

Minutes of a Regular Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, March 3, 1987, at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Louis Boschetti, Councilman
Robert Pike, Councilman

Also Present: Richard Ehlers, Town Attorney

Absent: Victor Prusinowski, Councilman

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

RESOLVED, that the Minutes of Regular Board Meeting of February 3, 1987 and Special Board Meeting of December 31, 1987 are dispensed without objection and be approved.

The vote, Boschetti, yes, Pike, yes, Prusinowski, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

BILLS

Bills submitted on abstract dated March 3, 1987 as follows:

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

RESOLVED, that subject to complete audit, the following bills be approved for payment.

The vote, Boschetti, yes, Pike, yes, Prusinowski, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "The department heads of town government are here should anyone have any question of them. Reports."

REPORTS

Tax Receiver-Report of collections as of March 2, 1987;
\$14,882,880.19.

Filed

Building Department-For month of February, 1987.

Filed

OPEN BID REPORT - RENOVATION OF TOWN HALL RESTROOMS

Filed

Bid Date: February 27, 1987 at 11:00 a.m.
1 Bid Submitted

#1 NAME: WILLIAM DUFFY

ADDRESS: 83 SEVILLE BOULEVARD, SAYVILLE, NY

TOTAL BID: \$38,200.00

Supervisor Janoski, "Thank you. Applications."

APPLICATIONS

Site Plan-East Riverhead Equities for 5 office buildings,
East Main Street and Millbrook Lane.

Filed

Water Extension-#27 in South Aquebogue. (See Water Minutes) Filed

Site Plan-E.&C. Kempermann for sunroom addition to Crossroads
Restaurant.

Filed

Site Plan-7-11 Stores for retail store, Route 25A and Wading
River-Manor Road.

Filed

Parade Permit-Little Flower Children's Services for May 16,
1987, Wading River.

Filed

Site Plan-River Center Associates for interior alterations.

Filed.

Supervisor Janoski, "Thank you, Mrs. Pendzick. Correspondence."

CORRESPONDENCE

Secretary of State-Advising of designation of fish and wildlife habitat areas.

Filed

J.M.D. Hairstyling for Men-Inviting Town Officials to Grand Opening on March 22, 1987.

Filed

Residents Re: Suffolk Precast Cement Application of March 2, 1987 requestion action be delayed until establishment of application as "non-nuisance industry" be determined.

Filed

Wm. Karlin, 2/24/87-Suggests a solution to loss of equity in farmland and offers to help.

Filed

Supervisor Janoski, "Thank you. There are no public hearings this evening and the list of Unfinished Business is quite lengthy. We're working on them."

UNFINISHED BUSINESS

Dubois Smith-Site Plan for farm equipment sales, East Main Street.

Rollin Hargis-Special Permit to add 23 units to existing mobile home park on River Road.

Joseph & Linda Sullivan-Special Permit to add 32 units to existing mobile home park in Wading River.

Augusta Schneider-Special Permit for 162 condominium units on Route 58.

Wm. Giranda (Atlas Realty)-Revised Site Plan for building to repair trailers.

Frank Tommasini-Site Plan for warehouse, Route 58.

Motel on the Bay-Special Permit to convert 20 motel units into condominiums.

Fred Hill-Change of Zone from Ag. "A" to Res. "C", Middle Road and Reeves Avenue.

Raymond & Julia Krivaszy-Special Permit for boat building on Line Road.

Charles Hydell-Special Permit for woodworking shop, Raynor Avenue.

Suffolk Cement Precast-Special Permit to construct industrial building in Calverton.

Richard Homan-Site Plan for addition to ice cream store in Aquebogue.

UNFINISHED BUSINESS Continued

Suffolk Cement Products-Special Permit for resource recycling on Osborn Avenue.

Oceanside Enterprises-Special Permit and Change of Zone for 81 condominium units in Manorville.

Richard Homan-Special Permit to enclose overhang on ice cream store, Route 25, Aquebogue.

Wm. Hubbard-Special Permit for 389 condominium units and Health Club on Route 105.

Valmont Homes-Special Permit for 113 condominium units on Elton Avenue.

Victor Pafundi-Site Plan for retail and offices, Route 25 and Tuthills Lane.

East River Equities-Site Plan for 5 office buildings on Millbrook Lane.

Fred Moore-Change of Zone for Sr. Citizen housing, Edwards Avenue, Calverton.

Kentucky Fried Chicken-Site Plan to renovate and add a drive-in window.

L.P.B. Wading River-Site Plan for addition to office building on Route 25A.

Supervisor Janoski, "I will recognize anyone who wishes to be heard at this time. Yes sir."

Joseph Sikora, Riverhead, "Before I start, I'd like to say that I have nothing against the farmers. But this bill of rights that the farmers have coming up for the Town Board, is giving them the right to run their pumps at all hours of the night and day which they have already. Then it's giving them the right to spray certain insecticides with helicopters. Now, I have one question about that. If that helicopter is spraying on the south side of 25 and he decides he's going to spray it on the south side and there is traffic going by, and if he forgets to shut off his spray, who is liable for spraying all the cars?"

Supervisor Janoski, "I wouldn't even begin to try and answer that question." We're in a long process which is really the farmland preservation proposals. This is tied in with that. We're having a public information meeting on the 23rd of March which will be set this evening in a resolution and we will be going through the opportunity before the Planning Board to raise concerns such as that. And of course, the Town Board will be having hearings. As far as fixing liability, I couldn't do that."

PERSONAL APPEARANCES Continued

Joseph Sikora, "Because I know it happens at Grummans. They were spraying with their A-Cat and the pilot forgot to shut off the spray and they were liable for the cars."

