

**SPECIAL TOWN BOARD MEETING      NOVEMBER 20, 2003**

**Res. #1264    In the Matter of the Increase and Improvement of the Facilities of the Sewer District of the Town of Riverhead, Suffolk County, New York**

**Res. #1265    Bond Resolution Authorizing the Issuance of \$845,000 Serial Bonds of the Town of Riverhead, Suffolk County, New York, to Pay the Cost of the Increase and Improvement of the Facilities of the Riverhead Sewer District in Said Town**

**Res. #1266    Approves Site Plan of Tebbens Enterprises, LLC**

11/20/03

RESOLUTION # 1264

# Adopted

72113-3174P

**Special**

At a ~~regular~~ meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, 200 Howell Avenue, in Riverhead, New York in said Town, on the 20th day of November, 2003, at 11:00 o'clock A.M., Prevailing Time.

PRESENT:

**ROBERT KOZAKIEWICZ**

Supervisor

**ROSE SANDERS**

Councilman ~~man~~ <sup>XXX woman</sup>

**BARBARA BLASS**

Councilman ~~man~~ <sup>XXX woman</sup>

**EDWARD DENSTESKI**

Councilman

**JAMES LULL**

Councilman

-----X  
In the Matter :  
of :  
the Increase and Improvement of the :  
Facilities of the Sewer District of the :  
Town of Riverhead, Suffolk County, :  
New York. :  
-----X

Councilman Lull offered the following resolution,

which was seconded by Councilwoman Blass.

**PUBLIC INTEREST ORDER**

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has duly caused to be prepared a map, plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Riverhead Sewer District in the Town of Riverhead, Suffolk County, New York, consisting of the replacement

of equipment, including pumps, valves and generating equipment, at the Middle Road Sewer Pump Station, including incidental expenses in connection therewith, at a maximum estimated cost of \$845,000; and

WHEREAS, at a meeting of said Town Board duly called and held on March 19, 2002, an order was duly adopted by it and entered in the minutes specifying that the said Board would meet to consider the increase and improvement of the facilities of the Riverhead Sewer District in said Town, at a maximum estimated cost of \$845,000 and to hear all persons interested in the subject thereof concerning the same at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on the 16th day of April, 2002, at 7:10 o'clock P.M., Prevailing Time; and

WHEREAS, the said order duly certified by the Town Clerk was duly published and posted as required by law, to-wit: a duly certified copy thereof was published in the official newspaper of this Town, on March 21, 2002, and a copy of such order was posted on March 20, 2002, on the signboard maintained by the Town Clerk of the Town of Riverhead, pursuant to Section 30, subdivision 6 of the Town Law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities of the Riverhead Sewer District in the Town of Riverhead, Suffolk County, New York, consisting of the replacement of equipment, including pumps, valves and generating equipment, at the Middle Road Sewer Pump

Station, including incidental expenses in connection therewith, at a maximum estimated cost of \$845,000.

Section 2. This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll, which resulted as follows:

_____	VOTING	_____

The order was thereupon declared duly adopted.

\* \* \* \* \*

**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

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

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DO  
 HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the order contained therein, held on November 20, 2003, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

**Traveler-Watchman**

**November 20, 2003**

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)  
of posted notice \_\_\_\_\_

Date of Posting

**TownClerk's Bulletin Board**

**November 20, 2003**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town,  
on November 20, 2003.



Town Clerk

(SEAL)

11/20/03

RESOLUTION # 1265

# Adoptec

072113-03174P

**Special**

At a ~~regular~~ meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on November, 2003, at 11:00 o'clock A.M., Prevailing Time.

The meeting was called to order by Supervisor Kozakiewicz,

and upon roll being called, the following were

PRESENT:           SUPERVISOR KOZAKIEWICZ  
                      COUNCILWOMAN SANDERS  
                      COUNCILWOMAN BLASS  
                      COUNCILMAN DENSIESKI  
                      COUNCILMAN LULL

ALSO PRESENT:     TOWN CLERK, BARBARA GRATTAN

ABSENT:

The following resolution was offered by Council<sup>woman</sup>~~man~~ Sanders who moved its adoption, seconded by Councilman Lull to-wit:

BOND RESOLUTION DATED NOVEMBER 20, 2003.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$845,000 SERIAL BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE RIVERHEAD SEWER DISTRICT IN SAID TOWN.

WHEREAS, pursuant to the proceedings heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated November 20, 2003, the Town Board of the Town of Riverhead, Suffolk County, New York, has determined it to be in the public interest to increase and improve the facilities of the Riverhead Sewer District in said Town, at a maximum estimated cost of \$845,000; and

WHEREAS, said capital project, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have a significant effect on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital project; and NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of the Riverhead Sewer District in the Town of Riverhead, Suffolk County, New York, consisting of the replacement of equipment, including pumps, valves and generating equipment, at the Middle Road Sewer Pump Station, including incidental expenses in connection therewith, there are hereby authorized to be issued \$845,000 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of said specific object or purpose is \$845,000, and that the plan for the financing of the aforesaid specific object or purpose is by the issuance of the \$845,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 30 years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Riverhead, Suffolk County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Sections 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution which takes effect immediately shall be published in the Traveler-watchman, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call,  
which resulted as follows:

_____	VOTING	_____

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

**THE VOTE**

Sanders  Yes  No Blass  Yes  No  
 Bensieski  Yes  No Lull  Yes  No  
 Kozakiewicz  Yes  No

**THE RESOLUTION WAS  WAS NOT**   
**THEREUPON  ADOPTED**

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

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DO  
HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board  
of said Town, including the resolution contained therein, held on November 20, 2003, with the  
original thereof on file in my office, and that the same is a true and correct transcript therefrom and  
of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open  
Meetings Law), said meeting was open to the general public.

