

**TOWN BOARD MEETING
AGENDA
PHILIP CARDINALE, Supervisor**

October 18th, 2005

**Edward Densieski, Councilman
George Bartunek, Councilman**

**Barbara Blass, Councilwoman
Rose Sanders, Councilwoman**

**Barbara Grattan, Town Clerk
Dawn Thomas, Town Attorney**

ELECTED OFFICIALS

**Laverne Tennenberg
Madelyn Sendlewski
Paul Leszczynski
Mark Kwasna
Maryann Wowak Heilbrunn
Richard Ehlers
Allen M. Smith**

**Chairwoman Board of Assessors
Board of Assessors
Board of Assessors
Highway Superintendent
Receiver of Taxes
Town Justice
Town Justice**

DEPARTMENT HEADS

**John J. Hansen
Leroy E. Barnes, Jr.
Andrea Lohneiss
Ken Testa
Richard Hanley
Chief David Hegermiller
Ray Coyne
Judy Doll
John Reeve
Michael Reichel
Gary Pendzick**

**Accounting Department
Building Department
Community Development
Engineering Department
Planning Department
Police Department
Recreation Program Coordinator
Senior Services
Sanitation Department
Sewer District
Water Department**

PUBLIC COMMENT ON ANY RESOLUTIONS LISTED BELOW:
COMMUNITY DEVELOPMENT AGENCY MEETING:

- #20** Authorizes Re-Issuance of Request for Proposals for Recreational Project at the Calverton Enterprise Park
- #21 Authorizes Publishing and Posting of a Public Notice Regarding Request for Proposals

REGULAR TOWN BOARD MEETING:

- #987** Appoints Official Newspaper
- #988 Notices a Special Meeting of the Riverhead Town Board
- #989 Authorizes the Town Clerk to Publish and Post Notice of Public Hearing to Consider the Adoption of the 2006 Preliminary Annual Budget for the Town of Riverhead
- #990 6th St. Jamesport Road Impr. Budget Adjustment
- #991 Baiting Hollow Lane, Baiting Drive & Hollow Ct. Road Improvement Budget Improvement
- #992 '05A Central Aquebogue Road Impr Project Budget Adjustment
- #993 '05 A Deep Hole Road Improvement Project Budget Adjustment
- #994 Doug's Lane, Tuts Lane & 4th Street Road Improvement Project Budget Adjustment
- #995 Farm Road Area Road Improvement Project Budget Adjustment
- #996 '05 A Middle Road Improvement Project Budget Adjustment
- #997 '05 So. Jamesport Roads Rd. improvement Project Budget Adjustment

- #998 General Fund Budget Adjustment
- #999 Water Ext. #48 Cap. Project Budget Adjustment
- #1000 Water Ext #85 Mastronardi Project Budget Adoption
- #1001 Promotion to Senior Assessment Clerk in the Assessors Office (C. Hotchkiss)
- #1002 Appointments a P/T Recreation Aide to the Riverhead Recreation Dept. (K. Lewis)
- #1003 Appoints Interns to the Police Dept. (A. Caratozzolo, J. Milligan)
- #1004 Ratifies the Appointment of a Crossing Guard to the Police Department (E. Gibbs)
- #1005 Appoints the Law Firm Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, Special Counsel with Respect to Condemnation
- #1006 Amends Resolution #429 of 2005- Appoints Special Counsel to ZBA and Board of Assessors
- ~~Withdrawn #1007~~ Authorizes Attendance at 2005 Empire State Animal Protection Forum
- #1008 Authorizes Attendance of Two Public Safety Dispatchers to Attend a Domestic Violence Call Handling Seminar
- #1009 Approval for the Construction of an Agriculture Building on Town Owned Development Right Property: Lands of Carrie Tittle
- #1010 Approves Plan of Half Hollow Nursery Center Corp. Agriculture Worker Housing Permit
- #1011 Approves Amended Site Plan of Paul Martin, LLC Atlanta Bread Company
- #1012 Approves Site Plan of New Cingular Wireless PCS, LLC

- #1013 Grants Excavation Permits to Suffolk Cement Products, Inc.
- #1014 Accepts Cash Security of Z & L Properties, LLC
- #1015 Authorizes the Release of Performance Bond of Eagle Auto Mall Corp.
- #1016 Authorizes the Release of Performance Bond for Guippone Inc. (Huntington Learning Center)
- #1017 Authorizes the Release of Performance Bond for the Inn at Eastwind
- #1018 Approves Temporary Sign Permit of Sleepy's
- #1019 Adopts a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (108-3 Definitions)
- #1020 Adopts a Local Law to Amend the Riverhead Zoning Use District Map (Deletion of Business A Zoning Use District with the Replacement of Residence B-40 Zoning Use District)
- #1021 Adopts a Local Law Amending Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (108-56 Signs)
- #1022 Classified Action, Declares Lead Agency and Determines Significance of Action on Site Plans of Riverhead Enterprises and Jeffrey Rimland
- #1023 Authorizes Town Clerk to Publish and Post Notice of Public Hearing- Special Use Permit of Aquebogue Bistro
- #1024 Approves New Rate Schedule Submitted by Dun Engineering Associates
- #1025 Authorizes Supervisor to Execute Contract with the New York State Affordable Housing Corp (AHC) for Funding to Support the Town of Riverhead Home Improvement Program

- #1026 Authorizes the Supervisor to Execute DMV Documents to Register a Vehicle for the Town of Riverhead Senior Center
- #1027 Authorizes Supervisor to Execute Grant Agreement for American Rivers/NOAA Community-Based Habitat Restoration Program Partnership Grant
- #1028 Authorizes Supervisor to Execute Grant Agreement for RESTORE Grant
- #1029 Authorizing the Transfer of County Owned Property to the Town of Riverhead (Two Bears Park)
- #1030 Awards the Bid for Two Bears Park Playground Equipment
- #1031 Order Calling Public Hearing- RWD-Lateral Water Main-Roanoke Landing
- #1032 Authorizes the Town Clerk to Publish and Post Public Notice to Consider the Purchase of Development Rights of a Parcel Located in the Town of Riverhead (purported owner: Herbert H. Hulse)
- #1033 Authorizes the Town Clerk to Publish and Post Public Notice to Consider the Purchase of Development Rights of a Parcel Located in the Town of Riverhead (purported owner: Bruce Schroeder)
- #1034 Authorizes Town Clerk to Publish and Post Notice of Public Hearing- Special use Permit of Jamesport Realty, LLC (Captain Hawkins House)
- #1035 Pays Bills

10/18/05

TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY

Tabled

RESOLUTION # 20

**AUTHORIZES RE-ISSUANCE OF REQUEST FOR PROPOSALS FOR
RECREATIONAL PROJECT AT THE CALVERTON ENTERPRISE PARK**

COUNCILMAN BARTUNEK offered the following resolution, which was
seconded by COUNCILMAN DENSIESKI.

WHEREAS, in June 2004, the Town of Riverhead Community Development Agency (CDA), in conjunction with its then-designated real estate broker, CB Richard Ellis, prepared a *Request for Proposals (RFP)* for the acquisition and development of a 20-50 acre portion of the 2200 acre recreationally-zoned portion of the Calverton Enterprise Park for a hotel/conference center project; and

WHEREAS, the RFP also permitted the developer/responder to propose a 140-400 acre golf facility as defined in the Planned Recreational Park zoning district however this use was permitted to be proposed only in addition to the hotel/conference center use as an all-inclusive project and would not be considered independently of a hotel/conference center project; and

WHEREAS, the CDA received several proposals which were duly considered by the town, its broker, and the Riverhead Development Corporation; and

WHEREAS, only one proposal adhered to the requirements set forth in the RFP however the CDA board, after lengthy negotiations, determined the terms of the offer to be unacceptable; and

WHEREAS, following the deadline for submission of projects, additional proposals were submitted that were broader in scope and acreage than those specified in the RFP; and

WHEREAS, the Town Board has since determined to rezone approximately 600 acres of the Calverton Enterprise Park east of the 10,000 foot runway for office park and industrial uses, providing expanded job creation opportunities and tax revenue generation for the Town of Riverhead; now

THEREFORE, BE IT RESOLVED, that the CDA Board hereby determines that it is in the best interests of the town, the taxpayers and the development community to issue a revised *Request for Proposals (RFP)* for the 755-acre area west of the Planned Industrial

Park (PIP) for acquisition and development projects consistent with the Planned Recreational Park District (PRP) zoning applicable to the site; and

BE IT FURTHER RESOLVED, that the CDA Board authorizes the CDA Director to issue a revised RFP with responses due to the CDA by the November 28, 2005; and

BE IT FURTHER RESOLVED, that the CDA Board authorizes the Town Clerk to provide a certified copy of this resolution to Andrea Lohneiss, CDA Director, Bobby Goodale, Chairman, Riverhead Development Corporation and Jack O'Connor, Newmark Real Estate, 201 North Service Rd., Suite 100, Melville, NY 11747.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

Member Bartunek _____
Member Sanders _____
Member Blass _____
Member Densieski _____
Member Cardinale _____

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION ___ WAS ___ WAS NOT
THEREFORE DULY ADOPTED.

Tabled

10/18/05

TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY

Tabled

Resolution # 21

**AUTHORIZES PUBLISHING AND POSTING OF A PUBLIC NOTICE REGARDING
REQUEST FOR PROPOSALS**

COUNCILWOMAN SANDERS

offered the following resolution, which

was seconded by COUNCILWOMAN BLASS:

WHEREAS, the Town of Riverhead has adopted a Comprehensive Plan for the Town and a Comprehensive Reuse Plan for the Calverton Enterprise Park, property now known as "EPCAL", providing the basis for the rezoning of the former Grumman property; and

WHEREAS, the Town Board desires to encourage the development of well-funded projects for a 755-acre portion of the EPCAL Site located within the Planned Recreational Zoning Park District in order to encourage economic development consistent with the Comprehensive Plan for the Town of Riverhead and the Comprehensive Reuse Plan for the Calverton Enterprise Park; and

WHEREAS, the subject property is also governed by the Calverton Enterprise Park Urban Renewal Plan pursuant to which the Community Development Agency ("CDA") has undertaken aggressive marketing efforts to encourage projects that will result in 1) job creation, 2) generation of tax revenues and 3) preservation of the quality of life of Town of Riverhead residents; and

WHEREAS, the CDA has developed a **Request for Proposals (RFP)** to solicit interest from private developers in the portion of the Calverton Enterprise Park that lies in the Planned Recreational Park Zoning District and the preparation of substantive, innovative and funded proposals for consideration by the Town of Riverhead; and

WHEREAS, proposals may be for either a portion of the 755-acre site for a hotel conference center or for a variety of uses allowed under current zoning for the entire 755-acres, which can include a hotel conference center; NOW

THEREFORE, BE IT FURTHER RESOLVED, that the CDA Board hereby authorizes the publishing and posting of the attached public notice once in the News-Review, once as a display ad in Newsday and once as a display ad in the Metro Region section of the New York Times; and

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Community Development Agency Director Andrea Lohneiss.

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE THAT the Community Development Agency of the Town of Riverhead is seeking proposals for high-quality development of up to 755 acres at the Calverton Enterprise Park. The Property is located within the Planned Recreational Park Zoning District. The Request for Proposals (RFP) is available from the Riverhead Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY 11901. Proposals are due on November 28, 2005. Brief telephone inquiries can be directed to (631) 727-3200 extension 287.

Dated: October 18, 2005

Barbara Grattan
Riverhead Town Clerk

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

Tabled

10/18/05

Adopted

TOWN OF RIVERHEAD

Resolution # 987

APPOINTS OFFICIAL NEWSPAPER

COUNCILMAN DENSIESKI offered the following resolution, was seconded by **COUNCILWOMAN BLASS**:

WHEREAS, by Resolution # 69 of 2005 the Town Board of the Town of Riverhead designated the *Traveler Watchman* to be the Official Newspaper of the Town of Riverhead; and

WHEREAS, by letter dated October 6, 2005, the publisher of the *Traveler Watchman* Newspaper informed the Town Clerk that after the publication of its October 13, 2005 issue they will no longer meet the necessary requirements under the applicable sections of the New York State Town Law to continue to serve as the official newspaper of the Town of Riverhead;

NOW, THEREFORE, it is hereby

RESOLVED that the Town Board of the Town of Riverhead hereby designates the *News Review* to be the Official Newspaper of the Town of Riverhead effective immediately; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the *Traveler Watchman*, the *News Review* and the Accounting Department.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD

Adopted

Resolution # 988

NOTICES A SPECIAL MEETING OF THE RIVERHEAD TOWN BOARD

COUNCILWOMAN BLASS offered the following resolution, which was
seconded by COUNCILMAN BARTUNEK :

RESOLVED, pursuant to the Town Law of the State of New York, the Riverhead
Town Board may schedule special meetings in addition to regularly scheduled meetings,

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby schedules a
special meeting of the Riverhead Town Board to be held on the 9th day of November,
2005 at 2:00 p.m., and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of
this resolution to the Supervisor, Town Board coordinator, Office of the Town Attorney,
Times Review Newspapers.

X:\Dawn Thomas\resolutions\notices a special meeting.doc

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

OCTOBER 18, 2005

Adopted

TOWN OF RIVERHEAD

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE 2006 PRELIMINARY ANNUAL BUDGET FOR THE TOWN OF RIVERHEAD

RESOLUTION # 989

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

BE IT RESOLVED, that the Town Clerk be, and is hereby, directed to publish the attached Public Notice in the October 27, 2005 issue of The News Review;

BE IT RESOLVED, that the Town Board hereby ratifies the publication of the attached Public Notice in the October 27, 2005 issue of The News Review by the Town Clerk.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a Public Hearing will be held on the 9th day of November, 2005 at 2:00 p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the adoption of the 2006 Annual Budget for the Town of Riverhead, which shall include the following specific items:

ELECTED OFFICIALS' SALARIES

<u>Position</u>	<u>Proposed Salary</u>
Town Supervisor	\$85,990
Town Board Councilpersons (4)	\$35,545
Town Receiver of Taxes	\$63,390
Town Assessors (3)	\$65,930
Town Clerk	\$71,660
Town Justices (2)	\$66,500
Highway Superintendent	\$74,545

PLEASE TAKE FURTHER NOTICE, that a copy of the Preliminary Budget is available in the Office of the Town Clerk for inspection during normal business hours, Monday through Friday, 8:30 a.m. – 4:30 p.m.

DATED: Riverhead, New York
October 18, 2005

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

TOWN OF RIVERHEAD

Adopted

6th ST JAMESPORT RD IMPR

BUDGET ADJUSTMENT

RESOLUTION # 990

COUNCILWOMAN SANDERS offered the following resolution,
which was seconded by COUNCILWOMAN BLASS.

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45083	Serial Bond Proceeds	13,200	
406.051100.487451.45083	Transfer from Chips		13,200

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Adopted

TOWN OF RIVERHEAD

BAITING HOLLOW LA, BAITING DR & HOLLOW CT RD IMPROVEMENT

BUDGET ADJUSTMENT

RESOLUTION # 991

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

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

	<u>FROM</u>	<u>TO</u>
406.051100.541301.45067 Road Paving	19,800	
406.095731.494200.45067 Serial Bond Proceeds		19,800

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Adopted

TOWN OF RIVERHEAD

'05A CENTRAL AQUEBOGUE RD IMPR PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 992

COUNCILWOMAN SANDERS

_____ offered the following resolution,
which was seconded by _____ COUNCILWOMAN BLASS

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

		<u>FROM</u>	<u>TO</u>
406.051100.541301.45101	Road Paving Expense	4,500	
406.095731.494200.45101	Serial Bond Proceeds		4,500

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

October 18, 2005

Adopted

TOWN OF RIVERHEAD

'05 A DEEP HOLE RD IMPROVEMENT PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 993

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45096	Serial Bond Proceeds	4,000	
406.051100.541301.45096	Road Paving Exp		4,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Adopted

TOWN OF RIVERHEAD

DOUG'S LA, TUTS LA & 4TH ST RD IMPROVEMENT PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 994

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

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

		<u>FROM</u>	<u>TO</u>
406.051100.541301.45079	Road Paving	7,700	
406.095731.494200.45079	Serial Bond Proceeds	42,300	
406.051100.487451.45079	Transfer from Chips		50,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Adopted

TOWN OF RIVERHEAD

FARM RD AREA RD IMPR PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 995

COUNCILWOMAN SANDERS

_____ offered the following resolution,

which was seconded by COUNCILWOMAN BLASS_____.

