

Minutes of a Regular Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, July 15th, 1975, at 7:30 P.M.

Present:

John H. Leonard, Supervisor
 Robert G. Leonard, Town Justice
 Gregory R. Manning, Town Justice
 George G. Young, Councilman
 Francis E. Menendez, Councilman

Also present: Allen M. Smith, Town Attorney
 Absent: Alex E. Horton, Supt. of Highways

EXECUTIVE SESSION

10:00 A.M. - Captain Roscoe Palmer re Police Matters
10:30 A.M. - George Plevretes re Blue Laws
10:45 A.M. - Edward R. Munson re Building Department and Zoning
11:15 A.M. - Edward Desmond and John Hurley, Esq.

Supervisor Leonard called the Meeting to Order at 7:30 P.M. and the Pledge of Allegiance was recited.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the Minutes of the Meeting of the Town Board of the Town of Riverhead, held July 1, 1975, be approved as submitted.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined the following bills, submitted on Abstract, dated July 15th, 1975:

General Town	\$14,079.26
Highway Item #1	\$14,401.60
Highway Item #3	\$27,479.01
Highway Item #4	\$ 2,565.30
Drug Abuse Program	\$ 275.35
Senior Nutrition Program	\$ 3,030.50
Federal Revenue Sharing	\$ 7,550.84
Special Districts	\$10,499.88
Town Hall Capital Project	\$ 2,450.00

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

BE IT RESOLVED, That the following bills be and are hereby approved for payment:

RESOLUTION - continued:

General Town	\$14,079.26
Highway Item #1	\$14,401.60
Highway Item #3	\$27,479.01
Highway Item #4	\$ 2,565.30
Drug Abuse Program	\$ 275.35
Senior Nutrition Program	\$ 3,030.50
Federal Revenue Sharing	\$ 7,550.84
Special Districts	\$10,499.88
Town Hall Capital Project	\$ 2,450.00

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

REPORTS

Supervisor's, month of June, 1975. Filed.

OPEN BID REPORT - Invitational Bids on Surplus Police Vehicles

The Town Clerk opened the following bids for the purchase of Surplus Vehicles (Seven) owned by the Town Police Department on Monday, July 15, 1975 at 11:00 A.M.:

East Island Auto Parts
31 Kroemer Avenue
Riverhead, N.Y. 11901

1.	1970 Plymouth 4-Door	\$125.00
2.	1971 Plymouth 4-Door	225.00
3.	1972 Plymouth 4-Door	201.00
4.	1973 Plymouth Suburban	326.00
5.	1973 Plymouth 4-Door	326.00
6.	1973 Plymouth 4-Door	326.00
7.	1973 Plymouth 4-Door	326.00

TOTAL

\$1,855.00 Filed.

James A. Brown
442 Griffing Avenue
Riverhead, N.Y. 11901

2.	1971 Plymouth 4-Door	\$200.00
4.	1973 Plymouth Suburban	230.00
7.	1973 Plymouth 4-Door	200.00

Filed.

Walter Breitenbach
West Lane - Box 47
Aquebogue, N.Y. 11931

2.	1971 Plymouth 4-Door	\$315.00
4.	1973 Plymouth Suburban	225.00
5.	1973 Plymouth 4-Door	210.00

Filed.

Thomas F. Guyer
301 Newton Avenue
Riverhead, N.Y. 11901

2.	1971 Plymouth 4-Door	\$100.00
3.	1971 Plymouth 4-Door	205.00
4.	1972 Plymouth 4-Door	100.00

Filed.

OPEN BID REPORT - continued:

Fred J. Gallo
27 Hubbard Avenue
Riverhead, N.Y. 11901

1.	1970 Plymouth 4-Door	\$115.00	
2.	1971 Plymouth 4-Door	220.00	
3.	1972 Plymouth 4-Door	200.00	
4.	1973 Plymouth Suburban	321.00	
5.	1973 Plymouth 4-Door	320.00	
6.	1973 Plymouth 4-Door	320.00	
7.	1973 Plymouth 4-Door	320.00	Filed.
	TOTAL	\$1,816.00	

APPRAISAL

Town Clerk presented the Town Board with an Appraisal Report from James Kaelin on the property located adjacent to the new Town Hall Site on East Main Street and Howell Avenue, which is filed in the Town Clerk's Office.

PETITIONS

Reeve's Park Residents urging Town Board to outlaw unlicensed, unregistered and uninsured motor vehicles operated by underage persons. (131 Residents) Filed.

Residents of Jamesport area opposing the renting of the Jamesport Community Center (old school building) at this time. Filed (269 Residents)

COMMUNICATIONS

Planning Board, Town of Riverhead, dated June 26, 1975, addressed to Jesse Goodale, Riverhead Building Supply Corporation re: preliminary plat entitled "Riverhead Building Supply Corporation Sub-division", located at Sound Avenue, Baiting Hollow, stating the Board approved the preliminary plat and will endorse it according to the following conditions:

1. That an amount of \$4,500 be deposited with the Town for park, playground and other recreational purposes.
 2. That a performance bond in the amount of \$76,000 be filed with the Town Clerk.
 3. That Riverhead Building Supply submit a deed or proper instruments showing that Baiting Hollow Lane may be laid out over and across the 15 foot strip which is owned by another or others. Also that the Planning Board be notified when the Town Board approves the performance bond. Filed.
- Copies to all Town Agencies.

Mr. Irving Like, Special Counsel to Suffolk County, of Reilly, Like and Schneider to Alex Horton regarding LILCO Nuclear Plant, dated 6/27/75, stating that consultants for the Long Island Lighting Company have proposed several specific roadway alterations necessary to the construction and operation of a nuclear power station at Jamesport, some on roads under County jurisdiction and others under the charge of the Town of Riverhead.

COMMUNICATION - continued:

The LILCO recommendations include:

- 1) The widening of Sound Avenue from the existing two-lane roadway to a four-lane facility equipped to handle 36-ton trucks;
- 2) Extension of the proposed County reconstruction project on Old Country Road, C.R. 58, from its current proposed easterly terminus at Route 25 to Cross River Drive, including an interchange at Cross River Drive;
- 3) Designation of Northville Turnpike between Cross River Drive and Sound Avenue as one-way northbound or widening of Northville Turnpike between Cross River Drive and Sound Avenue;
- 4) Provision of intersectional improvements at:
 - a) Cross River Drive at Northville Turnpike
 - b) Long Island Expressway exit ramp at Old Country Road
- 5) Provision of preferential signal timing at signalized locations on Old Country Road;
- 6) Use of local police to aid in directing traffic at selected locations during the construction force peak traffic periods."