Supervisor Janoski, "That was determined by a court."

Joseph Sikora, "And it cost a nice pretty penny."

Councilman Pike, "Just as a brief response. The bill of rights is designed to protect current farm practices and to provide, to some extent, a defense against nuisance suits. It would not provide a defense against negligence suits. So if the farmer sprayed somebody else's property or crashed into your building or whatever,..."

Joseph Sikora, "I was just wondering if the town would be liable besides the farmer."

Councilman Pike, "It would protect somebody who is running his pumps all night to continue doing that."

Supervisor Janoski, "We get sued because telephone poles jump out in front of cars. So I guess we can be sued for anything."

Joseph Sikora, "I was just.... That's all I was asking."

Supervisor Janoski, "Anyone can take up issue in court with the town on any cause. So the ability is there."

Joseph Sikora, "Alright. Now I have something else and I know it's going to be a sore spot. If the Town Board is coming up with a bill of rights for the farmers, why can't the Town Board come up with a bill of rights for the mobile home owner?"

Supervisor Janoski, "I thought there was one."

Joseph Sikora, "There's a State. If you can come up with a town bill of rights for a farmer, why can't we come up with a mobile home owner for the owners?"

Supervisor Janoski, "Because the state laws supersede Town Law."

Joseph Sikora, "Because the thing I'm worried about is what happened down in Florida. There was a couple of.... I gave you a state law, Mr. Janoski which a lot of these park owners when to work and sold to developers. And these mobile home owners had no place to go. That's what I'm worried about. And there's a lot of us senior citizens that leave in mobile homes in Riverhead."

Supervisor Janoski, "More than any other town."

Joseph Sikora, "That's right. That's what I'm worried about. You can't argue with that."

PERSONAL APPEARANCES Continued

Supervisor Janoski, "No I can't. Whatever the town could pass would be superseded by the existing state law."

Joseph Sikora, "There's nothing in the state law which covers that."

Supervisor Janoski, "There is some protection about being displaced."

Joseph Sikora, "That's just on evictions. That's right. Not if the person sells the property."

Supervisor Janoski, "I don't know how you interfere with an individual's right to sell his property."

Joseph Sikora, "Well I gave you the law which has a bill of rights from Florida; the state law which the developer; rather the people that bought the property and the park owner which states that if they take the property and he sells it, they have to pay for the moving and find a spot for those homeowners. If you read the law."

Supervisor Janoski, "There is provision for some protection for that now isn't there Dick."

Joseph Sikora, "No. Not in the state."

Supervisor Janoski, "We'll have to look at that. Thank you. Steve."

Steve Haizlip, Calverton, "Under this Unfinished Business; this Mr. Fred Moore about wanting to change for senior citizens zoning and his house. I understand that he's affiliated with a church. Now, are we going to be getting back into some more tax exempt property in this town when we have all we can stand already?"

Supervisor Janoski, "I do not believe that that is a tax exempt situation. The existing senior citizen complex is a taxpayer in the town. John Wesley Village which makes a payment and we are going through a long process with this application which will give you the opportunity to raise that issue as we proceed through it. They have an application for a change of zone and this evening we are simply going to refer the application to the Planning Board for its recommendation and we are going to set the Lead Agency which will be the Town Board. So we're going through a process. These questions are legitimate. They should be raised during the process."

Steve Haizlip, "Alright. One other thing. I read here in the paper the other week, this past week, where Mr. LoGrande is expecting to get 33 million dollars off of that quarter percent sales tax that now goes to the MTA. I want to go on record right now. Governor Cuomo ain't going to let him get anything. They're going to extend that and that MTA is going to grab it."

Supervisor Janoski, "Yes."

PERSONAL APPEARANCES Continued

Dick Benedict, Fanning Blvd., "We're some two months away from fishing season, I hope. Is there any progress on the ramp at the Shoreham Power Plant as far as dredging goes? Are there any plans or permits? Is there going to be any dredging within the next few months?"

Supervisor Janoski, "They usually conduct that dredging during March or early April. As you know, it is the New York State Department of State that is blocking the issuance of a permit because it is associated with the Shoreham Nuclear Power Plant. We attempted to get the state to separate the application because part of the application is the dredging of the intake for the plant itself. The state refused to do that. So right now it's still being held. I've been asking questions about it but the state position is; one of opposition to Shoreham. And they've got it into their minds that the dredging of this little creek is somehow going to effect that."

Dick Benedict, "So you don't see it happening within the next three months, as it stands right now?"

Supervisor Janoski, "No. But I would... I contacted last year. I know Lou talked to a lot of people trying to make some head way as far as getting that permit issued by the Army Corps of Engineers and of course, the State Department that has control over it. And they just absolutely would not back off. As a matter of fact, I contacted state legislators to try to get their influence. And for some reason, they back right off too. It was something that no one in the state wants to touch. Because of that, the permit will not be issued."

Dick Benedict, "What is it that the residents could do, if anything? Who could they write to?"

Supervisor Janoski, "Well I had told some residents in Wading River that I would like to have petitions down there which I'd be happy to draw up. And perhaps if we get some signatures, that we could present it to state agencies. And I would start calling. If you want the names, Lou has them of people with the Army Corps of Engineers and the State Department. We can give you the names and numbers, telephone numbers of people who are in charge of issuing this permit. Call them. Call your state legislators. Because it is being held hostage, (I guess that's a good description) to the dispute over Shoreham. There's just a reluctance to issue the permit for the necessary dredging. And believe me, we want it done because we have two boat ramps on the Sound. One was washed away. So we have a temporary iron one, steel platform and the other one is this one in Wading River. And this year, I would expect it to be thoroughly unusable."