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45095	Serial Bond Proceeds	3,100	
406.051100.541301.45095	Road Paving Expense		3,100

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Adopted

TOWN OF RIVERHEAD

'05 A MIDDLE RD IMPROVEMENT PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 996

COUNCILWOMAN SANDERS

_____ offered the following resolution,
which was seconded by **COUNCILWOMAN BLASS** _____.

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

		<u>FROM</u>	<u>TO</u>
406.051100.541301.45097	Road Paving	8,900	
406.095731.494200.45097	Serial Bond Proceeds		8,900

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

October 18, 2005

Adopted

TOWN OF RIVERHEAD

'05 SO JAMESPORT ROADS RD IMPR PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 997

COUNCILWOMAN SANDERS

_____ offered the following resolution,

which was seconded by _____ COUNCILWOMAN BLASS

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45098	Serial Bond Proceeds	10,000	
406.051100.541301.45098	Road Paving Exp		10,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Withdrawn

October 18, 2005

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 998

COUNCILWOMAN BLASS offered the following resolution,
which was seconded by COUNCILWOMAN SANDERS.

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

		<u>FROM</u>	<u>TO</u>
001.03500.541401	Animal Control, Radio Maintenance	300	
001.035100.543400	Animal Control, Education		300

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Withdrawn

Adopted

TOWN OF RIVERHEAD

WATER EXT#48 CAP PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 999

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

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

		<u>FROM</u>	<u>TO</u>
406.099010.482220.30018	Transfer from R&M	7,500	
406.095710.494200.30018	Serial Bond Proceeds		7,500

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Adopted

TOWN OF RIVERHEAD

WATER EXT#85 MASTONARDI PROJECT

BUDGET ADOPTION

RESOLUTION # 1000

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

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

		<u>FROM</u>	<u>TO</u>
406.092705.421050.30079	Developer Fees	5,000	
406.083200.543501.30079	Engineering Expense		5,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

October 18, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 1001

PROMOTION TO SENIOR ASSESSMENT CLERK
IN THE ASSESSOR OFFICE

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

WHEREAS, the Board of Assessors has determined a need to create the position of Senior Assessment Clerk to replace the position of Assessment Clerk; and

WHEREAS, the Civil Service List of Eligibles has been received and the Board of Assessors has recommended the promotion of the number one candidate on the promotional Civil Service List; and

WHEREAS, the personnel committee has recommended the promotion of Cheryl Hotchkiss to the position of Senior Assessment Clerk.

NOW, THEREFORE, BE IT RESOLVED, that Cheryl Hotchkiss is hereby promoted to the position of Senior Assessment Clerk effective October 24, 2005 to Group 9 Step 4 of the Salary Administration Schedule.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Cheryl Hotchkiss, the Assessor's Office and the Office of Accounting.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

10/18/05

TOWN OF RIVERHEAD

Adopted

Resolution # 1002

APPOINTMENTS A P/T RECREATION AIDE
TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN BARTUNEK

_____ offered the following resolution,

which was seconded by _____ COUNCILWOMAN BLASS

RESOLVED, that Kayla Lewis is hereby appointed to serve as a P/T Recreation Aide, effective October 21st, 2005, to serve as needed on an at will basis and to be paid at the rate of \$7.50 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that this position is subject to the following condition(s):

All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start date.

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

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THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

¹ Rec./ Doris:Res p/tRec Aide Kayla Lewis

October 18, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 1003

APPOINTS INTERNS TO THE POLICE DEPARTMENT

COUNCILWOMAN BLASS offered the following resolution, which was seconded by COUNCILWOMAN SANDERS.

WHEREAS, Suffolk County Community College has requested the Riverhead Police Department to partner with them in an internship program; and,

WHEREAS, the Riverhead Police Department agrees to expose the students to the police profession as part of their education through a 100 hour training program.

NOW, THEREFORE, BE IT RESOLVED, effective October 19, 2005, Anthony J. Caratozzolo and Jessica L. Milligan, students at Suffolk County Community College, are appointed as Interns for the Riverhead Police Department through completion of the program; and,

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Anthony J. Caratozzolo and Jessica L. Milligan, Chief David J. Hegermiller and the Office of Accounting.

THE VOTE
Bartunek ✓ yes ___ no Sanders ✓ yes ___ no
Blass ✓ yes ___ no Densieski ✓ yes ___ no
Cardinale ✓ yes ___ no
THE RESOLUTION ~~WAS~~ WAS NOT THEREFORE DULY ADOPTED

October 18, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 1004

RATIFIES THE APPOINTMENT OF A CROSSING GUARD TO THE POLICE DEPARTMENT

seconded by COUNCILWOMAN SANDERS offered the following resolution, which was
COUNCILWOMAN BLASS

WHEREAS, one (1) position for Crossing Guard exists in the Police Department;
and

WHEREAS, pursuant to interviews, a recommendation has been made by the Chief of Police to hire Edward Gibbs to this part-time position.

NOW, THEREFORE, BE IT RESOLVED, effective October 13, 2005, the Town Board hereby ratifies the appointment of Edward Gibbs to the position of Crossing Guard at an hourly rate of pay as set forth in the current Town Board resolution that sets salaries of Crossing Guards; and,

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

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
 Blass yes ___ no Densieski yes ___ no
 Cardinale ___ yes ___ no

THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

10/18/05

Adopted

TOWN OF RIVERHEAD

AMENDS RESOLUTION # 429 OF 2005
APPOINTS SPECIAL COUNSEL TO ZBA
AND BOARD OF ASSESSORS

RESOLUTION # 1006

COUNCILMAN BARTUNEK offered the following
resolution, which was seconded by COUNCILMAN DENSIESKI.

WHEREAS, the Town Board wishes to appoint Special Counsel to represent the Zoning Board of Appeals; and

WHEREAS, the Town Board wishes to appoint Scott DeSimone.

NOW THEREFORE, BE IT RESOLVED, that Scott DeSimone is hereby appointed as Special Counsel to ZBA and Board of Assessment Review (BOA) at the rate of \$7,500 annually; service shall include appearance at all meetings, assistance in drafting decisions and legal advice and counsel as required; and

BE IT FURTHER RESOLVED, that assigned Litigation with the ZBA and BOA shall be billed at the rate of \$150.00/hour and Small Claims shall be billed at the rate of \$250.00 per case, and

RESOLVED, that the Town Clerk be, and is hereby, authorized to forward a copy of this resolution to Scott DeSimone, the Office of Accounting and the Zoning Board of Appeals.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

10/18/05

Adopted

TOWN OF RIVERHEAD

Resolution # 1005

APPOINTS THE LAW FIRM OF SMITH, FINKELSTEIN, LUNDBERG, ISLER and YAKABOSKI, LLP, SPECIAL COUNSEL WITH RESPECT TO CONDEMNATION

COUNCILWOMAN BLASS offered the following resolution, was seconded by COUNCILMAN BARTUNEK:

WHEREAS the Town of Riverhead intends to condemn land for intersection re alignment purposes, and, and

WHEREAS, the Town Attorney's Office has recommended that the litigation be handled by outside counsel,

NOW, THEREFORE

BE IT HEREBY RESOLVED, that the Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, be retained as special counsel in aforementioned matter, and be it further

RESOLVED, that the Riverhead Town Board hereby approves the attached Retainer Agreement from Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP., and be it further

RESOLVED, that the Riverhead Town Board hereby authorizes the Supervisor to execute the attached Retainer Agreement; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, Box 389, 456 Griffing Avenue, Riverhead, NY 11901, the Office of the Town Attorney and the Office of Accounting

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT THEREFORE DULY ADOPTED

RETAINER AGREEMENT

AGREEMENT made this _____ day of October __, 2005, by and between the Town of Riverhead, 200 Howell Avenue, Riverhead, New York (hereinafter the Town), and Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, 456 Griffing Avenue, P.O. Box 389, Riverhead, New York 11901 (hereinafter the Firm), pursuant to Resolution # _____ of the Town Board adopted on _____ as follows:

1. The Town retains the Firm to provide the legal services described in said resolution.
2. The Town agrees to pay the Firm at an hourly rate of \$175 an hour for partners; \$150 an hour for associates and \$85 an hour for paralegals.
3. The Town shall reimburse the Firm for actual disbursements.

TOWN OF RIVERHEAD

By: _____
Philip Cardinale
Town Supervisor

Smith, Finkelstein, Lundberg,
Isler and Yakaboski, LLP

By: _____
FRANK A. ISLER

October 18, 2005

Withdrawn

TOWN OF RIVERHEAD

Resolution # 1007

AUTHORIZES ATTENDANCE AT

2005 EMPIRE STATE ANIMAL PROTECTION FORUM

COUNCILMAN DENSIESKI

offered the following resolution ,

which was seconded by

COUNCILWOMAN SANDERS

BE IT, RESOLVED, that the Town Board hereby authorizes the attendance Sean McCabe, ACO 1, to the 2005 Empire State Animal Protection Forum to be held October 21 & 22, 2005 in Albany, New York; and

BE IT FURTHER, RESOLVED, expenses for travel, room and board will be reimbursed upon proper submission of receipts, not to exceed the sum of \$300; and

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to John Reeve, Sean McCabe and the Office of Accounting.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
 Blass yes ___ no Densieski yes ___ no
 Cardinale yes ___ no

THE RESOLUTION ___ WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

Withdrawn

10/18/05

STATUS **Adopted**

TOWN OF RIVERHEAD

Resolution # 1008

AUTHORIZES ATTENDANCE OF TWO PUBLIC SAFETY DISPATCHERS TO ATTEND A DOMESTIC VIOLENCE CALL HANDLING SEMINAR

COUNCILWOMAN SANDERS offered the following resolution, which was seconded by COUNCILMAN BARTUNEK

WHEREAS, Police Chief Hegermiller has requested authorization from the Riverhead Town Board for the attendance of two public safety dispatchers to a Domestic Violence Call Handling Seminar; and,

WHEREAS, the seminar will be held at the Dover Township Police Department, Toms River, New Jersey, December 5 – 6 2005.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the attendance of two public safety dispatchers at the aforementioned seminar; and,

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes reimbursement of expenses, not to exceed \$500.00 (registration, food, lodging, tolls & miscellaneous expenses for two (2) nights) upon proper submission of receipts; and,

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

THE VOTE

Sanders Yes No Blass Yes No

Densieski Yes No Bartunek Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Adopted

Resolution #1009

APPROVAL FOR THE CONSTRUCTION OF AN AGRICULTURE BUILDING ON TOWN OWNED DEVELOPMENT RIGHT PROPERTY: LANDS OF CARRIE TINTLE

COUNCILMAN BARTUNEK offered the following resolution, which was seconded

by **COUNCILWOMAN BLASS** :

WHEREAS, on February 27, 2004 the Town of Riverhead purchased the development rights from William Anderson and Benson Point Realty Corp., consisting of approximately 30 acres of real property located on the northerly side of Middle Road and the southerly side of Deep Hole Road, Calverton, further described as Suffolk County Tax Map #0600-100-2- p/o 14.2 ("Original Premises"); and

WHEREAS, the successor in interest to Benson Point Realty Corp. is Carrie Tintle and Ms. Tintle desires to construct an 35.8'x 59.8' Barn on part of the Original Premises now known as SCTM # 0600-100.00-02.00-14.010 ("Subject Premises") to be used for agricultural purposes as part of a horse farm; and

WHEREAS, the Subject Premises has been legally subdivided from the Original Premises by a grant from the Town of Riverhead Planning Board; and

WHEREAS, the Town of Riverhead has a deed of development rights which enables the Town to prohibit the use and structures on the property except for agricultural purposes consistent with Chapter 44 of the Code of the Town of Riverhead; and

WHEREAS, Ms. Tintle's proposed horse barn and use of the Subject Premises is consistent with agricultural uses as defined by Chapter 44 of the Code of the Town of Riverhead and Article 25 AA Section 301 of the New York State Agriculture and Markets Law

WHEREAS, Ms. Tintle presented her application to construct the proposed barn, depicted on the "Survey for Carrie Tintle, Lot 2, Hidden Hollow Plat at Calverton, prepared by Fox Land Surveying last dated October 4, 2004," to the Town of Riverhead Farmland Select Committee; and

WHEREAS, the Farmland Select Committee has assessed merits of the application with respect to the criteria provided in the Agricultural Preservation Law and New York State Agriculture and Markets Law and has formally recommended that the Town Board of the Town of Riverhead permit the construction of the proposed barn as depicted on the above stated Survey.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby grants the application of Carrie Tintle to construct the barn depicted on the "Survey for Carrie Tintle, Lot 2, Hidden Hollow Plat at Calverton, prepared by Fox Land Surveying last dated October 4" pursuant to Chapter 44 of the Code of the Town of Riverhead; and be it further

RESOLVED, that after all requirements have been met by Carrie Tintle to obtain a building permit for the proposed barn, the Town Board hereby authorizes the Building Department to issue a building permit for the proposed barn; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Carrie Tintle, 83 Three Mile Harbor Hog Creek Road, East Hampton, New York 11937; the Farmland Preservation Committee; Peconic Land Trust, Attn: Marian Sumner, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11968; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office; Leroy Barnes; and the Office of the Town Attorney.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION ~~WAS~~ WAS NOT
THEREFORE DULY ADOPTED

October 18th, 2005

Adopted

TOWN OF RIVERHEAD

Resolution #1010

APPROVES PLAN OF HALF HOLLOW NURSERY CENTER CORP.
AGRICULTURAL WORKER HOUSING PERMIT

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI.

WHEREAS, the Riverhead Planning Department is in receipt of a survey and plan of real property owned by Half Hollow Nursery Center Corporation to allow the Riverhead Building Department to issue building permits to allow the construction of three (3) Agricultural Worker Housing units pursuant to Article XIII Section 108-64.4 of the Riverhead Town Code, such real property located at Main Road, Laurel, New York, Suffolk County Tax Map Number 0600-101-1-10.5; and

WHEREAS, the Riverhead Planning Department and Riverhead Building Department have reviewed the survey and plan and have determined that the location of the proposed structures conform to the criteria enumerated in the Town Code; and

WHEREAS, the Riverhead Planning Department has reviewed the site plan application and recommended to the Town Board that the petition be considered an Unlisted Action without significant adverse impact to either the natural or social environment and a Draft Environmental Impact Statement need not be prepared.

NOW, THEREFORE BE IT

RESOLVED, that in the matter of the site plan petition of Half Hollow Nursery Center Corp., that the Riverhead Town Board hereby declares itself to be the Lead Agency pursuant to 6NYCRR Part 617 and further determines the action not to have significant adverse impacts upon either the natural or social environment and that an Draft Environmental Impact Statement need not be prepared.

BE IT FURTHER

RESOLVED, that the Town Board of Riverhead does hereby approve the survey and Agricultural Worker Housing plan of Half Hollow Nursery Corp. pursuant to Article XIII Section 108-64.4 of the Riverhead Town Code such survey and site plan prepared by Young and Young, L.S., last dated May 16th, 2005.

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution of Half Hollow Nursery Center Corp., 624 Deer Park Avenue, Dix Hills, New York 11746, the Riverhead Planning Department, Building Department, Town Engineer, Assessors' Office and the Office of The Town Attorney.

Planning Department

THE VOTE

Bartunek yes ___ no ___ Sanders yes ___ no ___
Blass yes ___ no ___ Denisieski yes ___ no ___
Cardinale yes ___ no ___

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

October 18th, 2005

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 1011

APPROVES AMENDED SITE PLAN OF PAUL MARTIN, LLC
ATLANTA BREAD COMPANY

COUNCILMAN DENSIESKI

_____ offered the following resolution,

which was seconded by **COUNCILMAN BARTUNEK** _____.