Mr. Like also asked Mr. Horton to furnish him with such information as feasibility of the changes, projected cost estimates, policies in situations such as these and dates regarding the starting and completing of aforesaid changes. Filed.

Copies to Town Board and Town Attorney.

Alex E. Horton, Supt. of Highways, to Mr. Like, dated 7/9/75, stating in part that he has no objections to LILCO widening or resurfacing part of Sound Avenue at this time, but could not see why Riverhead Town Taxpayers should bear the expense to rebuild that portion of the road with tax money, when LILCO is a stock-holding corporation.

He further stated that any matter, such as this, would have to be taken up with the Riverhead Town Board. Filed.

Tim Conway, Pres. of the United Diver's Association, dated 7/3/75, addressed to Riverhead Chamber of Commerce, stating that the members of the U.D.A. are planning a group dive and Riverhead has been recommended as one of the dive sites. Also requesting any laws regarding diving and if there is any place where they can rent an outboard motorboat, also if a permit is required for diving. Filed.

Copies to Town Board, Town Attorney and Recreation Dept.
Supt.

Stanley Grodski, Rec. Dept. Supt. replied that to his knowledge, no ordinances against diving in the Long Island Sound existed to prevent the group from their objective.

COMMUNICATIONS - continued:

Jean Trubisz, dated 7/11/75, complaining about the danger of crossing the downtown streets at the crosswalks stating as follows:

"I am a local resident of Riverhead and like to shop in the stores on Main Street. Recently, I heard on the radio that jaywalking is illegal and that pedestrians must use a crosswalk. There is one question that I wish you would answer. How is a person supposed to get across the street? Today I went shopping and used the crosswalk and almost got killed because cars just keep on going. I waited 5 minutes and then had to run across.

In Southampton Town, it is very pleasant to go shopping because a law is enforced for all vehicles to stop at a crosswalk and let a pedestrian cross.

Many people who I have been talking to do not even think of going shopping downtown because of this problem. They have said that the drivers are crazy and when they have their children with them it is completely out of the question. They would rather go somewhere else where they can feel more at ease.

You have enforced a law against jaywalking for pedestrians, but how about enforcing a law for all vehicles to stop at the crosswalks or else to be fined. In this way you will have two laws enforced and will get people back shopping in our local stores."

Copies to Town Board and Town Attorney.

Supervisor Leonard asked Chief Grodski if he has been enforcing the jaywalking law.

Chief Grodski replied that the Town of Riverhead has no jaywalking ordinance.

He then stated that the Southampton "full stop" referred to in Mrs. Trubisz's letter, was in the Village of Southampton, not the Town and the Village has more authority and an ordinance.

He further commented that the crosswalks in Town are all spelled out, but agreed that the State does not paint the crosswalks as often as they should.

He concluded by saying that they can't enforce a law that the Town doesn't have in existence.

The matter was then referred to Chief Grodski for reply.

Tooker, Tooker and Esseks, dated 7/11/75, stating that they have been instructed to withdraw the application of #84 Lumber Company for a special permit and change of zone.

Mr. Tooker further states that the action of the Town Board and the Planning Board, in regard to this application has meant the probable loss to the Town of substantial tax revenues and a significant number of jobs for local residents.

He concludes by saying that Riverhead cannot afford to continually discourage industry. The Town's tax base and employment situation demand cooperation with new enterprises wishing to locate within the community.

Copies to Town Board, Town Attorney and Zoning Inspector.

Filed.

COMMUNICATIONS - continued:

Robert M. Burke, dated 7/10/75, Voluntary Chairman for the Division of the United Way of Nassau-Suffolk which covers the Town of Riverhead, stating he is writing to solicit the Board's cooperation and assistance in the 1975 fall fund-raising campaign.

He further requests that the Board designate a Town Chairman, who would be available to attend a meeting and would hopefully provide leadership in a Town Campaign this fall and hopes to have a reply from the Board by August 1, 1975. Filed.

Copies to Town Board and Town Attorney

The Town Board will take this matter under consideration.

Town of Southampton, received 7/14/75, re Adoption of Amendment to Zoning Ordinance #26 regarding Commercial Fishing Facilities and Shellfish. Filed.

Copies to all Town Agencies.

Myron E. Hulse, dated 7/18/75, stating as follows:

"Early in June I made a very hurried trip to Riverhead to put a piece of shore front at Reeve's Park in the hands of real estate agents. The property lies west and north of the club house. To my amazement I found a large area just north of the club house property had been bulldozed away. It had exposed the cellar to the original house on the property and undermined a long stairway which was the access from the lower to the upper level. This was already in precarious condition and may have fallen by now.

That night on my return to New Jersey where I was visiting my daughter, I called Mr. Spero Lemonides, President of the organization that owns the club house and found that the township had been responsible for the removal of the sand. He agreed with me that the township had no business to touch the property without first receiving permission from the owner. This could have been determined with very little effort by consulting the tax records or township maps.

As an absentee taxpayer we feel you have taken advantage of a situation. You have put us in a position where anyone who might be hurt by the exposed staircase or the cellar could bring suit against us, while in fact, the township is responsible for creating the situation as it is at the present time. We feel we are entitled to damages for the large volume of sand removed also for the fact that the value of the lot has been reduced since the face of the dug out area has already started to erode.

What do you intend to do about this matter? If you choose to ignore it, I will be in Riverhead the end of August or in September and I will consult our lawyer to see what can be done about it."

Copies to Town Board and Town Attorney.

Filed.

Stanley Grodski, Rec. Dept. Supt. replied that the Town of Riverhead Recreation Department had nothing to do with the removal of this sand and then stated that Mr. Lemonides' organization, the Reeves Beach Civic Association, did all the removing themselves and further stated that he has sent a letter to Mr. Lemonides telling him to resolve this matter with Mr. Hulse and a copy was sent to Mr. Hulse himself.

COMMUNICATIONS - continued:

Wading River Civic Association, dated 7/9/75, stating that there is a proposal currently pending for a ferry service between Long Island and Connecticut and the Wading River-Shoreham area appears to have developed as a primary site for this crossing even though the facts indicate that this would be by far the most risky and expensive choice.

They further state that a meeting of concerned taxpayers will be held Wednesday, July 23rd at 8P.M. at the Miller Avenue School, Miller Avenue, Shoreham, New York to fully explore the facts of this proposal before the potentially devastating consequences of this experiment are felt by the taxpayers.

They conclude by stating that as their elected representative, they hope the Supervisor, John H. Leonard will attend this meeting.

Copies to Town Board and Town Attorney.

Filed.

Supervisor Leonard replied that he would try to attend this meeting.

