Department has prepared a staff SEQR report outlining the project impacts, and

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

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declares itself to be the lead agency for the special permit application of Restaurant-Robert Patcell which it classifies as an Unlisted action, and

BE IT FURTHER

RESOLVED, that this classification be considered effective on any related site plan approval, and

BE IT FURTHER

NOVEMBER 5, 2003

Adopted

TOWN OF RIVERHEAD

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A HELP WANTED AD FOR A TOWN BOARD COORDINATOR

RESOLUTION # 1218

COUNCILMAN DENSIESKI

offered the following

resolution, which was seconded by

COUNCILMAN LULL

BE IT RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the November 13, 2003 issue of The Traveler Watchman

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

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Lull Yes No

Kozakiewicz Yes No

HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Town Board Coordinator. Applications are to be submitted to the Accounting Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:00pm on Friday, November 21, 2003. EOE

BY ORDER OF:

THE RIVERHEAD TOWN BOARD

BARBARA GRATTAN, TOWN CLERK

HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Town Board Coordinator. Applications are to be submitted to the Accounting Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:00pm on Friday, November 21, 2003. EOE

BY ORDER OF:

THE RIVERHEAD TOWN BOARD

BARBARA GRATTAN, TOWN CLERK

HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Town Board Coordinator. Applications are to be submitted to the Accounting Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:00pm on Friday, November 21, 2003. EOE

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.

Councilwoman Sanders offered to Tabled this resolution, which was seconded by Councilwoman Blass.

Sanders- yes to table
Blass- yes to table
Densieski- yes to table
Lull- yes to table
Kozakiewicz- yes to table

This resolution was declared duly **TABLED**.

THE VOTE
Sanders ___ Yes ___ No Blass ___ Yes ___ No
Densieski ___ Yes ___ No Lull ___ Yes ___ No
Kozakiewicz ___ Yes ___ No
THE RESOLUTION WAS NOT
THEREFORE ADOPTED

NOVEMBER 5, 2003

TOWN OF RIVERHEAD

Resolution # 1203**APPROVES SITE PLAN OF MAXIMUM MOTOR SPORTS**COUNCILMAN DENSIESKI offered the following resolution,which was seconded by COUNCILMAN LULL:

WHEREAS, a site plan was submitted by Moda, Inc., for the construction of a 11,196 sq. ft. motorcycle sales and service facility together with related site improvements located at Old Country Road (CR58), Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-119-1-9.3-; and

WHEREAS, the Planning Department has reviewed the site plan dated October 9th, 2003, as prepared by Martin F. Sendlewski, AIA, and elevations dated and elevations dated October 9th, 2003 as prepared by Martin F. Sendlewski, AIA and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, that in the matter of the site plan application of Maximum Motor Sports, the Riverhead Town Board declares itself to be the Lead Agency and further determines the action to be Unlisted pursuant to 6NYCRR Part 617 and that an Environmental Impact Statement need not be prepared.; and

WHEREAS, a copy of the site plan has been marked and initialed by the Town Board to show changes that are further set forth in this resolution, which site plan shall be on record with the Town Clerk; and

WHEREAS, the site plan review 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 2003-0814 of the Office of the Supervisor of the Town of Riverhead; and;

WHEREAS, this Town Board has reviewed the site plan and elevations aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Moda Inc., for the construction of a 11, 196 sq. ft. motorcycle sales and service facility together with related site improvements located at Old Country Road (CR58), Riverhead, New York, site plan dated October 9th, 2003, as prepared by Martin F. Sendlewski, AIA, and elevations dated October 9th, 2003, as prepared by Martin F. Sendlewski, AIA, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan proves and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
7. That parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
8. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
9. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Moda, Inc. hereby authorizes and consents to the Town of Riverhead to enter premises at Old Country Road (CR58), Riverhead, New York, to enforce said handicapped parking regulations;
10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

- 11. That all utilities shall be constructed underground;
- 12. That pursuant to Section 108-133I of the Code of the Town of Riverhead, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof.
- 13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
- 14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Moda, Inc., 253 Sebonac Road, Southampton, New York 11968, Martin F. Sendlewski, AIA, 215 Roanoke Avenue, Riverhead, New York 11901, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

Councilwoman Blass moved to Table this resolution, which was seconded by Councilwoman Sanders.

Sanders-yes to table
 Blass- yes to Table
 Densieski- no to table
 Lull- no to table
 Kozakiewicz- no to table

The resolution was duly

THE VOTE
 Sanders ___ Yes ___ No Blass ___ Yes ___ No
 Densieski ___ Yes ___ No Lull ___ Yes ___ No
 Kozakiewicz ___ Yes ___ No
 THE RESOLUTION WAS ___ WAS NOT ___
 THEREUPON DULY ADOPTED

Adopted

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 2003, made by Moda Inc., residing at 253 Sebonac Road, Southampton, New York 11968, Declarant:

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto, as provided by Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land, and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
3. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled , "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
6. Parking, paving, and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
8. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Moda, Inc. hereby authorizes and consents to the Town of Riverhead to enter premises at Old Country Road (CR 58), Riverhead, New York, to enforce said handicapped parking regulations;
9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
10. That all utilities shall be constructed underground;
11. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall pose a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;
12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

Declarant has hereunto set his/her hand and seal the day and year above first written.

MODA, INC.

STATE OF NEW YORK)

: ss.:

COUNTY OF SUFFOLK)

On the ____ day of _____, in the year _____ before me, the undersigned, _____ personally _____ appeared

_____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

November 5, 2003

Adopted

TOWN OF RIVERHEAD

Resolution # 1204

RATIFIES LEAVE OF ABSENCE FOR A POLICE OFFICER

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

WHEREAS, Police Officer Mark Roberts is a member of the Department of the Air Force, Headquarters 106th Rescue Wing (ANG); and

WHEREAS, Police Officer Roberts has military orders, issued by the Department of the Air Force, assigning him to active service effective November 1, 2003 through November 30, 2003; and,

WHEREAS, Police Officer Roberts has submitted his orders to the Chief of Police of the Town of Riverhead and the Riverhead Town Board.

NOW, THEREFORE, BE IT RESOLVED that P.O. Mark Roberts is being placed on Leave of Absence without pay from November 1, 2003 to November 30, 2003.

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to P.O. Mark Roberts, the Chief of Police and the Office of Accounting.

THE VOTE

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	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

THE RESOLUTION WAS WAS NOT

THEREUPON FULLY ADOPTED

November 5, 2003

TOWN OF RIVERHEAD

**AUTHORIZES ATTENDANCE AT THE CERTIFICATION COURSE FOR TACTICAL
BATON & OCAT FOR ANIMAL CONTROL OFFICER**

Resolution # 1205

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

WHEREAS, the National Animal Control Association Is offering a Certification course on November 13 and November 14, 2003 at the Orange County Sheriffs Office in Goshen, New York; and

WHEREAS, the Animal Control Officer II has requested authorization to attend said courses.