WHEREAS, by Resolution #665, adopted on June 3rd, 2003 by the Riverhead Town Board, the Riverhead Town Board did approve the site plan of Paul Martin Associates, LLC, for the construction of 4,600 sq. ft. 150 seat sit-down restaurant, upon real property located at the northwest corner of Commerce Avenue and Old County Road (CR58), Riverhead, New York, known and designated as Suffolk Tax Map Number 0600-101-1-10.5; and

WHEREAS, Paul Martin Associates LLC, has requested that a modification of said site plan be approved by the Riverhead Town Board; and

WHEREAS, the Planning Department has reviewed the site plan dated August 22nd, 2005, as prepared by Robert J. Gruber, R.A. and elevations dated August 8th, 2005, as prepared by Robert J. Gruber, R.A. has recommended that the Town Board grant such modification; and

WHEREAS, this Town Board has reviewed the modification aforementioned; and

WHEREAS, the site plan fee, as required by Section 108-131 B (3) of the Code of the Town of Riverhead has been received and deposited per Receipt Number 2005-0817 dated August 17th, 2005,

NOW, THEREFORE BE IT

RESOLVED, the Town Board of Riverhead does hereby approve the site plan modification of Paul Martin Associates LLC, as prepared by Robert J. Gruber, R.A., site plan dated August 22nd, 2005 and elevations dated August 8th, 2005.

BE IT FURTHER

RESOLVED, that the Riverhead Town Board re-affirms its original determination of non-significance Pursuant to 6NYCRR Part 617,

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Sol M. Israel, 185 Madison Avenue, 8th Floor, New York, New York 10016, the Riverhead Planning Department, Building Department, Town Engineer, Assessors' Office and the Office of the Town Attorney.

Planning Department

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Dersieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

October 18th, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 1012

APPROVES SITE PLAN OF NEW CINGULAR WIRELESS PCS, LLC

COUNCILMAN BARTUNEK offered the following resolution,
which was seconded by COUNCILWOMAN SANDERS:

WHEREAS, a site plan and elevations were submitted by New Cingular Wireless PCS, LLC. to co-locate 12 public utility wireless telecommunications antennae with additional equipment cabinets onto an existing tower located at Sound Avenue (KeySpan Tower), Jamesport, New York, known and designated as Suffolk County Tax Map Number 0600-3-1-2.5; and

WHEREAS, the Planning Department has reviewed the site plan dated September 12th, 2005, as prepared by John S. Stevens, P.E. and elevations dated September 12th, 2005 as prepared by John S. Stevens, P.E. 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 that an Environmental Impact Statement need not be prepared; 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 2005-0204 of the Office of the Financial Administrator 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 New Cingular Wireless PCS, LLC to co-locate 12 public utility wireless telecommunications antenna with additional equipment cabinets onto an existing tower located at Sound Avenue

(KeySpan), Jamesport, New York, site plan dated September 12th, 2005, as prepared by John S. Stevens, P.E. and elevations dated September 12th, 2005, as prepared by John S. Stevens 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 approves 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, KeySpan hereby authorizes and consents to the Town of Riverhead to enter premises at Sound Avenue, Jamesport, 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;
11. That all utilities shall be constructed underground, if feasible;
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 be issued by the Building Department until a mapping of the tower and an updated structural analysis is performed for the purposes of confirming that the existing tower is capable of supporting the existing and proposed antennas and assemblies;
16. That no Certificate of Compliance shall be issued by the Building Department prior to the submission of a Post Construction Report to the satisfaction of the Planning Director by the applicant's consulting engineer indicating that the modifications approved herein have been satisfactorily completed; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Jacalyn R. Fleming, Munley, Meade, Nielsen and Re', Attorney at Law, 36 North New York Avenue, Huntington, New York 11743, the Riverhead Planning Department, Riverhead Building Department, Office of the Town Attorney and the Town Engineer.

Planning Department

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
 Blass yes ___ no Densieski yes ___ no
 Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 2005, made by KEYSpan CORPORATE SERVICES, LLC. 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, KeySpan Corporate Services, LLC. hereby authorizes and consents to the Town of Riverhead to enter premises at Sound Avenue, Jamesport, 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;
14. That all necessary precautions shall be taken to contain all dust, dirt, and sand within property boundaries. Such precautions may include the application of dust down, watering, or proper screening or other appropriate measures;
15. That no Building Permit be issued by the Building Department until a mapping of the tower and a updated structural analysis is performed for the purposes of confirming that the existing tower is capable of supporting the existing and proposed antennas and assemblies;
16. That no Certificate of Compliance shall be issued by the Building Department prior to the submission of a Post Construction Report to the satisfaction of the Planning Director by the applicant's consulting engineer indicating that the modifications approved herein have been satisfactorily completed;

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

KEYSPAN CORPORATE SERVICES
LLC

State of New York, County of Suffolk) ss.:

On the ___ day of _____ in the year 2005, before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

TOWN OF RIVERHEAD

Adopted

Resolution # 1013

GRANTS EXCAVATION PERMITS TO

SUFFOLK CEMENT PRODUCTS, INC.

Councilman Bartunek offered the following resolution,
which was seconded by Councilwoman Sanders:

WHEREAS, Suffolk Cement Products, Inc. has petitioned the Town Board for an Excavation Permit pursuant to Chapter 62 of the Town Code of the Town of Riverhead for an approximately 20 acre parcel of real property located at Osborne Avenue and Youngs Avenue, Baiting Hollow (SCTM#0600-80-2-11), and

WHEREAS, the present use of the property for the purpose of removal of sand as an accessory use supporting the applicants cement products business constitutes a pre-existing, non-conforming use on the subject property, and

WHEREAS, the continued use of the property for the purposes of mining does not constitute an expansion of the pre-existing, non-conforming use, and

WHEREAS, the Town has issued excavation permits to Suffolk Cement for this parcel of property as a pre-existing, non-conforming use after the Town's ban on mining because of its pre-existing, non-conforming use status,

WHEREAS, the applicant has presented sufficient proof to the Town Board establishing that the aforementioned pre-existing, non-conforming use of the property has not been discontinued, and

WHEREAS, the applicant has provided the Town Board with an application and excavation plan requesting permission to excavate an area equal to 15 acres of the 20 acre site in accordance with the DEC permit, and

WHEREAS, the applicant has obtained a permit from the New York State Department of Environmental Conservation pursuant to Article 23, Title 27 of the New York State Environmental Conservation Law, and

WHEREAS, the Town Board has reviewed the application for an excavation permit and has determined same is in compliance with the requirements of Chapter 62 in all respects, and

NOW, THEREFORE, BE IT

RESOLVED, that based upon the foregoing, the Town Board hereby grants the excavation permit through August 20, 2007 as requested by the applicants, such excavation permit authorizing the excavation of up to 15 acres of property as approved in the permit issued by the New York State Department of Environmental Conservation dated August 20, 2002 and as shown on the excavation plan prepared by Howard Young, P.E. and dated February 8, 2003 showing excavation of not more than 15 acres of the subject premises, and be it further,

RESOLVED, all activities authorized by this permit must be in strict conformance with the terms of this permit as well as the terms of the permit issued by the Department of Environmental Conservation dated August 20, 2002, and be it further

RESOLVED, that the Town Board hereby requires that prior to the issuance of the excavation permit, the applicant shall post an irrevocable letter of credit with the Town Clerk in an amount to be determined by the Town Engineer based upon the cost of reclamation pursuant to §62-10 of the Town Code of the Town of Riverhead, and be it further

RESOLVED, the Building Department shall not issue the excavation permit until receipt of confirmation that the irrevocable letter of credit has been filed with the Town Clerk, and be it further

RESOLVED, that all other provisions of Chapter 62 being hereby waived pursuant to Chapter 62-5 and be it further,

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Suffolk Cement Products, Inc., Stephen R. Angel, Esq., the Riverhead Planning Department, Town of Riverhead Building Department, Division of Code Enforcement and the Office of Accounting.

THE VOTE
Bartunek yes no Sanders yes no
Class yes no Densieski yes no
Cardinale yes no
**THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED**

10/18/05

TOWN OF RIVERHEAD

Adopted

Resolution # 1014

ACCEPTS CASH SECURITY OF Z & L PROPERTIES LLC

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

WHEREAS, Z&L Properties LLC has posted a security (check #1045) in the sum of Three Thousand Three Hundred Forty Five Dollars (\$3,345) representing the 5% site plan security as noted in the approved site plan dated September 7, 2005 Resolution #852 for the conversion of an existing two story residential dwelling to a medical office with site improvements, located at 1303 Roanoke Avenue, Riverhead, New York Suffolk County Tax Map # 600-103.-1-3, pursuant to Section 108-133 (I) of the Riverhead Town Code;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the 5% security in the sum of Three Thousand Three Hundred Forty Five Dollars (\$3,345); and,

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Robert Kozakiewicz, Esq., PO Box 341, Riverhead, New York 11901, Z&L Properties, 1303 Roanoke Avenue, Riverhead, New York 11901, the Building Department; the Planning Department and the Town Attorney's Office.

THE VOTE

Bartunek Yes No Sanders Yes No

Blass Yes No Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

10/18/05

Adopted

TOWN OF RIVERHEAD

Resolution # 1015

AUTHORIZES THE RELEASE OF PERFORMANCE BOND OF EAGLE AUTO MALL CORP.

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

WHEREAS, Mark S. Rose for Eagle Auto Mall Corp. posted a bond (#North Fork Bank #3330200361) in the sum of Seventy Five Thousand Dollars (\$75,000) for work at Old Country Road, Riverhead, New York Suffolk County Tax Map #0600/108.-1-9, pursuant to Section 108-133(I) of the Riverhead Town Code; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction and Certificate of Occupancy has been issued for said construction.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the bond (North Fork Bank #3330200361) in the sum of Seventy Five Thousand Dollars (\$75,000) and

BE IT FURTHER RESOLVED, that the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Mark S Rose, 72 Clare Rose Blvd., Patchogue, New York 11772, the Building Department; the Accounting Department, the Town Clerk and the Town Attorney's Office.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

Adopted

10/18/05

TOWN OF RIVERHEAD

Resolution # 1016

AUTHORIZES THE RELEASE OF PERFORMANCE BOND FOR GUIPPONE INCORPORATED (HUNTINGTON LEARNING CENTER)

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

WHEREAS, Guippone Incorporated (Huntington Learning Center) posted a bond in the sum of Seven Thousand Seven Hundred Eight Four Dollars (\$7,784) for work at 6 Twomey Avenue, Calverton, New York Suffolk County Tax Map #0600/ 100.-2-5.1 pursuant to Section 108-133(I) of the Riverhead Town Code; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction and Certificate of Occupancy #14449 has been issued for said construction.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the bond in the sum of Seven Thousand Seven Hundred Eight Four Dollars (\$7,784) and

BE IT FURTHER RESOLVED, that the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Guippone Incorporated, 136 High View Drive, Wading River, NY 11792 ,the Building Department; the Accounting Department, the Town Clerk and the Town Attorney's Office.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

10/18/05

Adopted

TOWN OF RIVERHEAD

Resolution # 1017

AUTHORIZES THE RELEASE OF PERFORMANCE BOND FOR THE INN AT EASTWINDS

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

WHEREAS, Knightworld Inc. posted a bond (#UC98900009) in the sum of Three Hundred Twenty Three Thousand Dollars (\$323,000) for work at Sound Avenue, Wading River, New York Suffolk County Tax Map #0600/ 76.-1-4, pursuant to Section 108-133(I) of the Riverhead Town Code; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction and Certificate of Occupancy #19973 dated July 15, 2005 has been issued for said construction.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the bond (#UC98900009) in the sum of Three Thousand Twenty Three Dollars (\$323,000) and

BE IT FURTHER RESOLVED, that the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Kenny Barra, PO Box 742, Wading River, New York 11792xx ,the Building Department; the Accounting Department, the Town Clerk and the Town Attorney's Office.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

October 18, 2005

Adopted

TOWN OF RIVERHEAD
Resolution # 1018

APPROVES TEMPORARY SIGN PERMIT OF SLEEPY'S

COUNCILMAN DENSIESKI offered the following resolution, which was seconded by

COUNCILMAN BARTUNEK

WHEREAS, a temporary sign permit and sketch were submitted by Sleepy's for property located at 1180 Old Country Road, Riverhead, New York also known as SCTM# 108.00-03-012.00; and

WHEREAS, pursuant to Section 108-56 C (5) of the Code of the Town of Riverhead, the application does not require the recommendation of the Architectural Review Board; and

WHEREAS, sketch has been approved the three (3) Town Board members;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the temporary sign permit application for Sleepy's submitted by KP Signs, Inc. for and be it

RESOLVED, that said temporary sign permit shall expire on January 18, 2006 and the applicant shall removed the affected sign, in its entirety, on or before said date or upon the installation of the permanent sign, whichever occurs first; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to KP Industries, Inc. 2481 Charles Court, Bellmore, New York 11710, the Planning Department, Code Enforcement Division and the Building Department.

THE VOTE

Bartunek Yes No Sanders Yes No
Blass Yes No Densieski Yes No
Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

Adopted

10/18/05

TOWN OF RIVERHEAD

Resolution # 1019

ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE (108-3 Definitions)

COUNCILMAN BARTUNEK

_____ offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider an amendment to Chapter 108 entitled, "Zoning"(108-3 Definitions) of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 4th day of October, 2005 at 7:20 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law to consider an amendment to Chapter 108 entitled, "Zoning" (108-3 Definitions) of the Town Code of the Town of Riverhead is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk is hereby authorized to publish the attached notice of adoption once in the News Review newspaper and to post same on the signboard at Town Hall; 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; the Planning Board; the Riverhead Building Department and the Office of the Town Attorney.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale ___ yes ___ no

THE RESOLUTION WAS ___ WAS NOT THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" at its regular meeting held on October 18, 2005. Be it enacted by the Town Board of the Town of Riverhead as follows:

**Chapter 108
Zoning**

§ 108-3. Definitions; word usage.

B. For the purpose of this chapter, certain terms and words are herewith defined as follows:

TRANSIENT LODGING UNIT— a lodging unit providing lodging designed to be made available as sleeping or living quarters for paying customers on a daily or weekly rental basis for a time not to exceed thirty (30) days.

Dated: Riverhead, New York
October 18, 2005

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD**

BARBARA GRATTAN, Town Clerk

10/18/05

Adopted

TOWN OF RIVERHEAD

Resolution # 1020

ADOPTS A LOCAL LAW TO AMEND THE RIVERHEAD ZONING USE DISTRICT MAP (DELETION OF BUSINESS A ZONING USE DISTRICT WITH THE REPLACEMENT OF RESIDENCE B-40 ZONING USE DISTRICT)

COUNCILWOMAN SANDERS offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to amend the Riverhead Zoning Use District Map to reflect the deletion of Business A Zoning Use District to be replaced with the Residence B-40 Zoning Use District; and

WHEREAS, a public hearing was held on the 4th day of October, 2005 at 7:15 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending the Riverhead Zoning Use District Map to reflect the deletion of Business A Zoning Use District to be replaced with the Residence B-40 Zoning Use District, is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the News Review, the official newspaper and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Planning Board; the Riverhead Planning Department and the Riverhead Building Department; the Riverhead Zoning Board of Appeals and the Office of the Town Attorney.