Mr. Donald J. Petrie, dated 7/11/75, stating he applauds the Supervisor's stand for refusing to allocate town money for widening Sound Avenue.

He further states that since the State Legislature has designated this beautiful road as an historical corridor, it's all the more reason to keep it two lanes.

Filed.

Copies to Town Board and Town Attorney.

David W. Burke, Sec. to Governor Carey, dated 7/14/75, acknowledging recent letters transmitting copies of the resolution adopted on July 1st by the Town Board of the Town of Riverhead concerning Central Islip State Hospital.

Filed.

Copies to Town Board and Town Attorney.

UNFINISHED BUSINESS

a) Offer of property for sale to Town (adjacent to Town Dump) - Conversation on tape recorder was completely garbled.

b) Reeve's Park Problem - Supervisor Leonard replied that some residents of Reeve's Park have complained about the constant noise and harassment from motorcycles riding up and down the streets. He then said that he later read a piece in one of the local "gazettes" that the residents throw rocks at these kids on motorcycles, so now they've heard from both sides.

Ann Tisch, Sea Breeze Drive, Reeve's Park. said she wanted to clarify the wording of the petition that Miss Block read earlier and stated that the residents who signed the petition objected to ALL motorized vehicles driven by underaged, unlicensed and uninsured drivers, not mini-bikes per se.

UNFINISHED BUSINESS - continued:

She went on to dispute the story about the rock throwing incidents and told of further arguments between residents and one of the fathers of the kids in question.

She concluded by pleading with the Board not to pat them on the head and send them home saying they feel sorry for them, they have got to do something about it.

Chief Grodski then spoke on the matter saying: "Through the Police Department and the Justice Court, the District Attorney was contacted and a very deep search was made into the roads in question.

And as it has been mentioned, these roads, for the purpose of enforcing the V. & T. Law and the usage of these unlicensed and unregistered motor vehicles, are public roadways.

The District Attorney, through the Assistant District Attorney, said that they will prosecute. We are expecting a written opinion from them.

The Riverhead Police Department has notified the two families in question, that effective immediately we will issue summonses, not to the operators unless they are over 16 years of age, but to the parents for permitting an unlicensed and unregistered operator and an uninsured vehicle on a public roadway.

The mothers, who were approached this evening because no one was home this afternoon when I went there, have agreed to comply. However, when the fathers arrive, it might be a different thing.

So effective immediately, we're going to enforce it. We're going to permit the vehicles to return to the homestead after the first summons is issued. If the second violation occurs, we will impound the units in question. So be it!"

c) Proposed change of Zoning Ordinance #26 re Signs -
Progress is being made in this matter.

d) Report from Town Attorney re problem of Milestone in Baiting Hollow - Town Attorney reported as follows: "The Board has been addressed by Mrs. Kappenburg and Mrs. Jacques with reference to a particular monument that they would like to move to the Baiting Hollow Free Library on Sound Avenue.

Now, I've tapped several sources as to the identity and ownership of these particular milestones and the logical place to begin would have been with Alden W. Young and I've spoken to Alden and these are not surveyor's bench marks or anything of the sort. They were for a different purpose and Alden does not know the history of them.

I've spoken with Mrs. Edna Yeager, who is a local historian and she indicates that there were two theories. That they were placed with the basis of establishing postal rates in the early colonial history or she has also heard that they were used to establish the rates for jury duty. Now, of course, both of those theories would place the milestones under the either the jurisdiction of the Federal Government or the County Government."

UNFINISHED BUSINESS - continued:

Town Attorney continued his report: "We do know one thing. In the colonial times, there was a thing called jail limits. If you were put in jail for a civil offense, they would allow you out of jail during the day, but you had to stay within the jail limits.

Now, Reginald Smith knows where some of these are and he doesn't recall this particular one, but if it is of that type, it will be exactly one mile from Griffing's Store, as the crow flies. That's where the old jailhouse and court house were. And if it's one mile from where Griffing's Store is, it belongs to the County of Suffolk.

Now, the last thing goes right back to the Chief of Police. Under the old penal law, and under several other statutes, the moving of a monument is a misdemeanor. They've abolished those particular sections and under the new penal law, it's disorderly conduct. So if the Chief chooses to start an investigation as alleged that this particular monument was dug up and put in somebody's garage and it could be a violation if you want to pursue it.

There is nothing in the history, that I've been able to uncover, that indicates that this Town Board has any jurisdiction over these stones. The likelihood is that they were County markers of some sort."

Councilman Menendez spoke saying that he heard there were milestones set up originally to mark the way to the old court house.

Town Attorney replied that that was one of Edna Yeager's theories too.

PERSONAL APPEARANCES

Supervisor Leonard asked if anyone wished to be heard and the following responded:

William Rowe, R.D. 119 Sound Avenue, Baiting Hollow, said that he would like to suggest that the Board institute for the Town of Riverhead an Anti-Noise Ordinance based on the fact that last Tuesday morning, at 5:30 in the morning, his whole family was awakened by a helicopter crop-dusting across the street.

He further stated that he called the Police Department and was told that there was no noise ordinance regarding this matter and was quite perturbed.

He then said that anyone could be unreasonable and create all sorts of noise whenever they wanted to, without any control over it whatsoever.

Councilman Young said that there was an ordinance on the books, but it was very hard to enforce and specify the amount of noise that would constitute a disturbance.

Further discussion followed.

Eva Nicosia, Chairman of the Jamesport Improvement Society, stated that they have been in the process of starting to repair the old Jamesport School building.

PERSONAL APPEARANCES - continued:

She further stated that she understood that there was going to be a group of 60 individuals using the building during a summer program, as well as the Town Recreation Department and she wanted to know more about it.

Supervisor Leonard replied that as long as they didn't interfere with the Recreation Department summer program, there was no way they could tell this group that they couldn't use the building.

Mrs. Nicosia stated that she understood that, but there were still some repairs to be made within the building before anyone should be allowed in it.

Further discussion followed.

Connie Gevinski spoke about the conditions still existing in the building and said as a parent of a child attending the summer program in that school, she was leary of letting him go there as long as repairs still need to be made.

Judge Manning said that according to the Fire Inspector, unless the Town puts in a central sprinkling system in the school building, no youth can be allowed to use it.

Further discussion followed.

RESOLUTIONS

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

RESOLVED, That the following resolution adopted on June 17, 1975 be amended as follows:

"RESOLVED, That Joseph Saland and James Kaelin be and they hereby are appointed to appraise and value certain improved real property at the corner of East Main Street and Howell Avenue adjacent to the new town hall site, and be paid a reasonable fee, therefore",

AND BE IT FURTHER RESOLVED, That the fees be charged to Federal Revenue Funds.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

WHEREAS, Donald Denis has prepared plans and specifications for the renovation of the interior of the new town hall.