BE IT FURTHER, RESOLVED, expenses for the conference, travel, room and board estimated at \$500 will be reimbursed upon proper submission of receipts; and

NOW BE IT RESOLVED, that Louis Coronesi is hereby authorized to attend the Tactical Baton (bite stick) and OCAT (pepper spray) on November 13th through November 14th, 2003.

NOW THEREFORE BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Animal Control officer, Louis Coronesi and Superintendent John Reeve.

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Lull Yes No

Kozakiewicz Yes No

NOVEMBER 5, 2003

2357

Adopted

TOWN OF RIVERHEAD

APPROVES STIPULATION OF SETTLEMENT

RESOLUTION # 1206

COUNCILMAN LULL offered the following Resolution
which was seconded by COUNCILMAN DENSIESKI.

WHEREAS, a stipulation of settlement dated November 5, 2003 has been conditionally agreed to by the CSEA and the Town; and

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby ratifies the stipulation of settlement and

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, directed to forward a copy of this resolution to the President of the CSEA and the Office of Accounting.

THE VOTE

Sanders	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<i>abstain</i>	Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Densieski	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<i>abstain</i>	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No				

11/05/03

Adopted

TOWN OF RIVERHEAD

Resolution # 1207

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER AN AMENDMENT TO CHAPTER 52 OF THE TOWN CODE OF THE TOWN OF RIVERHEAD ENTITLED "BUILDING PERMIT FEES"

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

WHEREAS, the Town Board has established fees for building permits in the Town Code of the Town of Riverhead, and

WHEREAS, the building permit fees currently established in the Town Code were established in 1998, and

WHEREAS, the expenses associated with issuing the many types of building permits envisioned by the Town Code have increased substantially since 1998 and as such the time has come to increase those fees,

NOW THEREFORE BE IT RESOLVED, that the proposed Local Law is a Type II action pursuant to 6 NYCRR Part 617.5(30), and be it further

RESOLVED, that Town Clerk be and is hereby authorized to publish and post the attached public notice to consider an amendment to Chapter 52 of the Town Code of the Town of Riverhead entitled, "Building Permit Fees", once in the November 13, 2003, issue of the Traveler Watchman Newspaper, hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law to be posted on the sign board of the Town in the Office of the Town Clerk; and be it further

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

THE VOTE

Sanders Yes ___ No ___ Blass Yes ___ No ___
Densieski Yes ___ No ___ Lull Yes ___ No ___
Kozakiewicz Yes ___ No ___

THE RESOLUTION WAS WAS NOT ___
THEREUPON FULLY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 18th day of November at 7:30 o'clock p.m., at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the adoption of an amendment to Chapter 52 of the Town Code of the Town of Riverhead entitled, "Building Permit Fees" follows:

Building Permit Fees§52-10

C. [Amended 1-16-1973; 11-20-1984; 12-4-1984; 12-29-1989; 12-17-1991; 5-20-1997; 3-3-1998] For each building permit where the construction cost shall exceed \$1,000, an additional fee of ~~seven \$7~~ twelve dollars \$12 per thousand dollars, or fraction thereof, in addition to the minimum fee of ~~forty five \$45.00~~ One Hundred Dollars \$100. The basis for computing construction costs shall be the square feet of the floor area of the proposed building in relation to the proposed use of said building and/or the cost thereof may be based on current Marshall Swift Valuation cost estimates using local regional multipliers and/or as follows:

- (1) Dwellings, one- and two-family: main story, ~~fifty~~ seventy-five dollars (~~\$75~~ \$75.00) per square foot; additional stories, ~~twenty~~ forty dollars (~~\$40~~ \$40.00) per square foot.
- (2) Multiple-family dwellings, apartments, condominiums, hotels, motels, boardinghouses, labor camps and nursing and convalescent homes: main story, ~~seventy~~ ninety dollars (~~\$90~~ \$90.00) per square foot; additional stories, ~~fifty~~ twenty-five dollars (~~\$55~~ \$55.00) per square foot.
- (3) Private garages, attached or detached: ~~forty~~ twenty dollars (~~\$40~~ \$20.00) per square foot.
 - (a) Agricultural buildings: farm buildings used for agricultural use, not as an accessory use to a residence: ~~fifty~~ thirty dollars (~~\$50~~ \$30.00) per square foot.
 - (b) Plastic greenhouses: buildings used for agricultural use, not as an accessory use to a residence, ~~thirty~~ ten dollars (~~\$30~~ \$10.00) per square foot.
- (4) Accessory and utility buildings: main story, ~~fifty~~ twenty dollars (~~\$25~~ \$20.00) per square foot; additional stories, ~~fifteen~~ twenty-five dollars (~~\$15~~ \$25.00) per square foot.
- (5) Mercantile, business and office buildings, garages and service stations, places of public assembly, assembly halls and clubhouses: main story, ~~eighty~~ sixty dollars (~~\$80~~ \$60.00) per square foot; additional stories, ~~seventy~~ ten dollars (~~\$70~~ \$10.00) per square foot.
- (6) Factory buildings and warehouses (finished types): main story, ~~sixty~~ eighty dollars (~~\$60~~ \$80.00) per square foot; additional stories, ~~fifty~~ ten dollars (~~\$50~~ \$10.00) per square foot.
- (7) Factory buildings and warehouses (unfinished types): main story, ~~eighty~~ ten dollars (~~\$80~~ \$10.00) per square foot; additional stories, ~~seventy~~ ten dollars (~~\$70~~ \$10.00) per square foot.
- (8) Foundation only: ~~sixty~~ forty dollars (~~\$60~~ \$40.00) per linear foot.
- (9) The fee for a permit to demolish a building shall be ~~forty~~ sixty dollars (~~\$40~~ \$60.00) for a small building up to one thousand (1,000) square feet and ~~ninety~~ five dollars (~~\$95~~ \$5.00) for a large building of more than one thousand (1,000) square feet.
- (10) The fee for a duplicate certificate of occupancy shall be ~~fifty~~ one hundred fifty dollars (~~\$50~~ \$150.00), and letters of preexisting use and

inspection above the maximum shall be one hundred fifty fifty-dollars (~~\$150-~~) each.

(11) The fee for a renewal permit shall be ~~fifty-seventy-five percent~~ (7550%) of the original fee paid. The fee must be paid within 30 days of the expiration fee.

(12) The fee to move a building to a new location: ~~seventy five (75%)fifty percent (50%)~~ of the fee computed in accordance with Subsection C above.

(13) All fees paid pursuant to this section are non-refundable.

~~D. — No fee shall be charged for bona fide religious, charitable or educational organizations where such exemptions are consistent with provisions applicable to taxes generally.~~

(14) Duplicate inspection fee. The Building Inspector may charge a duplicate inspection fee for any inspection that must be repeated due to the failure of the applicant to meet the inspection criteria. The duplicate inspection fee for residential properties shall be \$200.00. The duplicate inspection fee for commercial properties shall be \$350.00.