Dick Benedict, "Well if we could get petitions drawn up, I would be happy to circulate one of them. And I'm sure there is some other people in Wading River, itself that would help."

PERSONAL APPEARANCES Continued

Supervisor Janoski, "Well I talked to some people out there and they indicated that they would be happy to circulate it and I could probably make sure that some of the stores, gas stations out there where people who fish stop, that we should be able to get some public support."

Dick Benedict, "Well I think we better get started. Thank you."

Supervisor Janoski, "Is there anyone else? Yes sir."

Lyle Wells, Aquebogue, "I just want to state the position of Long Island's Farm Bureau Local Affairs Committee in regards to zone changes within the hamlet area and the area north of Sound Avenue that are pending at this point. Our feeling is that; is the existing zoning should be kept in tact at this point and that we are reviewing a program which limits the density within the Town of Riverhead. And yet on the other hand, these applications are defeating this purpose in that you are granting a downzoning in an area that has a potential for the receiving of development rights due to transfer of development rights programs. So it's kind of contradictory towards what this proposal they have before us at this point. If you'd just take that into consideration when you look at these zone applications."

Supervisor Janoski, "The only thing I can is that the application that we have before us which may be acted on this evening was not included in the study area that is presently before us. The farmland proposals; the Planning Board recommended in favor of the change. As a matter of fact, they recommended a broad change of zone in that area within that hamlet line. So we'll see how it all turns out."

Lyle Wells, "Other than the hamlet redevelopment areas, it's also been mentioned that the hamlet itself within Riverhead Town also be used for the transfer of development of rights which would increase the demand for these development rights and maintain the price of the transferred rights."

Supervisor Janoski, "I understand that's one side of it. What the Planning Board had in mind is that it is within the hamlet area that you can provide water and sewer to allow this higher density which of course addresses the cost of housing and that appears to be the policy that is being arrived at. To allow that higher density within the hamlet and to move forward with the lower density in the outlying areas. That's basically what's being discussed here."

Lyle Wells, "I still feel it's a contradiction of...."

Supervisor Janoski, "I'm not arguing with you. I'm just telling you what's going on. Peter and then you. I'm sorry. Henry."

PERSONAL APPEARANCES Continued

Henry Pfeiffer, Wading River, "Appropo are the remarks of the previous speaker. When I was looking at the diagrams published in the paper regarding these changes, what concerned me most was that there seemed like the entire coastal area along the Sound throughout the entire town could be the development of (let's say) cluster-type housing. And I would hesitate to see what happened in Miami Beach happen out here where you had to actually occupy one of the places to find a spot where you could put your foot into the water. I hope you will consider that when you are reveiwing that."

Supervisor Janoski, "Henry are you saying you think it's a good idea or a bad idea?"

Henry Pfeiffer, "What I'm saying is this; that overall it is a good idea for cluster housing. But I would not like to see cluster housing, cluster housing, cluster housing with no access for the poor people."

Supervisor Janoski, "Ok.. I understand. Thank you. The young lady first and then you Mr. Kasperovich."

Mary Ann White, Riverhead, "I wish to address the situation regarding a resolution the gentleman had previously brought up with the downzoning with the resolution #144. Within the framework of our association's concern, I know this is like a mute point. But our group did an intense study on the D.E.I.S. prepared by H2M for property directly behind our neighborhood. At that time in October, we suggested an upzone as an alternative to the condo proposal for that land. Again, I know that's a mute point at this point in time. But keeping that in mind, the Town of Riverhead now has a report on the preservation of farming. As of yet, there has been no public informational hearing or a public hearing for the public to express their concerns once they have their information. We are still obviously, concerned about our environment in Riverhead. And we do have a few questions with this proposal, with the farming preservation proposal and particularly with regarding the proposal of the hamlet zone, the line that was drawn designating the hamlet. I understand the present situation with resolution 144 when it was put in in September and the Zoning Board or the Planning Board did agree with the idea of that proposal. However, everything is really unsettled yet with this new farm preservation program. And however that goes,... What I'm trying to say is that it's good ground work for the town. And for the town to down zone something that might be included in that hamlet zone or below that hamlet zone, it may be now included in the farm neighboring zone because there are many environmental concerns with the hamlet line as it is drawn by H2M with that farm preservation."

Supervisor Janoski, "The hamlet line existed for many years prior to H2M. I mean it's been there."

Councilman Pike, "With that comment, I would also point out that H2M has redesignated the hamlet line. It's not the original one in the 1973 plan. It has been changed and withdrawn closer to the hamlet in one area of town. It has not been here but H2M has clearly suggested a change in the hamlet line."

PERSONAL APPEARANCES Continued

Mary Ann White, "It's just our point of view as a civic association and the concerns of our neighborhood. It is an unsettled point."

Supervisor Janoski, "What civic association is it?"

Mary Ann White, "It's the Roanoke Homes Civic Association. We're just concerned as with the development and what not and with the hamlet lines being drawn as they are. To change something now at this stage...."

Supervisor Janoski, "I have to ask this question. How large is your lot?"

Mary Ann White, "My lot?"

Supervisor Janoski, "Where you live in your house."

Mary Ann White, "It's about a third to a half acre. Ok. I'm just concerned about lines being drawn in the future and then having us zoned outside that line if it's brought up in the future since everything is unsettled at this point."

Supervisor Janoski, "Yes. We're going through a large, long process. The area in question (as I said before) is not part of this study area. It was left out. I believe it was left out because the thinking was to allow a higher density residential use in that area. That's my understanding. Let me advise you that the study itself, the proposal, is available in the Town Clerk's Office if you would like it."

Mary Ann White, "I have it."