NOW, THEREFORE, BE IT RESOLVED, That the Town Clerk be and she hereby is authorized to publish the attached notice to bidders calling for the opening of bids on August 7th, 1975.

PUBLIC NOTICE
ADVERTISEMENT FOR BIDS FOR THE
TOWN OF RIVERHEAD, N.Y.

Separate sealed proposals will be received by the Town Clerk for the Town Board of the Town of Riverhead until 11:00 A.M. prevailing time on August 7th, 1975 at the Riverhead Town Hall, 220 Roanoke Avenue, Riverhead, New York, at which time they will be publicly opened and read for the construction of the:

RESOLUTION - continued:

RIVERHEAD TOWN HALL
N.Y. Route 25, East Main Street
Suffolk County,
Riverhead, New York

which work consists of the four contracts:

Contract No. 1 - General Construction
Contract No. 2 - Plumbing
Contract No. 3 - Heating, Ventilating
and Air Conditioning
Contract No. 4 - Electrical

Separate bids shall be received on each Contract. Bids will not be accepted if they consist of one quotation for the entire job.

Instructions to Bidders, Proposal Form, Contract Form, General Conditions, Supplemental General Conditions, Special Conditions, Plans and Specifications may be obtained and examined at the office of the Town Clerk at the Town Hall, 220 Roanoke Avenue, Riverhead, New York.

The deposit for a complete set of plans and specifications for all Contracts is \$100. Checks shall be made payable to the Town of Riverhead. A refund will be made to the Bidder returning the documents in good condition within ten days of the opening of Bids, provided a formal proposal has been submitted. A fifty percent refund will be made to non-bidders returning the documents.

Security for each bid must be submitted with each bid, in an amount not less than ten percent (10%) of the Base Bid in the form and subject to the conditions set forth in the "Instructions to Bidders".

The successful bidder shall be required to furnish a Performance and Payment Bond in the amount of One Hundred Percentum (100%) of the accepted bid guaranteeing the completion of the work in accordance with the Drawings and Specifications, and the payment of all obligations arising thereunder in the form and subject to the conditions set forth in the "Instructions to Bidders".

The Town Board reserves the right to reject any or all bids, and to advertise for new bids and to waive any informalities in the Proposals, and to accept or reject any or all Alternates or Unit Prices if, in its opinion, the best interest of the Town will thereby be promoted.

No bid shall be withdrawn pending the decision of the Town Board which shall be made within forty-five days after date of the bid opening.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued:

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

WHEREAS, The Town Planning Board of Riverhead by a Resolution dated April 16, 1975, set forth the prerequisites to the approval of the proposed subdivision known as "MARLWOOD OF BAITING HOLLOW, SECTION 2", and

WHEREAS, On the 16th day of April, 1975, the Town Planning Board of Riverhead fixed as one of the prerequisites to the approval of the proposed subdivision the filing of a performance or surety bond in the amount of \$65,000.00 with the Riverhead Town Board guaranteeing the faithful completion of the construction of highways within the proposed subdivision in accordance with the construction specifications in the "Rules and Regulations for the Dedication of a Public Highway in the Town of Riverhead, Suffolk County, New York" and in accordance with the conditions set forth in the aforementioned resolution of the Riverhead Town Planning Board dated April 16, 1975, and

WHEREAS, WARNER ENTERPRISES, INC., as Principal and DEWITT Y. WARNER, PIERINA V. WARNER and LENA Y. WARNER, as Surety, have filed with this Town Board a performance or surety bond in the amount of \$65,000.00, together with Certificates of Deposit, all properly endorsed to the Town Board of the Town of Riverhead, in the amount of \$65,000.00, guaranteeing to the Town Board of the Town of Riverhead faithful performance in the completion of the roads to be constructed in the proposed subdivision known as "MARLWOOD OF BAITING HOLLOW, SECTION 2", which bond sets forth completion of the roads in a period not exceeding two (2) years, pursuant to Section 277 of the New York Town Law and in accordance with Section III, paragraph F of the Rules and Regulations of the Planning Board for the Subdivision and Platting of Land,

NOW, THEREFORE, BE IT RESOLVED, That the performance or surety bond in the amount of \$65,000.00 naming WARNER ENTERPRISES, INC. as Principal, DEWITT Y. WARNER, PIERINA V. WARNER and LENA Y. WARNER, as Surety, and the RIVERHEAD TOWN BOARD as Obligee, for the faithful performance of all conditions set forth in resolution of the Town of Riverhead Planning Board dated April 16, 1975, with reference to the proposed subdivision to be known as "MARLWOOD OF BAITING HOLLOW, SECTION 2", is satisfactory to the Town Board as to form, sufficiency, manner of execution and surety, for the completion of such improvements as are not constructed.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

BE IT RESOLVED, That Sherwood Johnson be hired as the Big Brother-Big Sister Program Director, for the Town of Riverhead Narcotic Guidance Council, for 315 hours, from September 1, 1975 to January 2, 1976, at \$6.00 per hour, plus F.I.C.A., and travel expenses, and

RESOLUTION - continued:

FURTHER RESOLVED, That the costs be charged to A4201.4 Narcotic Guidance Contractual Account.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, No.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That Highway bills submitted on abstracts dated July 15, 1975, as follows:

General Repairs - Item #1: Mobil Oil Corporation, bills dated June 25 and 27, 1975, totalling \$507.63, and

Miscellaneous - Item #4: Capitol Highway Materials, Inc., bill dated July 2, 1975 in the amount of \$2,520.50; be and the same are hereby approved for payment.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That the employment of Robert Kennedy, Probationary Laborer in the Highway Department, be and is hereby terminated effective July 18, 1975.

The vote, Councilman Menendez said he has yet to hear a good reason for letting this man go, but the Supt. of Highways was not there to defend himself, so he had to assume he had a good reason for the termination, and voted "Yes", Town Justice Manning, No, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That the employment of Charles Eich, Jr., Probationary Laborer in the Highway Department be and is hereby terminated effective July 11, 1975.