E. Preconstruction fee. If any land clearing or excavation or building or commencement of any construction activity is without the benefit of applicable town permits, all fees associated with any land clearing or excavation or building or construction activity will be equal to ~~triple~~double the otherwise applicable fee for all permits as provided by the Town Code. [Added 4-6-1999 by L.L. No. 4-1999].

11/05/03

Adopted

TOWN OF RIVERHEAD

Resolution # 1208

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER AN AMENDMENT TO CHAPTER 108 OF THE TOWN CODE OF THE TOWN OF RIVERHEAD "ZONING"

COUNCILMAN LULL offered the following resolution which was seconded by-

COUNCILWOMAN SANDERS

WHEREAS, the Town Board has established fees for major and minor subdivisions the Town Code of the Town of Riverhead, and

WHEREAS, the fees for subdivisions currently established in the Town Code were established in 1989, and

WHEREAS, the expenses associated with subdivisions by the Town Code have increased substantially since 1989 and as such the time has come to increase those fees,

NOW THEREFORE BE IT RESOLVED, that the proposed Local Law is a Type II action pursuant to 6 NYCRR Part 617.5(30), and be it further

RESOLVED, that Town Clerk be and is hereby authorized to publish and post the attached public notice to consider a local law entitled, "Zoning" once in the November 13, 2003, issue of the Traveler Watchman Newspaper, hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law to be posted on the sign board of the Town in the Office of the Town Clerk; and be it further

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

THE VOTE

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	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

THE RESOLUTION WAS WAS NOT

THEREUPON DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 18th day of November at 7:35 o'clock p.m., at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the amendment to Chapter 108 of the Town Code of the Town of Riverhead entitled, "Zoning" as follows:

§ 108-77. Filing fees. [Amended 6-15-1976; 10-3-1978; 11-8-1978; 12-29-1989]

A. For each appeal to the Board of Appeals, there shall be filing fees, payable upon the submission of an application, in the following amounts:

(1) Residential applications:

(a) Use or area variances and/or interpretations: one hundred fiftysixty dollars (~~\$60~~150.).

(b) Appeals in accordance with New York State Town Law, Article 16, § 280-a: twenty fivefifteen dollars (~~\$25~~15.).

(c) Structures being one hundred (100) square feet and less, including swimming pools being one hundred (100) square feet and less of surface area and of less than a three-foot depth: twenty fivefifteen dollars (~~\$25~~15.).

(2) Commercial applications:

(a) Use or area variances and/or interpretations: five hundredone hundred fifty dollars (~~\$500~~150.).

(b) Appeals in accordance with New York State Town Law Article 16, § 280-a: seventy-five dollars (\$75.).

(c) Structures being one hundred (100) square feet and less, including swimming pools and signs being one hundred (100) square feet and less of surface area and of less than a three-foot depth: one hundred fiftyseventy five dollars (~~\$150~~75.).

B. The Board of Appeals shall have the discretion to refund a fee where it deems waiving such a fee is appropriate.

§ 108-81. Fee. [Amended 12-29-1989; 5-20-1997]

A. Prior to the filing of each application for a change or amendment of this chapter, a fee shall be paid to the Town Clerk with respect thereto in the following amounts:

(1) Change of zone petition resulting in construction of a building or buildings with a total area of less than 4,000 square feet or less shall be \$1500250.

(2) Change of zone petition resulting in construction of a building or buildings with a total area of 4,000 square feet or greater shall be \$25001,000.

B. The cost of the publication of notice of public hearing shall be paid by the applicant prior to the date of public hearing.

108-97

F. Application and fee.

(1) Sketch plan. A letter of application, together with the requisite number of copies of the sketch plan, shall be submitted to the Planning Board. All applications for the consideration of the sketch plan shall be accompanied by a fee of \$ ~~250~~¹⁰⁰ plus \$ ~~200~~¹⁰⁰ per lot for engineering fees. [Amended 12-6-1977; 11-20-1984; 9-20-1988; 12-29-1989; 3-4-1997]

(2) Preliminary plat. A letter of application, together with the requisite number of copies of the preliminary plat, shall be submitted to the Planning Board. All applications for the consideration of a preliminary plat shall be accompanied by a fee of \$ 500 per acre or part thereof or \$ ~~2500~~²⁰⁰, whichever is greater, if a sketch plan as been submitted. ~~In the event that a sketch plan has not been submitted for consideration by the Planning Board, applications for preliminary plat consideration shall be accompanied by a fee of \$100, plus the engineer fee of \$100 per lot, plus the aforementioned preliminary plat fee of \$100 or \$5 per acre, whichever is greater.~~ [Amended 12-6-1977; 11-20-1984; 9-20-1988; 12-29-1989; 3-4-1997]

(3) Final plat. A letter of application, together with the requisite number of copies of the final plat, shall be submitted to the Planning Board. The fee for final subdivision shall be waived, unless a ~~applicant/subdivider~~ submits the final plat together with the data required for the preliminary plat, in which case the application shall be accompanied by a fee of one hundred dollars (\$100.), plus five dollars (\$5.) per acre or part thereof in the proposed subdivision or one hundred dollars (\$100.), whichever is greater. [Amended 12-6-1977; 11-20-1984; 9-20-1988; 12-29-1989]

(4) The applicant shall erect a sign giving notice that an application to the Planning Board is pending and giving the date, time and place where the regular meeting for consideration of the application, or adjourned date, will be held. The sign will be furnished by the Town of Riverhead. It shall not be set back more than ten (10) feet from the property line and shall not be less than two (2) nor more than six (6) feet above the grade at the property line. It shall be displayed for a period of not less than seven (7) days immediately preceding a regular meeting for consideration of the application or any adjourned date. The applicant shall file with the Planning Board an affidavit that he has complied with the provisions of this section. No application shall be considered unless such affidavit has been filed.

(5) Engineering fee. Prior to the adoption of a final conditional approval resolution by the Planning Board, the applicant must post a fee in an amount equal to 106% of the estimated improvements, as

estimated by the engineering consultant to the Planning Board, which shall be paid to the Town of Riverhead. Such fee shall be diminished in an amount equal to all engineering fees previously paid, subdivision being granted, the applicant must post engineering fees in the amount of \$100 per lot to cover any potential expense to the town for engineering services, as follows: \$50 at the time of the submission of the preliminary plat. The Planning Board may waive all or part of said fee where the Planning Board determines that no additional engineering services are required. No applicant shall have any claim for the return of such fee or portion thereof. [Added 12-6-1977; amended 5-16-1978; 3-4-1986; 12-29-1989; 3-4-1997]

~~(6) — No final major subdivision plat shall be signed by the Chairman of the Planning Board until a fee equal to an amount of five percent (5%) of the total cost of the estimated improvements, as estimated by the engineering consultant of the Planning Board, shall be paid to the Town of Riverhead. Such fee shall be diminished in an amount equal to all engineering fees previously paid pursuant to Subsection F(5) hereinabove. [Added 8-5-1986]~~

108-131

B. Formal application.

(1) Subsequent to preliminary review, an application for site plan approval shall be made on the form for the same provided by the Planning Department. Twelve copies, plus additional copies as may be required by other levels of government with jurisdiction over the site, of the application, a current survey prepared by a licensed surveyor, the site plan (if separate from the survey) and any other submission or exhibit required by this article shall be submitted, together with the appropriate fee, to the Planning Department.

(2) The Planning Department shall reject any application if it is not so complete or in conformance, and shall notify the applicant as to the reason for such rejection.

(3) For each application for site plan approval submitted to the Planning Department under the provisions of this chapter, the review fee shall be ~~\$250~~500, plus \$0.1005 per square foot of site improvements and/or altered area. The fee to review an application to amend a previously approved site plan shall be \$500. In no instance shall a site plan review exceed ~~\$25,000~~15,000. Review fees shall be paid in of 1/2 the fee paid prior to Planning Department's submission of the completed site plan to the Town Clerk and the remaining 1/2 paid prior to Town Board resolution.

§ 108-133.4. Application procedure.

D. Fees. The fee for the review of a special permit application which would result in the construction of a building(s) or a disturbed area of 4,000 square feet or less shall be ~~\$500~~250. The fee for the review of a special permit application for the construction of a building(s) or a disturbed area of 4,000 square feet or greater shall be ~~\$2,000~~1,000. The required fee shall be paid upon submission of the application to the Town Clerk.

11/05/03

Adopted

TOWN OF RIVERHEAD

Resolution #209

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER AN AMENDMENT TO CHAPTER 62 OF THE TOWN CODE OF
THE TOWN OF RIVERHEAD ENTITLED "EXCAVATIONS"**

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

WHEREAS, the Town Board has established fees for excavation permits in the Town Code of the Town of Riverhead, and

WHEREAS, the excavation permit fees currently established in the Town Code were established in 1999, and

WHEREAS, the expenses associated with issuing excavation permits envisioned by the Town Code have increased substantially since 1999 and as such the time has come to increase those fees,

NOW THEREFORE BE IT RESOLVED, that the proposed Local Law is a Type II action pursuant to 6 NYCRR Part 617.5(30), and be it further

RESOLVED, that Town Clerk be and is hereby authorized to publish and post the attached public notice to consider a local law entitled, "Excavation", once in the November 13, 2003, issue of the Traveler Watchman Newspaper, hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law to be posted on the sign board of the Town in the Office of the Town Clerk; and be it further

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

THE VOTE

Sanders Yes No Blass Yes No
Densieski Yes No Lull Yes No
Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 2nd day of December at 7:05 o'clock p.m., at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York , to hear all interested persons to consider an amendment to Chapter 62 of the Town Code of the Town of Riverhead entitled, "Excavations" as follows:

Chapter 62 Excavation

§ 62-2. Application of chapter.

~~This chapter shall not apply to any excavation for which a permit is required by New York State Mined Land Reclamation Law codified at Article 23, Title 27, of the Environmental Conservation Law.~~

§ 62-11. Fees. [Amended 8-17-1999 by L.L. No. 13-1999]

The Town Board or its designee shall charge and collect the following fees for excavation pursuant to approved site plans, grading plans and realty subdivisions as required by the Zoning Ordinance. EN The officer designated by the Town Board to issue such permits shall charge and collect for each such permit an annual fee as follows:

A. For commercial and industrial subdivision, site plans or grading plans a fee shall be imposed in the amount of ~~\$2,000.50~~ per cubic yard for all material removed from or returned to the site in accordance with town requirements for drainage, parking and other town-required improvements and also for any and all purposes and improvements other than those required for compliance with town requirements.

§ 62-13. Penalties for offenses.

For any and every violation of the provisions of this chapter, the owner, general agent or contractor of a building or premises where such violations have been committed or shall exist, and the lessee or tenant of the premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of the premises in which part said violation has been committed or shall exist, and the general agent, architect, engineer, surveyor, building contractor or any other person who knowingly permits, takes part or assists in any such violation or who maintains any premises in which any such violation shall exist, shall be guilty of an offense against this chapter, punishable by a fine of not more than one thousand dollars \$1000~~\$50~~

per day. Each day's continued violation shall constitute a separate, additional violation of the chapter. Such fines or penalties shall be collected as like fines are now by law collected.

11/05/03

2370
Adopted

TOWN OF RIVERHEAD

Resolution # 1210

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER AN AMENDMENT TO CHAPTER 12 OF THE TOWN CODE OF
THE TOWN OF RIVERHEAD ENTITLED "COASTAL EROSION
HAZARDOUS AREAS"**

COUNCILWOMAN BLASS offered the following resolution which was seconded by-
COUNCILMAN LULL

WHEREAS, the Town Board has established fees for "Coastal Erosion Hazardous Areas" the Town Code of the Town of Riverhead, and

WHEREAS, the fees for "Coastal Erosion Hazardous Areas" currently established in the Town Code were established in 1991, and

WHEREAS, the expenses associated with "Coastal Erosion Hazardous Areas" in the Town Code have increased substantially since 1991 and as such the time has come to increase those fees,

NOW THEREFORE BE IT RESOLVED, that the proposed Local Law is a Type II action pursuant to 6 NYCRR Part 617.5(30), and be it further

RESOLVED, that Town Clerk be and is hereby authorized to publish and post the attached public notice to consider an amendment to Chapter 12 entitled, "Coastal Erosion Hazardous Areas" once in the November 13, 2003, issue of the Traveler Watchman Newspaper, hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law to be posted on the sign board of the Town in the Office of the Town Clerk; and be it further

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

THE VOTE
Sanders Yes No Blass Yes No
Densieski Yes No Lull Yes No
Kozakiewicz Yes No
THE RESOLUTION WAS WAS NOT
THEREUPON BEING ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 2nd day of December at 7:10 o'clock p.m., at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the amendment to Chapter 12 of the Riverhead Town Code entitled, "Coastal Erosion Hazardous Areas" as follows:

§ 12-27. Fees for permits and appeals.

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: ~~ninetyfourty~~ dollars (\$~~4090~~).
- B. Excavation, grading, mining or filling at:
- (1) One hundred (100) cubic yards or less: ~~fiftytwentyfive~~ dollars (\$~~2550~~).
 - (2) One hundred (100) to one thousand (1,000) cubic yards: one hundredfifty dollars (\$10050).
 - (3) One thousand one (1,001) cubic yards or greater: ~~twoone~~ hundred dollars (\$~~100200~~).
- C. Dredging at:
- (1) One hundred cubic yards or less: ~~fiftytwentyfive~~ dollars (\$~~5025~~).
 - (2) One hundred (100) to one thousand (1,000) cubic yards: one hundredfifty dollars (\$10050).
 - (3) One thousand one (1,001) cubic yards or greater: ~~twoone~~ hundred dollars (\$~~100200~~).
- D. Construction or modification of docks, piers or wharves:
- (1) Fixed docks: ~~seventythirtyfive~~ dollars (\$~~7035~~).
 - (2) Solid-fill docks: one hundredfifty dollars (\$10050).
 - (3) Floating docks on piles or fixed dock, ramp and float combination: ~~fiftytwentyfive~~ dollars (\$~~2550~~).
- E. Construction or modification of erosion-protection structures:
- (1) Structures not exceeding one hundred (100) linear feet: one hundredfifty dollars (\$10050).
 - (2) Structures greater than one hundred (100) linear feet: ~~one-two~~ hundred dollars (\$~~100200~~).
- F. Appeal of coastal erosion permit denial: one hundredfifty dollars (\$10050).
- G. Any project or activity not described in this section: one hundredfifty dollars (\$10050).