Supervisor Janoski, "You have it? It's not that small."

Mary Ann White, "I don't have the H2M study."

Supervisor Janoski, "That's what I'm saying. It is available. That's a legislative packet which the study itself, is available in the Town Clerk's Office. You can borrow it. All you have to do is give us a check for 25 dollars to make sure that you bring it back. We have a number of them available on a lending basis. So if you want to take advantage of that. As I said, we are having the public information meeting on the 23rd so that you can ask all sorts of questions, anything you want to understand. At that meeting, H2M will be here as well as the Board and the Planning Board and it's a long process."

Mary Ann White, "As I said, I was just concerned about it. Thank you very much."

Supervisor Janoski, "Is there anyone else who wishes to be heard? I forgot. Mr. Kasperovich."

PERSONAL APPEARANCES Continued

William Kasperovich, Wading River, "I walked in on the dredging of the Wading River. Something that I started to be involved in 20 years ago, maybe 22 years ago. As you all know, the river was a meandering boundary line and L.I.L.C.O. took steps to establish a firm boundary. In which case, they had to come to agreement with the Town of Riverhead. I believe Vojvoda was the Supervisor at the time. And L.I.L.C.O. in their most delicate manner, took us down the rosy path. They own both sides of the river. At the time, I don't know if it has any validity or position, offered the township to give licenses to use the easterly bank of the river and that portion of the land that they own. We never did take them up on this license. Understandably, so. However, since they are in default of dredging,..."

Supervisor Janoski, "Not true, Bill. They hired the dredge. It was ready to go last year. They could not get a permit from the state. They are not in default."

William Kasperovich, "Alright. That might be a poor choice of words. They still are not doing it. Ok. To the detriment of the residents. Now, in the light of conditions that the local plant stands in today, I think it is timely that we look into every nook and crack (or as your legal consultant refers to) or look into all four corners. I will never forget that as long as I live. Believe me. That this is a little piece of land that could be used, certainly for the boating people or anybody that wants to get near the shore. And I think however we might utilize the conditions that exist today or take advantage of anything, to latch onto this little piece of land on the easterly side of the river, we might be able to do it and make some use for the people that are in the township. Now, if we have to take a lease or a license or take it, we might just be able to get some fine print into it to where we could make sense in spending some money to fix up the place for the people to use. The land is just standing there. It's not being developed. The township can't use it. And the way things have changed since this thing started, we might just be able to make some headway in getting some agreement with L.I.L.C.O. that would be acceptable to the township to take over it, that piece of land. Certainly, if we don't want to go into any big capital investment, we certainly can utilize the shoreline. And I know this won't take place over night. This takes a lot of serious legal maneuvering. But if we can get it, since waterfront property is just not here anymore, that this little piece we should make an effort to get some way or another. And if they're not dredging like they said they would, I don't know how we can prove that or show that that's what they agreed to do in the agreement. However, I would reach out for any straw in the wind to latch onto this because we lost it and maybe we can get it back for the people. I think it's something that should be re-introduced. Ok. Number two; some weeks ago on the front page of the News Review, there was a full page picture of a house that was gutted by fire. And the title or the printing under the picture was something or other "officials attribute paneling to have contributed to the fire". I have the picture at home. I just didn't get around to bring it with me tonight. But I thought to myself; the newspaper is not fully aware. So the officials don't have clean hands."

PERSONAL APPEARANCES Continued

TAPE ENDED

William Kasperovich, "...townships and municipalities west of us. Ok. When I presented this years ago, we didn't have a fire inspector. We didn't have an ordinance enforcement officer. And certainly, we've learned a lot since that we should take a hard look at materials and equipments that people come to this township to purchase because they can't not do it west of us in that it is outlawed. Now, I can't tell you who, in the lumberyard talks to me or who, in the supply house gives me this information. But if I were put up on the stand in court, I would have to. Now, let us not have a house go to the ground with fire and have to say; a big part of it was attributed to the paneling. There are certain types of paneling that should not be sold with a fire...."

Supervisor Janoski, "Bill, you're running on nine minutes now. If you would come to a conclusion."

William Kasperovich, "Ok. I think you get my point of concern. Since we have a man on the payroll, let's put him on it and let's evaluate these materials and this equipment and see how we feel about it. That there are merits that made other people outlaw it, we might recognize these merits. And since we have a man that could work on it, let's put it on his agenda. Ok? Excuse me for running over."

Supervisor Janoski, "Thank you, Bill. Yes sir."

David White, Riverhead, "I'll keep it brief. I just have an objection to the consistent (How should I say it?) amount of applications and what appears to be favoring as far as zoning for higher density areas. It just appears to me that everyone is moving too fast and no one is really taking a look at what the consequences are going to be ten years down the line as far as the Town of Riverhead is concerned. It appears to me we've got a lot to lose and we're losing it right now and no one is really taking a good look at what is happening around us. I just look at this sheet and I see some almost 6, 7 hundred applications here. And I wish the Town Board, in considering all these applications, would really take an honest look at what the potential impact is going to be as far as; schooling, sewage, etc. I just see our environmental areas totally deteriorating. A lot of seafood or environmental (How can I put it?) I just see a lot of things dying that used to be a part of this island. A lot of different breeds, a lot of different species and it just appears to me that we've got to stop. We've got to slow down. We've got too much density. I think the town should really take a severe look at the environmental impact on what's going on around the Peconic River area and see how it's effecting the outlying areas. I won't say much more. Thanks anyway."

Irene Pendzick, "Excuse me, David. You said 6 or 7 hundred applications. We've had 21 since the beginning of the year."