The vote, Councilman Menendez, Yes, Town Justice Manning, No, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued:

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

WHEREAS, Barbara Lowery was appointed Recreation Aide effective July 7, 1975 to and including August 15, 1975 and

WHEREAS, Barbara Lowery has indicated her inability to serve,

BE IT THEREFORE RESOLVED, That the appointment of Barbara Lowery made in a Town Board Resolution under date of June 17, 1975, be and is hereby rescinded.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

WHEREAS, Proposed Local Law No. 1 - 1975, was introduced at a meeting of the Town Board held on the 17th day of June, 1975, and

WHEREAS, A public hearing has been held thereon this 1st day of July, 1975, at which time all interested persons were given an opportunity to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED, That Local Law No. 1 - 1975 be enacted as follows:

LOCAL LAW NO. 1 - 1975

A LOCAL LAW TO PROVIDE FOR THE MANNER IN WHICH ORDINANCES AND AMENDMENTS THERETO ARE ADOPTED AND TAKE EFFECT

Be it enacted by the Town Board of the Town of Riverhead as follows:

Section 1. Enactment of local law.

In conjunction with the codification of ordinances and local laws of the Town of Riverhead, the following local law is hereby adopted by the Town Board of the Town of Riverhead. Upon the adoption of the proposed Code of the Town of Riverhead this local law will be included therein as Chapter 27, Ordinances, Adoption of, of said Code.

Section 27-1. Publication and posting.

Every ordinance and every amendment to an ordinance hereafter adopted or approved by the Town Board shall be entered in its minutes and a summary thereof describing the subject matter of the ordinance printed once in a newspaper published in the town, if any, or in any such newspaper published in the county in which such town may be located, having a circulation in such town, as the Town Board may designate, and a complete typewritten copy thereof posted on the signboard maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law, and affidavits of such publication and posting shall be filed with the Town Clerk.

RESOLUTION - continued:
Section 27-2. When effective.

Such ordinance or amendment shall take effect ten (10) days after such publication and posting, but such ordinance or amendment shall take effect from the date of its service as against a person served personally with a copy thereof, certified by the Town Clerk under the corporate seal of the town, and showing the date of its passage and entry in the minutes.

Section 2. Repealer.

All local laws, ordinances, resolutions or parts thereof inconsistent with the provisions of this local law are hereby repealed.

NOTICE OF ADOPTION

WHEREAS, Notice of public hearing was duly given and said hearing duly held in the Town Hall, Town of Riverhead, New York, on the 1st day of July, 1975, at 11:45 o'clock in the morning to consider the adoption of Local Law No. 1 - 1975, A LOCAL LAW TO PROVIDE FOR THE MANNER IN WHICH ORDINANCES AND AMENDMENTS THERETO ARE ADOPTED AND TAKE EFFECT.

NOW, THEREFORE, PLEASE TAKE NOTICE That, after due consideration and deliberation, the Town Board duly adopted said local law.

This local law provides for the procedure to be followed in adopting ordinances and amendments thereto, such procedure to consist of publication and posting and filing of affidavits with the Town Clerk; also establishes when such ordinance or amendment shall take effect. Upon adoption of the proposed Code of the Town of Riverhead, this local law will be included therein as Chapter 27, Ordinances, Adoption of, of said Code.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Attorney explained about the format being used, due to questions raised regarding a similar local law adopted in the 60's.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the following seven (7) Surplus Police Vehicles be and are hereby awarded to East Island Auto Parts, 31 Kroemer Avenue, Riverhead, N.Y. 11901, at a cost of \$1,855.00:

1.	1970 Plymouth 4-Door - PK41GOF202523	\$125.00
2.	1971 Plymouth 4-Door - PK41N1F235366	\$225.00
3.	1972 Plymouth 4-Door - PK41P2D313814	\$201.00
4.	1973 Plymouth Suburban - PK45P3D229521	\$326.00
5.	1973 Plymouth 4-Door - PK41P3F217990	\$326.00
6.	1973 Plymouth 4-Door-PK41P3F217987	\$326.00
7.	1973 Plymouth 4-Door - PK41P3F272931	\$326.00
	TOTAL	\$1,855.00

RESOLUTION - continued:

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

BE IT RESOLVED, That the following police officer be paid terminal pay, accumulated and all unused time as per conditions of written contract between the Town of Riverhead and the Riverhead P.B.A. Inc., as follows:

Police Sergeant Walter Flanagan: Lump Sum payment for the following in the amount of \$10,583.04:

Vacation:	\$4,006.20	for 60 Days
Holidays:	\$ 500.77	for 7½ Days
Sick Leave:	\$4,673.90	for 70 Days
21 Termination Days:	\$1,402.17	for 21 Years
TOTAL	\$10,583.04	

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

WHEREAS, The Board of Assessment of Review requires the services of a clerk for their meetings,

THEREFORE, BE IT RESOLVED, That Shirley Saland, Main Road, Jamesport, New York, be appointed Clerk to the Board of Assessment Review and to be paid at a rate of \$3.50 per hour.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, The Town Board has entered into a contract for the performance of site work at the new town hall, and

WHEREAS, In the near future a contract will be entered into for the interior work at the same location, and

WHEREAS, The Town Board believes that the retention of the clerk of the work responsible to the Town Board is desirable,

RESOLUTION - continued:

NOW, THEREFORE, BE IT RESOLVED, That Everett Jackson be and he hereby is retained as clerk of the works for the construction of the new town hall and that he be paid \$300.00 per week as an independent contractor to be paid on voucher from the Town Hall Capital Project Fund allocated for the construction of the new town hall.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

WHEREAS, The Town of Riverhead has prepared and submitted a proposal to the County of Suffolk for the design and construction of bike paths at or near Stotsky's Park, and

WHEREAS, Said proposal has been accepted and funded by the County of Suffolk.

NOW, THEREFORE, BE IT RESOLVED, That the firm of Young and Young be retained to prepare plans and specifications for said bike paths and that they be paid on voucher from those funds allocated to the Town of Riverhead by the County of Suffolk.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

WHEREAS, Oliver Lawrence, Park Road, Riverhead, New York, has assisted the Board of Assessment Review in the past and has served with satisfaction,

THEREFORE, BE IT RESOLVED, That Oliver Lawrence be appointed Assistant to the Board of Assessment Review on the day of hearing to be held at the Town Hall on Tuesday, July 15th, 1975, at \$25.00 per day.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

WHEREAS, The Town Board of the Town of Riverhead did prefer certain charges against Joan Hughes pursuant to Section 75 of the Civil Service Law, and

WHEREAS, In the prosecution of said charges the Town Attorney did request that this Board hire the services of certain certified public accountants.

RESOLUTION - continued:

NOW, THEREFORE, BE IT RESOLVED, That the firm of Sank and Rysko be paid for services rendered in connection with the above named proceeding on voucher.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

RESOLVED, That Dennis L. Backus, Engineer, be and is hereby terminated as supervisor of the operation of the Town Landfill in the Town of Riverhead as of July 15, 1975.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, The Town Board of the Town of Riverhead during the year 1972 made certain amendments to the Ordinance 26 thereby effecting the zoning of mobile home parks and as a result thereof litigation was commenced challenging the validity of the actions of the Town Board, and

WHEREAS, Said litigation has been settled by a stipulation dated July 8th, 1975 and an agreement in recordable form has been tendered to the Town of Riverhead to limit the expansion of the subject trailer park to 50 units, and

WHEREAS, Such settlement and agreement is conditioned upon passage of an amendment to Ordinance 26 as is set forth below.

NOW, THEREFORE, BE IT RESOLVED, That the Town Board does hereby enact the following amendment to Ordinance 26:

That the resolution of the Town Board of the Town of Riverhead adopted December 5, 1972 be amended so that Section 209A, Uses, paragraph 2 (i) reads as follows:

(i) Camps of types 1, 3, 4, 5 and 6 by special permit of the Town Board. All type 2 camp applications filed with the Town Board prior to December 5, 1972 may be considered by the Town Board pursuant to the special permit provisions of this Ordinance and if granted, they are hereby deemed permitted and conforming.

BE IT FURTHER RESOLVED, That the Town Clerk be and she hereby is directed to publish and post notice hereof.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued:

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

WHEREAS, The Town Board of the Town of Riverhead, Suffolk County, New York, has caused all matters and things to be done which are required by the Town Law and other statutes made and provided in connection with the amendments of the Town Ordinance No. 3 of the Town of Riverhead, as Amended.

NOW, THEREFORE, BE IT RESOLVED, That this Town Board hereby ordains and enacts the following amendment.

RESOLVED, That Ordinance No. 3 of the Town of Riverhead be amended as follows:

PUBLIC NOTICE

FIRST: To amend Section 4(d) II, Parking Time Limitations, One Hour, by adding a new subsection 3 to read as follows:

3. On the east side of Hamilton Avenue from the intersection of Hamilton Avenue and Pulaski Street north to the public parking field.

SECOND: To repeal Section 7 as it now reads and enact a new Section 7 as follows:

SECTION 7. REMOVAL AND STORAGE OF MOTOR VEHICLES(a) Authority to Impound Motor Vehicles:

1. When any vehicle is parked or abandoned on any highway within the Town of Riverhead during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway upon which such vehicle is parked or abandoned, said vehicle may be removed by the Riverhead Town Police.

2. When any vehicle is found unattended on any public highway in the Town of Riverhead where such vehicle constitutes an obstruction to traffic, such vehicle may be removed by the Riverhead Town Police.

3. When any vehicle is parked or abandoned within the Town of Riverhead where parking, stopping or standing is prohibited or said vehicle is parked upon private property without the consent of the owner of such property, such vehicle may be removed by the Riverhead Town Police.

(b) Procedure, Storage and Charges:

1. Any vehicle in violation of this Ordinance, while parked in violation of this Ordinance or abandoned within the Town of Riverhead and upon which a SUMMONS for violation of Ordinance has been affixed, shall, upon direction of a peace or Police officer, be removed from the point of violation by a person engaged in tow business within the Town of Riverhead. The owner or owners of such vehicle shall be required to pay directly to the tower for such removal a reasonable service charge, not to exceed \$30.00. The owner or owners of such vehicle shall also be required to pay a reasonable storage charge for every day after such removal, not to exceed \$3.00 per day.

RESOLUTION - continued:

2. Prior to releasing or surrendering such removed vehicle, the person engaged in tow business shall require the vehicle owner to produce proper identification, sign a receipt, proof from local court showing final disposition of violation or such disposition from local Traffic Bureau, a statement from local Town Justice authorizing such release or surrender or authorization from the Riverhead Town Police.

3. An impound form shall be used by police for each removal.

THIRD: To repeal Sections 4(a) (17) and 4(c)(4) as they now read and enact a new Section 4(a)(17) to read as follows:

17. On either side of Edwards Avenue from its intersection with Sound Avenue northerly to the mean high water line of the Long Island Sound, except as provided in Section 4(h).

FOURTH: To add a new Section 4(h) to read as follows:

(h) Parking By Permit - The parking of vehicles bearing valid beach parking permits is hereby permitted in the following locations where parking is otherwise prohibited:

(1) On the easterly side of Edwards Avenue from the mean high water line of Long Island Sound southerly for a distance of 234 feet, but not in such a manner as to prevent use of the boat ramp.

(2) On the westerly and southerly side of Edwards Avenue from the mean high water line of Long Island Sound southerly and easterly for a distance of 180 feet to a private right-of-way, but not in such a manner as to prevent use of the boat ramp and from the easterly lot line of lot #1 being 136 feet from the northerly side of the above-mentioned right-of-way which 136 feet is reserved for turning, for a distance of 602 feet to the westerly side of Meadow Drive.

AND BE IT FURTHER RESOLVED, That the Town Clerk publish and post the annexed notice.

The adoption of the aforesaid amendment to Ordinance No. 3 of the Town of Riverhead as Amended, shall take effect ten (10) days after such publication and posting.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued:

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the Town Clerk be and is hereby authorized to publish and post the following Notice of Public Hearing on Proposed Landmarks Preservation Ordinance #44, said Public Hearing to be held before the Town Board of the Town of Riverhead, at the Town Hall, 220 Roanoke Avenue, Riverhead, N.Y., on August 5th, 1975 at 11:00 A.M., to hear all interested persons in connection with the proposed Ordinance.

BE IT RESOLVED AND ORDAINED, By the Town Board of the Town of Riverhead that the ordinances of the Town of Riverhead, New York, as amended, be and the same hereby is amended by including therein a new LANDMARKS PRESERVATION ORDINANCE, to read as follows:

LANDMARKS PRESERVATIONARTICLE ISection 1.

DECLARATION OF PURPOSE AND POLICY - The Town Board of the Town of Riverhead hereby finds:

- (a) That there exists in the Town of Riverhead places, sites, structures and buildings of special historic significance or which by reason of famous events, the antiquity or uniqueness of architectural construction and design are of particular significance to the heritage of our Town;
- (b) That the conservation, protection and preservation of such places, sites, structures and buildings is a public necessity in harmony with the Master Plan and will promote the public health, safety and general welfare;
- (c) Now, therefore, the Town Board hereby declared that the purpose of this ordinance is to accomplish the conservation, protection and preservation of such places, sites, structures and buildings.

Section 2.DEFINITIONS

- (a) Alteration: Any act or process which changes one (1) or more of the "exterior architectural features" of a structure designated as a landmark or any structure or building in a historic district.
- (b) Building: A structure wholly or partially enclosed within exterior walls, or within exterior or party walls and a roof, affording shelter to persons, animals or property.
- (c) Exterior Architectural Features: The architectural style, design, general arrangement and components of all of the outer surfaces of any building or structure including, but not limited to, the kind, color and texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to said building or structure.

