

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 574

DECLARES LEAD AGENCY SPECIAL PERMIT (SITE PLAN) CAROL & WILLIAM ROWE

COUNCILMAN KWASNA

_____ offered the following resolution, which was seconded

COUNCILMAN CARDINALE

by _____:

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Carol and William Rowe pursuant to Sections 108-21 B(8) and 108-64.5 of the Town Code for operation of an existing single family, owner occupied residence as a bed and breakfast located on a .8 acre parcel zoned Agriculture A and known specifically as SCTM No. 0600-39-1-17, and

WHEREAS, a short Environmental Assessment Form and supporting documentation was submitted as part of the petition, and

WHEREAS, the Riverhead Planning Department has reviewed these materials and recommended the petition be considered an Unlisted Action for which coordinated review is optional and in this case inapplicable, and

WHEREAS, the Planning Department, by preparation and evaluation of its SEQR staff report, has further recommended that the action will not have a significant effect upon the environment, and

WHEREAS, the Town Board desires to have the recommendations of the Riverhead Planning Board respecting zoning and planning issues, now

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declare itself to be the Lead Agency in the special permit application of Carol and William Rowe which is considered to be an Unlisted action, and

BE IT FURTHER

RESOLVED, that this classification and determination be considered effective for any related site plan approval, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Planning Department and the applicant or his agent and to forward the petition to the Riverhead Planning Board for their report and recommendation.

THE VOTE

absent

Cardinale Yes ___ No ___ *absent*
 Kwasna Yes ___ No ___ *absent*
 Vilella Yes ___ No ___

**THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED**

6/28/99

1272
Adopted

TOWN OF RIVERHEAD

Resolution # 575

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CHANGE THE LOCATION OF A RIVERHEAD TOWN BOARD MEETING**

COUNCILMAN CARDINALE offered the following resolution, was seconded by

COUNCILMAN LULL

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice once in the July 8th issue of the **News Review**, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the attached public notice to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Supervisor's Office.

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Riverhead Town Board meeting scheduled for Tuesday, July 20, 1999 will be held at St. John the Baptist R.C. Church, North Country Road, Wading River, New York at 7:00 o'clock p.m.

Dated: Riverhead, New York
June 28, 1999

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

THE VOTE

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

Adopted

June 28, 1999

TOWN OF RIVERHEAD

Resolution # 576

APPROVES SITE PLAN OF ATLANTIS MARINE WORLD, LLC

COUNCILMAN LULL offered the following resolution,
which was seconded by COUNCILMAN KWASNA:

WHEREAS, a site plan and elevations were submitted by Atlantis Marine World, LLC, for site plan approval, located at Route 25, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-124-4-18.5 and 19; and

WHEREAS, the Planning Department has reviewed the site plan dated March, 1999 (rev.) June 15, 1999, as prepared by Burton, Behrendt Smith P.C., and building elevation drawings as prepared by Island Structures, Inc., dated February 26, 1999 (revised June 8, 1999) 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 an Unlisted 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 17904 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 Atlantis Marine World, LLC, for site plan approval, located at Route 25, Riverhead, New York, site plan dated March, 1999 (rev.) June 15, 1999, as prepared by Burton Behrendt Smith, P.C., and building elevation drawings as prepared by Island Structures, Inc., dated February 26, 1999 (Revised June 8, 1999) be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan proves and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
7. That parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
8. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
9. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Atlantis Marine Works, LLC hereby authorizes and consents to the Town of Riverhead to enter premises at Route 25, 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;

- 12.
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;
 15. That no building permit shall be issued within the regulated area of tidal wetlands prior to the issuance of a permit or letter of non-jurisdiction by the NYSDEC;
 16. That the proposed curb cut on NYS Route 25 shall conform to the standards of the New York State Department of Transportation pursuant to the appropriate 239-K permit;
 17. That the "special events area" shall not be improved with temporary structures, tents, or the like without the prior approval of the Architectural Review Board; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Atlantis Marine World, LLC, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

DECLARATION AND COVENANTS

THIS DECLARATION, made the ____ day of _____, 1998, made by Atlantis Marine Worls, LLC, located at Route 25, 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, Atlantis Marine Works, LLC hereby authorizes and consents to the Town of Riverhead to enter premises at Route 25, 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.

Atlantis Marine Worls, LLC

STATE OF NEW YORK)

)ss.:

COUNTY OF SUFFOLK)

On the _____ day of _____, 1998, before me personally came Atlantis Marine Worls, LLC, 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 Route 25, 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	<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			

Absent

THE RESOLUTION WAS **WAS NOT**
THEREUPON DULY DECLARED ADOPTED

Adopted

June 28, 1999

TOWN OF RIVERHEAD

Resolution # 577**DECLARES LEAD AGENCY AND TYPES ACTION – SPECIAL PERMIT
PETITION OF OC RIVERHEAD ROUTE 58, LLC**

COUNCILMAN KWASNA offered the following resolution which
was seconded by COUNCILMAN CARDINALE

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Allen M. Smith, Esq. in behalf of OC Riverhead Route 58, LLC to allow the construction of a 198 seat restaurant upon real property located at Route 58, Riverhead such real property more particularly described as Suffolk County Tax Map Parcel No. 0600-119-1-1, and

WHEREAS, the Riverhead Planning Department has reviewed the environmental assessment form attending the petition and has recommended to the Town Board that the action be considered Unlisted pursuant to 6NYCRR Part 617, and

WHEREAS, the Planning Department has coordinated the review of the petition with all involved agencies and the thirty (30) day time period for comment has elapsed, and

WHEREAS, the Town Board has carefully considered the merits of the special permit petition and the SEQR record created to date, now

THEREFORE, BE IT

RESOLVED, that in the matter of the special permit petition of OC Riverhead Route 58 LLC, the Riverhead Town Board declares itself to be the lead agency and further determines the subject petition to be a Unlisted action, and

BE IT FURTHER

RESOLVED, that the Town Clerk is authorized to refer the petition to the Riverhead Planning Board for its report and recommendations, and

BE IT FURTHER

RESOLVED, that the Town Clerk be authorized to publish and post the attached notice of public hearing.

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held on the 20th day of July, 1999 at 7:30 o'clock p.m. at St. John Baptist RC Church, North Country Road, Wading River, New York to hear all interested parties to consider the special permit petition of OC Riverhead Route 58, LLC, to allow the construction of a 198 seat restaurant to be located at Route 58, Riverhead; such real property more particularly described as SCTM No. 0600-119-1-1. An assessment of the magnitude of project impacts and an evaluation of the importance of those impacts will be available for public inspection at the office of the Town Clerk between the hours of 8:30 a.m. and 4:30 p.m. beginning on July 9, 1999.

DATED: July 6, 1999
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

THE VOTE *absent*

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

THE RESOLUTION WAS WAS NOT

THEREUPON DULY DECLARED ADOPTED