PERSONAL APPEARANCES Continued

David White, "Well, I don't mean applications. I mean units. Excuse me. I just meant to clarify that. But with each unit, comes a little bit more traffic, a little bit more waste. I admit, there's collections to be made and the tax base is good for the town and everything. But I just see part of Long Island losing here."

Irene Pendzick, "I just brought it up because I started a new numbering system and I thought that set you off."

David White, "No. I meant units. Thanks anyway."

Supervisor Janoski, "Thank you. Betty."

Betty Brown, North Fork Environmental Council, "I am representing North Fork Environmental Council in regards to the Philger Realty Application, number 144 to down zone a parcel north of Middle Road from agricultural to residence "C". Considering there is a need for additional development in certain areas of our town, the expansion that should occur should be properly designed and located. We realize that a plan to accomodate sensible growth and at the same time, provide for open space and preservation of farming in Riverhead, is in the minds of many. Much time and funds as well as hundreds of hours of energy are being spent to evaluate such a plan for our town. Unless this change of zone has a vast list of merits that would benefit the residents' welfare, health and safety, we ask this Town Board in the interest of prudent planning, deny this application until the Board has had some time to digest the possibilities of an overall development goal in Riverhead in conjunction with the farm plan, if you will. It is well understood that the farm plan does not include this area in its plan. But upon a second look, it just may have its boundaries extending into other neighborhoods. We urge the Board to deny this and other down zone applications that would increase density, until the Board has had an opportunity to collect information at the public hearings. Thank you."

Supervisor Janoski, "Thank you. Sherry."

Sherry Johnson, Manorville, "You mentioned earlier that you were going to refer the Fred Moore application to the Planning Board. Are you exempting that from the moratorium?"

Supervisor Janoski, "We're not taking that action tonight."

Sherry Johnson, "You're not?"

Supervisor Janoski, "No."

Sherry Johnson, "Then why the referral? Shouldn't it just be held up in the department?"

Supervisor Janoski, "I don't see any reason why the process can't not go forward."

Sherry Johnson, "It's under a moratorium."

PERSONAL APPEARANCES Continued

Supervisor Janoski, "Fine. You're right. It is."

Sherry Johnson, "Thank you."

Supervisor Janoski, "So I am starting to see that. Steve, did you have something to add?"

Steve Haizlip, "You know, Mr. Bill Kasperovich's comments and information happens to coincide with the news tonight on WABC, Channel 7 where we breath in pollution in our own homes. There was an instant where a couch, a little girl was having trouble with rash and so forth. They finally pinned it down to that and masonite boards. Now, in Selden, I learned that there was paneling being sold in a home repair center; Chandler's I believe was the name of the outfit, which turned out was soaked in some kind of solution and it was emitting fumes and stuff in the house and the people took a long time to find out. Now, I don't know what the town can do. But rather than just have this posted as informative information. Thank you."

Supervisor Janoski, "Is there anyone else who wishes to be heard at this time? Ok. We will take up the resolutions. We have #144 which has been tabled. It needs a motion to take from the table."

RESOLUTIONS

#144 APPROVES CHANGE OF ZONE OF PHILGER REALTY CORP. (SUFFOLK OLD FARMS).

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

Councilman Pike, "Mr. Supervisor, before we take the roll on this, I would like to open this to debate with your permission."

Supervisor Janoski, "It's moved and seconded. So now is the time."

Councilman Pike, "Ok. Before we take the roll. First of all, let me apologize to all of you. I have a cold in my presence here tonight. It's almost entirely attributable to the fine people that manufacture Contact cold remedy. I'm here in body but I'm not sure my full powers of concentration are here with me. So I will apologize in advance for anything inartful I say. The application for the down zoning of this particular piece of property is one that I viewed with a great deal of reluctance and find myself opposed to tonight and also seem to find myself in a distinct minority at the moment. And I figured before we had this vote to pull it off the table and vote on it, that I'd give it one last try. The application is for a change from one acre yield to our residence "C" zone which has the potential of five acres, five units per acre which is a 500 percent increase in density. Five hundred percent. The increases in density that we may look on favorable in the future, seems to me should be designed to accomplish another public purpose. Not just give a developer on one site additional density

RESOLUTIONS ContinuedCouncilman Pike, Continued

for additional units for additional housing for people. That we should look at the increases in density that we allow in town to accomplish other purposes. I'm happy to see that TDR is being discussed as a possible thing to do. In other words, we would be preserving open space in the open area and increasing density in the hamlet areas. That would accomplish another public purpose. This application doesn't do that. We could, in the alternative, give additional density on a site in exchange for some sort of price concessions, firm commitments with the property owner that a fair portion of his property would be affordable to the citizens of this town. We are obtaining no such commitment tonight. The purpose that is served is almost primarily for the private profit of this developer. We have an opportunity here tonight, to do either one of those things. To hold off and seek such commitments.. And until we have them, not give a 500 percent down zoning. We have the opportunity to include this area which is basically, fallow farmland in the farm program as I think it ought to have been. We have the opportunity to take a look now at what our hamlet line should be. But this particular resolution assumes that it is correct now, based on the 1973 plan. In a time when H2M, itself, has recommended that the hamlet line be moved. I've heard a number of arguments in favor of this. But the Planning Board has recommended this. Well, part of my experience in the last year has been that the Planning Board often reflects what it perceives the Town Board would like. And I think that we're missing an opportunity here if we tell them by adopting this particular zone change, that this is what we want. I don't think it is. And so I see, while they are greatly concerned about allowing increased density within the hamlet areas as they are finally designated, seems to me we could accomplish a great deal more than we are tonight. Another argument that's offered is; well, this application has been sitting around for a long time and we've got to go with it. It just seems obvious to me that bad ideas don't improve with age. And that the fact that it's been around for a while, would be the same argument I would apply to the Hartmann down zoning application which was turned down unanimously by this Board. To the extent that there are good ideas here, it seems to me that they could be improved if we keep this on the table and continue to work with the developer to obtain firm commitments now. So that if we are going to allow increased density, we will accomplish one of two major goals that this town severely needs. Either affordable housing or more open space in this town and I would encourage my fellow Board members to not to take this off the table. And if they do take it off the table, to vote no."

WHEREAS, an application was made by Philger Realty Corp. for a change of zone for property located on the North side of Middle Road, Riverhead, New York, from Agriculture "A" to residence "C"; and

WHEREAS, said application was referred to the Planning Board for their review and recommendation; and

RESOLUTIONS Continued

WHEREAS, a public hearing was held on November 18, 1986, and all persons wishing to be heard were heard; and

WHEREAS, the application is a Type II Action without a significant impact on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the application of Philger Realty Corp. for a change of zone for property located on the North side of Middle Road, Riverhead, New York, be and is hereby approved up to the hamlet line as shown and delineated on the zoning map of the Town of Riverhead pursuant to the recommendation of the Planning Board; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Anthony T. Comforti, Esq., attorney for Philger Realty Corp. and the Riverhead Planning Board.

The vote, Boschetti, yes, Pike, no, Prusinowski, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon removed from the TABLE.

Councilman Boschetti offered the above resolution (#144) which was seconded by Councilman Lombardi.

Councilman Boschetti, "Before voting, a short statement. Mr. Chairman. You know it's easy, at this stage of an application, to administer 20/20 hindsight. But we're being asked to do now to plan by reaction rather than plan by goal. I can not support rejecting this application at this time for other reason than simply; because it's not liked. I can support a plan. I can support a planner to develop a plan. I can support a planner to work with civic groups that are presently here tonight. I can support a planner who will work with environmental groups who are here tonight. However, what I can not do, is I can not now, at the eleventh hour say to an application who has followed the procedure, who has met all the criteria; that no. Now we want to throw another obstacle in your path. If this was your application, I'm sure you would not appreciate an eleventh hour attempt to derail your application. Not at this stage. Had Mr. Pike made his comment that he made to you now, when this application was first brought to the Town Board and was considered for referral to the Planning Board, I think we would be probably closely align on at least one or two items. I don't even know if we'd agree on the final disposition of this particular question. But certainly we would be at least examining it from the same side or point of view. Because of that and because I think that there is a time and place for planning, not planning by reaction, not planning by application, I'm voting yes."

Councilman Pike, "I wanted to respond to a couple of things he said here. First of all, this is a legislative act. This is not an application under something that is allowed by existing law. The application could be perfect, well designed. And we could, for whatever reason we choose, deny it. There's no momentum. There's

RESOLUTIONS ContinuedCouncilman Pike, Continued

no standards that it has to meet for a legislative act. We are free, as this Town Board, to zone this town as long as it's in accordance with the master plan and leaving it alone and leaving the zone exactly the way it is is entirely within our pervue as members of this Board. There's nothing that forces this vote that we're doing tonight. Secondly, the first time that this Town Board discussed this particular application after we had a public hearing and had time to deliberate on the results of that public hearing, I did mention the possiblity of affordable housing at the site and going to the developer to exact such promises. It then, as now, did not fall on particularly receptive ears. Finally, as bad ideas don't improve with age, good ideas don't diminish because they're novel. And if what we're suggesting here is something new, then let that not be the thing that hangs it if it is a good idea. I would with all sincerity think that this down zoning of 500 percent increase is a very bad idea and I vote no."

Councilman Lombardi, "I will have to second Mr. Boschetti. I feel that this has gone on for a long time. And like Mr. Boschetti said, at the eleventh hour you don't bring things up. I wish that the people had brought this up before. And if you want me to hold back on voting for this, I can not honestly do it. I am willing to look at different propositions or looking at different areas where they want to put the line, the hamlet line. I understand they want to talk about Middle Road. I can't look at that. But at this time right now, I have to vote yes."

The vote, Boschetti, yes, Pike, yes, Prusinowski, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

TOWN BOARD RECESSED AT 8:26

TOWN BOARD RECONVENED AT 8:36

Supervisor Janoski, "We will continue with the resolutions."

RESOLUTIONS#149 APPROVES SPECIAL PERMIT OF SUFFOLK CEMENT PRECAST, INC.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, by application dated December 4, 1987, Suffolk Cement Pre-Cast, Inc., did apply to this Town Board for a special permit to construct an industrial building for the manufacture of precast concrete pipe, at premises located on Twomey Avenue, Calverton, New York; and

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

RESOLUTIONS Continued

WHEREAS, by letter dated February 9, 1987, the Planning Board recommended that the special permit be approved; and

WHEREAS, on the 3rd day of February, 1987, 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 significant impact upon the environment pursuant to the State Conservation Environmental Law.

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 order development of other properties in the neighborhood;

b. The hazards of 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

RESOLVED, that the Town Clerk is authorized to forward a certified copy of this resolution to Suffolk Cement Pre-Cast, Inc., the Riverhead Building Department and the Riverhead Planning Board.

The vote, Boschetti, yes, Pike, yes, Prusinowski, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#150 AMENDS ZONING USE DISTRICT MAP.

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

WHEREAS, on January 13, 1987, The Town Board of the Town of Riverhead did enact a change in the Zoning Use District classification along the Main Road (New York State Route 25) Corridor at Jamesport, in the Town of Riverhead, New York, to Business CR (Neighborhood Business-Rural); and

WHEREAS, a map of said rezoning was published in the January 15, 1987, edition of the (Riverhead) News Review; and

RESOLUTIONS Continued

WHEREAS, it has come to the attention of the Town Board of the Town of Riverhead that there is a technical change to be effected on a parcel which, prior to the aforementioned rezoning, was subject to the Business C Zoning Use District classification on a minor percentage of its total acreage and which parcel was included, in its entirety, in the Business CR Zoning Use District, which change is the reversion of the entire parcel to the Residence C Zoning Use District classification; and

WHEREAS, said revision will in no way alter or change the spirit or intent of the Business CR Zoning Use District, and

WHEREAS, a similiar change is to be effected on two (2) parcels which both prior and subsequent to the aforementioned rezoning were subject to the Residence C Zoning Use District classification and both of which desire to be placed in the Business CR Zoning Use District classification, which change is the inclusion of those parcels in the Business CR Zoning Use District classification, and

WHEREAS, said change is consistent with and will in no way alter or change the spirit or intent of the Business CR Zoning Use District;

NOW, THEREFORE, BE IT

RESOLVED, that the property located on the westerly side of Washington Avenue and defined herein as Suffolk County Real Property Tax Map No. 0600-68-3-22, be and is hereby zoned Residence C, and be it further

RESOLVED, that the properties located on the easterly side of South Jamesport Avenue and defined herein as Suffolk County Real Property Tax Map No. 0600-69-2-6 and No. 0600-69-2-7 be and are hereby zoned Business CR, and be it further

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to forward a certified copy of this resolution to the property owners affected by said changes, as well as to Young and Young.

The vote, Boschetti, yes, Pike, yes, Prusinowski, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#151 AUTHORIZES ATTENDANCE AT TRAINING SESSION FOR SGT. CHESHIRE AND POLICE OFFICER LYNCH.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

BE IT RESOLVED, that Sgt. Cheshire and P.O. Lynch be authorized to attend the Governors Conference on Crime Prevention that will be held in Albany on April 7th, 8th, and 9th.

BE IT FURTHER RESOLVED, that the above officers be given in advance, the amount of \$730.00 which shall cover the entire expense of travel, food and lodging, and conference fees.

The vote, Boschetti, yes, Pike, yes, Prusinowski, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#152 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE RE: PUBLIC INFORMATION MEETING CONCERNING FARMLAND PRESERVATION PROPOSAL.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, the Town of Riverhead has requested and received Draft Recommendations Regarding The Preservation of Farmland in the Town of Riverhead, and

WHEREAS, it is the desire of the Town Board to hold a public information meeting to afford an opportunity for interested individuals to obtain an understanding of the contents of said proposal.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice as a 1/4 page Display Ad for two consecutive editions of The News Review, Suffolk Life Newspapers, The Community Journal, and a 1/8 page Display Ad of the Long Island Traveler Watchman beginning the week of March 9, 1987.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public information meeting will be held by the Riverhead Town Board and Riverhead Planning Board on Monday, March 23, 1987 at 7:30 p.m. to be held in the Town Board Meeting Room, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York. The purpose of this public meeting is to afford interested individuals an opportunity to obtain an understanding of the contents of a draft report entitled, "Recommendations Regarding The Preservation of Farmland in the Town of Riverhead," as submitted by the engineering consulting firm of Holzmacher, McLendon and Murrell, P.C.

The vote, Boschett, yes, Pike, yes, Prusinowski, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#153 APPOINTS CROSSING GUARD.

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

WHEREAS, vacancies do exist in the position of School Crossing Guard, and

WHEREAS, Orville C. Harris has expressed an interest in serving in this position.

NOW, THEREFORE, BE IT

RESOLVED, that Orville C. Harris be and is hereby appointed to the position of School Crossing Guard, effective February 5, 1987 at the hourly rate of comepnasation of \$5.87.

The vote, Boschetti, yes, Pike, yes, Prusinowski, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#154 APPOINTS FELICIA TRIBUZIO TO THE POSITION OF ACCOUNT CLERK TYPIST.

RESOLUTIONS Continued

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

WHEREAS, a vacancy does presently exist in the Accounting Office, and

WHEREAS, the Town of Riverhead did receive from the Suffolk County Department of Civil Service the Certification of Eligibles for the position of Account Clerk Typist.

NOW, THEREFORE, BE IT

RESOLVED, that Felicia Tribuzio, the only willing acceptor, be and is hereby appointed to the position of Account Clerk Typist effective March 16, 1987, at the annual rate of compensation of \$16,183.81 as set forth in Group 9, Step P of the CSEA Salary Schedule.

The vote, Boschetti, yes, Pike, yes, Prusinowski, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#155 APPOINTS DIANE KOROLESKI TO THE PROVISIONAL POSITION OF ACCOUNT CLERK TYPIST.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

WHEREAS, a vacancy does presently exist in the Office of the Town Clerk, and

WHEREAS, the Town of Riverhead did accept applications from interested individuals, and

WHEREAS, all applicants were therefore interviewed.

NOW, THEREFORE, BE IT

RESOLVED, that Diane Koroleski be and is hereby appointed to the provisional position of Account Clerk Typist at the annual rate of compensation of \$16,183.81 as set forth in Group 9, Step P, of the CSEA Salary Administration Schedule effective February 18, 1987.

The vote, Boschetti, yes, Pike, yes, Prusinowski, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#156 APPOINTS JULIE CONKLIN TO THE PROVISIONAL POSITION OF ACCOUNT CLERK TYPIST.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

WHEREAS, a vacancy does presently exist in the Accounting Office, and

WHEREAS, the Town of Riverhead did accept applications from interested individuals, and

WHEREAS, all applicants were therefore interviewed.