TOWN OF RIVERHEAD

PROMOTION TO WASTEWATER TREATMENT PLANT OPERATOR IIIA

RESOLUTION # 1211

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

WHEREAS, a vacancy exists for the position Wastewater Treatment Plant Operator IIIA in the Sewer/Scavenger Waste Districts; and

WHEREAS, Matthew Hattorff appears on the Civil Service list for this title.

NOW THEREFORE BE IT RESOLVED, that Matthew Hattorff is hereby promoted to the position of Wastewater Treatment Plant Operator IIIA Group 15, Step 14A of the Salary Administration Schedule effective November 10, 2003 subject to the rules and procedures of the Suffolk County Department of Civil Service.

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

THE VOTE

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	Lull <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Kozakiewicz <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 1212

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 adjustment:

	<u>FROM</u>	<u>TO</u>
001.000000.390599 APPROPRIATED FUND BALANCE	\$25,000	
001.010100.543301 TOWN BOARD, LITIGATION EXPENSE		\$25,000
001.000000.390599 APPROPRIATED FUND BALANCE	18,000	
001.011100.543905 JUSTICE, ADMIN CONSULTANT EXP.		7,500
001.011100.524000 JUSTICE, EQUIPMENT		10,500
001.000000.390599 APPROPRIATED FUND BALANCE	750	
001.014400.541500 TOWN ENGINEER, MOTOR VEHICLE MAINT.		500
001.014400.543500 TOWN ENGINEER, CONSULTANT		250
001.016200.542500 SHARED SERVICES, SUPPLIES & SERVICES	2,000	
001.016200.545210 SHARED SERVICES, COPIER EXP.		2,000
001.000000.390599 APPROPRIATED FUND BALANCE	30,000	
001.016200.541500 B&G, MOTOR VEHICLE MAINT.		30,000
001.000000.390599 APPROPRIATED FUND BALANCE	3,500	
001.019400.521000 PURCHASE OF LAND		3,500

		<u>FROM</u>	<u>TO</u>
001.000000.390599	APPROPRIATED FUND BALANCE	\$130,000	
001.031200.512100	POLICE UNIFORM O/T		\$125,000
001.031200.512500	POLICE NONUNIFORM O/T		5,000
001.000000.390599	APPROPRIATED FUND BALANCE	7,000	
001.031250.512100	JAB O/T		7,000
001.035100.543400	ANIMAL CONTROL, EDUCATION EXP.	500	
001.035100.546303	ANIMAL CONTROL, GASOLINE EXP.		500
001.000000.390599	APPROPRIATED FUND BALANCE	25,150	
001.036200.512500	SAFETY INSPECTION, O/T		20,000
001.036200.541500	SAFETY INSPECTION, CAR EXP.		2,700
001.036200.542100	SAFETY INSPECTION, OFFICE EXP.		1,800
001.036200.542400	SAFETY INSPECTION, UNIFORM		550
001.036200.549000	SAFETY INSPECTION, MISC.		100
001.000000.390599	APPROPRIATED FUND BALANCE	4,100	
001.050100.541150	HIGHWAY TRANSPORTATION BLDG. MAINT.		4,100
001.042100.542112	DAPC PROGRAMS	1,500	
001.042100.542100	DAPC, SUPPLIES & MATERIALS	3,000	
001.042100.543900	DAPC, CONSULTANTS		4,500
001.000000.390599	APPROPRIATED FUND BALANCE	5,500	
001.067720.512500	PROGRAM FOR AGING, O/T		3,000
001.067720.541150	PROGRAM FOR AGING, BLDG MAINT.		1,000
001.067720.543405	PROGRAM FOR AGING, TRAVEL EXP.		1,500

001.000000.390599	APPROPRIATED FUND BALANCE	10,000	
001.071100.515501	PARKS, SKATE PARK ATTENDENT		7,500
001.071100.518607	PARKS, SEASONAL EMPLOYEE		2,500
001.000000.390599	APPROPRIATED FUND BALANCE	13,000	
001.071400.541000	REC CENTERS, REPAIR & MAINT.		12,000
001.070200.541000	REC ADMIN, REPAIR & MAINT		1,000

THE VOTE

Sanders Yes No Blass Yes No
Densieski Yes No *abstain* Lull Yes No
Kozakiewicz Yes No

NOVEMBER 5, 2003

Adopted

TOWN OF RIVERHEAD

WATER DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 1213

COUNCILMAN LULL 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>
112.000000.390599	APPROPRIATED FUND BALANCE	\$90,000	
112.083200.542503	CHEMICAL EXPENSE		\$40,000
112.083200.541110	REPAIRS EXPENSE		50,000

THE VOTE

Sanders Yes No Blass Yes No
 Densieski Yes No Lull Yes No
 Kozakiewicz Yes No

11/5/03

Adopted

TOWN OF RIVERHEAD

Resolution # 1214

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AN AMENDMENT TO CHAPTER 46A "ARCHITECTURAL REVIEW" OF THE RIVERHEAD TOWN CODE

COUNCILMAN LULL offered the following resolution, was seconded by

COUNCILWOMAN BLASS

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice once in the November 13, 2003 issue of the Traveler-Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 46A entitled, "Architectural Review" 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 Planning Department; the Planning Board; the Zoning Board of Appeals and the Building Department.

THE VOTE

Sanders Yes No Blass Yes No

Densieski Yes No Lull Yes No

Kozakiewicz Yes No

THE RESOLUTION ~~WAS~~ WAS NOT
THEREUPON ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at 200 Howell Avenue, Riverhead, New York on the 18th day of November, 2003 at 7:15 o'clock p.m. to consider a local law amending Chapter 46A "Architectural Review" of the Riverhead Town Code as follows:

**Chapter 46A
Architectural Review**

§ 46A-2. Aspects of review.

The Architectural Review Board, in examining applications for site plan review, is to consider the various aspects of design, with special emphasis on these objectives:

C. To coordinate compliance with other municipal ordinances that affect visual impact, such as the sign regulations contained in the Zoning Code and dumpster enclosures pursuant to §98-8 of the Code of the Town of Riverhead.

§ 46A-5. Establishment; membership; terms; vacancies; removal.

A. There is hereby created an Architectural Review Board, which shall act as an advisory body to the Town Board for the purpose of site plan review, as delineated herein, and which shall approve sign permit applications submitted pursuant to § 108-56 of the Code of the Town of Riverhead and dumpster enclosures pursuant to §98-8 of the Code of the Town of Riverhead. Sign permit and/or dumpster enclosure applications which are disapproved may be appealed to the Town Board. Said Architectural Review Board shall consist of five members who shall be appointed by the Town Board on the recommendation of the Planning Director. Insofar as practicable, all members of the Board shall be competent in matters of design and interested in the design review and development of the Town of Riverhead. Three members shall be architects, designers or landscape architects. One shall be a licensed architect.

Dated: Riverhead, New York
November 5, 2003

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

November 5, 2003

TOWN OF RIVERHEAD

Resolution # 1215

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING – SPECIAL PERMIT OF 23 WEST SECOND STREET ASSOCIATES, LLC & 33 WEST SECOND STREET ASSOCIATES, LLC

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

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition from 23 West Second Street Associates, LLC and 33 West Second Street Associates, LLC pursuant to Article XXVIA and Section 108-69 of the Zoning Code to expand an existing professional office building requiring relief from the performance standards of the zoning district and relief for setback and building coverage for premises within the Riverhead Parking District #1 located at Second Street, Riverhead; such property more particularly described as Suffolk County Tax Map Number 0600-128-6-3.1 & 4.1, and

WHEREAS, the Riverhead Town Board by resolution #721 of 2003 declared themselves Lead Agency, and

WHEREAS, the Town Board has referred the application to the Riverhead Planning Board for its report and recommendation; such Planning Board recommending the granting of the petition, and

WHEREAS, such special permit petition requires the holding of a public hearing pursuant to Chapter 108, Section 108-133.1 of the Zoning Ordinance and the Town Board desires to hold such public hearing at this time, now

THEREFORE BE IT

RESOLVED, that the Town Clerk be authorized to publish and post the attached notice of public hearing in the official newspaper of the Town of Riverhead.

Rh/planning

THE VOTE					
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	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
THE RESOLUTION			WAS NOT		
THEREFORE			ADOPTED		

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held on the 18th day of November, 2003 at 7:25 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to consider the special permit petition from 23 West Second Street Associates, LLC and 33 West Second Street Associates, LLC pursuant to Article XXVIA and Section 108-69 of the Zoning Code to expand an existing professional office building requiring relief from the performance standards of the zoning district and relief for setback and building coverage for premises within the Riverhead Parking District #1 located at Second Street, Riverhead; such property more particularly described as Suffolk County Tax Map Number 0600-128-6-3.1 & 4.1.

DATED: November 5, 2003
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

Councilman Sullivan offered the following Resolution which was seconded by
Councilman Sensiashki

Adopted

FUND NAME		CD - NONE	CHECKRUN TOTALS	GRAND TOTALS
GENERAL TOWN	001	\$ -	\$ 91,102.47	\$ 91,102.47
POLICE ATHLETIC LEAGUE	004	\$ -	\$ 1,767.93	\$ 1,767.93
TEEN CENTER	005	\$ -	\$ 7.99	\$ 7.99
RECREATION PROGRAM	006	\$ -	\$ 1,592.20	\$ 1,592.20
SR NUTRITION SITE COUNCIL	007	\$ -	\$ -	\$ -
D.A.R.E. PROGRAM FUND	008	\$ -	\$ -	\$ -
CHILD CARE CENTER BUILDING FUND	009	\$ -	\$ 54.19	\$ 54.19
AG-FEST COMMITTEE FUND	021	\$ -	\$ -	\$ -
HUMAN SERVICES FUND	022	\$ -	\$ -	\$ -
R.I.F.T.A	023	\$ -	\$ -	\$ -
TOWN BD SPECIAL PROGRAM FND	024	\$ -	\$ -	\$ -
YOUTH COURT SCHOLARSHIP FUND	025	\$ -	\$ -	\$ -
WORLD TRADE CENTER MEMORIAL FD	026	\$ -	\$ -	\$ -
SRS DAYCARE BUILDING FUND	027	\$ -	\$ -	\$ -
COMMUNITY P.E.T.S. SHELTER	028	\$ -	\$ -	\$ -
ANIMAL SPAY & NEUTERING FUND	029	\$ -	\$ -	\$ -
EDZ FUND	030	\$ -	\$ 489.95	\$ 489.95
HIGHWAY	111	\$ -	\$ 62,327.82	\$ 62,327.82
WATER	112	\$ -	\$ 79,599.32	\$ 79,599.32
REPAIR & MAINTENANCE	113	\$ -	\$ -	\$ -
RIVERHEAD SEWER DISTRICT	114	\$ -	\$ 3,206.02	\$ 3,206.02
REFUSE & GARBAGE COLLECTION	115	\$ -	\$ 739.33	\$ -
STREET LIGHTING	116	\$ -	\$ 649.60	\$ 649.60
PUBLIC PARKING	117	\$ -	\$ 4,488.48	\$ 4,488.48
BUSINESS IMPROVEMENT DISTRICT	118	\$ -	\$ 3,178.11	\$ 3,178.11
TOR URBAN DEV CORP TRUST ACCT	119	\$ -	\$ -	\$ -
AMBULANCE DISTRICT	120	\$ -	\$ 1,106.52	\$ 1,106.52
CALVERTON SEWER DISTRICT	124	\$ -	\$ 2,336.00	\$ 2,336.00
RIVERHEAD SCAV WASTE DISTRICT	128	\$ -	\$ 2,278.86	\$ 2,278.86
WORKER'S COMPENSATION FUND	173	\$ -	\$ -	\$ -
RISK RETENTION FUND	175	\$ -	\$ -	\$ -
UNEMPLOYMENT INSURANCE FUND	176	\$ -	\$ -	\$ -
MAIN STREET REHAB PROGRAM	177	\$ -	\$ -	\$ -
REVOLVING LOAN PROGRAM	178	\$ -	\$ -	\$ -
RESIDENTIAL REHAB	179	\$ -	\$ -	\$ -
DISCRETIONARY/SMALL CITIES	180	\$ -	\$ -	\$ -
CDBG CONSORTIUM ACCOUNT	181	\$ -	\$ 541.09	\$ 541.09
URBAN DEVEL CORP WORKING	182	\$ -	\$ -	\$ -
RESTORE	184	\$ -	\$ -	\$ -
PUBLIC PARKING DEBT	381	\$ -	\$ -	\$ -
SEWER DISTRICT DEBT	382	\$ -	\$ 3,354.08	\$ 3,354.08
WATER DEBT	383	\$ -	\$ 91,829.80	\$ 91,829.80
GENERAL FUND DEBT SERVICE	384	\$ -	\$ 134,697.37	\$ -
SCAVENGER WASTE DEBT	385	\$ -	\$ -	\$ -
TOWN HALL CAPITAL PROJECTS	406	\$ -	\$ 82,311.45	\$ 82,311.45
EIGHT HUNDRED SERIES	408	\$ -	\$ -	\$ -
WATER IMPROVEMENT CAP PROJ	409	\$ -	\$ -	\$ -
NUTRITION CAPITAL IMPS	441	\$ -	\$ -	\$ -
CHIPS	451	\$ -	\$ -	\$ -
YOUTH SERVICES	452	\$ -	\$ 80.64	\$ -
SENIORS HELPING SENIORS	453	\$ -	\$ 34.56	\$ 34.56
EISEP	454	\$ -	\$ 86.04	\$ 86.04
SCAVENGER WASTE CAP PROJ	470	\$ -	\$ -	\$ -
MUNICIPAL FUEL FUND	625	\$ -	\$ 4,525.19	\$ 4,525.19
MUNICIPAL GARAGE	626	\$ -	\$ 2,882.72	\$ 2,882.72
TRUST & AGENCY	735	\$ -	\$ 24,663.76	\$ 24,663.76
SPECIAL TRUST	736	\$ -	\$ 70,000.00	\$ 70,000.00
COMMUNITY PRESERVATION FUND	737	\$ -	\$ -	\$ -
CDA-CALVERTON	914	\$ -	\$ 4,672.00	\$ 4,672.00
COMMUNITY DEVELOPMENT AGENCY	915	\$ -	\$ -	\$ -
JOINT SCAVENGER WASTE	918	\$ -	\$ -	\$ -
CENTRAL CLEARING ACCOUNT	999	\$ -	\$ -	\$ -
TOTALS		\$ -	\$ 674,603.49	\$ 674,603.49