THE VOTE

Bartunek ___ yes ___ no Sanders ___ yes ___ no
Blass ___ yes ___ no Densieski ___ yes ___ no
Cardinale ___ yes ___ no

THE RESOLUTION ___ WAS ___ WAS NOT THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

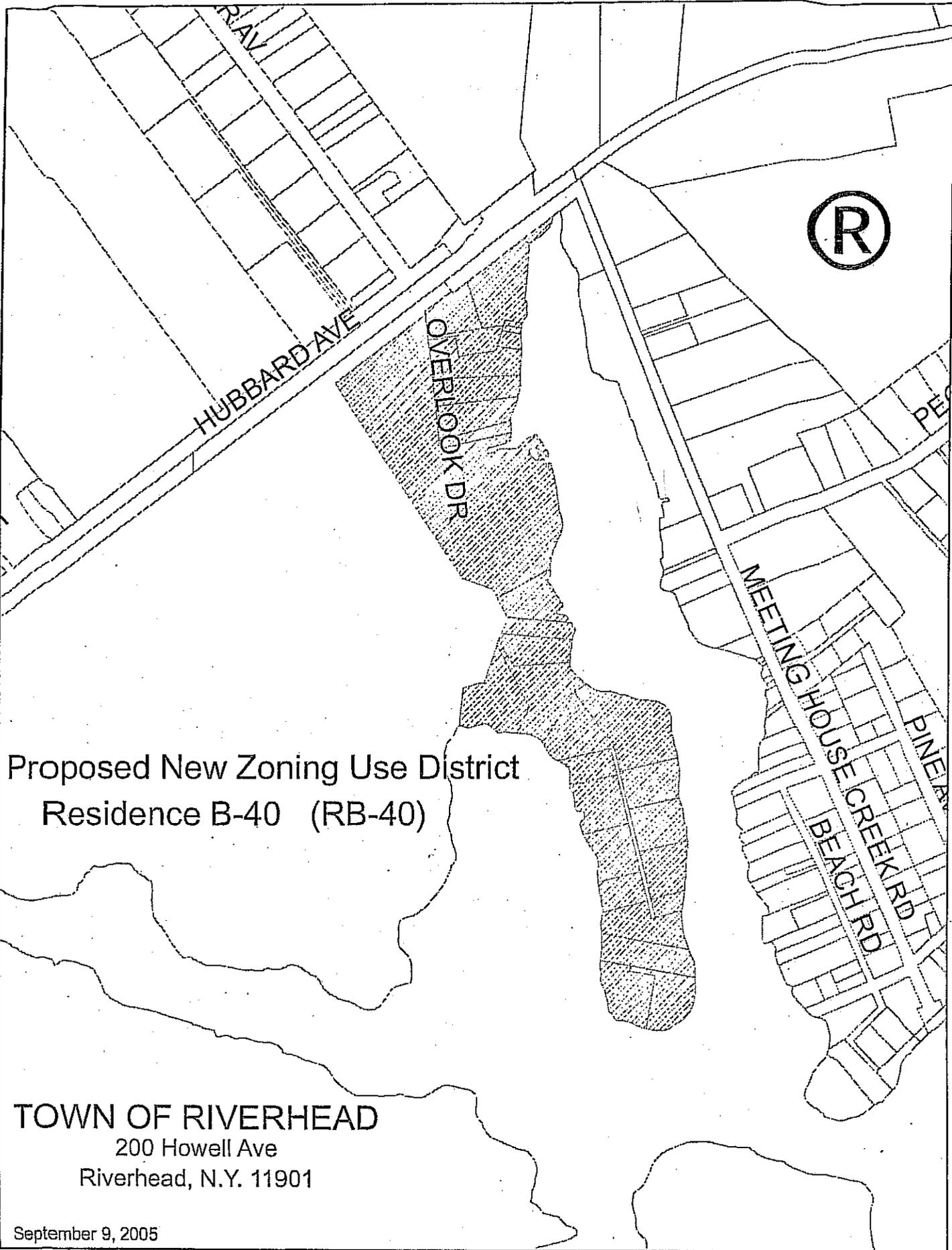
PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending the Riverhead Zoning Use District Map of the town of Riverhead.

Be it enacted that the Town Board of the Town of Riverhead adopted a local law amending the Riverhead Zoning Use District Map of the Town of Riverhead to provide for the Residence B-40 Zoning Use District to the exclusion of the Business A Zoning Use District as depicted upon the attached map.

Dated: Riverhead, New York
October 18, 2005

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD**

BARBARA GRATTAN, Town Clerk

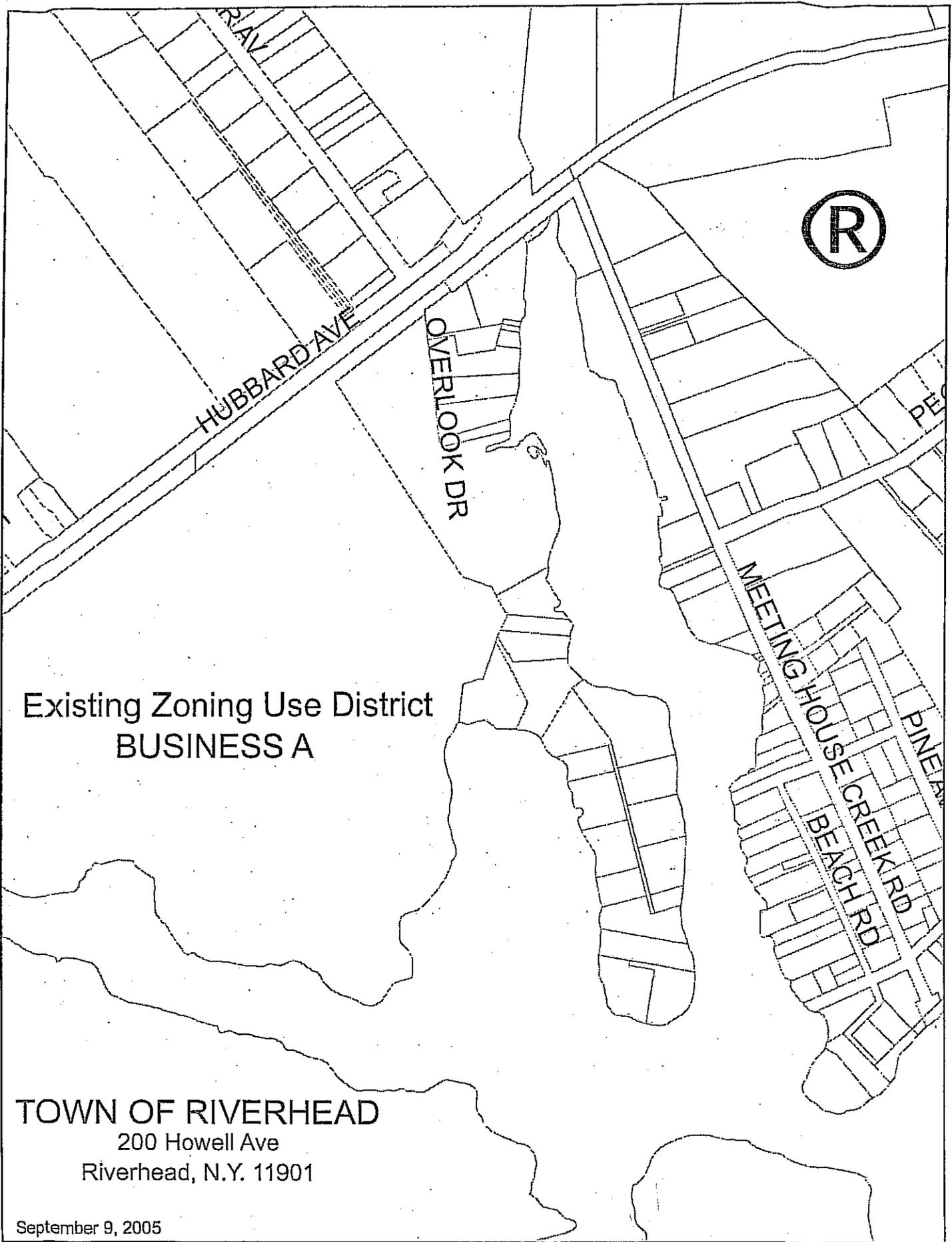


Proposed New Zoning Use District
Residence B-40 (RB-40)

TOWN OF RIVERHEAD

200 Howell Ave
Riverhead, N.Y. 11901

September 9, 2005



Existing Zoning Use District
BUSINESS A

TOWN OF RIVERHEAD

200 Howell Ave
Riverhead, N.Y. 11901

September 9, 2005

Printed on Recycled Paper

Printed on Recycled Paper

10/18/05

Adopted

TOWN OF RIVERHEAD

Resolution # 1021

ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE TOWN OF RIVERHEAD (108-56 Signs.)

COUNCILMAN BARTUNEK

_____ offered the following resolution, was seconded by

COUNCILWOMAN SANDERS

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider an amendment to Chapter 108 entitled, "Zoning" (108-56 Signs.); and

WHEREAS, two public hearings were held on the 2nd day of August, 2005 at 2:30 o'clock p.m. and the 4th day of October, 2005 at 7:25 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law to consider an amendment to Chapter 108 entitled, "Zoning" (108-56 Signs.) of the Town Code of the Town of Riverhead is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk is hereby authorized to publish the attached notice of adoption once in the News Review newspaper and to post same on the signboard at Town Hall; 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; the Planning Board; the Riverhead Building Department; the Architectural Review Board; Riverhead Code Enforcement; Riverhead Police Department and the Office of the Town Attorney.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Dansiecki yes ___ no
Cardinale yes ___ no

THE RESOLUTION ~~WAS~~ WAS NOT THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" (108-56 Signs.) at its regular meeting held on October 18, 2005.

Be it enacted by the Town Board of the Town of Riverhead that a copy of the text of the adopted local law may be reviewed at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Dated: Riverhead, New York
October 18, 2005

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD**

BARBARA GRATTAN, Town Clerk

CHAPTER 108

ZONING

§ 108-56. Signs.

A. — The following signs are permitted in any use district with a permit:

(1) — One real estate sign not exceeding eight square feet in area, except that a filed subdivision may have a sign not exceeding 24 square feet, advertising the sale or lease of the premises on which it is erected and set back not less than 25 feet from any side line and 15 feet from the front and rear property line.

(2) — Nameplates and professional signs.

(a) — One nameplate or professional sign not exceeding two square feet in area, bearing only the name and profession and/or occupation of the resident and set back not less than 25 feet from any side line and five feet from the front and rear property line.

(b) — One professional association or professional corporation sign, not exceeding five square feet in area, bearing only the name and profession and/or occupation of the resident professional association or corporation and set back not less than 25 feet from any side line and five feet from the front and rear property line. Members of the professional association or corporation may attach a nameplate, bearing only their name, not exceeding two square feet in area, to the professional association or corporation sign. When a professional association or corporation sign has been erected pursuant to this subsection, a member of the professional association or corporation may not erect a separate professional sign enumerated in § 108-56A(2)(a) on the same premises.

(3) — Temporary signs not exceeding eight square feet in area, bearing only the name and occupation of the contractor or architect and set back not less than 25 feet from any side line and 15 feet from the front and rear property line. Such signs are permitted only during the period of construction of a building or structure.

B. — Permitted signs in business, farm or industrial use districts without a permit.

C. — The following signs are permitted in any business or industrial use district with a permit by the Riverhead Town Board:

(1) — One roof or wall sign per building wall face displayed, attached to or incorporated in a building wall face. Wall signs shall not project more than 12 inches beyond the face of the wall and shall not exceed the height of said building wall face. Said height shall be the vertical distance from the mean level of the ground surrounding the building to the lowest point of the roof. One sign, either roof or wall, in area shall not exceed 25% of the total area of the building wall face. Additional signs, either roof or wall, in area shall not exceed 10% of the total area of the building wall face or a maximum of 80 feet, whichever is less. "Building wall face" shall include any area occupied by doors or windows. No roof or wall sign shall extend beyond the exterior dimensions of the structure to which it is attached. The roof and wall signs set forth in the following diagram are deemed to comply with the provisions of this subsection. On multiple story buildings, each tenant shall be permitted one wall sign displayed on the wall face of the story occupied by that tenant, such that no multistory buildings there may be more than one wall sign per building wall face, but the aggregate area of said signs shall not exceed the twenty-five percent and ten percent provisions heretofore set forth in this subsection.

(2) — Specifically permitted and exempt from Subsection C(1) above are all signs

displayed, attached to or incorporated on a window which are of a temporary nature not exceeding a time period of two weeks, covering not more than 25% of the window area or seasonal agricultural sign.

(3) — The area of a sign shall be determined by the smallest rectangle that encompasses all of the letters or symbols that make up the sign, together with the area outside the rectangle of a different color or material other than the general finish of the building or window, whether painted or applied. [Signs are defined for Subsection C(1) and (2) above only]

(4) — Interiorly lit, lightbox type signs shall be prohibited in the Business D Zoning Use Classification District.

(5) — A temporary business sign may be permitted in any business or industrial use district with a permit from the Riverhead Town Board without referral to the Architectural Review Board if it meets the following conditions:

(a) — On premises.

(b) — No more than 100 square feet in total area.

(c) — Not exceeding 15 feet in vertical height from the mean land of the ground surrounding the sign. Said height may be varied by the Town Board in order to prevent an obstruction to visibility.

(d) — Said sign shall be for a set duration. In the event that the sign is not removed after the expiration of the permit, the Town Board shall be authorized to remove the sign at the owner's sole expense and which shall constitute a lien against the property.

D. — The following signs are permitted in any residence use district upon the issuance of a permit therefor.

E. — The following signs are permitted in any farm use district upon the issuance of a permit therefor.

F. — The following signs are permitted in any business or industrial use district upon the issuance of a permit therefor.

G. — The following signs are permitted in all use districts, except residence use districts, upon the issuance of a nonrenewable permit therefor for which no fee will be charged.

H. — Signs for which a permit is required shall have affixed on the face thereof the assigned permit number, which shall be at least two inches in height.

I. — The following signs are permitted in any nonresident use district upon the issuance of a permit therefor:

(1) — One freestanding, nonflashing, nonmoving, on premises sign, not exceeding 32 square feet in sign area and not exceeding 10 feet in vertical height from the mean land of the ground surrounding the sign. Said sign shall be 25 feet from each side and 15 feet from the front and/or rear property line.

(2) — For the purpose of this section, double sided signs shall be treated as one sign.

(3) — Whenever a freestanding sign is permitted in accordance with the provisions of this subsection, said sign shall be permitted to contain, within the structure of the freestanding sign and within the ten-foot height requirement, an additional 32 square feet of marquee space for the display of temporary messages by means of changeable lettering. If the owner has elected to combine sign areas on one sign, pursuant to the provisions of this section, the marquee portion of such sign shall remain 32 square feet.

J. — Anything to the contrary in this chapter notwithstanding, any nonconforming

billboard or flashing or moving sign other than a time and temperature display permitted by the Town Board of the Town of Riverhead in accordance with the further provisions of this chapter, wherever located, shall become an unlawful structure on January 20, 1979, and shall thereupon be removed.

K. — Any owner of any such nonconforming sign who alleges that the period herein provided for amortization of such sign is unreasonable as to a particular sign may apply to the Zoning Board of Appeals for an extension of time for amortization of such sign.

L. — Any sign not included in Subsection J above but violative of any section of this chapter, wherever located, shall become an unlawful structure on January 20, 1979, and shall thereupon be removed.

M. — If any sign described in Subsection J or L above is not removed in accordance with the above provisions, the Town of Riverhead is empowered to remove said sign and bill and collect the expense of removal from the appropriate parties, including but not limited to the owner of the sign, the owner of the real property upon which the sign is located, the lessee of the real property upon which the sign is located, the lessee of the sign owner or any other interest holder.

N. — Shopping center signs.

(1) — Each shopping center shall, as a whole, be allowed one freestanding directory sign on the premises to be used for the exclusive purpose of notifying the public of the names of the various business establishments located within the shopping center. No advertising of any sort shall be allowed on such sign other than to identify the shopping center itself. Said sign shall not exceed 35 feet in height, measured from the top of said sign to the mean level of the ground surrounding the support of said sign. Each business establishment name shall occupy no more than 10 square feet in total area. An additional portion of said sign may identify the shopping center itself but may not exceed 32 square feet. Said sign shall comply with all other applicable sections of this Code.

(2) — A permit issued by the Building Inspector shall be required for each shopping center directory sign erected or maintained pursuant to this section. The application for said permit must contain an architect's drawing of said directory sign as well as a survey indicating the dimensions of said sign, its location and setbacks. The Building Inspector shall refer said applications, drawing(s), survey(s) and other supporting papers to the Town Board for its approval and recommendations. No such permit shall be issued until the Town Board has reviewed and approved said plans.

(3) — The term "directory sign" shall mean any sign containing a list of names of business establishments located within a shopping center.

O. — A time temperature display may be permitted in Business D District (General Business) only by special permit of the Town Board if it meets the following conditions:

(1) — On premises.

(2) — Attached to the building wall.

(3) — No more than 32 square feet in total area.

(4) — No more than two colors inclusive of background color of building wall.

(5) — A minimum time interval of five seconds between flashed readings of time and temperature.

(6) — Three hundred lineal feet from any existing time and temperature display.

P. — Off premises directional signs.

(1) — One standardized off premises directional sign, in accordance with the further

provisions of this subsection, may be allowed per applicant, based upon the necessity for said off-premises directional sign as shown by the applicant. Upon showing of undue hardship, the Town Board may allow one additional directional sign, but under no circumstances shall more than one additional sign be allowed, nor shall any two signs bearing the same information face the same lane of traffic.

(2) — Off-premises directional signs shall be 12 inches in height and 48 inches in width. They shall be constructed of three-fourths inch exterior-grade plywood with black paint on all edges and on the reverse side. The face of the sign shall consist of white reflective Helvetica Medium lettering on Ronan Dark Blue (also known as "Riverhead Town Blue") background with a three-fourths inch white nonreflective border set one inch within the edges of the sign. Commercial logos may be displayed in the customary colors.

(3) — A maximum of two lines of copy shall be permitted. Where two lines are used, one line shall be four inches in height and one line shall be 2 1/2 inches in height. A white arrow, either vertical or diagonal and pointing in the general direction to be followed, shall display distances therein, stated to the nearest mile. Where the stated distance would be less than one mile, it shall be omitted. Arrows pointing to the right of vertical shall be on the right side of the sign, and arrows pointing left of vertical shall be on the left side of the sign, as appropriate. Businesses to the left shall appear above businesses to the right. Where more than one business lies in the same direction, those closer than appear above those more distant.

(4) — Posts shall be four by four inch CCA lumber, painted white, with pointed tops. Two posts shall support each sign installation. Said posts shall be eight feet in height from the average grade of the ground surrounding the sign. The initial advertiser shall provide and maintain said posts and may enter into an agreement with subsequent advertisers for continued maintenance.

(5) — A maximum of three business signs shall be permitted on each sign installation. The top of the uppermost sign shall be set six inches below the top of the posts. Signs shall be spaced three inches apart.

(6) — There shall be no exclusive right to any location. An advertiser shall not prohibit subsequent advertisers which have obtained necessary approvals.

(7) — Where more than one installation is permitted within close proximity, said installations shall be no closer than 200 feet apart.

(8) — Off-premises directional signs shall be located as follows and shall be subject to the prior approval, in writing, of the New York State Department of Transportation, the Suffolk County Department of Public Works, the Riverhead Superintendent of Highways or the owner of private property, as applicable:

(a) — Where there is no curb or sidewalk: six feet from the outside shoulder of the highway, but not less than eight feet from the pavement to the near edge of the sign.

(b) — Where there is a curb but no sidewalk: four feet from the curb to the near edge of the sign.

(c) — Where there is a curb and sidewalk: two feet from the inside edge of the sidewalk to the near edge of the sign.

(d) — The sign shall face the flow of traffic nearest it.

(e) — Not less than 200 feet approaching and 200 feet beyond a traffic control or device, railroad grade crossing, or public highway intersection with a federal, state or county route.

(f) — Not less than 100 feet approaching and 100 feet beyond Town highway intersections.

(9) — In its deliberation of the permit, public safety, including but not limited to visibility of and by motorists as well as pedestrians relative to the proposed sign location, shall be a primary consideration.

(10) — An annual renewal fee of \$50 shall be required as a condition of the permit. Said fee shall constitute a guaranty on the part of the applicant that the sign shall be maintained in good repair.

(11) — The Town may establish in any zoning use district special public information centers, wherein directional signs may be located.

Q. — Mobile signs. Mobile signs standing on the ground or attached to vehicles or trailers shall be prohibited, except signs painted on registered vehicles identifying the owner and utilized in the conduct of such business. Vehicles or trailers may not be used primarily for on or off premises advertising.

R. — A theater marquee, i.e., a canopy with lettering thereon, extending more than one foot from a theater is specifically permitted.

S. — A soffit sign, i.e., a sign affixed to the underside of a roof overhang adjacent to a store or other commercial premises, is allowed, provided that said sign does not exceed eight inches by 36 inches.

T. — Political signs. A political sign may be a sign, poster, banner or other promotional device relating to a general, primary or special election, as the same are defined in the Election Law of the State of New York. Political signs shall be allowed on premises within the Town of Riverhead for a period not to exceed 60 days from the date of the posting of the bond provided for herein. All political signs shall conform in terms of size, location, setback and all other conditions as may be set forth in the further provisions of this chapter. Prior to displaying any political sign, a bond in the sum of \$100 per candidate must be posted with the Town Clerk. Said bond shall guarantee compliance with the provisions of this subsection. Written permission of the owner of any land used for political signs must be obtained prior to erection of the sign. No political sign may be erected or maintained on or in a public right of way or upon utility poles. The existence of political signs in violation of these provisions relating to private property, public rights of way or utility poles shall act to forfeit the aforesaid bond and to allow the Town to remove said signs.

U. — The Town may establish in any district special public information centers wherein directional signs approved by the Town Board may be located.

V. — Any sign permitted in this Town must relate to an existing on going business. Accordingly, any sign remaining after the expiration of a business shall be removed within 180 days from said demise. After said one hundred eighty day period, said sign shall be in violation and, if not removed, the Town shall remove same and the cost of said removal shall be attributed to the owner of said sign and/or premises.

W. — Historic signs, pursuant to the provisions of § 108 3; special permit. The Zoning Board of Appeals may find that a particular sign is a historic sign. In making such a finding, the Zoning Board must find that the proposed sign is of significant historic quality in terms of age or design or by reason of its relationship to an historic renovation project. The Zoning Board of Appeals, pursuant to its special permit powers, may allow the construction, repair and maintenance of historic signs upon such terms as may be just

and proper in addition to, or to the exclusion of, any other signs permitted by this Code.
X. — Projecting signs. A sign, extending not more than two feet, perpendicular to a wall face, not lower than 7 1/2 feet from the ground and not higher than 15 feet from the ground and no larger than eight square feet. Such signs may be double faced, but may not exceed four inches in depth.

Y. — Nonconforming signs:

(1) — Any roof or wall sign, on-premises freestanding sign, shopping center sign, off-premises directional sign or projecting sign legally existing on January 20, 1976, may be continued, although such sign does not thereafter conform to the regulations of the district in which it is located.

(2) — No nonconforming use may be reestablished where such nonconforming use has been discontinued for a period of six months.

(3) — Nothing in this chapter shall prevent the complete restoration within six months of a sign destroyed by an accidental cause such as fire, flood, explosion, riot, act of God or act of the public enemy. Such restored sign shall not exceed the dimensions of the sign destroyed.

Z. — Computerized electronic message and time/temperature centers shall be permitted by special permit of the Town Board in the Business B, Business C (with the exceptions of Route 25 and the Hamlet of Wading River), Office/Service and Business E Highway Commercial/Service Zoning Use Districts only and shall be subject to the following conditions:

(1) — On premises only.

(2) — Freestanding, accessory to and incorporated within the main sign structure, subject to the following conditions:

(a) — Freestanding sign: no more than 30 square feet in total area, and an aggregate square footage of all signs on the sign structure shall not exceed 50 square feet.

(b) — Freestanding directory sign: no more than 30 square feet in total area, and an aggregate square footage of the computerized electronic message center and the shopping center identification shall not exceed 50 square feet. Each business establishment name shall be permitted, in addition to the 50 square feet, no more than 10 square feet in total area.

(3) — Minimum display necessary to convey intended message.

(4) — A minimum of 300 linear feet from any other existing computerized electronic message center.

(5) — No horizontal traveling or vertical scrolling moving messages, animation or graphics shall be permitted.

(6) — A minimum time interval of five seconds between flashed readings of a message.

(7) — The total number of computerized electronic message centers shall not exceed one computerized electronic message center for each directory or freestanding sign at the premises.

(8) — At no time shall both a marquee and an computerized electronic message center be permitted on the same premises.

(9) — Signs are to be subject to Architectural Review Board review and recommendation.

§ 108-56.1. Penalties for offenses against sign provisions:

Any sign installed without benefit of a sign permit pursuant to § 108-56 of the Riverhead

Town Code shall be charged a civil penalty of \$500 in addition to the sign permit and application fee as specified in § 52-10 of the Riverhead Town Code. Said civil penalty shall be due and payable upon application for a sign permit.

A. Definitions

As used in this Section, the following terms shall have the meanings set forth herewith:

ANIMATED OR MOVING SIGN - any sign or part of a sign which changes physical position by movement or rotation occasioned by natural, manual, mechanical, electrical, or other means, or which gives the visual impression of such movement or rotation;

ANNOUNCEMENT SIGN - A sign announcing the activities conducted or to be conducted at the public or semi-public building to which it refers.

AWNING - Any retractable or fixed shade-producing device made of flexible fabric or similar material covering a rigid skeleton structure attached to a building;

BANNER OR PENNANT - A sign that is painted or displayed on a sheet composed of fabric, pliable plastic, paper or other non-rigid material, fastened to the exterior of a building or exterior structure other than a flagpole, but excluding any flag representing any federal, state or other governmental entity;

BILLBOARD - A sign relating, in whole or in part, to a business, commodity, service, entertainment or attraction sold, offered or existing at a location other than the location where such sign is displayed;

BUILDING WALL FACE - the area of the building wall including area occupied by any doors or windows in that wall;

CANOPY - An architectural projection comprised of a rigid structure over which a covering is attached that provides weather protection, identity or decoration and is supported at one end by the building to which is attached and at the outer end by not less than one stanchion;

DIRECTORY SIGN - an aggregate sign containing a list of the names of the establishments located within a commercial or industrial complex;

ELECTRONIC TIME/TEMPERATURE SIGN - an electronic programmed display of time and temperature information only;

EMBELLISHMENT - ornamentation or enhancement of a sign structure;

FARM MARKET - a direct marketing operation which may be seasonal in nature and features on-farm produce as well as locally grown agricultural produce, enhanced agricultural products, and handmade crafts;

FREESTANDING SIGN - A sign detached from any supporting element of a building

and consisting of a double or single sided sign face attached to a single or double pole structure embedded in the ground or mounted on its own self-supporting permanent structure or base;

GRADE - the uppermost surface of the ground directly below the sign or immediately adjacent to the support where the uppermost surface has been artificially raised for landscaping or other purpose. grade shall be measured from the level of the nearest curb of a public street;

ILLUMINATED SIGN - A sign illuminated either internally, where the source of illumination is inside the sign or from light bulbs or light tubes affixed or incorporated into the structure thereof, or externally where the source of illumination is separate from the sign and reflected off the surface thereof;

INCIDENTAL SIGN - a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business;

INTERNALLY ILLUMINATED BOX SIGN - a case containing a fluorescent light source within. The light source is projected through a glass or plastic facing which projects a message. (Not to be confused with neon, channel letters, or backlit channels)

MANSARD ROOF - A roof whose pitch has a twelve (12) inch or greater vertical projection for each six (6) inch horizontal projection.

MARQUEE, ATTACHED - a fixed, constructed permanent canopy or roof like structure of rigid materials which may contain a means for changeable lettering thereon, supported by and extending more than twelve (12) inches from the facade of a theater, hotel, banquet facility, or sports arena;

MOBILE SIGN - mobile signs standing on the ground or attached to vehicles or trailers shall be prohibited, except signs painted on registered vehicles identifying the owner and utilized in the conduct of such business. Vehicles or trailers may not be used primarily for on or off premises advertising;

MONUMENT SIGN - A sign with a base entirely in contact with the ground;

NAME PLATE SIGN - A non-electric identification sign which bears only the name and profession or occupation of the occupant or group of occupants, or bears only the name of a residential occupant;

NEON SIGN - an illuminated sign consisting, in part, of a glass tube filled with neon, argon, mercury or other gasses caused to emit light by the passage of an electric current and commonly bent into various forms.

NONCONFORMING SIGN - a sign which was legally installed under laws or ordinances in effect prior to the effective date of the ordinance codified in this title or subsequent revisions, but which is in conflict with the design and sign type provisions of this Chapter;

OFF-PREMISES SIGN - a sign that identifies or communicates a message related to an activity conducted, a service rendered, entertainment, or a commodity sold, which is not the primary activity, service, or commodity provided on the premises where the sign is located (e.g., billboards or outdoor advertising):

PARAPET - the extension of a false front or wall above a roofline:

POLE SIGN - A freestanding sign wholly supported by a single vertical pole or similar structure embedded in the ground.

POLITICAL SIGN - a temporary sign indicating the name and/or picture of an individual seeking election or appointment to a public office, or relating to a proposition or change of law in a public election or referendum, or pertaining to the advocacy by persons, groups, or parties of political views or policies:

PROJECTING SIGN - a sign which is attached at a right angle from a wall or other essentially vertical plane of a building or structure, which is wholly or partly dependent upon the building for support.

REAL ESTATE SIGN - A sign advertising the sale, exchange, lease or rental of the real property on which it is located.

ROOF SIGN - A sign erected upon or above a roof or parapet of a building or structure.

SANDWICH BOARD - A portable sign capable of standing without support or attachment.

SIGN - any object, device, display, or structure, including a flag, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images, together with a framework, background, material structure, component parts, and bracing materials:

SIGN AREA - the area of a sign shall be the entire face of a sign including the advertising surface and any framing, trim, or molding. The area of any sign lacking clear and distinct borders shall be determined by the smallest rectangle that encompasses all of the letters and/or symbols that make up the sign, together with the area outside that rectangle of a different color or material than the general finish of the building or window, whether painted or applied.

SOFFIT SIGN - a sign affixed to the underside of a roof overhang, and perpendicular to the wall, adjacent to a store or a commercial premise;

WALL SIGN - a sign fastened to or painted on an exterior wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign. A wall sign shall not project above the height of the building wall face. Said height shall be the vertical distance from the average grade of the ground surrounding the building to the lowest point of the roof. Such a sign may not project more than twelve (12) inches beyond the building wall face, nor shall it contain copy on the sides or the edges, or it shall be considered as a projecting sign;

WINDOW AREA – The area of the window shall be the largest uninterrupted expanse of glass. Such interruptions shall include but not be limited to the mullions, muntins, and structural or applied support columns.

WINDOW SIGN - a sign, which is painted in, applied, or attached to, the interior side of a window or glass doors, or which is inside an individual window or door and mounted within three (3) feet of a window. Such signage shall occupy no more than twenty-five percent (25%) of the area of each window or door.

B. Purpose and Intent

Purpose

It is the express purpose of this Section to regulate existing and proposed signs in order to: perpetuate the open character and rural appearance of the Town; promote good community planning and a positive aesthetic environment; protect property values; recognize the economic importance and attractiveness of properly-sited and well-designed signs; preserve the historic character and architectural heritage of the Town; provide a more enjoyable and pleasing community; and to promote and accomplish the goals, policies and objectives of the 2003 Riverhead Comprehensive Master Plan.

Intent

It is the intent of this Section to coordinate the type, placement and scale of signs within the various zoning use districts to recognize the commercial communication requirements of all sectors of the business community; reduce distraction and obstructions which may cause motorists confusion, impair visibility, and lead to accidents; reduce hazards that may be caused by signs overhanging, projecting into, or otherwise obstructing public rights-of-way; avoid detracting from the legitimate identification of businesses, street names, or street numbers. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs.

C. Primary Signs Allowed With Permit.

Only one Primary Sign shall be permitted at each business location or premises. Where feasible Primary Signs may be double-sided. Combinations of various types of Primary Signs shall not be permitted. Secondary Signs may be permitted at the discretion of the Architectural Review Board. Permitted Primary Signs shall not indicate business hours of operation, telephone numbers, fax numbers, or web addresses. All Primary Signs must be located on the site facing towards a public right of way. Each of the following types of primary signs are allowed by permit from the Town of Riverhead:

1. Wall Signs.

(a) The area of a wall sign shall not exceed twenty five percent (25%) of the building or wall face on which it is mounted. The width of a sign shall not exceed seventy five percent (75%) of the width of the building or wall face on which it is mounted. The maximum area for a wall sign shall be three hundred (300) square feet.

(b) Such signs shall not project more than one foot perpendicular to the walls on which they are mounted nor extend in any manner above the facade or roofline of the building or structure containing such wall.

(c) All signage shall pertain to the business or businesses operating on the premises where the sign is erected.

2. Roof Signs.

A sign painted on, incorporated into, or affixed to a mansard roof or parapet of a building shall be permitted, provided it complies with the following:

(a) The vertical midpoint of the sign shall be no higher than the vertical midpoint of the mansard roof or parapet so that the sign does not project above the roof line or break the silhouette of the building.

(b) No part of such sign shall project from such mansard roof or parapet a distance greater than twenty four (24) inches, and all structural supports, including any angle irons, guy wires, or braces, shall appear to be an integral part of the roof or roof sign and enclosed or otherwise hidden from view.