NOW, THEREFORE, BE IT

RESOLVED, that Julie Conklin be and is hereby appointed to the provisional position of Account Clerk Typist at the annual rate of compensation of \$16,183.81 as set forth in Group 9, Step P, of the CSEA Salary Administration Schedule effective March 6, 1987.

RESOLUTIONS Continued#157 AUTHORIZES TOWN CLERK TO PUBLISH AND POST HELP WANTED AD.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

WHEREAS, a vacancy presently exists in the position of Driver with the "Meals on Wheels" Program.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a display Help Wanted Ad in the March 11, 1987 issue of Suffolk Life Newspapers and the March 12, 1987 issue of The News Review.

HELP WANTED AD

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking qualified individuals to serve in the part-time position of Driver Deliverer with Town of Riverhead "Meals on Wheels" program. Applicants must possess a valid New York State Driver's License and must be at least 18 years of age. Interested individuals must submit an application to the Accounting Department, 200 Howell Avenue, Riverhead, New York between the hours of 8:30 a.m. and 4:30 p.m. weekdays. No applications for this position shall be accepted after March 20, 1987. The Town of Riverhead does not discriminate on the basis of race, color, national origin, sex, age and handicapped status in employment or the provision of services.

The vote, Boschetti, yes, Pike, yes, Prusinowski, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#158 EXEMPTS APPLICATION FROM MORATORIUM WITHIN SOUTHWEST SECTOR.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, this Town Board has declared a six-month moratorium in the southwest sector of the Town of Riverhead, and

WHEREAS, said moratorium was amended to permit the Town Board to review, on an individual basis, those applications for building permits and site plan review of either existing businesses or applications which were underway prior to the establishment of said moratorium, and

NOW, THEREFORE, BE IT

RESOLVED, that the following applications be and are hereby deemed exempt from the moratorium,

*Application of Carole & Ernest Kemperman for addition of sun room to existing restaurant, "The Village Crossroads", at Edwards Avenue and Route 25, Calverton.

*Application of John & Kathleen McConnell for the construction of a 12' x 16' barn at Old River Road, Manorville.

*Application of DeLalio Sod Farm for construction of 100' x 125' building for storage of farm equipment at Edwards Avenue, Calverton, and

RESOLUTIONS Continued

BE IT FURTHER RESOLVED, that the adoption of this resolution does not necessarily grant the necessary building permits but only permits the applicant to proceed through the process of obtaining all necessary permits, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the above-named individuals and to the Riverhead Building Department.

The vote, Boschetti, yes, Pike, yes, Prusinowski, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#159 AWARDS BID FOR HANDICAP PROVISIONS - TOWN OF RIVERHEAD.

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

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the renovations to restroom facilities at Riverhead Town Hall, and

WHEREAS, all bids were received, opened and read aloud pursuant to said Notice to Bidders; and

WHEREAS, a total of one bid was received.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the renovations to restroom facilities at Riverhead Town Hall be and is hereby awarded to William T. Duffy in the amount of \$38,200.00, subject to the approval of Donald A. Denis, architect; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to William T. Duffy.

The vote, Boschetti, yes, Pike, yes, Prusinowski, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#160 APPROVES SITE PLAN OF RIVER CENTER ASSOCIATES.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

WHEREAS, a site plan and elevations were submitted by River Center Associates for interior alterations to be located at Route 58, Riverhead, New York; and

WHEREAS, this Town Board has reviewed the site plan dated October 31, 1986, and revised February 17, 1987, as prepared by Steve G. Tsontakis Associates, and elevations dated October 31, 1986 and revised February 17, 1987, as prepared by Steve G. Tsontakis Associates.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by River Center Associates for interior alterations to be located at Route 58, Riverhead, New York, site plan dated October 31, 1986 as revised February 17, 1987, as prepared by Steve G. Tsontakis Associates, and elevations dated October 31, 1986, as revised February 17, 1987, as prepared by Steve G. Tsontakis Associates be and are hereby approved, subject to the following:

RESOLUTIONS Continued

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 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;

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

5. That 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 that and 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. Further, by execution and filing of this document, RIVER CENTER ASSOCIATES, hereby authorizes the Town of Riverhead to enter premises at Route 58, Riverhead, New York, to enforce said handicapped parking regulations;

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. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

9. Drainage and parking shall be provided pursuant to the Riverhead Town Code; and be it further

10. That the applicant shall adhere to the representations made in a letter dated February 25, 1987, from Charles R. Cuddy in that the applicant will make uniform the ATV building having the front and side facade the same color as the existing buildings; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Charles R. Cuddy Esq., attorney for River Center Associates and the Riverhead Building Department.

DECLARATION AND COVENANT

THIS DECLARATION, made the _____ day of March, 1987, by RIVER CENTER ASSOCIATES, with offices at 4625A Sunrise Highway, Bohemia, New York, 11716, Declarant.

WHEREAS, Declarant is the owner of a 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

RESOLUTIONS Continued

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, 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 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. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
8. Drainage and parking shall be provided pursuant to the Riverhead Town Code.

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

RIVER CENTER ASSOCIATES

RESOLUTIONS Continued

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On this _____ day of March, 1987, before me personally came _____, the owner of certain real property located at Route 58, Riverhead, New York, the subject property of the declaration and covenant and understands the contents thereof; and that he did swear to me that he executed the same.

NOTARY PUBLIC

The vote, Boschetti, yes, Pike, yes, Prusinowski, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Without objection, the meeting is adjourned."

There being no further business on motion or vote, the meeting adjourned at 8:43 p.m.

IJP:nm


Irene J. Pendzick
Town Clerk