

July 13, 1999

**Adopted**

TOWN OF RIVERHEAD

Resolution # 642

APPROVES SITE PLAN OF WILLIAM DUNKIRK  
~~COUNCILMAN KENT~~

\_\_\_\_\_ offered the following resolution,  
which was seconded by COUNCILMAN CARDINALE:

**WHEREAS**, a site plan and elevations were submitted by William Dunkirk, for site plan approval, located at Mill Road, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-119-1-20.2; and

**WHEREAS**, the Planning Department has reviewed the site plan dated December 24, 1998 (revised May 25, 1999), as prepared by Gordon Ahlers, P.E., and elevations dated December 10, 1998, as prepared by W. R. Enterprises, Inc., and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

**WHEREAS**, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a Type II Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; and

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

**WHEREAS**, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 19403 of the Office of the Supervisor of the Town of Riverhead; and;

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the site plan and elevations submitted by William Dunkirk, for site plan approval, located at Mill Road, Riverhead, New York, site plan dated December 24, 1998 (revised May 25, 1999), as prepared by Gordon Ahlers, P.E., and elevations dated December 10, 1998, as prepared by W. R. Enterprises, Inc., be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

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

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to William Dunkirk, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

## DECLARATION AND COVENANTS

THIS DECLARATION, made the \_\_\_\_ day of \_\_\_\_\_, 1998, made by William Dunkirk, premises located at Mill Road, Riverhead, Declarant:

### WITNESSETH:

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

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

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

### NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

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

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

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

\_\_\_\_\_

William Dunkirk

STATE OF NEW YORK)

)ss.:

COUNTY OF SUFFOLK)

On the \_\_\_\_\_ day of \_\_\_\_\_, 1998, before me personally came William Dunkirk, to me known and known to be the individual who executed the foregoing instrument; that (s)he is the owner of certain real property located at Mill Road, Riverhead, New York, the subject property of this Declaration and Covenant, and understands the content thereof; and that (s)he did swear to me that (s)he executed the same.

\_\_\_\_\_

NOTARY PUBLIC

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On this \_\_\_\_\_ day of \_\_\_\_\_, 1998, before me personally came \_\_\_\_\_, to me known, and known to me to be one of the members of the firm of \_\_\_\_\_, described in and who executed the foregoing instrument, and (s)he acknowledged to me that (s)he executed the same as and for the act and deed of said firm.

\_\_\_\_\_

NOTARY PUBLIC

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On the \_\_\_\_\_ day of \_\_\_\_\_, 1998, before me personally came \_\_\_\_\_ who, being sworn by me, did depose and say: that (s)he is the \_\_\_\_\_ of \_\_\_\_\_; that (s)he knows the seal of the corporation; that the seal affixed to this instrument is said seal; and that it was affixed by order of the Board of Directors of the Corporation.

\_\_\_\_\_  
NOTARY

\_\_\_\_\_  
PUBLIC

**THE VOTE**

Cardinale  Yes \_\_\_ No \_\_\_    Kent  Yes \_\_\_ No \_\_\_  
Kwasna  Yes \_\_\_ No \_\_\_    Lull  Yes \_\_\_ No \_\_\_  
Villella  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

July 13, 1999

Adopted

TOWN OF RIVERHEAD

Resolution # 643

ACCEPTS S.O.A. STIPULATION OF SETTLEMENT

**COUNCILMAN KWASNA**

\_\_\_\_\_ offered the following resolution ,  
**COUNCILMAN LULL**  
which was seconded by \_\_\_\_\_

**WHEREAS**, the S.O.A. filed a grievance alleging an impropriety in Administration of S.O.A. contract; and

**WHEREAS**, the Town Board wishes this amicable resolve of said grievance,

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board ratifies the attached stipulation of settlement; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Chief of Police, S.O.A. President, Timothy Palmer and the Office of Accounting.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS  WAS NOT

THEREUPON DULY DECLARED ADOPTED



JULY 13, 1999

Adopted

TOWN OF RIVERHEAD

Resolution # 644

**AUTHORIZES THE ATTENDANCE OF THE OF THE YOUTH COURT  
ADMINISTRATIVE AIDE AND THE STEERING COMMITTEE MEMBER  
AT THE APPA TEEN COURT CONFERENCES.**

**COUNCILMAN LULL**

\_\_\_\_\_ offered the following resolution ,  
**COUNCILMAN KENT**  
which was seconded by \_\_\_\_\_

**WHEREAS**, the APPA is conducting a seminar in implementing and enhancing Teen Courts' training in Atlanta, Georgia on July 19, 20 and 21.

**WHEREAS**, Sheryl Hardy ,the Youth Court Administrative Aide and Judy Doll, the Steering Committee member have requested authorization to attend these conferences.