(c) The area of a roof sign shall not exceed twenty five (25) percent of the building wall face on which it is mounted. The area of any such sign shall not exceed seventy five percent (75%) of the width of such roof or parapet. No roof signs shall be permitted to exceed three hundred (300) square feet.

3. Freestanding Signs (Including Pole and Monument Signs).

(a) No freestanding sign shall be permitted on premises where buildings or structures are set back less than twenty (20) feet from the front property line.

(b) The maximum area for such a sign shall be thirty two (32) square feet.

(c) Said sign may not exceed ten (10) feet in vertical height from the grade of the ground surrounding the sign except as otherwise provided in this chapter.

(d) Said sign(s) shall be at least twenty five (25) feet from each side line of the property and at least fifteen (15) feet from the front and rear property lines.

(e) Except for the height of a monument sign, any embellishment thereon extending up to twelve (12) inches on any side shall not be considered in determining compliance with

the area or size limitation of a sign supported by a monument structure.

5. Permanent Window Signs.

(a) Permanent Window signs may occupy no more than twenty-five percent (25%) of the window area as defined herein.

(b) Such signs shall include neon signs limited to an intensity of 60 watts.

(c) Window signs shall be stationary in nature and shall not flash or rotate;

(d) Such a sign shall not obscure the visibility through the window by using, but not limited to, an opaque background.

6. Directory Signs.

Each commercial or industrial complex which contains more than one legal use shall, as a whole, be permitted one (1) freestanding directory sign on the premises to be used for the purpose of notifying the public of the names of the businesses located within the complex provided that:

(a) No advertising of any sort shall be allowed on said sign other than to identify the complex itself and the names of the businesses located within the complex.

(b) The aggregate height of said sign, including embellishment, shall not exceed fifteen (15) feet measured from the grade of the ground surrounding the sign.

(c) Each business name shall occupy no more than eight (8) square feet in area.

(d) Each business shall advertise with coordinated size, color, lettering, and sign shape such that no single sign is more prominent than another sign.

(e) A portion of the sign may be dedicated to the identification of the commercial or industrial complex provided that this area does not exceed thirty two (32) square feet.

(f) The aggregate area of the sign shall not exceed sixty (60) square feet.

(g) A directory sign may be allowed in conjunction with a wall, roof, or window sign, but shall not be permitted with any type of other freestanding sign.

(h) The nearest point of the front of any building of the complex is set back a minimum of fifty (50) feet from the front property line.

7. Marquee, Attached

A marquee attached to a theater, hotel, or sports arena shall be permitted provided that such sign:

(a) Does not extend beyond the curb line in front of the building.

(b) Shall be placed no less than ten (10) feet above the grade or curb surrounding the sign.

(c) Shall be constructed of noncombustible materials, shall be securely supported from the façade of the building, and shall provide proper drainage.

8. Awnings/Canopies.

Signs painted on or in the form of an awning or canopy shall be permitted for business use only, provided that:

(a) Awnings are not located above the first floor of the buildings to which they are attached.

(b) Canopies are located at the street or parking lot entrance of the building to which they are attached and do not interfere with pedestrian traffic.

(c) Any identification or lettering on such awnings or canopies shall be limited to the edge of the awning or canopy bib and shall not exceed six (6) inches in height.

(d) The vertical clearance from the public right of way to the lowest part of the awning or canopy, including the valance, shall be a minimum of seven (7) feet.

9. Gasoline Station Signs

One (1) sign per business location shall be permitted to advertise the sale of gasoline provided that said sign:

(a) Shall be freestanding, non-flashing, and non-moving.

(b) Shall be located on the premises of the business and not located in any public right-of-way.

(c) Shall only advertise the identification of the gasoline retailer and the price(s) of gasoline.

(d) Shall not exceed an area of forty eight (48) square feet, nor exceed a height of fifteen (15) feet above the grade surrounding the sign.

(e) Shall be located not less than fifteen (15) feet from the front or rear property lines and not less than twenty five (25) feet from each side property line.

D. Secondary Signs allowed with permit

Each business or premises is entitled to signage considered secondary to a permitted Primary Sign. All Secondary Signs shall be coordinated in size, color, lettering, shape, and location of placement. The following signs types may be considered for approval by the Town of Riverhead as Secondary Signs:

1. Soffit Signs

One soffit sign may be permitted for each business establishment provided that:

(a) A minimum height of seven and one half (7 1/2) feet is provided from the ground surrounding the sign to the base of the sign;

(b) Thickness of the sign does not exceed four (4) inches;

(c) The maximum area of the sign shall be two (2) square feet;

2. Projecting Signs

One projecting sign may be permitted for each business establishment provided that:

(a) A minimum of seven and one half (7 1/2) feet is provided from the ground surrounding the sign to the base of the sign;

(b) Thickness of the sign shall not exceed four (4) inches;

(c) The sign shall project more than twelve (12) inches but not more than thirty six (36) inches perpendicular to the building to which it is affixed;

(d) The maximum area of the sign shall be two (2) square feet;

3. Nameplate in excess of an area of two (2) square feet affixed to a building wall or face.

4. Electronic Time/Temperature Signs.

A computerized time/temperature display or electronic message center shall be permitted subject to the following conditions:

(a) Shall be located on-premises only;

(b) Shall be accessory to, and incorporated within the main structure of a freestanding sign. Such sign shall be no more than twenty four (24) square feet in total area, and an aggregate square footage of all signs on the sign structure shall not exceed thirty two (32) square feet;

(c) Said sign shall be located a minimum of four hundred (400) linear feet from any

other time/temperature display:

(d) Said sign shall display a minimum time interval of five (5) seconds between flashed readings of time and temperature:

(e) Shall exhibit the minimum display necessary to convey the intended message. No horizontal traveling or vertical scrolling moving messages, animation, or graphics shall be permitted.

5. Menu Board

Restaurants may display one (1) menu board in conjunction with a drive-through window provided that:

(a) The sign is one-sided, freestanding, or attached to a wall.

(b) Said sign shall be non-flashing and non-moving.

(c) Said sign shall not exceed thirty two (32) square feet in area nor exceed a height of five (5) feet above the grade surrounding the sign.

(d) Said sign shall be located at least twenty five (25) feet from the front of the property line and from each side line, and a minimum of fifteen (15) feet from the rear property line.

(e) Said sign shall not be located in a front yard or in a side yard adjacent to a street nor shall the sign be readable from a street.

6. Wall Sign

Wall signs may be considered a Secondary Sign provided that:

(a) Such a sign is not located on a facade having any other wall sign:

(b) Such a sign shall not exceed ten (10) percent of the wall area, with a maximum permitted area of one hundred fifty (150) square feet.

7. Gasoline Stations

One Secondary Sign may be permitted for the advertisement of services in addition to the sale of gasoline provided that such sign:

(1) Shall be freestanding, non-flashing, non-moving, and not illuminated.

(2) Shall not exceed sixteen (16) square feet in area.

(3) Shall not exceed a height of six (6) feet above the grade of the area surrounding the sign.

(4) May be double-sided.

(5) Shall be located on the premises of the business and not located in any public right-of-way.

8. Incidental Information Window Signs

Incidental information signs which exceed an area of two (2) square feet shall be permitted provided that:

(a) Such a sign shall advertise only the type of information as provided by the definition of an incidental sign;

(b) Such a sign shall not exceed an area of ten (10) percent of any uninterrupted glass area;

(c) Such a sign shall not be placed on any window or uninterrupted glass area containing any other signage;

(d) All window signage on a building shall be coordinated in color, style, and lettering;

(e) Such sign does not obscure visibility by using, but not limited to, an opaque background.

E. Additional Sign Types Requiring a Permit

1. Commercial Property Real Estate Signs.

Sign advertisement of the sale, rental, or lease of commercial property is permitted provided that:

(a) Only one (1) such sign per commercial parcel shall be permitted.

(b) Freestanding signs, signs affixed to a building or structure, or a sign displayed within any window therein shall not exceed nine (9) square feet in area.

(c) Said sign shall be placed at least twenty five (25) feet from each side line of the property and at least fifteen (15) feet from the front and rear property lines. No such sign shall be permitted within a parking lot, roadway, or sidewalk area.

(d) Said sign(s) shall be removed no later than fifteen (15) days after the property to which they relate is no longer for sale, rent, lease, or exchange.

(e) Said sign shall not be illuminated.

(f) Real estate signs in all use districts shall be set back not less than twenty five (25) feet from any side line and five (5) feet from the front and rear property lines. No real estate sign shall be placed in a public right of way.

2. Residential Property Real Estate signs

Real estate signs advertising the sale, rental, or lease of residential real estate is permitted provided that:

(a) No more than two (2) such signs shall be erected on the property to be sold, rented, or leased. No signs erected for the sale of real estate may be erected off-site of the subject property.

(b) Said sign(s) may not be illuminated nor exceed four (4) square feet in area.

(c) No sign shall be permitted in any public right-of-way.

(d) Said sign(s) shall be removed no later than fifteen (15) days after the property to which they relate is no longer for sale, rent, lease, or exchange.

(e) Said sign(s) may be erected by a licensed real estate broker or by the individual property owner. Said sign(s) may be erected by a licensed real estate broker who has paid an established annual fee to the Building Department. Erection of such signage by the individual owner of the property shall require a deposit of one hundred dollars (\$100) per sign, paid to the Building Department, to be refunded upon removal of the sign by the applicant.

3. Construction Signs.

One sign shall be permitted to be erected at any construction site provided that such sign:

(a) Shall not be erected prior to project approval by the Town of Riverhead Building Department.

(b) Shall not be illuminated

(c) Shall not exceed thirty two (32) square feet in area.

(d) Shall display the name(s) of the contractor(s), architect(s), and financing institution(s) connected to development of the site.

(e) Shall be located at least twenty (25) feet from each side line of the property and at least fifteen (15) feet from the front and rear property lines. No such sign shall be placed within a parking lot, roadway, or sidewalk area.

(f) Shall be removed no later than fifteen (15) days after completion of the project to which it relates or one (1) year from the date of installation of said sign, whichever occurs first.

4. Subdivision Signs

A maximum of two signs may be erected to advertise a subdivision site provided that such sign(s):

(a) Shall not be erected prior to project approval by the Town of Riverhead Building Department.

(b) Such sign(s) shall not be illuminated.

(c) Shall be limited to an area of thirty two (32) square feet.

(d) Shall be located at entrance(s) to the approved subdivision and shall not be placed within any parking lot or public right of way.

(e) Shall be removed one (1) year from the date of issue of the permit for the sign.

5. Off Premises Directional Signs.

(a) Two (2) standardized off-premises directional signs, in accordance with the further provisions of this subsection, shall be permitted per applicant, based upon the necessity for said signs as shown by the applicant. Under no circumstances shall more than two (2) such signs be allowed, nor shall any two (2) such signs bearing the same information face the same lane of traffic.

(b) Such signs shall not exceed four (4) square feet in area, nor exceed six (6) feet in vertical height from the grade of the ground surrounding the sign.

(c) A maximum of three (3) different businesses may be permitted per sign installation provided that the aggregate area of the signage does not exceed twelve (12) square feet.

(d) There shall be no exclusive right to any location. An advertiser shall not prohibit subsequent advertisers which have obtained necessary approvals.

(e) No off-premises directional sign shall be permitted within one hundred (100) feet of any other permitted sign

(f) Such sign(s) shall be located as follows and shall be subject to the prior approval, in writing, of the New York State Department of Transportation, the Suffolk County Department of Public Works, the Riverhead Superintendent of Highways or the owner of

private property, as applicable:

(1) Said sign(s) shall be set back at least fifteen (15) feet from the public right-of-way or five (5) feet from the sidewalk, whichever is greater. Under no circumstances shall such sign(s) be placed in the public right of way.

(2) Said sign(s) shall face the flow of traffic nearest it.

(3) Said sign(s) shall not be permitted less than one hundred (100) feet approaching nor one hundred (100) feet beyond a traffic control device, railroad crossing, or public highway intersection with a federal, state, county, or town route.

(4) In its deliberation of the permit, public safety, including but not limited to visibility of and by motorists as well as pedestrians relative to the proposed sign location, shall be a primary consideration of the Board.

(g) Such sign(s) shall not be illuminated.

F. Signs Not Requiring Permits.

The following types of signs are exempted from permit requirements but must conform with all other requirements of this ordinance:

1. Temporary Window Signs.

Signs attached to, or incorporated on a window or door which are of a temporary nature, not exceeding a display period of two (2) weeks, shall be permitted provided that:

(a) Such signs in combination with any permanent window signage shall occupy no more than twenty five percent (25%) of the window area.

(b) Such signs may be displayed only in a window or door facing toward the front property line.

(c) Such signs shall not be illuminated, flash, rotate, oscillate, or be animated.

2. Parking Signs and Traffic Regulation Signs Erected by Government Authority.

3. Farm Market Temporary Signs.

Temporary farm market signs advertising the availability of specific agricultural produce shall be allowed in all zoned districts in the Town without a permit from the Building Department with the following provisions:

(a) A farm market may have up to ten (10) temporary signs advertising the availability of specific agricultural produce provided that:

(1) No more than two (2) signs between twelve (12) square feet and twenty (20) square feet in area shall be allowed.

(2) Each of the possible eight (8) additional signs shall not exceed twelve (12) square feet in area.

(b) Two (2) additional temporary off-premises signs advertising specific seasonal crop production may be allowed without a permit provided that the farm market selling such produce is not located on a major east-west thoroughfare (specifically Peconic Bay Boulevard, Route 25, or Sound Avenue). Such sign(s) may not exceed thirty two (32) square feet in area and must be removed at the end of the specific crop season.

(c) No temporary sign advertising the availability of specific agricultural produce shall exceed six (6) feet in vertical height from the grade of the ground surrounding the sign.

(d) Such temporary signage may be single-faced or double-faced, and square footage will be calculated based on one (1) side.

(e) With the exception of off-premises signs described above, all signs shall be located on the premises of the farm property and shall not be placed more than one hundred fifty (150) feet from the perpendicular intersection of a line bisecting the farm market or farm stand and the front property line.

(f) All signs shall be set back at least fifteen (15) feet from any vehicular public right of way or five (5) feet from a public sidewalk, whichever is greater. Under no circumstances shall a sign be placed in any public right-of-way or create a potential danger to vehicular traffic.

(g) No such sign(s) shall be illuminated.

4. Theater outer lobby posters, provided they are enclosed.

5. Incidental signs, such as information, emergency, and public service signs that identify such services as rest rooms, telephones, credit cards accepted, hours of operation, vacancies, and emergency information provided that:

(a) Such sign(s) shall not exceed two (2) square feet in area.

(b) There shall be a limit of one (1) such sign per building entrance.

6. Nameplates attached to a building wall

(a) Such signs shall bear only the name and profession or occupation of the resident.

(b) Only one (1) nameplate shall be permitted per professional office or per resident.

(c) Subdivision signs

(d) Political signs

2. The following signs are allowed in all Zoning Use Districts without a permit from the Town of Riverhead:

(a) Farm market temporary ground identification and off-premises signs for specific seasonal crop production as specifically provided in this chapter.

(b) Incidental, less than two(2) square feet in area.

(c) Announcement, less than two (2) square feet in area

(d) Nameplate

3. RA-80, RB-80, RA-40, RB-40, RC, and HR

All signs shall be permitted in all residential zones RA-80, RB-80, RA-40, RB-40, Retirement Community (RC), and Hamlet Residential (HR) with the exception of:

(a) Wall signs

(b) Roof signs

(c) Freestanding (including pole and monument) signs (except in RC and HR use districts)

(d) Directory signs

(e) Permanent window signs

(f) Awning and canopy signs

(g) Electronic Time/temperature signs

(h) Menu board signs

(i) Internally illuminated (including neon) signs

(j) Projecting signs

(k) Sandwich board signs

(l) Soffit signs

4. APZ

In the Agricultural Protection Zones (APZ) all signs shall be permitted with the exception of:

(a) Internally illuminated (including neon) signs

(b) Electronic time/temperature Display

(c) Directory

5. DRC, SC, BC, Business F, and CRC

In the Destination Retail Center (DRC), Shopping Center (SC), and Business Center (BC), Business F, and Commercial/Residential Campus (CRC) Districts all signs permitted by this chapter shall be allowed with the exception of internally illuminated (including neon) signs in the CRC zone.