THE VOTE
 Sanders Yes ✓
 Densich Yes ✓
 Yes ✓
 No

THE RESOLUTION WAS ADOPTED

Councilman Sullivan
Councilman Densieski

offered the following Resolution which was seconded by

Adopted

FUND NAME		CD - NONE	CHECKRUN TOTALS	GRAND TOTALS
GENERAL TOWN	001	\$	600,520.35	600,520.35
POLICE ATHLETIC LEAGUE	004	\$		
TEEN CENTER	005	\$		
RECREATION PROGRAM	006	\$	624.03	624.03
SR NUTRITION SITE COUNCIL	007	\$		
D.A.R.E. PROGRAM FUND	008	\$		
CHILD CARE CENTER BUILDING FUND	009	\$		
AG-FEST COMMITTEE FUND	021	\$		
HUMAN SERVICES FUND	022	\$		
R.I.F.T.A	023	\$		
TOWN BD SPECIAL PROGRAM FND	024	\$		
YOUTH COURT SCHOLARSHIP FUND	025	\$		
WORLD TRADE CENTER MEMORIAL FD	026	\$		
SRS DAYCARE BUILDING FUND	027	\$	2,019.54	2,019.54
COMMUNITY P.E.T.S. SHELTER	028	\$		
ANIMAL SPAY & NEUTERING FUND	029	\$		
EDZ FUND	030	\$	2,790.99	2,790.99
HIGHWAY	111	\$	62,585.28	62,585.28
WATER	112	\$	61,973.19	61,973.19
REPAIR & MAINTENANCE	113	\$		
RIVERHEAD SEWER DISTRICT	114	\$	88,410.10	88,410.10
REFUSE & GARBAGE COLLECTION	115	\$	21,930.41	21,930.41
STREET LIGHTING	116	\$	7,242.80	7,242.80
PUBLIC PARKING	117	\$	15,840.19	15,840.19
BUSINESS IMPROVEMENT DISTRICT	118	\$	55.96	55.96
TOR URBAN DEV CORP TRUST ACCT	119	\$		
AMBULANCE DISTRICT	120	\$	2,500.00	2,500.00
CALVERTON SEWER DISTRICT	124	\$	3,763.91	3,763.91
RIVERHEAD SCAV WASTE DISTRICT	128	\$	29,205.04	29,205.04
WORKER'S COMPENSATION FUND	173	\$	1,661.59	1,661.59
RISK RETENTION FUND	175	\$		
UNEMPLOYMENT INSURANCE FUND	176	\$		
MAIN STREET REHAB PROGRAM	177	\$		
REVOLVING LOAN PROGRAM	178	\$		
RESIDENTIAL REHAB	179	\$		
DISCRETIONARY/SMALL CITIES	180	\$		
CDBG CONSORTIUM ACCOUNT	181	\$	696.07	696.07
URBAN DEVEL CORP WORKING	182	\$		
RESTORE	184	\$		
PUBLIC PARKING DEBT	381	\$		
SEWER DISTRICT DEBT	382	\$		
WATER DEBT	383	\$	2,493.75	2,493.75
GENERAL FUND DEBT SERVICE	384	\$	21,256.25	
SCAVENGER WASTE DEBT	385	\$		
TOWN HALL CAPITAL PROJECTS	406	\$	437,052.28	437,052.28
EIGHT HUNDRED SERIES	408	\$		
WATER IMPROVEMENT CAP PROJ	409	\$		
NUTRITION CAPITAL IMPS	441	\$		
CHIPS	451	\$	88,619.25	88,619.25
YOUTH SERVICES	452	\$	2,112.56	
SENIORS HELPING SENIORS	453	\$	2,710.97	2,710.97
EISEP	454	\$	284.03	284.03
SCAVENGER WASTE CAP PROJ	470	\$		
MUNICIPAL FUEL FUND	625	\$	13,775.00	13,775.00
MUNICIPAL GARAGE	626	\$	18,828.30	18,828.30
TRUST & AGENCY	736	\$	672,313.29	672,313.29
SPECIAL TRUST	736	\$	425,825.00	425,825.00
COMMUNITY PRESERVATION FUND	737	\$	320,000.00	320,000.00
CDA-CALVERTON	914	\$	1,305.27	1,305.27
COMMUNITY DEVELOPMENT AGENCY	915	\$		
JOINT SCAVENGER WASTE	918	\$		
CENTRAL CLEARING ACCOUNT	999	\$		
TOTALS			2,908,395.40	2,908,395.40

THE VOTE

Sanders Yes
 Densieski Yes

THE RESOLUTION WAS ADOPTED

Yes No

Councilman Pull offered the following Resolution which was seconded by
~~*Councilman S. Sencio*~~