**NOW, THEREFORE, BE IT, RESOLVED**, that the Town Board hereby authorizes the attendance of the Youth Court Administrative Aide and the Steering Committee member with reimbursement of expenses upon submission of proper receipts; and

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

**THE VOTE**

Cardinale	✓	Yes	___	No	Kent	✓	Yes	___	No
Ruano	✓	Yes	___	No	Lull	✓	Yes	___	No
Villella	✓	Yes	___	No					

THE RESOLUTION WAS  WAS NOT

**THEREUPON DULY DECLARED ADOPTED**

July 13, 1999

TOWN OF RIVERHEAD

Adopted

P.A.L. FUND

BUDGET ADJUSTMENT

RESOLUTION # 645

COUNCILMAN KENT offered the following resolution,  
which was seconded by COUNCILMAN CARDINALE

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

		<b>FROM:</b>	
004.000000.390599	APPROPRIATED FUND BALANCE	\$5,000.	
004.033310.492210	P.A.L. COUNTY AID DIVISION FOR YOUTH (GRANTS) ACCOUNT	\$1,000.	
			<b>TO:</b>
004.031200.540000	SOCCER PROGRAM EXPENSE		\$5,000.
004.031200.542323	FOOTBALL SUPPLIES		\$ 1,000.

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

**THE VOTE**

Cardinale  Yes  No    Kent  Yes  No  
Kwasna  Yes  No    Lili  Yes  No  
Vilella  Yes  No

THE RESOLUTION WAS  WAS NOT

**THEREUPON DULY DECLARED ADOPTED**

JULY 13, 1999

**Adopted**

TOWN OF RIVERHEAD

Resolution # 646

**97' - 98' POLICE LOCAL LAW ENFORCEMENT**

**CAPITAL PROJECT**

**BUDGET ADJUSTMENT**

**COUNCILMAN CARDINALE**

\_\_\_\_\_ offered the following resolution,

**COUNCILMAN KWASNA**

which was seconded by \_\_\_\_\_

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

406.013100.492215.40044	FEDERAL AID DOJ FED. AID	
406.013100.481000.40044	TRANSFER FROM GENERAL FUND	

**FROM:**  
 \$25,621.  
 5,069.

406.016230.524101.40044	POLICE VEHICLES
-------------------------	-----------------

**TO:**  
 \$30,690.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Vinella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS  WAS NOT

**THEREUPON DULY DECLARED ADOPTED**

JULY 13, 1999

1500  
**Adopted**

TOWN OF RIVERHEAD

Resolution # 647

**98' - 99' POLICE LOCAL LAW ENFORCEMENT**

**CAPITAL PROJECT**

**BUDGET ADOPTION**

**COUNCILMAN KWASNA**

\_\_\_\_\_ offered the following resolution,  
which was seconded by \_\_\_\_\_  
**COUNCILMAN LULL**

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

		<b>FROM:</b>	
406.013100.492215.40054	FEDERAL AID DOJ FED. AID	\$52,458.	
406.013100.481000.40054	TRANSFER FROM GENERAL FUND	5,829.	
			<b>TO:</b>
406.016230.523011.40054	JUSTICE COURT RENOVATION		\$10,000.
406.016230.524101.40054	POLICE VEHICLES		48,287.

**THE VOTE**

Cardinale  Yes \_\_\_ No \_\_\_    Kent  Yes \_\_\_ No \_\_\_  
 Kwaena  Yes \_\_\_ No \_\_\_    Lull  Yes \_\_\_ No \_\_\_  
 Villetta  Yes \_\_\_ No \_\_\_

**THE RESOLUTION WAS  WAS NOT**

**THEREUPON DULY DECLARED ADOPTED**

July 13, 1999

Adopted

TOWN OF RIVERHEAD

Resolution # 648

AUTHORIZES THE ATTENDANCE OF A MEMBER OF THE POLICE DEPARTMENT AT A TRAINING SESSION IN SARATOGA

COUNCILMAN LULL

\_\_\_\_\_ offered the following resolution, which was seconded by \_\_\_\_\_  
COUNCILMAN KENT

WHEREAS, the Chief of Police has requested authorization from the Riverhead Town Board for attendance to the New York State Chiefs of Police Annual Training Session in Saratoga, New York, from July 26 - July 30, 1999.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the attendance of the Chief of Police at said Training Session.

BE IF FURTHER RESOLVED, that the Town Board authorizes reimbursement of expenses upon proper submission of receipts; and

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

THE VOTE

Cardinale  Yes \_\_\_ No \_\_\_    Kent  Yes \_\_\_ No \_\_\_  
Kwasna  Yes \_\_\_ No \_\_\_    Lull \_\_\_ Yes \_\_\_ No \_\_\_  
Vitiello  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED