

6/25/85

612A

Minutes of a Special Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, June 25, 1985 at 3:00 P.M.

Present: Victor J. Prusinowski, Councilman
Vincent Artale, Councilman
John Lombardi, Councilman

Absent: Joseph F. Janoski, Supervisor
Louis Boschetti, Councilman

Also Present: Richard Ehlers, Town Attorney

WAIVER OF NOTICE AND CONSENT OF SPECIAL MEETING

We, the undersigned, being all members of the Town Board of the Town of Riverhead, Suffolk County and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York, at 3:00 P.M. on the 25th day of June, 1985, and do consent to the holding of such meeting for the purpose of Adopting a resolution regarding the special permit application of Ovas Realty and any other matters that may come before the Board.

Dated: June 24, 1985

TOWN BOARD MEMBERS,
TOWN OF RIVERHEAD, NEW YORK

Joseph F. Janoski
Supervisor

John Lombardi
Councilman

Vincent Artale
Councilman

Victor J. Prusinowski
Councilman

Louis Boschetti
Councilman

FILED.

RESOLUTIONS#485 APPROVES SPECIAL PERMIT OF OVAS REALTY CORP.

Councilman Lombardi offered the following resolution which was seconded by Councilman Artale.

WHEREAS, by application May 10, 1985, Ovas Realty Corp. did apply to this Town Board for a special permit for a non-nuisance use of wholesale paint and supply sales with an ancillary accessory use of retail paint and supply sales on premises located at Route 58, Riverhead, New York, and

WHEREAS, this matter was referred to the Planning Board for their review and recommendation, and

WHEREAS, by letter dated June 10, 1985, the Planning Board recommended that the special permit be approved, and

WHEREAS, on the 4th day of June, 1985, this Town Board held a public hearing wherein all persons wishing to be heard were heard, and

WHEREAS, the Environmental Quality Review Board has determined that the action is a Type II action without significant impact upon the environment, and

WHEREAS, based upon the Town Board's review on the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the special permit applied for will be a Type II action without a significant impact upon the environment pursuant to the State Conservation Environmental Law.

WHEREAS, by resolution dated January 20, 1982, the Riverhead Town Board has heretofore granted a special permit to Ovas Realty Corp. for a kitchen cabinet showroom to be located at the premises which is the subject of the instant special permit application, and

WHEREAS, Ovas Realty Corp. has previously applied to the Riverhead Zoning Board for retail use in a portion of the premises covered by the previously granted aforementioned permit, which application was denied by the Zoning Board on April 25, 1985, on the basis that the record before the Zoning Board showed that the primary use sought for the premises was wholesale and not retail.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board determines that:

a. The use will not prevent or substantially impair either the reasonable and orderly use or the reasonable and orderly development of other properties in the neighborhood.

b. The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the town.

c. The health, safety, welfare, comfort, convenience and order of the town will not be adversely affected by the authorized use.

d. Such use will be in harmony with and promote the general purposes and intent, and be it further

RESOLVED, that the premises covered by this special permit shall be maintained in conformity with such plan which may from time to time be approved by the Riverhead Town Board, and be it further

RESOLUTIONS Continued:

RESOLVED, that the special permit application of Ovas Realty Corp. for a non-nuisance use of wholesale paint and supply sales with an ancillary accessory use of retail paint and supply sales on premises located at Route 58, Riverhead, New York, be and is hereby approved subject to any and all restrictions and/or limitations outlined in the Riverhead Town Code as may from time to time be amended, and be it further

RESOLVED, that the Town Clerk is authorized to forward a certified copy of this resolution to John J. Munzel, Esq. and the Riverhead Building Department.

The vote, Boschetti, absent, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, absent.

The resolution was thereupon declared duly adopted.

#486 APPROVES SITE PLAN OF OVAS REALTY CORP.

Councilman Lombardi offered the following resolution which was seconded by Councilman Artale.

WHEREAS, a site plan dated May 2, 1985 made by Young and Young, Land Surveyors and elevations dated March 14, 1985 made by Gordon K. Ahlers, P.E. were submitted by Ovas Realty Corp. for a building permit for non-nuisance use of wholesale paint and supply sales with an ancillary accessory use of retail paint and supply sales.

WHEREAS, this Town Board has reviewed the site plan dated May 2, 1985 prepared by Young and Young, Land Surveyors and elevations dated March 14, 1985, prepared by Gordon K. Ahlers, P.E.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan dated May 2, 1985 prepared by Young and Young, Land Surveyors and elevations dated March 14, 1985, prepared by Gordon K. Ahlers, P.E. submitted by Ovas Realty Corp. for a building permit for non-nuisance use of wholesale paint and supply sales with an ancillary accessory use of retail paint and supply sales located at Route 58, Riverhead, New York, be and are hereby approved, subject to the following:

1. That the provisions of the 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 certified 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 and filed with the 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 or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design.

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RESOLUTIONS Continued:

4. That the Declarant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same.

5. Trash receptacles of a decorative design shall be maintained at the premises.

6. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a stantion stating, "No parking, Handicap Only", and the universal symbol affixed thereto.

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code, with regard to type, thickness, and grade.