RESOLUTION - continued:

(d) Historic District: Any area which contains places, sites, structures or buildings which have a special character and ambient or historical value or aesthetic interest and which represent one or more periods or styles of architecture of an era of history and which cause such area to constitute a distinct section of the Town.

(e) Landmark: Any place, structure or building of historical value or aesthetic interest by reason of its antiquity or uniqueness of architectural design or as part of the development, heritage or cultural characteristics of the Town, County, State or Nation.

(f) Landmark and Historic District Map: A map to be prepared and maintained by the Division of Building identifying the location of all landmarks, landmark sites and historic districts.

(g) Landmark Site: A parcel or part thereof on which is situated a "landmark", and any abutting parcel or part thereof constituting part of the premises on which the "landmark" is situated.

(h) Structure: Any assembly of materials, forming a construction framed of component structural parts for occupancy or use, including buildings.

(i) Styles of Architecture: Style recognized by one of the following organizations:

The National Register of Historic Places
 Historic American Buildings Survey
 Historic American Engineering Record,
 U.S. Department of the Interior,
 National Park Service
 Division for Historic Preservation,
 New York State Office of Parks and
 Recreation,
 National Trust for Historic Preservation
 Society of Architectural Historians
 The Riverhead Town Preservation and Landmarks
 Society, Inc.

ARTICLE IIISection 3.CREATION OF THE LANDMARKS' PRESERVATION COMMISSION

A. There is hereby created a Landmarks' Preservation Commission which shall consist of seven members who shall be appointed by the Town Board on recommendation of the Riverhead Town Preservation and Landmarks Society, Inc.

B. Among the membership there shall be one (1) member of the American Institute of Architects; one (1) architectural historian; one (1) member of the New York State Bar; and three (3) residents of the Town of Riverhead. These requirements may be waived where designated members are not available.

RESOLUTION - continued:

C. Members are to be appointed for terms of three (3) years, provided that of those members first taking office, two (2) shall be appointed for one (1) year, two (2) for two (2) years, and three (3) for three (3) years. Members may serve for more than one (1) term and each member shall serve until the appointment of a successor.

D. In the event of a vacancy occurring during the term of a member of the Landmarks' Preservation Commission, the Town Board shall make an appointment to complete the unexpired term of such member, and where such member is required to have specified qualifications, such vacancy shall be filled by appointment in the manner herein prescribed with a person having the same qualifications.

Section 4.POWERS AND DUTIES OF THE LANDMARKS' PRESERVATION COMMISSION

A. The Landmarks' Preservation Commission shall have the powers and duties granted by the articles of this chapter.

B. In addition, the Landmarks' Preservation Commission shall have the power to retain consultants, including, but not limited to, technical experts, engineers architects and historians to advise in the preparation of any plans or projects, or to render assistance and advice in connection with any project to fulfill the duties of the Landmarks' Preservation Commission. Any contract to retain such consultants which involves the expenditure of Town funds shall be subject to the prior approval of the Town Board.

Section 5.OFFICERS

A. The members of the Commission shall elect one (1) of the members of the Landmarks' Preservation Commission, to serve as Chairman for a period of three (3) years. The Commission may elect a Vice Chairman from the remaining members of the Landmarks' Preservation Commission.

Section 6.QUORUM

At least five (5) members of the Landmarks' Preservation Commission shall constitute a quorum for the transaction of its business or the performance of its functions and the concurring vote of four (4) members of the Landmarks' Preservation Commission shall be necessary for the adoption of any recommendations, motions or other acts of the Landmarks' Preservation Commission.

ARTICLE IVSection 7.PROCEDURES FOR DESIGNATION

(a) Any person may request the designation of a landmark, landmark site or historic district by submitting to the Landmarks' Preservation Commission an application for such designation on a form furnished by the Landmarks' Preservation Commission. The Landmarks' Preservation Commission, in addition, may of its own motion, initiate proceedings for the designation of a landmark, landmark site or historic district.

RESOLUTION - continued:

(b) In the event the Landmarks' Preservation Commission decides to entertain an application for designation notice that such application is being entertained shall be given by the Commission to the owner or owners of the parcel on which the proposed landmark sites or historic district is situated. Notice shall also be given to the owners of all property located within two hundred and fifty (250) feet of the exterior boundary lines of the subject parcel. Said owner or owners shall have the right to confer with the Landmarks' Preservation Commission prior to final action by the said Commission on the application.

(c) The Landmarks' Preservation Commission shall either approve or disapprove an application within sixty (60) days after the receipt of the application or initiation of the proceeding by the Preservation Commission. The approval may limit itself to the proposed historic district, landmark site as described in the application or may include modifications thereof.

(d) If the Landmarks' Preservation Commission disapproves the application, the proceedings with regard to the proposed historic district, landmark or landmark site shall terminate. In the event that no decision is rendered within sixty (60) days, the application shall be deemed disapproved. No application shall be renewed for a period of one year from the date of initial filing. An approved or disapproved application shall immediately be filed with the Town Board and notice of such approval or disapproval shall be mailed by the Town Clerk to the owners of the subject property

(e) The Town Board in its discretion may call a public hearing on all applications either approved or disapproved by the Landmarks' Preservation Commission. Such hearing shall be advertised in a newspaper of general circulation in the Town at least fourteen (14) days prior to such hearing and notice thereof shall be served by mail postmarked at least fourteen (14) days prior to the date of the public hearing upon the owner or owners of the proposed landmark or landmark site or of owners of the properties within the proposed historic district as shown by the tax rolls of the Town and the owner or owners of all property located within two hundred and fifty (250) feet of the exterior boundary lines of the subject place, site, structure or historic district.

(f) When the Town Board approves or denies an application, the Building Department, the Landmarks' Preservation Commission and the owner or owners of the subject property shall be notified in writing by the Town Clerk. If the Town Board approves an application, the Town Clerk shall also notify the Town Assessors.

Section 8BUILDING PERMITS AND PROPOSED LANDMARKS

(a) Upon receipt of notice that the Landmarks' Preservation Commission is considering a place, site, structure or building for designation as a landmark or landmark site or as part of an historic district, the Building Department and Town Clerk shall not issue any permit for the demolition, alteration or improvement of said place, site, structure or building for a period of 120 days unless prior to

RESOLUTION - continued:

the expiration of said period there is a final determination by the Town Board that said place, site, structure or building has not qualified as a landmark or landmark site, or as part of an historic district. If within said period the Town Board designated the property in question as a landmark or landmark site, or as part of an historic district, no building permit shall be issued except pursuant to Article VI of this Ordinance.

(b) Upon notification that the Town Board has designated a landmark, a landmark site or historic district, the Building Department shall immediately cause such property to be so designated on the Landmark and Historic District Map.

ARTICLE VSection 9.REGULATION OF CONSTRUCTION, ALTERATION, REMOVAL OR DEMOLITION

(a) No structure, site, place or building designated as a landmark or landmark site appearing on the Landmark and Historic District Map and the official zoning map of the area in which the landmark or landmark site is located or any place, site, structure, building or property located wholly or partly within the boundaries of the historic district shall be constructed, altered, repaired, moved or demolished except in compliance with the requirements set forth in this Article.

(b) The Landmarks' Preservation Commission shall review all plans for the moving, exterior construction, alteration or repair, landscaping or demolition of places, sites, structures or buildings designated as landmarks or landmark sites and all places, sites, structures or buildings wholly or partly within the boundaries of the historic district.

1. It shall be the duty of the Landmarks' Preservation Commission to review such plans before a building permit for the proposed activity is granted by the Building Department.

2. The Landmarks' Preservation Commission shall only review plans relating to the exterior features of a structure or building, as are visible from the public way, and shall have no jurisdiction to consider interior walls, arrangements, or structures.

3. In reviewing the plans, the Landmarks' Preservation Commission shall give consideration to:

- a. The historical and architectural value and significance of the building or structure and its relationship to the historic and architectural value of the surrounding area;

- b. The general appropriateness of proposed exterior design, colors, arrangement, texture and materials.

RESOLUTION - continued:

- c. Any other factors relating to aesthetic consideration which the Landmarks' Preservation Commission deems pertinent to the benefit of the Town and to the historic significance of the structure or building and surrounding area.
- (c) Alterations, repairs and additions to buildings or structures located wholly or partly within the boundaries of the historic district or which are designated as landmarks shall be made consistent with the materials and styles of the particular architectural period of which said building or structure is characteristic.
- (d) New construction shall be consistent with the architectural styles of historic value in the historic district. However, the Landmarks' Preservation Commission may approve the construction of buildings or structures which have a dissimilar architectural style to that of the historic district if said Commission deems it proper that the new construction will be in the best interests of the historic district.
- (e) Moving of buildings or structures designated as landmarks or located wholly or partly within the boundaries of the historic district may be allowed as an alternative to demolition.
- (f) Procedure for the Review of Plans:
1. Applications for a building permit to construct, alter, repair, move or demolish any place, site, structure or building designated as a landmark or any place, site, structure or building, within or on the boundaries of the historic district shall be made to the Building Department, except as provided hereafter. The application shall state that the property is a landmark and/or is located within or on the boundaries of the historic district. Plans shall be submitted showing the structure or building in question and also giving its relation to adjacent structures or buildings and the construction, alteration, repair, moving or demolition sought to be accomplished.
 2. The Building Department shall transmit the application and the plans to the Landmarks' Preservation Commission.
 3. The Landmarks' Preservation Commission shall then review the plans according to the provisions of this ordinance. In reviewing the plans the Landmarks' Preservation Commission may confer with the applicant or his authorized representative concerning the building permit.
 4. Notwithstanding any other provisions of the Ordinance, if the applicant establishes to the satisfaction of the Commission that there is unnecessary hardship in the strict application of the provisions of this Article:

RESOLUTION - continued:

- A. A notice to proceed will be granted if the applicant provides proof that the following facts and conditions exist:
- (1) The land or improvement in question cannot yield a reasonable return if the proposed construction, removal, alteration or demolition is not permitted; or
 - (2a) That the hardship of the applicant is due to unique circumstances; and
 - (b) The proposed alteration, construction, removal or demolition will not alter the essential character of the area; and
 - (c) The hardship is the result of the application of the ordinance and is not the result of any act or omission by the applicant.
- B. Any relief granted shall be in conformance with the objectives of this ordinance.

5. The Landmarks' Preservation Commission shall approve, modify and approve or disapprove such plans within sixty (60) days after receiving the application and said plans, and shall transmit a record of its proceedings and findings to the Building Department and the applicant. If the Commission fails to act within sixty (60) days of receipt of the application, the application shall be deemed to have been approved.

6. The Building Department shall not grant a building permit until time that an application has been approved by the Landmarks' Preservation Commission or sixty (60) days have elapsed from the date the application is received by the Commission.

7. Nothing in this Article shall be construed to prevent ordinary maintenance or repair with like materials of similar quality and color, of any place, site, structure or building designated as a landmark or landmark site, or any property located wholly or partly within the boundaries of an historic district.

(g) This ordinance shall not apply in any case where the Building Department or any authorized Town enforcement agency orders or directs the construction removal, alteration or demolition of any improvement on a landmark site or in an historic district for the purpose of remedying conditions determined to be unsafe or dangerous to the life, health or property of any person.

ARTICLE VISection 10.IDENTIFICATION OF LANDMARKS, LANDMARK SITES AND HISTORIC DISTRICTS

A. The Building Department shall be responsible for appropriate public identification of areas designated as landmarks, landmark sites and historic districts on the Landmark and Historic District Map.

RESOLUTION - continued:

The Landmarks' Preservation Commission must approve the size, style, color, typography, material of construction and wording of all privately owned signs identifying landmarks, landmark sites and properties within historic districts, prior to installation, consistent with the provisions of Article V.

Section 11.

SEPARABILITY

A. If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 12.

PENALTIES

A. A violation of this ordinance shall be punishable by a fine not exceeding two hundred fifty dollars (\$250) or by imprisonment not exceeding fifteen (15) days or by both such fine and imprisonment.

B. The imposition of the penalties in this article shall not preclude the Town Attorney from instituting any appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, demolition, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent an illegal act, conduct business or use in or about any premises.

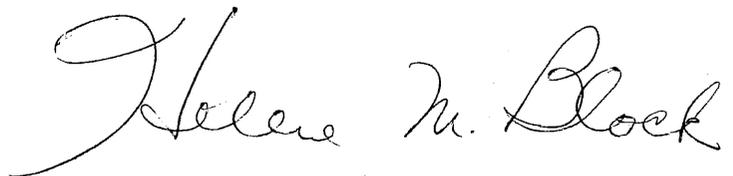
Section 13.

EFFECTIVE DATE

This Ordinance shall take effect immediately.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes. The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, the Meeting adjourned at 9:15 P.M., to meet Tuesday, August 5th, 1975, at 10:30 A.M.



Helene M. Block, Town Clerk

HMB/mhj