Adopted

FUND NAME		CD-NONE	CHECKRUN TOTALS	GRAND TOTALS
GENERAL TOWN	001	\$	\$	\$
POLICE ATHLETIC LEAGUE	004	\$	\$	\$
TEEN CENTER	005	\$	\$	\$
RECREATION PROGRAM	006	\$	\$	\$
SR NUTRITION SITE COUNCIL	007	\$	\$	\$
D.A.R.E. PROGRAM FUND	008	\$	\$	\$
CHILD CARE CENTER BUILDING FUND	009	\$	\$	\$
AG-FEST COMMITTEE FUND	021	\$	\$	\$
HUMAN SERVICES FUND	022	\$	\$	\$
R.I.F.T.A.	023	\$	\$	\$
TOWN BOARD SPECIAL PROGRAM	024	\$	\$	\$
YOUTH COURT SCHOLARSHIP FUND	025	\$	\$	\$
WORLD TRADE CENTER MEMORIAL FUND	026	\$	\$	\$
SRS DAYCARE BUILDING FUND	027	\$	\$	\$
COMMUNITY P.E.T.S. SHELTER	028	\$	\$	\$
ANIMAL SPAY & NEUTERING FUND	029	\$	\$	\$
EDZ FUND	030	\$	\$	\$
HIGHWAY	111	\$	\$	\$
WATER	112	\$	\$	\$
REPAIR & MAINTENANCE	113	\$	1,000,000.00	1,000,000.00
RIVERHEAD SEWER DISTRICT	114	\$	\$	\$
REFUSE & GARBAGE COLLECTION	115	\$	\$	\$
STREET LIGHTING	116	\$	\$	\$
PUBLIC PARKING	117	\$	\$	\$
BUSINESS IMPROVEMENT DISTRICT	118	\$	\$	\$
TOR URBAN DEV CORP TRUST ACCT	119	\$	\$	\$
AMBULANCE DISTRICT	120	\$	\$	\$
CALVERTON SEWER DISTRICT	124	\$	\$	\$
RIVERHEAD SCAV WASTE DISTRICT	128	\$	\$	\$
WORKER'S COMPENSATION FUND	173	\$	\$	\$
RISK RETENTION FUND	175	\$	\$	\$
UNEMPLOYMENT INSURANCE FUND	176	\$	\$	\$
MAIN STREET REHAB PROGRAM	177	\$	\$	\$
REVOLVING LOAN PROGRAM	178	\$	\$	\$
RESIDENTIAL REHAB	179	\$	\$	\$
DISCRETIONARY/SMALL CITIES	180	\$	\$	\$
CDBG CONSORTIUM ACCOUNT	181	\$	\$	\$
URBAN DEVEL CORP WORKING	182	\$	\$	\$
RESTORE	184	\$	\$	\$
PUBLIC PARKING DEBT	381	\$	\$	\$
SEWER DISTRICT DEBT	382	\$	\$	\$
WATER DEBT	383	\$	\$	\$
GENERAL FUND DEBT SERVICE	384	\$	1,900,000.00	1,900,000.00
SCAVENGER WASTE DEBT	385	\$	\$	\$
TOWN HALL CAPITAL PROJECTS	406	\$	\$	\$
EIGHT HUNDRED SERIES	408	\$	\$	\$
WATER IMPROVEMENT CAP PROJ	409	\$	\$	\$
NUTRITION CAPITAL IMPS	441	\$	\$	\$
CHIPS	451	\$	100,000.00	100,000.00
YOUTH SERVICES	452	\$	\$	\$
SENIORS HELPING SENIORS	453	\$	\$	\$
EISEP	454	\$	\$	\$
SCAVENGER WASTE CAP PROJ	470	\$	\$	\$
MUNICIPAL FUEL FUND	625	\$	\$	\$
MUNICIPAL GARAGE	626	\$	\$	\$
TRUST & AGENCY	*735*	\$	\$	\$
SPECIAL TRUST	736	\$	\$	\$
COMMUNITY PRESERVATION FUND	737	\$	300,000.00	300,000.00
CDA-CALVERTON	914	\$	\$	\$
COMMUNITY DEVELOPMENT AGENCY	915	\$	\$	\$
JOINT SCAVENGER WASTE	918	\$	\$	\$
CENTRAL CLEARING ACCOUNT	999	\$	\$	\$
TOTALS		\$	\$ 3,300,000.00	\$ 3,300,000.00

THE VOTE

Sanders Yes ___ No ___
 Densfeld Yes ___ No ___

Class Yes ___ No ___
 1st Yes ___ No ___

THE RESOLUTION WAS NOT ADOPTED

November 5, 2003

TOWN OF RIVERHEAD

Resolution # 1217

PROCESSING OF NON-RESIDENTIAL APPLICATIONS

COUNCILWOMAN BLASS offered the following resolution, which as second
by **COUNCILWOMAN SANDERS**.

WHEREAS, the Riverhead Town Board has adopted a Comprehensive Master Plan for the Town together with Generic Environmental Impact Statement and Findings associated therewith in accordance with the State Environmental Quality Review Act, and

WHEREAS, the Comprehensive Master Plan calls for rezoning certain properties within the Town of Riverhead as well as changes within the existing zoning districts located in the Town, and

WHEREAS, the Riverhead Town Board intends to adopt the zoning that is consistent with the Comprehensive Master Plan within the next several months, and

WHEREAS, the Comprehensive Plan results in a scenario whereby up to seventy percent (70%) of all development rights in the Town be utilized on commercial and industrial development, and

WHEREAS, until the new zoning is adopted, development plans may be submitted that are consistent with the existing zoning, that may be inconsistent with the Master Plan. The conflict between the Comprehensive Plan and application under existing zoning may require a more comprehensive analysis of the proposed development to determine the extent of the conflict between community goals and objectives as officially stated and the development as proposed, and

WHEREAS, the Planning Department in reviewing the EAF renders a determination as to the extent of the environmental impacts and in doing so will recommend the preparation of an Environmental Impact Statement for all non-residential petitions in conformance with current zoning requirements but not in conformance with current zoning requirements but not in conformance with the adopted Comprehensive Plan, and

WHEREAS, Chapter 108-131©2 of the Town Code allows the Town Board the discretion to have a public hearing on site plans should the Board deem it necessary,

NOW THEREFORE, BE IT

RESOLVED, until such time as zoning is adopted consistent with the newly adopted Comprehensive Plan or within six months of the effective date of this resolution which ever is less, the Board shall accept applications for non-residential development provided that they are accompanied by a Long Environmental Assessment Form, and require all applications currently being processed to complete a Long Environmental Assessment Form, and be it further

RESOLVED, that nothing therein shall require a site plan application to be made regarding agricultural uses not otherwise required to file a site plan application under Chapter 108, Chapter 44 or any other provision of the Town Code of the Town of Riverhead, and be it further

RESOLVED, that the Town Board will review each application and determine whether the application requires a public hearing and schedule same if required, and be further

RESOLVED, that the Town Clerk be and is hereby authorizes to forward a certified copy of the resolution to the Planning Department, the Building Department, John Raynor, P.E., the Town Attorney, and the Town Engineer.

Councilman Densieski offered the resolution to be amended, no one seconded the resolution. Resolution failed to be amended.

Supervisor offered resolution to be amended, which was seconded by Councilwoman Blass.

The VOTE: Sanders, yes, Blass, yes, Densieski, no
Lull, yes and Kozakiewicz, yes.
Resolution to amend was duly adopted.

Councilwoman Blass offered the resolution, to be adopted with amendments, seconded by Councilwoman Sanders.

The VOTE: Sanders, yes, Blass, yes, Densieski, no, Lull, yes, Kozakiewicz, no
The resolution was declared to be duly adopted.

THE VOTE
Sanders Yes No Blass Yes No
Densieski Yes No Lull Yes No
Kozakiewicz Yes No
THE RESOLUTION WAS NOT
THEREFORE ADOPTED