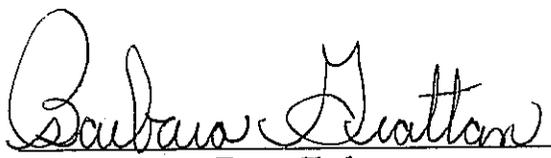
I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public  
notice of the time and place of said meeting to be given to the following newspapers and/or other  
news media as follows:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
<b>Traveler-Watchman</b>	<b>November 20, 2003</b>

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

<u>Designated Location(s)</u> <u>of posted notice</u>	<u>Date of Posting</u>
<b>Town Clerk's Bulletin board</b>	<b>Novembrr 20, 2003</b>

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, on  
November 20, 2003.

  
Town Clerk

(SEAL)

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the resolution published herewith has been adopted by the Town Board of the Town of Riverhead, Suffolk County, New York, on the 20th day of November, 2003, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which said Town is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Dated: Riverhead, New York  
November 20, 2003

**BARBARA GRATTIAN, TOWN CLERK**

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Town Clerk

(SEAL)

November 20th, 2003

# Adopted

TOWN OF RIVERHEAD

Resolution # 1266

**APPROVES SITE PLAN OF TEBBENS ENTERPRISES, LLC.**

**COUNCILMAN DENSIESKI** offered the following resolution,

which was seconded by **COUNCILMAN LULL** :

**WHEREAS**, a site plan and elevations were submitted by Tebbens Enterprises, LLC. for the construction of a 6,222 sq. ft. loading dock onto an existing 6,093 sq. ft. building and the placement of a 5,500 sq. ft. wind/weather shelter located at 4062 Grumman Blvd, Bldg. #704, Calverton, New York; such property more particularly described as Suffolk County Tax Map Number 0600-0600-135.1.7.16; and

**WHEREAS**, the Planning Department has reviewed the site plan dated May 27<sup>th</sup>, 2003, as prepared by John C. Ehlers, LS., and elevations dated September 2002, as prepared by Chander P. Nangia, P.E., and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

**WHEREAS**, the Town Board has carefully considered the merits of the site plan application, the SEQRA record to date, the report of the Planning Department, as well as all other relevant Planning, Zoning and Environmental information; 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 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 in the matter of the site plan application of Tebbens Enterprises LLC, the Riverhead Town Board hereby 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.

**BE IT FURTHER**

**RESOLVED**, that the site plan and elevations submitted by Tebbens Enterprises, LLC, for construction of a 6,222 sq. ft. loading dock onto an existing 6,093 sq. ft. building and the placement of a 5,500 sq. ft. wind/weather shelter located at 4062 Grumman Blyd., Building #704, Calverton, New York 11933, site plan dated May 27<sup>th</sup>, 2003 and as prepared by John C. Ehlers, L.S., and elevations dated September 2002, as prepared by Chander P. Nagia, P.E., 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

this document, Tebbens Enterprises, LLC., hereby authorizes and consents to the Town of Riverhead to enter premises at 4062 Grumman Blvd., Building #704, Calverton, New York 11933, 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 new utilities shall be constructed underground;
12. That pursuant to Section 108-133(I) 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 land clearing and/or 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 all necessary permits, certificates of occupancy and certificates of compliance shall be applied for by the property owner;
16. That no building permit shall be issued prior to the connection of the premises to the appurtenances of both the Riverhead Water District and the Riverhead Sewer District; and
17. That no Certificate of Occupancy shall be issued prior to the installation of appropriate lighting at the access driveway to the satisfaction of the Planning Director; and be if further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Mr. Anthony DiResta, Tebbens Enterprises, LLC, 4062 Grumman Blvd., Bldg. #704, Calverton, New York 11933, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

**DECLARATION AND COVENANTS**

**THIS DECLARATION**, made the \_\_\_\_ day of \_\_\_\_\_, 2003, made by Tebbens Enterprises, LLC, 4062 Grumman Blvd, Bldg. #704, Calverton, NY 11933, New York 11901, 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, Tebbens Enterprises, LLC., hereby authorizes and consents to the Town of Riverhead to enter premises at 4062 Grumman Blvd., Bldg. #704, Calverton, New York 11933, 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 new utilities shall be constructed underground;
11. That pursuant to Section 108-133(I) 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 land clearing and/or building permit, shall post 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 upon the installation of the appurtenances of the Calverton Sewer District the applicant shall cause a connection to same.

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

TEBBENS ENTERPRISES, 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

**THE VOTE**  
Sanders  Yes  No Blass  Yes  No  
Donsieski  Yes  No Lull  Yes  No  
K...  Yes  No  
THE RES... WAS NOT  
THE... ADOPTED