8. That the Town Board may designate fire zones as they may see fit and it is agreed that the owner of the premises shall sign any and all documents as may be required to designate fire zones.

9. Subject to Suffolk County curbcut approval if necessary.

RESOLVED, that a certified copy of this resolution shall be forwarded by the Town Clerk to Ovas Realty Corp. and the Riverhead Building Department.

DECLARATION AND COVENANT

THIS DECLARATION made the _____ day of _____, 1985, by Ovas Realty Corp., a domestic corporation, by _____, residing at _____, Declarant.

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 the Declarant, and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Rivehead 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, 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 do 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:

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1. That the provisions of the 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 or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design.

3. That the Declarant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same.

4. Trash receptacles of a decorative design shall be maintained at the premises.

5. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a station stating, "No parking, Handicap Only", and the universal symbol affixed thereto.

6. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code, with regard to type, thickness, and grade.

7. That the Town Board may designate fire zones as they may see fit and it is agreed that the owner of the premises shall sign any and all documents as may be required to designate fire zones, and be it further

8. Subject to Suffolk County curbcut approval, if necessary.

IN WITNESS WHEREOF, the Declarant has hereunto set his hand and seal the day and year above written

OVAS REALTY CORP.

By: _____

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On this _____ day of _____ 1985, before me personally came _____, to me known, who being by me duly sworn, did depose and said that he resides at _____, that he is the _____ of OVAS REALTY CORP., the corporation described in and who executed the foregoing instrument;; that he knows the seal of this corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Notary Public

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RESOLUTIONS Continued:

The vote, Boschetti, absent, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, absent.
The resolution was thereupon declared duly adopted.

#487 AUTHORIZES SUPERVISOR TO EXECUTE AGREEMENT
RE: EAST END ADOLESCENT PREGNANCY PREVENTION & SERVICES PROGRAM

Councilman Artale offered the following resolution, which was seconded by Councilman Prusinowski.

RESOLVED, that the Supervisor be and is hereby authorized to execute the attached Linkage Arrangement with regard to the creation of an East End Adolescent Pregnancy Prevention & Services Program for the period November 1, 1985 to October 31, 1986, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be provided to the Juvenile Aid Bureau.

The vote, Boschetti, absent, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, absent.

The resolution was thereupon declared duly adopted.

#488 TRANSFER OF FUNDS

Councilman Lombardi offered the following resolution, which was seconded by Councilman Artale.

RESOLVED, that the Supervisor be, and hereby is, authorized to transfer the following:

GENERAL FUND

	<u>FROM:</u>	<u>TO:</u>
<u>Sanitation Department</u>		
A8160.430 Fuel, Oil and Grease	\$15,000.00	
A8160.460 Misc., Supplies and Parts	1,500.00	
		\$15,000.00
A8160.470 Repair and Labor		1,500.00
A8160.440 Lights and Heat		

The vote, Boschetti, absent, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, absent.
The resolution was thereupon declared duly adopted.

#489 INCREASE AND IMPROVEMENT TO THE WATER DISTRICT, EXTENSION NO. 29

Councilman Prusinowski offered the following resolution, which was seconded by Councilman Artale.

At a special meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, in said Town, on June 25, 1985, at 3:00 o'clock P.M., Prevailing Time.

RESOLUTIONS Continued:

The meeting was called to order by Councilman Prusinowski, and upon roll being called the following were:

PRESENT: Councilman Victor J. Prusinowski
Councilman Vincent Artale
Councilman John Lombardi

ABSENT : Supervisor Joseph J. Janoski
Councilman Louis Boschetti

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has duly caused to be prepared 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 Water District in said Town, consisting of the installation of a 12-inch main and necessary appurtenances therewith, as more fully described in the map, plan, and report on file with the Town Clerk, at a maximum estimated cost of \$2000; and

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, duly adopted an order on February 15, 1985, calling a public hearing in relation to said increase and improvement; and

WHEREAS, notice of said public hearing was duly published and posted in the manner and within the time provided by law; and

WHEREAS, said public hearing was duly held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on February 26, 1985, at 8:45 o'clock P.M., Prevailing Time, at which time and place said Town Board heard all persons interested in the subject matter thereof; and

WHEREAS, it is now desired to authorize such increase and improvement of facilities and to provide for the financing of the costs to be incurred thereby; and

WHEREAS, said Town Board has duly considered the evidence given at said public hearing; NOW, THEREFORE, BE IT

RESOLVED, 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 Water District in said Town, consisting of the installation of 340 feet of a 12-inch main and necessary appurtenances therewith, as more fully described in the map, plan and report on file with the Town Clerk, authorized at a total cost of \$2,000.

Section 2. This resolution 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:

The vote, Boschetti, absent, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, absent.

The resolution was thereupon declared duly adopted.

#490 AUTHORIZES NOTICE TO BIDDERS RE: EXTENSION NO. 30

Councilman Prusinowski offered the following resolution, which was seconded by Councilman Lombardi.

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RESOLUTIONS Continued:

The vote, Boschetti, Absent, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, absent.
The resolution was thereuon declared duly adopted.

There being no further business on motion or vote, the meeting adjourned at 3:19 P.M.

IJP:bg



Irene J. Pendzick
Town Clerk