Freestanding (including pole and monument) signs, and directory signs, including any embellishment thereof, shall not exceed fifteen (15) feet in vertical height from the grade of the ground surrounding the sign.

6. VC, HC, RLC, CR, and CRC

In the Village Center (VC), Hamlet Center (HC), Rural Corridor (RCL), Rural Neighborhood Business (CR), and Commercial/Residential Campus (CRC) Districts all signs are permitted with the exception of:

- (a) Internally illuminated (including neon) signs
- (b) Time/Temperature Display

7. TRC, RFC, DC-2, DC-4, DC-5 and PB

In the Tourism/Resort Campus (TRC), Riverfront Corridor (RFC), Downtown Center - 2 (DC-2), Downtown Center - 4 (DC-4), Downtown Center (DC-5), and Professional Business (PB) Districts all signs are permitted with the exception of:

- (a) Wall signs
- (b) Window signs
- (c) Internally illuminated (including neon) signs
- (d) Electronic time/temperature display
- (e) Roof signs

8. IA, IB, and IC

In the Industrial A (IA), Industrial B (IB) and Industrial C (IC) Use Districts all signs are permitted with the exception of:

- (a) Internally illuminated (including neon) signs except in windows
- (b) Electronic Time/Temperature Display
- (c) Roof signs (except on mansard roof)

9. DC-1 and DC-3

In the Downtown Center -1 (DC-1) and Downtown Center - 3 (DC-3) Districts all sign types are permitted with the exception of internally illuminated box signs.

108-56.1 Sign Permits.

A. Permitting procedure.

1. Sign maker registration

Any commercial sign maker approved by the Town of Riverhead may register his or her company name with the Building Department on a form to be designated by the Building Inspector. Registered sign makers shall be entitled to inspect the installation of signs they install in accordance with the provisions of this Article. Upon a determination by the Building Inspector that a registered sign maker has failed to comply with the terms of this Article, the Building Inspector may elect to discontinue the registration of that sign maker.

B. Application for a sign permit

1. Unless otherwise stated herein, all signs permitted in this chapter, shall have a sign permit issued by the Town of Riverhead Building Department. Sign permits may be applied for through the site plan application process or directly to the Building Department. The procedure for obtaining a sign permit is as follows:

(a) Submission of a sign permit application form to the building department, or in the case of a site plan application, to the Town Board, together with the three copies of each of the following:

(1) the certificate(s) of occupancy, certificate(s) of compliance or letter(s) of pre-existing use for all structures located upon the premises where the sign(s) is/are proposed to be installed.

(2) a color rendering (drawn to scale) of each sign for which a permit is sought indicating the exact dimensions of the sign, sign area, sign depth or thickness, font type(s) and size(s) of all lettering to be used on the sign. The rendering shall also include a drawing and the dimensions of all structures to be used to support the sign. If the sign is to be attached to a wall, a scaled drawing of the sign and its proposed location on the wall shall be submitted with the application.

(3) samples of the actual colors to be used on the sign and/or the PMS color number.

(4) a list of all materials to be used in constructing the major components of the sign including any supporting structures and illumination. Any illumination proposed shall comply with Article XLV (Outdoor Lighting) of the Town Code of the Town of Riverhead.

(5) a color photograph of the existing building including all walls and areas where the sign is to be placed. Any and all existing signs currently on the building or premises must likewise be indicated and depicted graphically or photographically. Ideally, a second photograph shall be prepared in digital format superimposing the proposed sign onto the facade of the existing building. Such a digital image must be in scale relative to the actual building.

(b) Submission of the permit fee at time of application. Such fee shall be set from time to time by resolution of the Town Board.

C. Issuance of Sign Permit

1. Architectural Review Board Referral

(a) Upon receipt of a complete application for a sign permit, the building department administrator shall refer the application to the Architectural Review Board for its recommendation. The applicant may request to appear before the Architectural Review Board in order to review the sign design and facilitate the process.

(b) The Architectural Review Board shall provide a recommendation to the Building Department within 30 days of its receipt of the Building Department referral. Applications not acted upon by the Architectural Review Board within thirty (30) days of the receipt of the application shall be deemed approved.

2 Appeal Procedures

(a) An applicant may appeal to the Riverhead Town Board any determinations of the Architectural Review Board with respect to the illumination or design of a sign.

(b) An applicant may appeal to the Zoning Board of Appeals for a variance from any property line setbacks or sign dimensions as provided in this chapter of the Town Code.

(c) Any appeal not acted upon by the Town Board or the Architectural Review Board within thirty (30) days shall result in the automatic approval of the sign.

3. Building Department Approval

(a) Upon receipt of the approval of the Architectural Review Board, the Building Inspector shall issue a sign permit to the applicant. Each sign permit shall be numbered in accordance with a numbering system to be designated by the Building Inspector. In the case of an application for a sign permit made in connection with an application for site plan approval, the sign permit shall be issued by the Building Inspector upon issuance of a building permit following approval of the site plan including proposed signs.

(b) Upon completion of the construction of the sign authorized in the sign permit, the applicant shall request an inspection to ensure that the sign was constructed in accordance with the terms of the sign permit. Alternatively, the applicant may submit the affidavit of a sign maker registered with the Town of Riverhead Building Department in a form to be designated by the Building Inspector indicating that the sign construction is complete and that the sign was constructed in accordance with the terms of the permit. The Town reserves the right to inspect any permitted sign installation.

(c) All signs must be installed within six months of the issuance of the sign permit. Failure to complete the installation of a permitted sign within six month of the date of the issuance of the permit will result in the automatic expiration of the sign permit. The

Building Inspector, at his discretion, may extend the duration of a sign permit one time for a period of six months.

(d) Upon completion of the inspection of the sign by the Building Department or the submission of the affidavit of a registered sign maker as described herein, the Building Department shall issue a placard to the applicant which placard shall be attached to the lower right hand corner or portion of the sign. The placard shall bear the seal of the Town of Riverhead and indicate the permit number for the sign as well as the date of approval of the sign permit application or site plan.

D. Sign Maintenance

1. The owners of a permitted sign must maintain the sign and its supporting structures in good condition. Failure to replace sign components for general compliance with the conditions of the original approval, including but not limited to non operative lighting, sign structures, landscaping, color, materials, lettering and or other sign components shall be considered a failure to maintain a sign in good condition.

2. Each sign having received a sign permit placard from the Building Department may be inspected periodically for adequate maintenance.

3. Upon a determination that a sign is not being maintained in good condition, the Code Enforcement Division shall serve a notice upon the individual or entity to which the permit was issued by certified mail, return receipt requested to the address shown on the sign permit application.

E. Nonconforming signs.

1. Any sign legally existing on the date of adoption of this chapter of the Town Code may be continued, although such sign may not thereafter conform to the regulations of the district in which it is located.

2. No nonconforming sign may be reestablished where a nonconforming use has been discontinued for a period of six months.

3. Any sign which was erected or placed prior to the adoption of Chapter 108-56 of the Town Code shall be considered a legally existing, nonconforming sign.

4. Any legally existing, nonconforming sign destroyed by an accidental cause such as fire, flood, explosion, riot, act of God or act of the public enemy shall be replaced by a sign which conforms to the regulations of the district in which it is located.

5. All signs must comply with the provisions of this chapter within two (2) years of the adoption of this code.

108-56.2 Penalties for violations of the provisions of this article.

Any sign installed without benefit of a sign permit or which does not conform to an issued permit pursuant to §108-56(C) of the Riverhead Town Code shall be guilty of an unclassified misdemeanor and shall be subject to a fine of \$100 for each day that the illegal sign remains in place. Such signs erected without benefit of a permit from the Building Department may be removed by direction from the Town Board. Fees for the removal of such an illegal sign shall be assessed at one dollar (\$1) per square foot of the sign area.

- * Underline represents addition(s)
- * Overstrike represents deletion(s)

October 18, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 1022

**Classifies Action, Declares Lead Agency and Determines
Significance of Action on Site Plans of
Riverhead Enterprises and of Jeffrey Rimland**

COUNCILMAN BARTUNEK

_____ offered the following resolution which

was seconded by **COUNCILWOMAN SANDER**

WHEREAS, the Riverhead Town Board is in receipt of three site plan petitions from Riverhead Enterprises for demolition of existing buildings and construction of two five story residential and commercial structures of 112,169 and 129,000sq.ft. and a five story 165 unit condominium complex on 0.75, 0.89 and 1.43ac. sites zoned Downtown Center-1 (Main Street); those sites more particularly described as: SCTM 0600-129-1-8.2; 129-1-12, 13&14 and 129-1-17, 18, 19&20, and

WHEREAS, the Riverhead Planning Department identified each petition as a Type I action and due to commonality of ownership and sponsorship, close spatial relationship and similarity of project impacts, chose to treat the three as a single Type I action for SEQR purposes mandating coordinated review with involved agencies; which review was undertaken and elapsed without receipt of lead agency interest or comment, and

WHEREAS, the Planning Department has analyzed the full EAF and other project documentation provided for each petition, has prepared a SEQR report outlining the action's potentially large and important impacts, has considered the similarity of the impacts resultant from a previous site plan application of Jeffrey Rimland for construction of a six story retail and 49 unit apartment structure upon a 0.19ac. DC-1 zoned parcel known as SCTM 0600-128-6-64 and has recommended that a positive declaration of significance for a generic environmental review pursuant to 6NYCRR Part 617.10 be rendered, now

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declares the site plan petitions of Riverhead Enterprises and Jeffrey Rimland to be a Type I action pursuant to Part 617.4(b)(6)(iv) and further declares itself to be the lead agency in the action's SEQR review, and

BE IT FURTHER

RESOLVED, that the Town Board has determined the potential exists for significant adverse impact upon the natural and social environment and that a Generic Environmental Impact Statement shall be prepared, and

BE IT FURTHER

RESOLVED, that pursuant to Part 617.13, the Town will charge the applicants a fee for preparation and review of the EIS including its scoping, and

BE IT FURTHER

RESOLVED, that the Planning Department be directed to file the requisite notice of significance pursuant to 617.12, and

BE IT FURTHER

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Planning Department and to the applicants or their agent.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

October 18, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 1023

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING – SPECIAL USE PERMIT PETITION OF AQUEBOGUE BISTRO

COUNCILWOMAN SANDERS offered the following resolution which was seconded by COUNCILWOMAN BLASS

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition from Mineo Shimura and Theresa Dilworth for the conversion of an existing two story structure including placement of related improvements for a bistro use on a parcel located on the Main Road Aquebogue; such property more particularly described as Suffolk County Tax Map Number 0600-67-2-27, and

WHEREAS, the Riverhead Town Board by resolution #315 of 2005 declared themselves Lead Agency and deemed said petition to be a Type II Action, and

WHEREAS, the Town Board has referred the application to the Riverhead Planning Board for its report and recommendation; such Planning Board recommending the granting of the petition with certain conditions, and

WHEREAS, the Town Board desires to hold a public hearing on the petition pursuant to Chapter 108, Section 108-133.1 of the Zoning Ordinance, now

THEREFORE BE IT

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

RH/planning

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held on the 15th day of November, 2005 at 7:25 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to consider the special use permit petition of Mineo Shimura and Theresa Dilworth to allow the conversion of an existing two story structure to allow a bistro use on real property located at Main Road, Aquebogue, New York; such real property more particularly described as Suffolk County Tax Map Parcel Number 0600-67-2-27.

DATED: October 18, 2005
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

OCTOBER 18, 2005

Adopted

TOWN OF RIVERHEAD

APPROVES NEW RATE SCHEDULE SUBMITTED BY
DUNN ENGINEERING ASSOCIATES

RESOLUTION # 1024

COUNCILWOMAN BLASS offered the following resolution,
which was seconded by COUNCILMAN BARTUNEK.

WHEREAS, the Town Board is in receipt of a new rate schedule from Dunn Engineering.

NOW, THEREFORE BE IT, RESOLVED, that the Town Board of the Town of Riverhead hereby approves the attached rate sheet; and

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, authorized to forward a copy of this resolution to Dunn Engineering Associates, the Engineering Department, Town Attorney and the Office of Accounting.

THE VOTE

Bartunek <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Blass <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Densieski <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sanders <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cardinale <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

DUNN ENGINEERING ASSOCIATES, P.C.

Effective January 2005

EMPLOYEE	TITLE	ACTUAL HOURLY RATE	MULTIPLIER (x)	BILLING RATE
Waller Dunn, Jr., P.E. Ronald Hill, P.E. Robert Reiss, P.E.	Principal Principal Principal	\$69.33 \$69.33 \$69.33	**** **** ****	\$150.00 \$150.00 \$150.00
William Lifford, P.E. Charles Weidner, P.E. Matthew Rankel, P.E.	Sr. Associate Engineer Sr. Associate Engineer Sr. Associate Engineer	\$66.49 \$63.30 \$63.49	**** **** ****	\$150.00 \$150.00 \$150.00
Patrick Lenihan, P.E. Colin Richardson, P.E.	Assoc. Engineer Assoc. Engineer	\$47.97 \$44.63	x multiplier of 3.00 x multiplier of 3.00	\$143.91 \$133.89
Alex Gimpelman, P.E. Steve Latoski, P.E. Matthew Walker, P.E.	Project Engineer Project Engineer Project Engineer	\$41.67 \$43.50 \$44.67	x multiplier of 3.00 x multiplier of 3.00 x multiplier of 3.00	\$125.01 \$130.50 \$134.01
Kent Picken, P.E. Charles Cook, P.E. Richard Herbart, P.E.	Resident Engineer Resident Engineer Resident Engineer	\$42.48 \$36.00 \$32.00	x multiplier of 3.00 x multiplier of 3.00 x multiplier of 3.00	\$127.44 \$108.00 \$96.00
Vincent Corrado John Beck, P.E. William Blanchard, P.E. Alana Yue, P.E.	Sr. Engineer Sr. Engineer Sr. Engineer Sr. Engineer	\$42.48 \$38.02 \$36.23 \$27.81	x multiplier of 3.00 x multiplier of 3.00 x multiplier of 3.00 x multiplier of 3.00	\$127.44 \$114.06 \$108.69 \$83.43
Cary Swatt Xing Wei James Lentini Vito Lena Yousheng Mao Janine Parks Cory Canzone Jason Latoski	Structural Engineer Structural Engineer Engineer Engineer Engineer Engineer Jr. Engineer Jr. Engineer	\$36.07 \$30.00 \$33.56 \$32.01 \$30.81 \$31.43 \$20.08 \$19.75	x multiplier of 3.00 x multiplier of 3.00	\$108.21 \$90.00 \$100.68 \$96.03 \$92.43 \$94.29 \$60.27 \$59.25
Thomas Bunch Carol Danielson Kenneth Zabielski	Senior Drafter Senior Drafter Senior Drafter	\$32.01 \$29.53 \$29.01	x multiplier of 3.00 x multiplier of 3.00 x multiplier of 3.00	\$96.03 \$88.59 \$87.03
Robert Luckett Jonel Guerrero Alexander Zabielski Michael Paola Larry Canzone	Senior Technician Senior Technician Senior Technician Senior Technician Senior Technician	\$12.50 \$12.00 \$10.40 \$12.50 \$10.75	x multiplier of 3.00 x multiplier of 3.00 x multiplier of 3.00 x multiplier of 3.00 x multiplier of 3.00	\$37.50 \$36.00 \$31.20 \$37.50 \$32.25
Angela Schmidt Laurie Mihalco	Technical Typist Technical Typist	\$30.21 \$22.56	x multiplier of 3.00 x multiplier of 3.00	\$90.63 \$67.68

****Rates are capped at \$150.00

TOWN OF RIVERHEAD

10/18/05

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1025

Authorizes Supervisor to Execute Contract with the New York State Affordable Housing Corporation (AHC) for Funding to Support the Town of Riverhead Home Improvement Program

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

WHEREAS, the Town of Riverhead has offered low interest loans and grants to homeowner occupants for more than 30 years; and

WHEREAS, the need for assistance among Riverhead's low income residents, particularly fixed-income senior citizens has increased, while federal HUD funding has decreased; and

WHEREAS, other sources of funds have become necessary to support this program; and

WHEREAS, AHC offers funding to provide for improvement of owner-occupied housing and the stabilization and preservation of neighborhoods and communities.

WHEREAS, the Town of Riverhead submitted an application to New York State AHC in February 2005 for \$135,000 (60%) for this program.

THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby authorizes the execution of the contract with AHC not to exceed \$135,000, with a match of \$90,000 in CDBG funds previously committed.

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Community Development Director Andrea Lohneiss and the Accounting Department.

THE VOTE:

GEORGE BARTUNEK YES NO
ROSE SANDERS YES NO
BARBARA BLASS YES NO
EDWARD DENSIESKI YES NO
PHIL CARDINALE YES NO

THE VOTE
Bartunek YES NO Sanders YES NO
Blass YES NO Densieski YES NO
Cardinale YES NO
THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

10/18/05

Adopted

TOWN OF RIVERHEAD

Resolution # 1026

AUTHORIZES THE SUPERVISOR TO EXECUTE DMV DOCUMENTS TO REGISTER A VEHICLE FOR THE TOWN OF RIVERHEAD SENIOR CENTER

COUNCILWOMAN SANDERS offered the following resolution, was seconded
by COUNCILMAN DENSIESKI:

WHEREAS, the Town of Riverhead obtained one vehicle through the Suffolk County Office of the Aging to use for activities or programs at the Town of Riverhead Senior Center, and

WHEREAS, the Town has been provided with the DMV transfer documents which must be executed prior to the transfer and registration of the vehicle to the Town of Riverhead,

NOW, THEREFORE, it is hereby

RESOLVED, that the Supervisor is hereby authorized to execute a the attached DMV documents to effectuate the transfer of the vehicle, and be it further

RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to the Town Attorney, the Office of Accounting, CDA, and Town of Riverhead Senior Center.

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

THE RESOLUTION ~~X~~ WAS WAS NOT
THEREFORE DULY ADOPTED

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

I, Kevin Law, Chief Deputy County Executive and General Counsel of the County of Suffolk, do hereby certify that Holly S. Rhodes-Teague, as Director of the Suffolk County Office for the Aging, is hereby authorized to execute such documents as are necessary and desirable on behalf of the County of Suffolk and its duly constituted Office for the Aging, during calendar year 2005, for the following purposes:

Title and register motor vehicles for and on behalf of the County of Suffolk and its Office for the Aging:

Kevin Law, Chief Deputy County Executive and General Counsel
County of Suffolk

Date: 6/7/05

State of New York)
)
County of Suffolk)

On the 7th day of June, 2005 before me personally came Kevin Law, to me known, who being by me duly sworn, did depose and say that he resides in Suffolk County, that he is the Chief Deputy County Executive and General Counsel of the County of Suffolk and that he executed the foregoing instrument for and on behalf of the County of Suffolk by virtue of the authority vested in him as such Chief Deputy County Executive and General Counsel.

Notary

DIXIE GUNTER
Notary Public - State of New York
No. 01GU6093375
Qualified in Suffolk County
My Commission Expires June 2, 2007

County of Suffolk



Steve Levy
Suffolk County Executive

Office for the Aging
Holly S. Rhodes-Teague
Director

June 29, 2005

The Honorable Philip Cardinale
Supervisor
Town of Riverhead
200 Howell Avenue
Riverhead, New York 11901

Re: Lease Agreement for 2005 Chrysler Town & Country 7 Passenger Minivan
Vehicle Identification No. 1C4GP45RX5B360400

Dear Supervisor Cardinale:

In accordance with paragraph 2 of Exhibit A of the Lease Agreement for the vehicle(s) referenced above, please sign both copies of this memorandum in the space provided below to acknowledge that the delivery date of said vehicle was _____, which is to be considered the Commencement Date of said Lease.

Signed: Name _____ Date _____

(Type name under signature)

Title: _____

Signed: Name Holly S. Rhodes-Teague Date 6/28/05
Title: Director, Office for the Aging

Please keep one signed original of this memorandum with the executed lease Agreement which was sent to you previously, and return one signed original of this memorandum to this office for our files.

Very truly yours,

Leonor Hunter
Fiscal Administrator II

LH:MVK:lw

10/18/05

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 1027

AUTHORIZES SUPERVISOR TO EXECUTE GRANT AGREEMENT FOR AMERICAN RIVEERS/NOAA COMMUNITY-BASED HABITAT RESTORATION PROGRAM PARTNERSHIP GRANT

COUNCILMAN DENSIESKI

_____ offered the following resolution, which was seconded by COUNCILWOMAN BLASS.

WHEREAS, the Town of Riverhead, in cooperation with the Peconic River Fish Restoration Commission and the Suffolk County Peconic Estuary Program and NY Sea Grant program staff, has been pursuing funding for the improvement of dams to promote both safety and fish passage in the Peconic River system; and

WHEREAS, the Town of Riverhead has been awarded a \$25,000 grant for the engineering and design of a fish passage for the south dam in Grangebel Park.

THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a grant agreement between the Town of Riverhead and American Rivers for the engineering and design of fish passage in Grangebel Park in order to determine the preferred alternative for the most effective and efficient passage alternative; and

BE IT FURTHR RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to Andrea Lohneiss, CD Director. Robert Conklin, Peconic River Fish Commission and Ken Testa, Town Engineer.

THE VOTE

Bartunek <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Sanders <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Blass <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Densieski <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Cardinale <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

10/18/05

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 1028

Authorizes Supervisor to Execute Grant Agreement for RESTORE Grant

COUNCILWOMAN BLASS

offered the following resolution, which was

COUNCILMAN BARTUNEK

seconded by _____.

WHEREAS, the Town of Riverhead submitted an application for funding to the NYS Department of Housing and Community Renewal for funding under the RESTORE program to aid low to moderate income, frail elderly in the Town of Riverhead with emergency home repairs; and

WHEREAS, the Town of Riverhead has been awarded a \$40,000 grant for the provision of such assistance to the target population.

THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a grant agreement between the Town of Riverhead and NYS DHCR Housing Trust Fund for the administration of funding under this program; and

BE IT FURTHER RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to Andrea Lohneiss, CD Director.

Andrea Lohneiss 9/28/05 _____

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Dansieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

October 18, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 1029

AUTHORIZING THE TRANSFER OF COUNTY OWNED PROPERTY TO THE TOWN OF RIVERHEAD (Two Bears Park)

_____ **COUNCILMAN BARTUNEK** _____ offered the following resolution, was seconded by _____ **COUNCILWOMAN SANDERS** _____:

WHEREAS, through tax default the County of Suffolk will acquire the real property known as 0600-84-1-2.68 in the Town of Riverhead; and

WHEREAS, the Town of Riverhead's intended use of the real property known as 0600-84-1-2.68 is for municipal use for parkland in the subdivision known as Two Bears located in Riverhead; and

WHEREAS, this property may be transferred to the Town of Riverhead pursuant to General Municipal Law 72-h.

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Riverhead hereby authorizes the Supervisor to take all necessary steps to take title to the tax default property known as 0600-84-1-2.68; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to County of Suffolk, Department of Planning Division of Real Estate, Wayne Thompson, P.O. Box 6100, Hauppauge, New York 11788; Martin Haley, Office of the Suffolk County Treasurer, 330 Center Drive, Riverhead, New York 11901; Honorable Michael J. Caracciolo, Legislator, First District, 423 Griffing Avenue - Suite 200, Riverhead, New York, 11901; Kevin S. Law, Chief Deputy County Executive, Office of the County Executive, H. Lee Dennison Building, PO Box 6100, Hauppauge, NY 11788; Town Engineer; Highway Department; Accounting Department; Assessor's Office; Tax Receiver's Office; the Supervisor's Office and the Town Attorney's Office.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

W:\Sean Walter\Resolutions\County trans prop Two Bears Park.doc

THE RESOLUTION WAS ___ WAS NOT THEREFORE DULY ADOPTED

October 18, 2005

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1030

AWARDS THE BID FOR TWO BEARS PARK PLAYGROUND EQUIPMENT

COUNCILWOMAN SANDERS offered the following resolution which was seconded by COUNCILMAN DENSIESKI

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the Two Bears Park Playground Equipment; and

WHEREAS, one (1) bid was received, opened and read aloud on the 30th day of September, 2005 at 11:00 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the Two Bears Park Playground Equipment be and is hereby awarded to Pat Corsetti, Inc. as follows:

Table with 3 columns: Item Description, Unit Price, Total Price. Rows include Stand Alone Slide No. 1, Stand Alone Slide No. 2, Custom Play Unit, Two Bay Swing w/ Seats, Six Foot Long Benches, Wood Fiber Safety Surface, and Total.

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Clerk to return any and all bid bonds received in connection with the above; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Pat Crosetti, Inc., 700 Waverly Avenue, Mamaroneck, NY 10543, David Carrick and the Office of Accounting.

THE VOTE
Bartunek [checked] yes ___ no Sanders [checked] yes ___ no
Blass [checked] yes ___ no Densieski [checked] yes ___ no
Cardinale [checked] yes ___ no
THE RESOLUTION WAS [checked] WAS NOT THEREFORE DULY ADOPTED

10/18/05

Adopted

TOWN OF RIVERHEAD

ORDER CALLING PUBLIC HEARING
RIVERHEAD WATER DISTRICT
LATERAL WATER MAIN
ROANOKE LANDING

RESOLUTION # 1031

Adopted _____

Councilperson COUNCILMAN DENSIESKI offered the following resolution which was seconded by Councilperson COUNCILMAN BARTUNEK,

WHEREAS, a petition has been filed by the owners of Roanoke Landing subdivision located along the north side of Sound Avenue in Riverhead, for the installation of a lateral water main of the Riverhead Water District, and

WHEREAS, by resolution adopted by this Board in 2004, a lateral water main was approved whereby the estimated total cost of the project was deemed to be \$227,000, and

WHEREAS, by letter dated September 27, 2005, it has been determined by H2M, consulting engineers to the Riverhead Water District, that the actual cost of this proposed lateral is now \$253,419, an increase of \$26,419, and

WHEREAS, the developer has already deposited the sum of \$227,000, and

WHEREAS, a maximum amount now to be expended for the lateral is \$253,419 to be borne by the applicant and no public monies shall be expended for this lateral, and

WHEREAS, it is necessary for the Town Board to hold a public hearing to hear all persons wishing to be heard with regard to the increase in the cost of the proposed lateral,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board will hold a public hearing on the 15th day of November, 2005, at 7:05 p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the lateral of the Riverhead Water District by the owners of Roanoke Landing subdivision, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a copy of this resolution in full in the October 27, 2005, edition of The News Review, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Gary Pendzick, Frank Isler, Esq., the developer, and H2M.

BY ORDER OF THE RIVERHEAD
TOWN BOARD
BARBARA GRATTAN
TOWN CLERK

Dated: October 18, 2005
Riverhead, NY 11901

RESOLUTION PREPARED BY FRANK A. ISLER FOR THE RIVERHEAD WATER
DISTRICT

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

October 18, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 1032

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER THE PURCHASE OF DEVELOPMENT RIGHTS OF A PARCEL LOCATED IN THE TOWN OF RIVERHEAD (purported owner: Herbert H. Hulse)

COUNCILMAN BARTUNEK offered the following resolution, was seconded by

COUNCILMAN DENSIESKI :

WHEREAS, pursuant to the provisions of §247 of the New York State General Municipal Law, fee simple owners of agricultural lands may elect to sell and the Town of Riverhead may elect to purchase development rights associated with said lands; and

WHEREAS, Herbert H. Hulse has expressed a desire to sell the development rights on approximately 27 acres of his agricultural lands located on the Northerly Side of New York State Route 25, Riverhead, New York, at \$68,000.00 per acre, further described as Suffolk County Tax Map #0600-99-2- p/o 22 and 26, to the Town of Riverhead.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider the purchase of development rights of agricultural lands owned by Herbert H. Hulse, once in the October 27, 2005, issue of the News Review, the official newspaper designated for these purposes, and also to cause a copy of the proposed purchase of development rights to be posted on the sign board of the Town in the Office of the Town Clerk; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution Herbert H. Hulse, P.O. Box 262, Calverton, New York 11933; the Farmland Preservation Committee; Peconic Land Trust, Attn: Marian Sumner, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

THE VOTE

Bartunek yes ___ no ___ Sanders yes ___ no ___

Blass yes ___ no ___ Densieski yes ___ no ___

Cardinale yes ___ no ___

THE RESOLUTION WAS ___ WAS NOT

THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 15th day of November, 2005 at 7:10 PM o'clock p.m., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider the purchase of development rights on 27 +/- acres of agricultural lands owned by Herbert H. Hulse, located on the Northerly Side of New York State Route 25, Riverhead, New York, at \$68,000.00 per acre, further described as Suffolk County Tax Map #0600-99-2- p/o 22 and 26, to the Town of Riverhead, pursuant to §247 of the New York State General Municipal Law and Chapter 44 of the Riverhead Town Code.

Dated: Riverhead, New York
October 18, 2005

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

October 18, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 1033

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER THE PURCHASE OF DEVELOPMENT RIGHTS OF A PARCEL LOCATED IN THE TOWN OF RIVERHEAD (purported owner: Bruce Schroeher)

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

WHEREAS, pursuant to the provisions of §247 of the New York State General Municipal Law, fee simple owners of agricultural lands may elect to sell and the Town of Riverhead may elect to purchase development rights associated with said lands; and

WHEREAS, Bruce Schroeher has expressed a desire to sell the development rights on approximately 20 acres of his agricultural lands located on the Northerly Side of Peconic Bay Boulevard, Aquebogue, New York, at \$92,000.00 per acre, further described as Suffolk County Tax Map # 0600-86-2- p/o 8.2, to the Town of Riverhead.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider the purchase of development rights of agricultural lands owned by Bruce Schroeher, once in the October 27, 2005, issue of the News Review, the official newspaper designated for these purposes, and also to cause a copy of the proposed purchase of development rights to be posted on the sign board of the Town in the Office of the Town Clerk; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution Bruce Schroeher, P.O. Box 2448, Aquebogue, New York 11931; Peter S. Danowski, Jr., 616 Roanoke Avenue, P.O. Box 779 Riverhead, New York 11901; the Farmland Preservation Committee; Peconic Land Trust, Attn: Marian Sumner, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT

BEFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 15th day of November, 2005 at 7:15 PM o'clock p.m., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider the purchase of development rights on 20 acres of agricultural lands owned by Bruce Schroeher located on the Northerly Side of Peconic Bay Boulevard, Aquebogue, New York, at \$92,000.00 per acre, further described as Suffolk County Tax Map # 0600-86-2- p/o 8.2, to the Town of Riverhead, pursuant to §247 of the New York State General Municipal Law and Chapter 44 of the Riverhead Town Code.

Dated: Riverhead, New York
October 18, 2005

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

Adopted

October 18, 2005

TOWN OF RIVERHEAD

Resolution # 1034

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING – SPECIAL USE PERMIT OF JAMESPORT REALTY, LLC (CAPTAIN HAWKINS HOUSE)

COUNCILWOMAN BLASS offered the following resolution which

COUNCILMAN BARTUNEK

was seconded by _____

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition from Jeffrey Hallock, member of Jamesport Realty, LLC pursuant to Section 108-282 B(2) and Article XXVIA of the Riverhead Town Code, to convert an existing residence into a five room country inn and 30 seat restaurant which will occupy the site with a second existing dwelling on a parcel located at 400 South Jamesport Avenue, Jamesport, New York; such property more particularly described as Suffolk County Tax Map Number 0600-69-2-10, and

WHEREAS, the Riverhead Town Board by resolution #588 of 2005 determined said action to be Unlisted not requiring the preparation of an environmental impact statement, and

WHEREAS, the Town Board by resolution #474 of 2005 has referred the application to this Planning Board for its report and recommendation, such Planning Board recommend approval of the petition subject to certain conditions., and

WHEREAS, the Town Board desires to hold a public hearing on the petition pursuant to Chapter 108, Section 108-133.1 of the Zoning Ordinance, now

THEREFORE BE IT

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

RH/planning

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Dansieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held on the 15th day of November, 2005 at 7:20 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to consider the special use permit petition of Jamesport Realty, LLC to allow a converted and renovated residence as a country inn pursuant to Section 108-282 B(2) of the Riverhead Zoning Ordinance upon real property located at 400 South Jamesport Avenue, Jamesport; such real property more particularly described as Suffolk County Tax Map Parcel Number 0600-69-2-10.

DATED: October 18, 2005
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK