

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

October 19, 2004

**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
James Janeczek
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:

#13 A Resolution Calling a Public Hearing on the Agency's Designation of Pike Realty, LLC as a Qualified and Eligible Sponsor for the Redevelopment of the building commonly known as the Suffolk Theater and got the Sale by the Agency of Such Suffolk Theater to Pike Realty, LLC fro Redevelopment as a Performing Arts Center

REGULAR TOWN BOARD MEETING:

#949 Declares Lead Agency and Determines Environmental Significance of the Conveyance of the Suffolk Theater

#950 Accepts Offer of Sale of Development Rights (John P. Kujawski and Raymond Kujawski)

#951 Approves Military Leave of Absence for a Police Officer

#952 Accepts 5% Security Bond of Calverton Enterprises, Inc. (Hess Service Station)

#953 Accepts Resignation of Crossing Guard (J. Ortiz)

#954 Adopts a Local Law to Amend Chapter 62 Entitled, "Excavations" of the Riverhead Town Code

#955 Adopts a Local Law to Amend Chapter 86 of the Riverhead Town Code Entitled, "Rental Dwelling Units" (Rental Occupancy permit required; Term and Renewal)

#956 Authorizes the Supervisor to Execute a Letter Agreement with Montecalvo Asphalt Corp.

#957 Appoints a P/T Recreation Aide to the Recreation Dept. (K. Klein)

#958 Appoints a P/T Recreation Aide to the Recreation Aide (K. Lehmann)

#959 Approves Chapter 90 Application of Harbes Family Farm, LLC

#960 Authorizes the Chief of Police to Enter into an

- #961 Authorizes the Town Clerk to Advertise for Bids: Replacement of Well No. 5-2, Contract W- Well Work-RWD
- #962 Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for Guards in the Sanitation Dept.
- #963 Awards Bid for Street Light and Traffic Signal Maintenance Repair Parts
- #964 Awards Bid on Snow Removal Equipment
- #965 Promotion to Water Treatment Plant Operator IIB in the Water Dept. (D. Fink)
- #966 Promotes Maintenance Mechanic III in the Water Dept. (W. Renten)
- #967 Resolution and Consent Approving the Dedication of Highways Known as North Woods Road and Recharge Basin (map of Deep Hole Road)
- #968 Authorizing the Settlement of Tuccio et al V. Town of Riverhead, Suffolk County Supreme Court Index No. 04-00919 and Index No. 02-26436
- #969 Appoints Crossing Guard to the Police Dept. (D. Magidow, S. Eblowitz, H. Peters)
- #970 Approves Site Plan of East End Wireless, Inc. Co-Applicants
- #971 Grants Permit for Additional Excavation at Reeves Farms (NF Development, LLC)
- #972 Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law for an Amendment to Chapter 12 Entitled, "Coastal Erosion Hazard Areas" of the Riverhead Town Code
- #973 Adopts a Local Law Amending Chapter 101 Entitled, "Vehicles and Traffic" of the Riverhead Town Code (101-8 Weight Limits)
- #974 Amends Site Plan of NF Management-Lincoln Street

- #975 Oakleigh Avenue Road Improvement Budget Adjustment
- #976 Wyl Lane & Lynn Lane Road Improvement Budget Adjustment
- #977 2002 Recreation Cap. Improvement Project Budget Adjustment
- #978 Authorizes the Town Clerk to Publish a Public Notice for a Public Hearing to Consider an Amendment to Chapters 108 and 92 Entitled, "Sidewalks" and "Zoning" of the Riverhead Town Code
- #979 Appoints a Part Time Senior Citizen Aide (L. Darrow)
- #980 Town Board Special Projects Fund Budget Adjustment
- #981 Refuse & Garbage District Budget Adjustment
- #982 Approves Temporary Sign Permit of Riverhead Used Car Superstore
- #983 Authorizes Town Clerk to Publish and Post Notice of Public Hearing to Consider the Adoption of the 2005 Preliminary Annual Budget for the Town of Riverhead
- #984 Appoints Grants Coordinator (J. Mesiano)
- #985 Accepts Security (Certified Check) of Crown Recycling
- #986 Classifies Action of Special Permit Kent Animal Shelter Office Expansion, and Refers Petition to the Planning Board
- #987 Declares Lead Agency and Determines Significance on Site Plan Applications of Horizon at Jamesport (Horizon at Jamesport/Hamlet at Jamesport)
- #988 General Fund Budget Adjustment
- #989 Sense Resolution In Opposition to Psychiatric Facility at the Historic Henry Perkins Hotel
- #990 Pays Bills

10/19/04

Town of Riverhead

Adopted

Community Development Agency

Resolution # 13

A Resolution Calling a Public Hearing on the Agency's Designation of Pike Realty, LLC as a Qualified and Eligible Sponsor for Redevelopment of the building commonly known as the Suffolk Theatre and for the Sale By the Agency of such Suffolk Theatre to Pike Realty, LLC for Redevelopment as a performing arts center

Member Blass offered the following resolution,

which was seconded by Member Densieski:

WHEREAS, the Town of Riverhead Community Development Agency (the "Agency") is the owner of a parcel of land and the building located thereon commonly known as the Suffolk Theatre located on the north side of East Main Street, Riverhead, New York said property being more particularly bounded and described on "Schedule A" annexed hereto and made a part hereof, (the "Suffolk Theatre"); and

WHEREAS, there has been submitted to the Agency a proposal for, and the Agency is considering, (i) designating Pike Realty, LLC the "qualified and eligible sponsor (the "Sponsor"), pursuant to Section 507(2)(c) and (d) of the General Municipal Law and in accordance with the established rules and procedures provided by the Agency, for the redevelopment of the Suffolk Theatre as a performing arts center consistent with the purposes of the East Main Street Urban Renewal Plan adopted by the governing board of the Agency on October 19, 1993; and (ii) selling the Suffolk Theatre, pursuant to Sections 507(2)(d), 556(2) and 968(b) of the General Municipal Law, to Pike Realty, LLC pursuant to a certain Agreement of Sale by and between the Agency and Pike Realty, LLC, a draft of which Agreement of Sale is on file in the Office of the Town Clerk of the Town of Riverhead and is available for public inspection during regular business hours (the "Agreement of Sale"), for \$700,000.00 for redevelopment by Pike Realty, LLC as a performing arts center consistent with the goals and objectives of the East Main Street Urban Renewal Plan for the East Main Street Improvement Area by encouraging the development and rehabilitation of a structure that will enhance the physical appearance of the Town, stimulate economic development and promote tourist related activities within the East Main Street Improvement Area; and

WHEREAS, Sections 556(2), 507(2)(c) and (d) and 968(b) of the General Municipal Law require that a public hearing, following at least ten (10) days public notice, be held by the Agency on the question of designating Pike Realty, LLC the Sponsor for the redevelopment of the Suffolk Theatre and selling the Suffolk Theatre to Pike Realty, LLC; and

WHEREAS, the Riverhead Town Board, pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder by the State Department of Environmental Conservation ("SEQRA"), declared itself "lead agency," by Resolution #949 dated October 19, 2004 for the sale of the Suffolk Theatre to Pike Realty, LLC, determined such sale of the Suffolk Theatre to be an Unlisted Action pursuant to SEQRA, caused to be prepared therefore an Environmental Assessment Form pursuant to SEQRA and determined that such sale of the Suffolk Theatre is without significant adverse impacts to either the natural or social environment and that an Environmental Impact Statement need not be prepared pursuant to SEQRA; and

WHEREAS, the Agency now desires to call a public hearing on the designation of Pike Realty, LLC as a Sponsor for the redevelopment of the Suffolk Theatre and the sale of the Suffolk Theatre by the Agency to Pike Realty, LLC; and

WHEREAS, a majority of the Town Board of the Town of Riverhead, acting as Members of the Agency, will attend such public hearing, **NOW**

THEREFORE, BE IT RESOLVED, by the Members of the Agency, as follows:

Section 1. A public hearing will be held at Riverhead Town Hall, 200 Howell Avenue, in Riverhead, New York in said Town on November 3, 2004 at 2:15 P.M., Prevailing Time, on the question of designating Pike Realty, LLC the Sponsor for the redevelopment of the Suffolk Theatre as a performing arts center consistent with the goals and objectives of the East Main Street Urban Renewal Plan for the East Main Street Improvement Area by encouraging the development and rehabilitation of a structure that will enhance the physical appearance of the Town, stimulate economic development and promote tourist related activities within the East Main Street Improvement Area and the sale of the Suffolk Theatre by the Agency to Pike Realty, LLC, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Secretary of the Agency is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the News-Review, the newspaper hereby designated as the official newspaper for this purpose and one having general circulation in, and available to residents of, the Town, such publication to be made not less than ten (10) days before the date designated for the hearing. The Secretary is hereby further authorized and directed to cause a copy of such Notice of Public Hearing to be posted in such places as she deems appropriate under the circumstances, such posting to be done not less than ten (10) days before the date designated for the hearing.

Section 3. The Notice of Public Hearing shall be in substantially the form attached:

Section 4. This resolution shall take effect immediately.

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

The Vote:

Member Bartunek _____
Member Sanders _____
Member Blass _____
Member Densieski _____
Chairman 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

NOTICE OF PUBLIC HEARING

TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY

TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK

NOTICE IS HEREBY GIVEN that the Members of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York (the "Agency"), will meet at the Town of Riverhead Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on November 3, 2004 at 2:15 P.M., Prevailing Time, for the purpose of conducting a public hearing on whether Pike Realty, LLC should be designated the "qualified and eligible sponsor" for the redevelopment of the parcel of land and the building located thereon commonly known as the Suffolk Theatre located on the north side of East Main Street, Riverhead, New York (the "Suffolk Theatre") as a performing arts center, and whether the Suffolk Theatre should be sold to Pike Realty, LLC, pursuant to a certain Agreement of Sale by and between the Agency and Pike Realty, LLC, a draft of which Agreement of Sale is on file in the Office of the Town Clerk of the Town of Riverhead and is available for public inspection during regular business hours (the "Agreement of Sale"), for \$700,000.00 for redevelopment of the Suffolk Theatre by Pike Realty, LLC as a performing arts center consistent with the goals and objectives of the East Main Street Urban Renewal Plan for the East Main Street Improvement Area by encouraging the development and rehabilitation of a structure that will enhance the physical appearance of the Town, stimulate economic development and promote tourist related activities within the East Main Street Improvement Area.

The Riverhead Town Board, pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder by the State Department of Environmental Conservation ("SEQRA"), declared itself "lead agency," by Resolution dated October 19, 2004 for the sale of the Suffolk Theatre to Pike Realty, LLC caused to be prepared therefore an Environmental Assessment Form pursuant to SEQRA, determined such sale of the Suffolk Theatre to be an Unlisted Action pursuant to SEQRA, and determined that such sale of the Suffolk Theatre is without significant adverse impacts to either the natural or social environment and that an Environmental Impact Statement need not be prepared pursuant to SEQRA.

At said public hearing the Members of the Agency will hear all persons interested in the subject matter thereof.

Dated: Riverhead, New York
October 21, 2004

BY ORDER OF THE MEMBERS OF THE TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY, TOWN OF RIVERHEAD
SUFFOLK COUNTY, NEW YORK

By _____
Andrea H. Lohneiss
Secretary

October 19, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 949

DECLARES LEAD AGENCY AND DETERMINES ENVIRONMENTAL SIGNIFICANCE OF THE CONVEYANCE OF THE SUFFOLK THEATER

COUNCILWOMAN BLASS

offered the following resolution which

was seconded by **COUNCILMAN DENSIESKI**

WHEREAS, the Town of Riverhead CDA is the owner of real property located at East Main Street, Riverhead; such property known as the Suffolk Theater and more particularly described as Suffolk County Tax Map Parcel No. 0600-129-1-7, and

WHEREAS, the Town of Riverhead CDA is considering the sale and transfer of said real property to Pike Realty LLC pursuant to Article 15 of the General Municipal Law, and

WHEREAS, the Town of Riverhead Planning Department did prepare an environmental assessment form respecting the conveyance of the subject property pursuant to Article 15 of the General Municipal Law, and

WHEREAS, the Town of Riverhead CDA desires to hold the required public hearing on the designation of Pike Realty LLC as a qualified and eligible sponsor and the conveyance of the Suffolk Theater to Pike Realty, LLC, and

WHEREAS, the Riverhead CDA has carefully considered the merits said designation and conveyance, the SEQRA record created to date, the recommendations of the East Main Street Urban Renewal Plan (October, 1993) as well as all other pertinent planning, zoning and environmental considerations, now

THEREFORE, BE IT

RESOLVED, that in the matter of the designation of Pike Realty, LLC as a qualified and eligible sponsor and the conveyance of the Suffolk Theater property by the Riverhead CDA to Pike Realty, LLC, the Riverhead Town Board hereby declares itself to be the Lead Agency pursuant to 6 NYCRR Part 617 and further determines the action to be Unlisted pursuant to 6 NYCRR Part 617 without significant adverse impacts to either the natural or social environment and that an environmental impact statement need not be prepared, and

BE IT FURTHER

RESOLVED, that the Planning Department be directed to prepare and publish those notices of non-significance as required by law, and

BE IT FURTHER

RESOLVED, that copies of this resolution be forwarded to the Town Attorney, the Planning Department and the Community Development Agency.

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

Adopted

Resolution # 950

ACCEPTS OFFER OF SALE OF DEVELOPMENT RIGHTS
(John P. Kujawski and Raymond Kujawski)

COUNCILMAN DENSIESKI offered the following resolution, which was seconded by

COUNCILMAN BARTUNEK :

WHEREAS, the Riverhead Farmland Preservation Committee ("the Committee") has received an offer for the sale of development rights from John P. Kujawski and Raymond Kujawski, consisting of approximately 30 acres of their agricultural lands located on the westerly side of Herricks Lane, Jamesport, New York, at \$40,700 per acre, further described as Suffolk County Tax Map #0600-22-2- p/o 13.2, to the Town of Riverhead, which parcel is zoned Agricultural Protection Zone; and

WHEREAS, the Committee has commissioned an appraisal of the value of development rights inherent in the subject real property; and

WHEREAS, the Committee has assessed the subject real property with respect to the criteria provided in the Agricultural Preservation Law and has formally recommended that the Town Board of the Town of Riverhead consider the purchase of development rights from this property; and

WHEREAS, the Town Board has carefully considered the merits of the offer of sale of development rights, the report of the Peconic Land Trust, the appraisal of development rights by Given Associates, the report of the Farmland Preservation Committee which recommends a purchase price 10% above the appraised value, the criteria set forth in the agricultural preservation law and all other pertinent planning, zoning and environmental information; and

WHEREAS, the Town of Riverhead received a grant to purchase the development rights on the subject property from the New York State Department of Agriculture and Markets; and

WHEREAS, the subject property is bordered on the south and west by preserved land; and

WHEREAS, the subject property has historically be farmed and contains prime agriculture soils; and

WHEREAS, the Town Board finds that the acquisition of the development rights on the subject parcel is the best alternative for the protection of community character of all reasonable alternatives available to the Town.

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 19, 2004

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby accepts the offer of sale of development rights from the subject real property of John P. Kujawski and Raymond Kujawski, pursuant to Chapter 14 and Chapter 44, Section 44-5 B(2) of the Code of the Town of Riverhead; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract for purchase of development rights from the subject property in an amount not to exceed Forty thousand seven hundred dollars per acre (\$40,700.00); and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Richard Lark, Esq., PO Box 973, Cutchogue, New York 11935; the Farmland Preservation Committee; Peconic Land Trust, Attn: Julie Westnofske, 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 and the Office of the Town Attorney.

October 19, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 951

APPROVES MILITARY LEAVE OF ABSENCE FOR A POLICE OFFICER

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

WHEREAS, Police Officer Timothy McAllister is a member of the Department of the Air Force, 102 Rescue Squadron; and

WHEREAS, Police Officer McAllister has military orders, issued by the Department of the Air Force, assigning him to active service effective June 24, 2003 through April 13, 2006; and

WHEREAS, Police Officer McAllister is currently on an approved unpaid military leave of absence through and including October 19, 2004; and

WHEREAS, Police Officer McAllister has informed the Chief of Police of the Town of Riverhead and the Riverhead Town Board that he will continue to be unavailable for duty through April 13, 2006 and that he desires to use 64 hours of his accrued vacation time during his absence; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Riverhead approves and continues Police Officer Timothy McAllister's military leave of absence from October 20, 2004 through April 13, 2006 subject to the following:

1. The first eight days of such military leave of absence shall be paid by use of 64 hours of Police Officer McAllister's accrued vacation time and the remainder of the military leave shall be without pay, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Police Officer Timothy McAllister, 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 NOT THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD

Adopted

Resolution # 952

ACCEPTS 5% SECURITY BOND OF CALVERTON ENTERPRISES, INC.
(HESS SERVICE STATION)

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

WHEREAS, Calverton Enterprises, Inc. (Hess Service Station) has posted a security bond (Western Surety Company #69787784) in the sum of Thirteen Thousand Six Hundred Dollars (\$13,600) representing the 5% site plan security bond as noted in the approved site plan dated May 6, 2003 Resolution #504 for work located at 4470 Middle Country Road, Calverton, New York, Suffolk County Tax Map # 600-97.-1-82 pursuant to Section 108-133 (I) of the Riverhead Town Code; and

WHEREAS, the Town Attorney has reviewed said security bond and deems it to be sufficient in its form.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the 5% performance bond in the sum of Thirteen Thousand Six Hundred Dollars (\$13,600) issued to the Town of Riverhead; 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 Calverton Enterprises Inc., 2866 Locust Avenue, Ronkonkoma, New York 11717, Glen Graham, Graham Associates, 2 Gateway Drive, Bayshore, New York 11706, 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

October 19, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 953

ACCEPTS RESIGNATION OF CROSSING GUARD

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

WHEREAS, Chief of Police David J. Hegermiller has received a letter of resignation submitted by Crossing Guard Jorge Ortiz, effective immediately.

NOW, THEREFORE, BE IT RESOLVED that the letter of resignation submitted by Jorge Ortiz is accepted.

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Jorge Ortiz, 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

10/19/04

Adopted

TOWN OF RIVERHEAD

Resolution # 954

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 62 ENTITLED, "EXCAVATIONS"
OF THE RIVERHEAD TOWN CODE**

COUNCILMAN BARTUNEK 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 amending Chapter 62 of the Riverhead Town Code entitled, "Excavations", once in the News Review, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and

WHEREAS, a public hearing was held on the 5th day of October, 2004 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 amending Chapter 62 entitled, "Excavations" of the Riverhead Town Code be and 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 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 Building Department; the Planning Department; the Planning Board and the Office of the Town Attorney.

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

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 62 entitled, "Excavations" of the Riverhead Town Code at its regular meeting held on October 19, 2004.

A copy of the entire text of the proposed 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 19, 2004

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

BARBARA GRATTAN, Town Clerk

§ 62-5. Application for permit.

A. Before any excavation is commenced for any purpose other than those excepted in § 62-4 of this chapter, the owner, lessee or agent of the premises shall obtain a written permit therefor from the Town Board of the Town of Riverhead. For that purpose, such owner, lessee or agent shall file with the Building Inspector of the Town of Riverhead a verified application in duplicate for such permit, containing a detailed statement of the proposed work, together with a plan prepared by a duly licensed engineer or land surveyor of the State of New York, setting forth in detail or including the following information:

(1) A detailed statement of the proposed work and three-dimensional extent of the proposed excavation and exact condition of the plot or premises before the work proposed to be accomplished under the requested permit is commenced, and proposed condition of said plot or premises when the work is completed.

(2) An estimate of the total number of cubic feet of material proposed to be exported or imported from the property during the term of the permit prepared by a licensed engineer.

(3) The elevations of all abutting properties to the extent necessary to indicate the existing drainage condition where the same affects the subject property.

(4) A duly acknowledged consent in writing of the owner of the premises and mortgagee, if any, including his or their addresses.

(5) Receipted tax bills or a certificate from the Receiver of Taxes of the Town of Riverhead and the County Treasurer of Suffolk County, showing payment of all taxes or assessments to date against the property described in the application.

(6) A certificate from the Commissioner of Public Works of the municipalities whose highways abut the site of operation, to the effect that the proposed excavation shown on the plan will not endanger such highways.

(7) A certificate from the Commissioner of Agriculture and Markets of the State of New York or his duly appointed agent or representative, stating that any topsoil to be taken in the area described in the application is apparently free from golden nematode of potato.

(8) The purpose of the proposed excavation.

(9) The existing and the theoretical maximum groundwater level at the location.

(10) The procedures whereby dust or other fugitive or windborne material shall be controlled.

B. After reviewing the application, the Town Board may require additional information or waive any of the foregoing requirements where deemed necessary.

C. The Town Board shall require that a monitor be employed during the term of the permit to ensure compliance with the terms of the permit.

The monitor shall be selected by the Town Board and the cost of the monitor shall be paid for by the applicant.

(i) The monitor shall keep a daily log of all soil export and import for the subject site. The daily log shall include the number of vehicles and the yardage of soil imported or exported. The license plate number of each vehicle carrying soil or similar material coming into and leaving the subject site shall be recorded in the monitor's daily log together with the approximate yardage of material carried by the vehicle.

(ii) The monitor shall provide a weekly report to the Town Board, the Town designated engineer and the building inspector, regarding the progress of the work on the subject property. The report shall include copies of the daily log kept by the monitor. The report shall also include an estimate by the monitor as to the percentage of the work completed pursuant to the permit at the time of the report.

(iii) Should the monitor determine that the work being completed pursuant to the permit will exceed the limits of the permit or that any other violations of the conditions of the permit or the Riverhead Town Code are occurring, the monitor shall have an obligation to immediately notify the Town Board, the Town designated engineer and the Building Inspector.

(iv) At the discretion of the Town Board the requirement that a monitor be employed as set forth herein may be waived.

§ 62-6. Plan for reclamation.

A. Each application must include a reclamation plan, which may be referred by the Town Board to the Planning Board for its review and recommendations. In its review, the Planning Board may require of the applicant additional data or information bearing upon and relating to the following:

(1) A comprehensive plan for the rehabilitation of the entire area in which the applicant proposes to conduct excavation operations; it is intended that the plan include not only that site on which operations will be conducted during the year of the permit applied for, but all the area susceptible to and available to the applicant for excavation operations in the future, as well as any portion of the area where excavations were performed prior to the date of this enactment. The proposed plan of rehabilitation shall set forth the ultimate contour and grade of the area upon completion of excavation operations, describing the area, including berm and slope areas, to be refilled, if any, topsoiled, seeded, shrubbed or otherwise landscaped, and shall specify the amount and extent thereof to be performed on or before the expiration of the permit applied for. When applicable, such plan of rehabilitation must provide as the

minimum that where partial rehabilitation is planned for the area, it shall bear a proportionate relationship to the estimated number of years of excavation operations contemplated.

B. Before a permit will be issued, a reclamation plan must be approved by the Town Board of the Town of Riverhead.

§ 62-7. Bank and pit excavations.

A. No pit excavations shall be made unless provisions for the prevention of any accumulations of water are made, the plan for the prevention of such accumulation to be approved by the Town Board.

B. When required by the Town Board as necessary for the protection of the public, barriers shall be erected to prevent public access to the top of any pits or steeply graded slopes, such barriers to consist of wire fencing of the type known as "chain link" or "Cyclone" fence, or its equivalent, of such height as shall be specified by the Town Board as necessary for the protection of the public, considering the particular circumstances of the terrain and the location, and such fencing to be substantially erected and with no opening except necessary gates for ingress and egress.

C. No pit excavation shall be made within 50 feet of any property line or within 100 feet of any street. Within the fifty-foot and one-hundred-foot area, a berm shall be established between the property line and the top of the slope, which berm shall have a minimum slope of one inch per foot from the top of the slope downward to the property line. Where the existing topography is such that a berm area has not heretofore been established and maintained, the plan required under § 62-5A herein shall indicate the berm area available, the drainage to be provided and the proposed method of protecting all slope areas.

D. Dust-down or a similar dust layer shall be spread on access roads and other traveled areas used in connection with every pit or bank excavation where required to protect the public and surrounding area against windblown sand and dust.

E. No removal of material from the ground shall be so made as to undermine, weaken or deprive of support other lands in the vicinity or to substantially obstruct, impede or change the course of or the natural movement or flow of the water in, or otherwise adversely affect, any public waterway or public body of water or any waterway or body of water which is used as a part of any drainage system.

F. No removal of material from the ground shall be made so as to expose to possible pollution, by saltwater intrusion or otherwise, any underground water used as a public water supply.

§ 62-8. Denial or suspension of permit.

The Town Board may deny any application for a permit hereunder if it shall find that the proposed excavation will violate any of the provisions of § 62-7 of this chapter, and either the Town Board or the Building Inspector may revoke or suspend any permit issued hereunder if it shall find that the removal of earth thereunder violates any of such provisions.

§ 62-9. Stripping and removal of topsoil.

No stripping or removal of topsoil shall be made within 10 feet of any property line, and upon completion of the work, the premises, if below grade, shall be graded to the level of the abutting highway or the original grade if the same was below the level of the highway. Dust-down or its equal shall be spread to prevent dust from flying, and there shall be left upon the surface of the land from which topsoil is removed not less than six inches of topsoil. No topsoil shall be removed between the first day of November and the first day of March in the following year. All areas from which topsoil is removed shall, during the period between August 20 and November 1, inclusive, be prepared into a loose, level seedbed, limed, fertilized and seeded in the following steps:

- A. Apply ground limestone at the rate of one ton per acre.
- B. Apply 5-10-5 fertilizer at the rate of 600 pounds per acre.
- C. Disk area to work limestone and fertilizer into the soil to a depth of at least three inches.
- D. Smooth area with a smoothing harrow.
- E. Sow the following seed mixture at the rate of 100 pounds per acre:

Seed Mixture	Pounds
Timothy	30
Kentucky bluegrass	25
Redtop	10
Perennial rye grass	30

Alsike clover 4
Wild white clover 1

- F. Brush in seed lightly.
- G. Roll firm with ground roller.

§ 62-10. Irrevocable letter of credit or cash deposit. [Amended 8-17-1999 by L.L. No. 13-1999]

A. Before the issuance of a permit, the applicant and the owner of record of the premises shall execute and file with the Town Clerk an irrevocable letter of credit approved by the Town Board of the Town of Riverhead, in an amount to be fixed by said Board based upon the estimated cost of the reclamation of the site. The amount of the performance security to be posted shall be determined by the Town's designated profession engineer. Further, commencement of work on the site in accordance with the permit issued shall constitute an agreement by the permittee to indemnify the Town of Riverhead for any damage to Town property.

B. In the event of a violation of any of the provisions of the permit the are violated are violated such irrevocable letter of credit shall be forfeited to the Town of Riverhead.

(i) The Town Board shall authorize the return of the letter of credit upon receipt of a letter from a licensed engineer certifying that the excavation was completed in accordance with the permit and approved site plan. Specifically, the engineer shall certify that the total amount of material removed from the site was less than or equal to the amount specified in the permit. Should the engineer determine that the amount of material removed from the premises was in excess of that allowed in the permit, the applicant will be required to pay the fee for the additional yardage removed together with the fines imposed for violations of this chapter.

§ 62-11. Fees. [Amended 8-17-1999 by L.L. No. 13-1999]

The Town Board or its designee shall charge and collect the following fees for excavation pursuant to approved site plans, grading plans and realty subdivisions as required by the Zoning Ordinance. EN The officer designated by the Town Board to issue such permits shall charge and collect for each such permit an annual fee as follows:

- A. For commercial and industrial subdivision, site plans or grading plans a fee shall be imposed in the amount of \$2 per cubic yard for all material removed from or returned to the site in accordance with Town requirements for drainage, parking and other town-required improvements and also for any and all purposes and improvements other than those required for compliance with Town requirements. [Amended 12-16-2003 by L.L. No. 29-2003]
- B. All fees pursuant to this chapter shall be due upon final conditional approval of land subdivisions made by the Planning Board and final approval of site plans or grading plans made by the Planning Board or the Town Board.
- C. An applicant for commercial and/or industrial subdivision approval or site plan approval shall submit an estimate of the volume of materials to be removed as certified by a professional engineer, to either the Planning Board or Town Board. The determination of the fee to be paid shall be made by the Town Board or the Planning Board subsequent to a review of the estimate submitted.

§ 62-12. Expiration of permits.

- A. Bank and pit excavations. Such permits shall expire by limitation one year or three years from the date of issuance, unless the data submitted in accordance with the requirements of § 62-6, Plan for reclamation, demonstrates that the completion of such reclamation plan will require a period in excess of one year from the date of issuance of the permit. In that event, the Town Board may issue a permit for a period longer than one year or three years, but in no event to exceed five years. In the event a permit is issued for longer than three years, the applicant is required to submit annually on the third and fourth anniversary date of the original permit the data required by § 62-6 hereof.
- B. Topsoil removal. Such permits shall expire by limitation 60 days from the date of issuance unless extended by the Town Board.

(1) No permit or permits shall be granted for removal of more than four acres of topsoil from any one tract of land until full compliance with this chapter is had under any existing permit for the same tract, except the preparation of the ground and seeding as provided in § 62-9 hereof.

(2) No permit shall be valid except between March 1 and November 1 of any year.

§ 62-13. Penalties for offenses. [Amended 12-16-2003 by L.L. No. 29-2003]

For any and every violation of the provisions of this chapter, the owner, general agent or contractor of a building or premises where such violations have been committed or shall exist, and the lessee or tenant of the premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of the premises in which part said violation has been committed or shall exist, and the general agent, architect, engineer, surveyor, building contractor or any other person who knowingly permits, takes part in or assists in any such violation or who maintains any premises in which any such violation shall exist shall be guilty of an offense against this chapter. Offenses set forth herein shall be punishable by a fine of not more than \$1,000. Each day's continued violation shall constitute a separate, additional violation of the chapter. ~~Such fines or penalties shall be collected as like fines are now by law collected.~~

10/19/04

Adopted

TOWN OF RIVERHEAD

Resolution # 955

ADOPTS A LOCAL LAW TO AMEND CHAPTER 86 OF THE RIVERHEAD TOWN CODE ENTITLED "RENTAL DWELLING UNITS" (Rental occupancy permit required; Term and renewal)

COUNCILWOMAN SANDERS offered the following resolution, was seconded by

COUNCILMAN DENSIESKI :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 86 of the Riverhead Town Code entitled, "Rental Dwelling Units" (Rental occupancy permit required; Term and renewal); and

WHEREAS, a public hearing was held on the 21st day of September, 2004 at 2:35 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 the local law amending Chapter 86 of the Riverhead Town Code entitled, "Rental Dwelling Units" (Rental occupancy permit required; Term and renewal) be and 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** 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 Code Enforcement; the Building Department; the Planning Department and the Town Attorney.

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

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 86 of the Riverhead Town Code entitled, "Rental Dwelling Units" (Rental occupancy permit required; Term and renewal) at its regular meeting held on October 19, 2004 as follows:

§ 86-4. Rental occupancy permit required.

E. Each application shall be accompanied by an affidavit, signed by each owner and tenant named in the application confirming that they have received copies of all Town laws and ordinances affecting rentals, noise, vehicle parking restrictions on residential lots and refuse disposal and agree to abide by the same.

E.F. Each application shall be executed by and sworn to by the owner of the premises or such person who operates such premises if other than the owner.

F.G. Notwithstanding the above, no rental occupancy permit shall be required for "agricultural worker housing" as defined in § 108-3 of the Riverhead Town Code.

G.H. Notwithstanding the above, no rental occupancy permit shall be required for a residential care facility established under New York State guidelines.

§ 86-7. Term and renewal.

All permits issued pursuant to this chapter shall be valid for a period of ~~two~~one years from date of issuance. Application for renewal shall be made in accordance with initial application requirements. In lieu of an inspection by the code enforcement officer an owner may provide an affidavit with the completed application signed by the owner attesting that there has been no subsequent change in the conditions of the property from the date of the last inspection, and that the property is not in violation of any applicable law.

Dated: Riverhead, New York
October 19, 2004

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

* Underline represents addition(s)

BARBARA GRATTAN, Town Clerk

10/19/04

Adopted

TOWN OF RIVERHEAD

Resolution # 956

AUTHORIZES THE SUPERVISOR TO EXECUTE A LETTER AGREEMENT WITH MONTECALVO ASPHALT CORP.

~~COUNCILMAN DENCISKI~~ offered the following resolution, was seconded by

COUNCILMAN BARTUNEK

WHEREAS, Montecalvo Paving Corp. was to perform work within the Town of Riverhead pursuant to certain purchase orders that have been previously issued pursuant to an extension of contract, and whereas

WHEREAS, the Town of Riverhead has awarded a new contract for asphalt paving work within the Town of Riverhead, and

WHEREAS, Montecalvo and the Town of Riverhead desire to have previously assigned asphalt work performed pursuant to the prior asphalt contract.

NOW, THEREFORE, it is hereby

RESOLVED, that the Supervisor is hereby authorized to execute a letter agreement with Montecalvo Paving Corp., and be it further

RESOLVED that the Town Clerk is hereby directed to forward a certified copy of this resolution to John Montecalvo, Jr., Mark Kwasna, the Office of the Town Attorney and the Office of Accounting.

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	Denciski	<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

10/19/04

TOWN OF RIVERHEAD

Adopted

Resolution # 957

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

COUNCILMAN BARTUNEK

offered the following resolution,

COUNCILWOMAN BLASS

which was seconded by

RESOLVED, that Kaitlyn Klein is hereby appointed to serve as a P/T Recreation Aide, effective October 21st, 2004, 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.

1

THE VOTE

Bartunek yes no Sanders yes no

Blass yes no Denieski yes no

Cardinale yes no

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

¹ Rec./ Doris:Res p/tRec Aide Kaitlyn Klein

10/19/04

TOWN OF RIVERHEAD

Adopted

Resolution # 958

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

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

RESOLVED, that Kiera Lehmann is hereby appointed to serve as a P/T Recreation Aide, effective October 21st, 2004, 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.

1

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

¹ Rec./ Doris:Res p/tRec Aide Kiera Lehmann

10/19/04

TOWN OF RIVERHEAD

Adopted

Resolution # 959

APPROVES CHAPTER 90 APPLICATION OF HARBES FAMILY FARM, LLC

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

WHEREAS, Harbes Family Farm, LLC has submitted a Chapter 90 Application for the purpose of conducting pumpkin picking, pony rides, and a corn maze, to be held on their properties located at Main Road, Jamesport, New York and Sound Avenue, Riverhead, New York, between the hours of 8:00 a.m. and 7:00 p.m., on the weekends (Saturday and Sunday) through October 31, 2004; and

WHEREAS, Harbes Family Farm, LLC has paid the required Chapter 90 application fee for this event; and

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application.

NOW THEREFORE BE IT RESOLVED, that the Chapter 90 Application of Harbes Family Farm, LLC for the purpose of conducting pumpkin picking, pony rides, and a corn maze, to be held on their properties located at Main Road, Jamesport, New York and Sound Avenue, Riverhead, New York, between the hours of 8:00 a.m. and 7:00 p.m., on the weekends (Saturday and Sunday) through October 31, 2004 is hereby approved; and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 209, for the purpose of arranging the "pre-opening" inspection appointment to ensure compliance with the New York State Fire Code; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Harbes Family Farm, LLC, P.O. Box 1524, Mattituck, New York, 11952; the Riverhead Fire Marshal; the Office of the Town Attorney and the Riverhead Police Department.

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

October 19, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 960

AUTHORIZES THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT

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

WHEREAS, the Developmental Disabilities Institute Division for Children, located at 877 East Main Street, Riverhead, has requested permission to utilize the Town Hall and Police Department/Court Complex as a temporary relocation site for children and staff of their agency; and

WHEREAS, the Developmental Disabilities Institute Division for Children has made this request to Chief David J. Hegermiller, as Emergency Manager for the Town of Riverhead, in the event that the Institute is forced to evacuate their site due to extreme weather conditions, natural disasters, industrial accidents or a sudden hostile situation; and

WHEREAS, Chief David J. Hegermiller has requested authorization from the Town Board to enter into the above agreement on behalf of the Town and the Riverhead Police Department.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes Chief David J. Hegermiller to enter into an Evacuation Site Agreement with the Developmental Disabilities Institute Division for Children.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Police Chief David J. Hegermiller and the Developmental Disabilities Institute, Children's Residential Services, 99 Hollywood Drive, Smithtown, New York, 11787.

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

Adopted

10/19/04

RESOLUTION # 961

AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS
REPLACEMENT OF WELL NO. 5-2
CONTRACT W - WELL WORK
RIVERHEAD WATER DISTRICT

Adopted 10/19/2004

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

RESOLVED, that the Town Clerk be and is authorized to publish in the October 28, 2004, edition of The News Review and post the attached Notice to Bidders with regard to receiving bids for the Replacement of Well No. 5-2, Contract W - Well Work contracts, and be it further

RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to Frank Isler, Esq., H2M, and Gary Pendzick.

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

THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR 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

H2M GROUP
NOTICE TO BIDDERS

The Town Board of Riverhead will receive bids for the **REPLACEMENT WELL NO. 5-2 CONTRACT W-WELL WORK** for the Riverhead Water District at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, 11:00 A.M, on **NOVEMBER 10, 2004**, at which time and place all bids will be publicly opened and read for:

**PROJECT NO.: RDWD 03-07B,
REPLACEMENT WELL NO. 5-2
CONTRACT W-WELL WORK**

Contract documents, including drawings and technical specifications, are on file at the following offices:

Town Clerk, Town of Riverhead
Town Hall, 200 Howell Avenue
Riverhead, New York 11901

Holzmacher, McLendon & Murrell, P.C.
575 Broad Hollow Road
Melville, New York 11747

Copies of the contract documents may be obtained at the above locations on or after **OCTOBER 28, 2004**, upon deposit of Fifty Dollars (\$50.00) in cash, certified check, bank money order or postal money order, made payable to the TOWN OF RIVERHEAD for each set furnished.

Deposits for Plans and Specifications will be refunded to Bidders who return same in good condition within ten (10) days. Other deposits will either be partially or not refunded if the Plans and Specifications have not been returned in good condition within thirty (30) days after bids have been opened.

Each proposal must be accompanied by a bid bond in the amount of five percent (5%) of the total bid, or a certified check made payable to the TOWN OF RIVERHEAD as assurance that the bid is made in good faith.

The right is reserved to reject any or all bids, to waive any informalities, and to accept the lowest responsible bid.

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD
SUFFOLK COUNTY, NEW YORK

ACTING AS THE GOVERNING BODY
OF THE RIVERHEAD WATER DISTRICT

BARBARA GRATTAN, TOWN CLERK

DATED: OCTOBER 28, 2004

OCTOBER 19, 2004

Adopted

TOWN OF RIVERHEAD

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST
A HELP WANTED AD FOR GUARDS IN THE SANITATION DEPARTMENT**

RESOLUTION # 962

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

BE IT RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the October 28, 2004 issue of The News Review.

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, directed to forward a Certified Copy of this Resolution to the Accounting Department.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking individuals to serve in the position of Guards in the Sanitation Department on weekends only. Applications should be submitted to the Accounting Department, 200 Howell Avenue, Riverhead, NY between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. No applications will be accepted after 4:00 p.m. on Friday, November 5, 2004. EOE

BY ORDER OF:
THE RIVERHEAD TOWN BOARD
BARBARA GRATTAN, TOWN CLERK

October 19, 2004

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 963

AWARDS BID FOR STREET LIGHT AND TRAFFIC SIGNAL MAINTENANCE REPAIR PARTS

COUNCILMAN BARTUNEK 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 Street Light and Traffic Signal Maintenance Repair Parts; and

WHEREAS, seven (7) bids were received, opened and read aloud on the 15th day of September, 2004 in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the Street Light and Traffic Signal Maintenance Repair Parts will be awarded as follows:

Mid Island Electric – Items No.'s 17, 30, 31, 33, 41A, 45, 82, 86, 87

Kelly & Hayes Electric Supply – Item No.'s 2A, 2B, 8, 38, 40, 41, 42, 44, 47, 48, 49, 50, 66, 67, 68, 69, 73, 74, 75, 76

Revco Electrical Supply – Item No.'s 2, 11, 26A, 39, 43, 46, 58, 61, 62, 63, 64, 84, 108, 110, 111, 112, 113

Formed Plastics – Item No.'s 77, 78, 81

Schwing Electrical Supply – Item No.'s 1, 3, 4, 5, 6, 7, 9, 10, 12, 13, 13A, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 32, 34, 35, 36, 37, 52, 53, 54, 55, 59, 60, 65, 65A, 65B, 65C, 65D, 65E, 80, 107, 109

Traffic Systems – Item No.'s 88, 89, 90, 91, 92, 93, 94, 95, 95A, 96, 97, 98, 99, 100, 100A, 100B, 100C, 100D, 100E, 100F, 100G, 100H, 100I, 100J, 100K, 101, 103, 104, 105, 106

City Energy Services – Item No.'s – 16, 17, 27, 70, 71, 72, 102, 114, 115, 116

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

ENGINEERING/LEISA

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 Revco Electrical Supply, 360 County Road 39A, Southampton, NY 11968, City Energy Services, 2221-75th Avenue, Ronkonkoma, NY 11779, Traffic Systems, 224 North Fehr Way, Bayshore, NY 11706, Kelly & Hayes Electrical Supply, 49 Remington Blvd., Ronkonkoma, NY 11779, Mid Island Electric, 59 Mall Drive, Commack, NY 11725, Formed Plastics, Inc., 207 Stonehinge Lane, Carle Place, NY 11514, Schwing Electrical Supply, 1328 East Main Street, Riverhead, NY 11901, Kenneth Testa, P.E. and the Office of Accounting.

Adopted

TOWN OF RIVERHEAD

Resolution # 964
Adopted October 19, 2004

AWARDS BID ON A SNOW REMOVAL EQUIPMENT

COUNCILMAN DENSIESKI

_____ offered the following resolution which was
seconded by COUNCILWOMAN SANDERS.

WHEREAS, the Town Clerk was authorized to advertise for sealed bids on a SNOW REMOVAL EQUIPMENT for the use of the Riverhead Highway Department, and

WHEREAS, all bids were received and read aloud on the 27TH of September at 11:00 A.M. at the Town Hall, 200 Howell Avenue, Riverhead, New York the date, time and place given in the Notice to Bidders, and

WHEREAS, two bids were received,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Snow Removal Equipment be and is hereby awarded to TRIUS, Inc., 458 Johnson Ave., Bohemia, New York 11716 in the amount of \$14,493.00 each, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Trius, Inc. and the Riverhead Highway Department.

Highway Department

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

TOWN OF RIVERHEAD

PROMOTION TO WATER TREATMENT PLANT OPERATOR IIB IN THE WATER DEPARTMENT

Resolution # 965

COUNCILWOMAN BLASS

_____ offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

WHEREAS, Donald Fink, a Maintenance Mechanic II in the Water Department, has been successfully licensed by the New York State Health Department as a Water Treatment Plant Operator IIB; and

WHEREAS, the Suffolk County Department of Civil Service has been notified of the approved licensing from the New York State Health Department and placed his name on the Water Treatment Plant Operator 2B Certification of Eligibles List #04N-339; and

WHEREAS, it is the recommendation of the Water Superintendent that Donald Fink be appointed to the position of Water Treatment Plant Operator 2B.

NOW, THEREFORE, BE IT RESOLVED, that effective October 25, 2004 the Town Board hereby appoints Donald Fink to the position of Water Treatment Plant Operator IIB, Group 13, Step 3A of the Operational and Technical Salary Schedule of the CSEA Contract, and

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a Certified Copy of this Resolution to Donald Fink, the Water Department and the Office of Accounting.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

OCTOBER 19, 2004

TOWN OF RIVERHEAD

PROMOTES MAINTENANCE MECHANIC III
IN THE WATER DEPARTMENT

Resolution # 966

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

WHEREAS, a vacancy exists for a Maintenance Mechanic III in the Water Department; and

WHEREAS, this position was duly posted via Job Posting #9 (2004); and

WHEREAS, the Water Superintendent has recommended that William Renten Jr. be promoted to the position of Maintenance Mechanic III.

NOW, THEREFORE, BE IT RESOLVED, that William Renten Jr. be, and is hereby, appointed to the position of Maintenance Mechanic III in the Water Department at Group 8 Step 5 of the Operational and Technical Salary Schedule of the CSEA Contract, effective October 25, 2004, and

BE IT FURTHER RESOLVED, that the Town Clerk be, and is hereby, authorized to forward a Certified Copy of this Resolution to William Renten, Jr., the Water Department, and the Office of Accounting.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

10/19/04

TOWN OF RIVERHEAD

Resolution # 967

**RESOLUTION AND CONSENT APPROVING THE DEDICATION OF
HIGHWAYS KNOWN AS NORTH WOODS ROAD AND RECHARGE BASIN
(MAP OF DEEP HOLE ROAD)**

COUNCILMAN DENSIESKI offered the following resolution, was seconded

by COUNCILWOMAN SANDERS :

At a regular meeting of the
Town Board of the Town of
Riverhead, in the County of
Suffolk, State of New York,
held at 200 Howell Avenue,
Riverhead, New York on the
19th day of October, 2004.

P R E S E N T :

Hon. Philip J. Cardinale, Supervisor
Edward Densieski, Councilperson
George Bartunek, Councilperson
Barbara Blass, Councilperson
Rose Sanders, Councilperson

X

In the Matter of the Dedication of
Certain Highways in the Town of
Riverhead, County of Suffolk and
State of New York, Known as

**RESOLUTION
AND CONSENT**

**NORTH WOODS ROAD AND
RECHARGE BASIN**

X

WHEREAS, a certain subdivision map was filed in the Office of the Clerk of the County of Suffolk, known as "Map of Deep Hole Road Situated in Baiting Hollow", Town of Riverhead, County of Suffolk, State of New York, filed on September 24, 2001 as Map No. 10681 in the Office of the Clerk of Suffolk County, Riverhead, New York; and

WHEREAS, plans for the construction of various improvements to said road known and designated as **NORTH WOODS ROAD** and **RECHARGE BASIN** were submitted to the Planning Board of the Town of Riverhead; and

WHEREAS, the Town Board of the Town of Riverhead did approve a performance bond as to form, sufficiency, manner of execution and surety; and

WHEREAS, said roads, drainage systems, sumps and other improvements have been completed in accordance with the plans and specifications of the Town of Riverhead Planning Board; and

WHEREAS, the construction of the said roads, drainage systems, sumps and other improvements have met with the approval of the Superintendent of Highways of the Town of Riverhead; and

WHEREAS, a copy of the Order Laying Out Road Upon Consent of Owner(s) from the Superintendent of Highways indicating his consent is annexed hereto and made a part hereof; and

WHEREAS, a special search street dedication from Sunrise Abstract as Agent for First American Title Insurance Company of New York, Title Number 622-S-1616-SS dated March 19, 2004, has been filed with the Clerk of the Town of Riverhead, together with a deed of dedication and release affecting said roads, drainage systems, sumps and/or other improvements.

NOW THEREFORE BE IT RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent be and the same is hereby given that the Superintendent of Highways of the Town of Riverhead, make an order laying out a certain road known as **NORTH WOODS ROAD** and **RECHARGE BASIN**, the said Town road and recharge basin to consist of the land described in the deed of dedication dated the 5th day of April, 2004 and to extend same as delineated therein; and be it further

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby directed to forthwith cause such deeds of dedication to be recorded in the Office of the Clerk of the County of Suffolk, and upon its return, to attach it hereto; and be it further

RESOLVED, that the maintenance bond received has been reviewed and approved by the Town Attorney as to form and that the Town Clerk is hereby directed to release any previously submitted performance bonds upon adoption of this resolution by the Town Board; and be it further

RESOLVED, that this resolution shall take effect immediately; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Peter S. Danowski, Jr., Esq., 616 Roanoke Avenue, P.O. Box 779, Riverhead, New York, 11901; The Suffolk County National Bank, 137 West Broadway, P.O. Box 442, Port Jefferson, New York 11777-0442, Attn: David T. DeVito, Vice President; the Riverhead Superintendent of Highways; the Planning Board; the Planning Department; the Assessor's Office; the Tax Receiver's Office and the Town Attorney's Office.

Dated: Riverhead, New York
October 19, 2004

**TOWN BOARD OF THE
TOWN OF RIVERHEAD**

PHILIP J. CARDINALE

EDWARD DENSIESKI

GEORGE BARTUNEK

BARBARA BLASS

ROSE SANDERS

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/ /04

TOWN OF RIVERHEAD

Adopted

Resolution # 968

AUTHORIZING THE SETTLEMENT OF TUCCIO ET. AL. V. TOWN OF RIVERHEAD, SUFFOLK COUNTY SUPREME COURT INDEX NO. 04-00919 AND INDEX NO. 02-26436

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

WHEREAS, Edwin Fishel Tuccio and Dorothy Muma have filed a claim under the Eminent Domain Procedure Law for damages arising out of the acquisition by the Town of their property located at 204 Court Street; and

WHEREAS, the claimants have agreed to settle their claim as set forth in the stipulation of settlement attached hereto; and

WHEREAS, the amount of the settlement is within the range of market value for said parcel; and

WHEREAS, in light of the costs attendant to proceeding to a trial with the attendant uncertainties of litigation it is in the best interests of the Town to accept the settlement proposal;

NOW BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the terms of the Stipulation of Settlement heretofore signed by the claimant; and it is further

RESOLVED that Supervisor is hereby authorized to sign the Stipulation of Settlement on behalf of the Town as well as any other documents necessary to effectuate the settlement of the litigation; and it is further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP.; the Town Attorney, and Murray B. Schneps, Esq., 1 Union Square, P.O. Box 1080, Aquebogue, New York 11931.

THIS RESOLUTION HAS BEEN PREPARED BY FRANK A. ISLER SPECIAL COUNSEL TO THE TOWN

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

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
In the Matter of the Claim of

EDWIN FISHEL TUCCIO and
DOROTHY MUMA,

Index No. 04-00919

Claimant

-against-

**STIPULATION OF
SETTLEMENT**

TOWN OF RIVERHEAD,

Respondent.
-----X

It is hereby Stipulated and Agreed by the parties hereto that the above matter is settled with prejudice and without costs to either party in accordance with the following terms:

SETTLEMENT OF ALL CLAIMS

1. The claimants' claims for direct and consequential damages, inclusive of all interest, attorney and expert witness fees, all costs, expenses and additional allowances, and any and all other claims that have been or could be made by claimant arising out of or due to the Town's acquisition herein, shall be settled for the sum of Two Hundred and Ten Thousand (\$ 210,000.00) Dollars (the Settlement Amount).

2. The claimant has heretofore been paid One Hundred Thousand (\$ 100,000.00) of the Settlement Amount and the balance of One Hundred ten Thousand (\$ 110,000.00) shall be paid by the Town of Riverhead within sixty (60) days from the date

the Town Board adopts a resolution authorizing the Supervisor of the Town to sign this Stipulation. Payment shall be made payable to "Murray B. Schneps, as attorney."

3. The Claimants shall simultaneously deliver to the Town their general release of any and all claims they have or may have arising out of the Town's acquisition herein.

Dated: October __, 2004

TOWN OF RIVERHEAD

EDWIN FISHEL TUCCIO

BY: _____
SUPERVISOR

DOROTHY MUMA

MURRAY B. SCHNEPS, ESQ.
Attorneys for Claimants

SMITH, FINKELSTEIN, LUNDBERG,
ISLER & YAKABOSKI, LLP
Attorneys for the Town of
Riverhead

October 19, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 969

APPOINTS CROSSING GUARDS TO THE POLICE DEPARTMENT

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

WHEREAS, three (3) positions for Crossing Guard exist in the Police Department; and

WHEREAS, pursuant to interviews, a recommendation has been made by the Chief of Police to hire Dorothy Magidow, Sheila Eblowitz and Hannah M. Peters to these part-time positions.

NOW, THEREFORE, BE IT RESOLVED, effective October 20, 2004, the Town Board hereby appoints Dorothy Magidow, Sheila Eblowitz and Hannah M. Peters 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 Dorothy Magidow, Sheila Eblowitz, Hannah M. Peters, 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

October 19th, 2004

Adopted

TOWN OF RIVERHEAD

RESOLUTION #970

APPROVES SITE PLAN OF EAST END WIRELESS, INC.
CO-APPLICANTS

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

Whereas, by resolution #211, dated March 16th, 2004, the Riverhead Town Board did approve the site plan of East End Wireless, Inc., to erect a flagpole/monopole, affix public utility wireless telecommunications antennas therein, and install related equipment upon real property located at 900 Reeves Avenue, Riverhead, New York, known and designated at Suffolk County Tax Map Number 0600-18-2-1.3; and

WHEREAS, Lawrence C. Re, agent for East End Wireless, Inc., Omnipoint Communications, Inc. and SMSA limited Partnership d/b/a Verizon Wireless, by letter dated September 24th, 2004, has requested that an amendment to the aforementioned site plan be approved by the Riverhead Town Board to include the names of the co-applicants Omnipoint Communications, Inc. and New York SMSA Limited Partnership d/b/a Verizon Wireless be added as approved co-applicants, and

WHEREAS, the Planning Department has reviewed such request and has recommended that the Town Board accept such modification, and

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

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Riverhead does amend the site plan approval of East End Wireless, Inc. to include the names of the above co-applicants.

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Lawrence C. Re, Esq., agent, Munley, Meade, Nielsen & RE, Attorneys at Law, 36 North New York Avenue, Huntington, New York 11743, the Riverhead Planning Department, Building Department, Town Engineer, Assessor's Office and Office of the Town Attorney.

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

Planning Dept.

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

October 19, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 971

GRANTS PERMIT FOR ADDITIONAL EXCAVATION AT REEVES FARMS (NF DEVELOPMENT, LLC)

COUNCILMAN DENSIESKI

offered the following

resolution, which was seconded by **COUNCILWOMAN SANDERS**

WHEREAS, on April 1, 2003, the Riverhead Town Board approved Resolution No. 374 granting an excavation permit to Reeves Golf (NF Development, LLC) for the removal of no more than 81,979 cubic yards of soil as part of its subdivision and site plan approval for the development of a golf course and a seventy-five (75) residential lot golf community on lands located at Reeves Avenue, Riverhead; and

WHEREAS, pursuant to Chapter 62 of the Town Code of the Town of Riverhead, the Town Building Department received a \$40,989.50 removal fee and issued an Excavation Permit to NF Development, LLC for the removal of 81,979 cubic yards of material from said lands at Reeves Avenue, Riverhead; and

WHEREAS, NF Development, LLC has made application for approval of an amended site plan that depicts the excavation and removal of an additional 54,679 cubic yards of earth in order to construct the drainage areas necessary for the public roadway, parking, clubhouse and golf course; and

WHEREAS, Young and Young, L.S. has submitted a sealed map attending the request for the excavation permit confirming the total cubic yards to be excavated and removed from the site; and

WHEREAS, the Town Board has carefully considered the merits of the subject excavation permit application.

NOW, THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby approves the application of NF Development, LLC and grants NF Development, LLC the Excavation Permit authorizing the excavation and removal of an additional 54,679 cubic yards of material from the site; and

BE IT FURTHER RESOLVED, that the Building Department is hereby authorized to accept additional excavation fees in the amount of \$109,358; such amount representing \$2.00 per cubic yard of material excavated and removed from the site; and

BE IT FURTHER RESOLVED, that the granting of the excavation permit is conditional upon the applicant providing a site monitor to be present on the site during excavation and that such monitor shall be approved by and act under the supervision of the Town Building Department; and

BE IT FURTHER RESOLVED, that the Town Clerk be authorized to forward a copy of this Resolution to Peter Danowski, Esq., the Riverhead Town Planning Department, Riverhead Town Building Department, Riverhead Town Attorney and Riverhead Town Engineer.

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

10/19/04

Adopted

TOWN OF RIVERHEAD

Resolution # 972

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW FOR AN AMENDMENT TO CHAPTER 12 ENTITLED, "COASTAL EROSION HAZARD AREAS" OF THE RIVERHEAD TOWN CODE

COUNCILMAN BARTUNEK

offered the following resolution,

which was seconded by **COUNCILWOMAN BLASS** :

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a proposed local law to consider the amendment to Chapter 12 entitled, "Costal Erosion Hazard Areas" of the Riverhead Town Code, once in the October 28, 2004 issue of **News Review**, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to the Riverhead Code Enforcement; Riverhead Planning Board; the Riverhead Planning Department; the Riverhead Zoning Board of Appeals ;the Riverhead Police Department and the Office of the Town Attorney.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Denieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 3rd day of November, 2004 at 2:20 p.m. o'clock at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 12 of the Riverhead Town Code entitled, "Coastal Erosion Hazard Areas".

A copy of the entire text of the proposed 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 19, 2004

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

BARBARA GRATTAN, Town Clerk

Chapter 12 COASTAL EROSION HAZARD AREAS

§12-5. Findings.

(9) Includes natural features as identified by the State of New York and by the Town of Riverhead and that the Riverhead Town Board finds that by this regulation, the Town of Riverhead hereby retains and exercises its home rule powers.

~~B. — The adoption of this chapter has been mandated by the State of New York and by the New York State Department of Environmental Conservation. But for this mandate, this Town Board would not adopt this chapter.~~

§ 12-6. Definitions.

The following terms, as used in this chapter, have the meanings indicated, unless the context clearly requires otherwise:

~~THE PLANNING BOARD — The local official(s) responsible for administering and enforcing this chapter.~~

ACCESSORY BUILDING – building without a permanent foundation, with a maximum floor area of one hundred (100) square feet or less, a maximum height of twelve (12) feet or less, located in the rear yard in a residentially zoned area when constructed by homeowner or tenant. Said building shall not be permitted 25 feet landward limit of a bluff, five (5) feet from a property line, ten (10) feet from any other building and sixty (60) feet from a side street line and rear street line. With the exception of the removal grass groundcover no Vegetation shall be removed trimmed, cut or cleared to construct said accessory building.

BLUFF -- Any bank or cliff with a precipitous or steeply sloped face adjoining a beach or a body of water. The waterward limit of a "bluff" is the landward limit of its waterward natural protective feature. Where no beach is present, the waterward limit of a "bluff" is the mean low water. The landward limit is ~~25~~ 50 feet landward of the receding edge or, in those cases where there is no discernible line of active erosion, ~~25~~ 50 feet landward of the point of inflection on the top of the "bluff." The point of inflection is that point along the top of the "bluff" where the trend of the land slope changes to begin its descent to the shoreline.

CODE ENFORCEMENT OFFICIAL—The officer or other designated authority charged with the administration and enforcement of this code, or duly authorized representative.

CONSERVATION ADVISORY COUNCIL OF THE TOWN OF RIVERHEAD –a town board appointed council consisting of (9) members, as its function, shall advise the Planning Board of the Town of Riverhead in the promotion, development, management and protection of its natural resources, and such Council shall engage in those functions authorized by the provisions of the General Municipal Law § 239-x.

§ 12-8. Permit required for regulated activities.

No person may engage in any regulated activity in an erosion hazard area as depicted on the Coastal Erosion Hazard Area Map of the Town of Riverhead, as amended, and/or a Natural Protective Feature or Natural Protective Feature Area as defined in § 12-6 herein, without first obtaining a coastal erosion management permit. No coastal erosion management permit is required for unregulated activities.

§ 12-9. Standards for issuance.

A coastal erosion management permit will be issued only with a finding by the administrator Planning Board that the proposed regulated activity:

§ 12-10. Structural hazard area restrictions.

The following restrictions apply to regulated activities within Regulated areas:

D. No movable structure may be located closer to the landward limit of a bluff than 25 50 feet. (See bluff definitions herein).

(1) Notwithstanding the forgoing, one (1) movable accessory building without a permanent foundation, with a maximum floor area of one hundred (100) square feet or less, a maximum height of twelve (12) feet or less, located in the rear yard, shall be excepted from the provisions of Subsection 12-10 D in a residentially zoned area when constructed by homeowner or tenant. Said accessory building shall not be permitted 25 feet landward limit of a bluff, five (5) feet from a property line, ten (10) feet from any other building and sixty (60) feet from a side street line and rear street line. Said accessory building shall not require a Building Permit nor a Coastal Erosion Management Permit.

(2) With the exception of the removal grass groundcover, no Vegetation shall be removed trimmed, cut or cleared to construct said accessory building.

E. No movable structure, including an accessory building pursuant to Subsection 12-10 D(1), may be placed or constructed such that, according to accepted engineering practice, its weight places excessive groundloading on a bluff.

I. Dumping, filling or other disturbance of soil or any activity which alters or disturbs the existing Natural Protective Feature and/or Natural Protective Feature Areas which includes trimming and clearing of vegetation without a coastal zone management permit.

§ 12-12. Beach area restrictions.

The following restrictions apply to regulated activities in beach areas:

C. Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved, in writing, by the administrator Planning Board

§ 12-13. Dune area restrictions.

The following restrictions apply to regulated activities in dune areas:

A. In primary dune areas:

(4) Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved, in writing, by the administrator Planning Board

§ 12-14. Bluff area restrictions.

A. The following activities are prohibited on bluffs:

(5) Dumping, filling or other disturbance of soil or any activity which alters or disturbs the existing Natural Protective Feature and/or Natural Protective Feature Areas which includes trimming and clearing of vegetation without a coastal zone management permit.

B. Activities specifically allowed under this section are:

(5) Trimming and clearing of vegetation in done in accordance with conditions stated in a Coastal Zone Management Permit as issued by the Town of Riverhead Planning Board.

(6) The placement of one (1) movable accessory building without a permanent foundation, with a maximum floor area of one hundred (100) square feet or less, a maximum height of twelve (12) feet or less, located in the rear yard in a residentially zoned area when constructed by homeowner or tenant. Said accessory building shall not be permitted 25 feet landward limit of a bluff, five (5) feet from a property line, ten (10) feet from any other building and sixty (60) feet from a side street line and rear street line. Said accessory building shall not require a Building Permit or a Coastal Erosion Management Permit.

(2) With the exception of the removal grass groundcover, no Vegetation shall be removed trimmed, cut or cleared to construct said accessory building.

§ 12-19. Improper or insufficient notification.

If the administrator Planning Board determines that a regulated activity has been undertaken without a coastal erosion management permit and does not meet the emergency activity criteria, then the administrator Planning Board will order the immediate cessation of the activity. In addition, the administrator Planning Board may require:

§ 12-25. Appeal.

The Coastal Erosion Hazard Board of Review may, in conformance with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the administrator Planning Board, including stop or cease-and-desist orders. Notice of such decision will forthwith be given to all parties in interest. The rules and procedures for filing appeals are as follows:

§ 12-28. Coastal erosion management permit.

A coastal erosion management permit will be issued for regulated activities which comply with the general standards restrictions and requirements of the applicable sections of this chapter, provided that the following are adhered to:

A. The application for a coastal erosion management permit must be made upon the form provided by the administrator Planning Board and must include the following minimum

information:

- (1) A description of the proposed activity.
- (2) A topographical survey drawn to a suitable scale showing the location and natural features of the proposed activity, as well as a depiction of those boundaries appearing on the approved Coastal Erosion Hazard Area Map.
- (3) Any additional information the ~~administrator~~ Planning Board may require to properly evaluate the proposed activity.

B. Each application for a coastal erosion management permit:

- (1) Must be accompanied by the required fee or fees as established in section §12-27 herein.
- (2) Must be received by the Planning Board and shall be referred to the Conservation Advisory Council of the Town of Riverhead for an advisory report and recommendation. Such report shall be issued to the Planning Board within (62) days from the date of referral.

§ 12-30. Duties of The Planning Board.

The authority for administering this chapter is hereby conferred upon the ~~administrator~~ Planning Board. The ~~administrator~~ Planning Board has the power and duty to:

§ 12-31. Enforcement.

The authority for enforcing this chapter is hereby conferred upon the ~~Ordinance Inspector~~ Code Enforcement Official. The ~~Ordinance Inspector~~ Code Enforcement Official has the power and duty to:

- A. Transmit written notice of violations to property owners or to other responsible persons.
- B. Perform compliance inspections.
- C. Prepare and submit reports to the ~~administrator~~ Planning Board
- D. Have powers and duties as are established in or reasonably implied from this chapter as are necessary to achieve its stated purpose. Post a stop order in a form approved by the Town Board. Said stop order shall be posted at the site of said violation. It shall be a further violation of this chapter to remove said stop order or to continue the use or construction specified in said stop order until the violation is corrected or adjudicated.
- E. Have powers and duties as are established in or reasonably implied from this chapter as are necessary to achieve its stated purpose.

§ 12-36. Penalties for offenses.

A violation of this chapter is hereby declared to be an offense punishable by a fine not exceeding \$250 or imprisonment for a period not to exceed six months, or both. Each day's continued violation of this chapter will constitute a separate additional violation.

For any and every violation of this chapter, the owner or general agent of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation of this chapter has been committed or shall exist, and any builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in any such violation of this chapter, shall, upon conviction thereof, be liable to a fine or penalty not exceeding \$5,000 per day from the day of discovery of the incident, continuing until an approved restoration plan is enacted, or imprisonment for a period not to exceed (6) months, or both. Nothing herein will prevent the proper local authorities of the Town from taking such other lawful actions or proceedings as may

be necessary to restrain, correct or abate any violation of this chapter.

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

10/19/04

Adopted

TOWN OF RIVERHEAD

Resolution # 973

ADOPTS A LOCAL LAW AMENDING CHAPTER 101 ENTITLED "VEHICLES AND TRAFFIC" OF THE RIVERHEAD TOWN CODE (101-8 WEIGHT LIMITS)

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILWOMAN SANDERSON :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 101 entitled, "Vehicles and Traffic" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 5th day of October, 2004 at 7:10 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 the local law amending Chapter 101 entitled, "Vehicles and Traffic" of the Riverhead Town Code 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 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 Highway Department; the Police Department and the Office of the Town Attorney.

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

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 101 entitled, " Vehicles and Traffic" of the Riverhead Town Code at its regular meeting held on October 19, 2004 as follows:

§ 101-8. Weight limits.

No person shall operate a motor vehicle of a total weight of greater than ~~10,000~~ 16,000 pounds (8 tons) upon the following designated town highways or part thereof, except local deliveries.

Street

Location

Middle Road

In its entirety, commencing from the intersection of Manor Road in an easterly direction to the intersection of Doctors Path

Dated: Riverhead, New York
October 19, 2004

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

BARBARA GRATTAN, Town Clerk

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

October 19th, 2004

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 974

AMENDS SITE PLAN OF NF MANAGEMENT – LINCOLN STREET

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

WHEREAS, by Resolution #1335, dated December 16, 2004, the Riverhead Town Board did approve construction of four (4) residential apartment units, located at Lincoln Street, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-128-1-11; and

WHEREAS, NF Management has requested that a modification of said site plan approval be approved by the Riverhead Town Board to allow the deletion of certain buffer screening and two (2) street trees; and

WHEREAS, the Planning Department has reviewed the landscape modification and has recommended that the Town Board grant such amendment; and

WHEREAS, this Town Board has reviewed the amendment 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 as per Check Number 2004-1006 of the Office of the Financial Administrator.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of Riverhead does hereby amend the site plan approval of NF Management; and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to NF Management, PO Box 696, Aquebogue, New York 11931, the Riverhead Planning Department, Building Department, Town Engineer, Assessors' Office and the Office of the Town Attorney.

Planning Dept.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
 Blass yes ___ no Denieski yes ___ no
 Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

OCTOBER 19, 2004

Adopted

TOWN OF RIVERHEAD

OAKLEIGH AVE. ROAD IMPROVEMENT

BUDGET ADJUSTMENT

RESOLUTION # 975

COUNCILMAN BARTUNEK 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>
406.051100.487451.45080 TRANSFER TO CHIPS	\$700	
406.051100.541301.45080 ASPHALT EXP.		\$700

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

OCTOBER 19, 2004

Adopted

TOWN OF RIVERHEAD

WYL LANE & LYNN LANE ROAD IMPROVEMENT

BUDGET ADJUSTMENT

RESOLUTION # 976

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>
406.051100.487451.45081	TRANSFER TO CHIPS	\$3,175	
406.051100.541301.45081	ASPHALT EXP.		\$3,175

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

OCTOBER 19, 2004

Adopted

TOWN OF RIVERHEAD

2002 RECREATION CAP. IMPROVEMENT PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 977

COUNCILWOMAN SANDERS

_____ 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>
406.095031.481900.70051	PARK & REC TRANSFER	\$ 100	
406.071100.547900.70051	CONTINGENCY	5,000	
406.071100.523029.70051	BASKETBALL COURT @ STOTZKY PARK CONSTRUCTION		\$5,100

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Adopted

TOWN OF RIVERHEAD

Resolution # 978

AUTHORIZES THE TOWN CLERK TO PUBLISH A PUBLIC NOTICE FOR A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO CHAPTERS 108 AND 92 ENTITLED, "SIDEWALKS" and "ZONING" OF THE RIVERHEAD TOWN CODE

COUNCILMAN DENSIESKI offered the following resolution, was seconded by COUNCILMAN BARTUNEK:

WHEREAS, many sidewalks within the Town of Riverhead are in poor condition and are not suitable for pedestrian use, and

WHEREAS, individuals or corporate entities seeking site plan approval or use permits to convert properties to commercial use should provide adequate pedestrian access to their businesses, and

WHEREAS, permitting businesses to locate on premises having either unsuitable or no pedestrian access defeats the goal of having a "walkable" Town, and

WHEREAS, the Handicapped Advisory Committee has recommended that the Town Code be amended to address the need for sidewalk creation and repair, and

WHEREAS, it is appropriate that the business community repair existing sidewalks that service their businesses where necessary.

NOW, THEREFORE, BE IT

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice once in the October 28th issue of the News Review newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapters 92 and 108, entitled "Sidewalks" and "Zoning" respectively to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Planning Department; the

Planning Board; the Zoning Board of Appeals 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
THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held before the Town Board of the Town of Riverhead, at 200 Howell Avenue, Riverhead, New York on the 3rd day of November, 2004 at 2:25 p.m. o'clock p.m. to consider a local law amending Chapter 92 and 108 entitled "Sidewalks" and "Zoning" respectively of Riverhead Town Code.

A copy of the entire text of the proposed 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 19, 2004

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

ARTICLE XXVI, Site Plan Review [Added 9-22-1987; amended 9-25-1989; 4-3-1990; 10-2-1990 by L.L. No. 2-1990; 10-15-1991; 12-17-1991; 8-2-1994; 4-15-1997; 5-20-1997; 7-21-1998; 5-15-2001 by L.L. No. 8-2001; 3-5-2002 by L.L. No. 6-2002; 6-18-2002 by L.L. No. 23-2002] § 108-128. Purpose.

Pursuant to the provisions of Town Law § 274-a, it is the purpose of this article to standardize requirements for site plan application and review, so as to assure that the design and layout of particular land uses on a lot, whether such use is a permitted, special permit or accessory use, will ensure the public health, safety and welfare, will be compatible with certain natural and human-made features on and off the lot and will, in all cases, comply with the letter and spirit of those provisions of this Code which pertain to such design or layout and of those provisions pertaining to the use itself. Further, it is the intention of this article to promote a well-planned community through the proper arrangement of parking areas, means of access, screening, signs, landscaping, architectural features, location and dimension of buildings and physical features of the parcels to be improved.

§ 108-129. Review authorized; approval required; penalties; issuance of permits and certificates of occupancy; expiration.

A. Authorization. The Town Board is hereby authorized to review and approve, approve with modifications, or disapprove site plans for the activities and land uses listed herein.

B. Land clearing. No person shall undertake or carry out any such activity or use, including without limitation any grading, clearing, cutting and filling, excavating or tree removal associated therewith, without first having obtained site plan approval therefor, pursuant to the provisions of this article, posting a performance bond provided for herein and securing a land clearing permit pursuant to Chapter 52. Any landowner found guilty of violating this article shall be fined at the rate of \$1,000 per day from the day of discovery of the incident until an approved restoration plan is enacted.

C. Permits. No building permit or land clearing permit as required by Chapter 52, Building Construction, required for any such activity, including, without limitation, grading, clearing, cutting and filling, excavating or tree removal associated therewith, or the erection, construction, alteration, demolition or moving of any structure, shall be issued until the required site plan approval shall have been granted, and the approved site plan thereafter shall have been signed by a majority of the Town Board.

D. Certificates of occupancy. No certificate of occupancy shall be issued until all requirements and conditions of the site plan approval have been implemented and an as-built survey, including without limitation the location of all buildings, structures, curb cuts, and other required improvements (e.g., berms, buffer areas), has been submitted to the Planning Director or his duly authorized representative. Any

significant change to the approved site plan or elevations that affects the physical character of the building(s) and/or the site, in the absence of an approved amended site plan reflecting said changes, shall cause the certificate of occupancy to be withheld until such change is approved by the Town Board. The Planning Director shall determine the significance of any such change.

E. Expiration. Site plan approval shall remain in effect for 36 months. In the event that the applicant has not obtained a valid building permit within said thirty-six-month period, the Town Board may grant one twelve-month extension of site plan approval, upon the request of the applicant made at least 30 days prior to the expiration of the original thirty-six-month period. This section shall also apply to site plans which have been approved but which have not obtained a building permit prior to the date of adoption of this section.

F. Penalties for violation of approved site plan. [Added 2-4-2003 by L.L. No. 1-2003]

(1) It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any real property, building or structure or portion thereof in violation of the approved site plan.

(2) For any and every violation of the approved site plan, the owner or general agent of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation of approved site plan has been committed or shall exist, and any builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in any such violation of an approved site plan, shall, upon conviction thereof, be liable to a fine or penalty not exceeding \$1,000 for each and every violation. Each day that such violation continues shall constitute a separate and distinct violation of the approved site plan.

§ 108-130. Review and approval required.

The following shall be subject to site plan review and require site plan approval by the Town Board:

A. Single-family residence or agricultural districts:

(1) Except as otherwise provided, any use other than single-family residential or agricultural and its attendant accessory uses. However, temporary and permanent greenhouses will require site plan review and approval.

(2) Any grading, clearing, cutting and filling, excavating or tree removal associated therewith, of a lot or land sufficient in size to require a building permit under § 108-73 of this chapter, unless said work is a necessary and integral part of another activity, such as single-family residence construction, for which a building permit has been issued and which does not itself require site plan approval.

(3) Any multiple residence or apartments to be constructed pursuant to any section of this chapter.

(4) With respect to any existing, nonconforming commercial or industrial use, any activity, change or use requiring a building permit, a special permit or a variance hereunder, provided that all other needed prior approvals for the activity have first been obtained.

B. All other districts.

(1) Any grading, clearing, cutting and filling, excavating or tree removal associated therewith.

(2) (Reserved)

(3) Any conversion, alteration, addition or repair of an existing land use or structure which requires a building permit and:

(a) Will effect a change to the exterior of the affected structure(s); or

(b) Will effect a change to the area of the site, including but not limited to parking, loading, paving, access and drainage.

(4) Except as otherwise provided, site plan review and approval shall specifically not be required for:

(a) Single-family residential and uses accessory thereto;

(b) Agriculture and uses accessory thereto; however, temporary and permanent greenhouses will require site plan review and approval;

(c) Any grading, clearing, cutting and filling, excavating or tree removal associated therewith, necessary to single-family residence construction commenced upon issuance of a building permit for said construction;

(d) Any use permit issued pursuant to the requirements of § 108-73 of this chapter; or

(e) Signs;

(f) In-kind alterations as determined by the Planning Department and the Building Department.

C. In every district: any activity or use made subject to site plan review as a condition of any permission or approval granted by any local agency.

§ 108-131. Application procedure; fees.

A. Preliminary review. All applications for site plan approval shall commence with the pre-application submission of preliminary plan(s) for review by the Planning Department to determine Zoning Code compliance, general engineering suitability and aesthetic compatibility. Said review shall be a process between the Planning Department staff and the project designer(s), with no time limitation or fee imposed. Plans shall include such drawings as shall clearly represent those structural, topographical and design features that the Town would require to evaluate the proposed construction, addition, reconstruction or alteration. The anticipated result of the preliminary review shall be a site plan, which shall be acceptable for formal application and review.

B. Formal application.

(1) Subsequent to preliminary review, an application for site plan approval shall be made on the form for the same provided by the Planning Department. Twelve copies, plus additional copies as may be required by other levels of government with jurisdiction over the site, of the application, a current survey prepared by a licensed surveyor, the site plan (if separate from the survey) and any other submission or exhibit required by this article shall be submitted, together with the appropriate fee, to the Planning Department.

(2) The Planning Department shall reject any application if it is not so complete or in conformance, and shall notify the applicant as to the reason for such rejection.

(3) For each application for site plan approval submitted to the Planning Department under the provisions of this chapter, the review fee shall be \$500, plus \$0.10 per square foot of site improvements and/or altered area. The fee to review an application to amend a previously approved site plan shall be \$500. In no instance shall a site plan review exceed \$25,000. Review fees shall be paid in installments of 1/2 the fee paid prior to the Planning Department's submission of the completed site plan to the Town Clerk and the remaining 1/2 paid prior to Town Board resolution. [Amended 12-2-2003 by L.L. No. 26-2003]

(4) Revisions to a site plan or to elevations which significantly change the character or appearance of the project or which occur after the issuance of a certificate of occupancy shall require resubmission of an amended site plan and shall be charged accordingly.

(5) The site plan shall be drawn to the following minimum scales:

(a) Overall development plan sites of less than two acres: one inch equals 20 feet.

(b) Overall development plan, sites of two acres or more: one inch equals 40 feet.

(c) Detailed portions of a site plan, sites of any size: one inch equals 10 feet.

C. Further processing.

(1) If the application is satisfactory, the Planning Department shall retain one copy of the submission and shall forward the remainder, within seven days, to the Town Clerk. The Town Clerk shall clock all elements of a site plan application, shall retain one copy for her file and shall thereupon distribute the remaining copies for review and comment as follows:

(a) One copy to the office of the Supervisor.

(b) One copy to the Building Department.

(c) One copy to the Town Attorney.

(d) One copy to the Town Board Coordinator.

(e) One copy each to the Highway Superintendent, Sewer District Superintendent and/or Water District Superintendent, as appropriate.

(f) One copy to the Fire Inspector(s).

(g) One copy to the Architectural Review Board.

- (h) One copy to the respective fire district.
- (i) One copy to the Handicapped Advisory Committee.
- (2) The Planning Department will, upon review and receipt of comments from those named herein, initiate any amendments or revisions to the site plan, or its component parts, through discussion with the applicant or his or her representative, in accordance with the Town Code of the Town of Riverhead and the aesthetic standards desired by the Architectural Review Board. The Planning Department will then recommend approval, approval with modifications, or disapproval in a timely fashion such that within 62 days of receipt of said completed application by the Town Clerk or, if a public hearing is held, within 62 days of the public hearing, the Town Board shall approve, approve with modifications, or disapprove said site plan and shall state its reason(s) for modifications or disapproval. The time within which the Town Board must render its decision may be extended by mutual consent of the applicant and the Board.

D. The Building Department shall not issue a building permit for any site improvements which have not secured the required Town Board site plan approval. In the event that the Town Board requires modifications and the applicant agrees to same, the Building Department may thereupon issue a permit conforming to such modified plan without further submission to the Town Board.

E. Appeals.

(1) Where relief is required of the Zoning Board of Appeals, or any other body with jurisdiction over the site, the time utilized to obtain such relief shall not be tolled towards the sixty-two-day limitation imposed herein.

(2) Should such relief be sought and obtained, said relief does not preclude denial of the site plan by the Town Board when appropriate cause for such denial is duly indicated.

§ 108-132. Contents of application.

To be considered complete, a site plan for which approval is sought shall be dated and shall include at least the following elements:

A. Property lines, showing directional bearings and distances; adjacent land ownership and streets; location with reference to identifiable street intersections; land uses; directional arrow; scale; Tax Map identifying number(s) of the parcel(s) involved; and the zoning district in which located.

B. Key map at a scale of one inch equals 600 feet.

C. Existing and proposed buildings, structures and uses, and proposed additions thereto, including finished floor elevation(s) and ground elevation(s) at such building, structure and use locations.

D. The area, as expressed in square feet, for each floor of all existing and proposed buildings, structures and uses.

E. Dimensions of property line setbacks to, and dimensions between, each building, structure or use.

- F. Location of all easements on, over and adjacent to the site, including the location of all existing and proposed utility lines, hydrants and fire wells.
- G. Layout of existing and proposed parking and loading areas, including dimensions of spaces, aisles and street approaches, the general circulation pattern with directional movement shown, existing and proposed curb cuts, traffic safety devices, sidewalks, curbing, paving, drainage structures and their respective specifications. Methods used for computing parking and drainage requirements shall be included.
- H. Photographs of all faces of existing structures on the site.
- I. Existing and proposed location(s) of outdoor lighting, signs, screen plantings, fences and landscaping. Any existing woodlands, stand of or individual tree(s) or instance of unique or indigenous vegetation, and any other significant natural features, such as, but not limited to, water bodies, drainage courses, fresh and salt marshes, coastal dunes, bluffs, beaches, escarpments, overlook areas and wildlife habitats, must be included and every good faith effort made to preserve, maintain and enhance same. A schedule of all landscape plantings shall likewise be included.
- J. Existing and proposed sewage disposal and water supply systems.
- K. Existing topography of the site and immediately adjacent property, as revealed by contours or key elevations, and any proposed regrading of the site.
- L. Cultural features, such as paleontological and archaeological remains, old trails, agricultural fields, historic buildings and sites or those that contribute to the rural character of the community or possess a unique and/or identifiable feature.
- M. Techniques by which features found in Subsections I, K and L above may be preserved on the site, so as to maintain the prevailing character of the area.
- N. Elevations of all faces of buildings and structures, at an appropriate scale for the graphic representation of the materials employed. Such elevations must also indicate:
- (1) Design character of buildings and structures.
 - (2) Specific materials existing and/or planned for use on buildings and structures, including colors of any and all materials employed, with their locations indicated on the elevations.
 - (3) Heights of buildings and structures.
 - (4) Roofs and overhangs.
 - (5) Special design features.
 - (6) Typical locations, shape(s) and types of signs.
- O. Models may be required if any building(s), or the site in general, is of a scale or nature that the Planning Department or the Town Board deems said model will substantially aid in the consideration of the site plan.
- P. Photometric data for all proposed site lighting.

§ 108-133. Conditions for approval.

In reviewing a site plan submitted to it under this article, the Town Board may call upon expert advice in varied disciplines to assist it in making the determination required of it. It shall seek to further the overall purposes and goals of this chapter, and of other applicable provisions of the Town Code and state law. Moreover, it shall make certain that any development plan it approves hereunder conforms to the following:

- A. Physical compatibility. The rural character and open space environment of the Town shall be fostered by preserving, whenever possible, significant built and natural features of the site. Extensive grading, clearing, cutting and filling, excavating or tree removal associated therewith shall be avoided. Screening with trees or other plantings may be required for parking and other disturbed areas which are created. Permitted coverage shall only be calculated based on buildable area of a site. Wetlands, slopes in excess of 15%, and cross-easements for roads, and other such areas as shall be so deemed, shall be nonbuildable.
- B. Protection of residential areas. Appropriate buffer landscaping, natural screening and fencing are to be provided in order to protect neighborhood tranquility, community character and property values. Further, any exterior spotlighting of buildings or grounds shall be from shaded sources and located so that light beams are not directed toward any residential lot.
- C. Parking. Parking areas and driveways shall be sufficiently drained so as to prevent ponding. All drainage structures, paving, access driveways and parking areas shall be laid out and constructed in accordance with the standards for such facilities contained in this chapter. Wherever feasible, parking areas shall be placed at the rear of buildings and/or screened by plantings so as not to be visible from the highway. No materials, merchandise, supplies, work in process, finished or semifinished products, waste materials, commercial vehicles or construction or earth-moving equipment shall be permitted to be used for an industrial or commercial purpose outside of a building in such a way as to present an unsightly appearance when viewed from adjacent roads or properties. Such materials, merchandise, etc., must be kept in the rear or side yard and screened by landscaping or fencing which is in harmony with the principal structure and which has been approved by the Town Board. Vehicles being repaired shall be screened from adjacent properties.
- D. Access. Vehicular ingress and egress, interior traffic circulation, parking space arrangement, loading facilities and pedestrian walkways shall be planned and built so as to promote safety and efficiency. Vehicular entrances and exits shall be clearly visible from access streets and shall not be located within 75 feet of any street intersection. Pedestrian walkways abutting property proposed to be used for

commercial purposes shall be improved or repaired to meet the most current standards for construction of such walkways as described in the New York State Building Code including, but not limited to; patching, leveling and resurfacing. Approvals for said ingress and egress shall be obtained from the governing body of higher jurisdiction, where applicable.

E. Lights. Lighting and lighted signs shall be placed and shielded in such a manner, and of such a height and intensity, as not to cause direct light to shine on other properties and shall not be permitted to create a hazard upon a public street.

F. Water supply and waste disposal. Provisions for water supply and for sewage, garbage and other waste disposal must be adequate to the use, must ensure the health and safety of persons on and off the site and must not result in the avoidable depletion or degradation of the groundwater supply or harm surface water bodies, watercourses, wetlands or other natural features or systems.

G. Utility supplies. All utilities must be constructed underground.

H. Offer of dedication of cross-easements. The applicant shall show cross-easements for use by adjoining lands for ingress and egress. Where site plan is approved with cross-easements, an offer of dedication shall be recorded with the County Clerk and a copy of the recorded instrument filed with the Town Clerk.

I. Performance bond or other equivalent security. Upon approval of a final site plan by the Town Board and prior to the issuance of a building permit, the applicant shall post a performance bond or other equivalent security in a form approved by the Town Attorney and adopted by resolution of the Town Board, in an amount equal to 5% of the cost of construction as estimated by the Building Department or Town Engineer. The Town Board may, at its discretion, reduce or waive a performance bond upon a showing of significant hardship. No certificate of occupancy shall be issued until all site improvements have been inspected and approved by the Planning Department and Architectural Review Board and said performance bond or equivalent security has been released by resolution of the Town Board. In the event that the applicant fails to comply with the provisions of this article, the performance bond or other security shall be forfeited to the Town, and the Town of Riverhead shall complete the site plan improvements. Where the cost of the improvements exceeds the forfeited security, the additional cost, including but not limited to any legal fees incurred, shall be and constitute a lien upon the land upon which the improvements are to be made and shall be included in the levy against such property and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties as are provided by law for the collection and enforcement of real property taxes in the Town of Riverhead.

CHAPTER 92 SIDEWALKS

ARTICLE I, Alterations and Excavations [Adopted 4-20-1971 as Ord. No. 42]

§ 92-1. Written consent required.

No person, firm or corporation shall change or alter the grade of any public highway or any sidewalk, or disturb, break, mar, injure, remove or deface or cause to be disturbed, broken, marred, injured, removed or defaced the surface of any part of any public highway, street, road, sidewalk, sidepath, passway or easement or any other public way of the Town of Riverhead or maintained by it, in any manner whatsoever, without having first obtained the written consent of the Town Board. The Town Board shall refer all applications to the Superintendent of Highways, the Superintendent of the Sewer District and the Superintendent of the Water District, and if the proposed alteration is in a sewer and/or water district, the written consent of the Superintendent of said Sewer and/or Water District shall be obtained by the Town Board before granting approval.

§ 92-2. Sufficient indemnity required.

The Town Board shall not give written consent that any act or acts be performed as set forth in § 92-1 unless there shall have been furnished by the applicant a sufficient liability insurance policy as determined by the Town Board; and said liability insurance policy shall be for a reasonable amount and may cover one (1) or more of the acts specified in § 92-1 of this Article and personal injury and/or wrongful death to any person resulting directly or indirectly from the acts set forth in § 92-1. Said liability insurance policy may cover any period of time necessary to include the accomplishment of one (1) or more of the aforesaid acts, as shall be determined by the Town Board. The approval of the Town Board as to amount, form, manner of execution and sufficiency of said liability insurance policy shall be endorsed on said liability insurance policy before it shall be filed in the Town Clerk's office, and said liability insurance policy shall be filed before said consent shall be effective.

§ 92-3. Separate offenses.

Each period of twenty-four (24) hours, that is, each calendar day, during which or any part of which any violation of this Article continues, shall constitute a separate violation hereof.

§ 92-4. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

PERSON -- Includes any individual, firm, partnership or corporation.

§ 92-5. Action for damages.

The enactment hereof or any prosecution hereunder shall not be deemed to prevent or prohibit an action for the collection of damages or penalties by or on behalf of the Town of Riverhead, the Superintendent of Highways and/or the Superintendent of Sewer Districts and/or Water Districts.

§ 92-6. Penalties for offenses.

A violation of the foregoing shall be an offense punishable by a fine not exceeding five hundred dollars (\$500.) or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

ARTICLE II, Damage to Surfaces [Adopted 3-17-1953 as Ord. No. 17]

§ 92-7. Depositing dirt or damage to surface.

Whoever shall enter upon a public road or highway in the Town of Riverhead with any implement or machine for the purpose of using said road or highway as an area upon which to reverse the direction of operation of such implement or machine and thereby cause damage to the surface of such road or highway or deposit dirt (other than that carried by a tire or wheel of said implement or machine) in sufficient quantity as to create a danger to the public shall be guilty of a misdemeanor.

§ 92-8. Penalties for offenses.EN

A violation of this Article shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.).

ARTICLE III, Obstructions [Adopted 12-28-1934 as Ord. No. 1]

§ 92-9. Certain deposits, obstructions and encumbrances prohibited.

The deposit of dirt, filth, waste, rubbish and merchandise displayed for sale in any street, highway, sidewalk or public place, or the encumbering thereof by an encroachment of buildings, structures, excavation or otherwise, is hereby prohibited.

§ 92-10. Snow and ice removal; general maintenance.EN

Each owner or occupant of any house or other building, and any owner or person entitled to possession of any vacant lot, and any person having charge of any church or any public building in the town shall, during the winter season or during the time snow shall continue on the ground, keep the sidewalk in front of the lot or house free from obstruction by snow or ice and icy conditions, and shall at all times keep the sidewalk in good and safe repair and maintain it in a clean condition, free from filth, dirt, weeds or other obstructions or encumbrances.

§ 92-11. Obstructing sidewalks prohibited; exception. [Added 5-4-1976]

No person who is the owner, occupant or lessee of any premises abutting on any street, road, highway or parkway in the unincorporated area of the town shall place, keep, permit or suffer to be placed or kept on any sidewalk in front of, adjoining or adjacent to his premises any goods, wares, merchandise, boxes, barrels, display signs or material things of any kind or description, nor shall he in any manner obstruct any sidewalk nor in any manner obstruct or interfere with the use of any sidewalk; but nothing contained in this section shall prevent persons from placing goods, wares, merchandise or household furniture on a sidewalk temporarily while loading or unloading it if it is done without unnecessary delay and if such goods, wares or merchandise are not allowed or permitted to remain on the sidewalk for a longer period than one (1) hour.

92-12. Commercial site plan approvals shall contain a condition that the applicant add or repair any necessary sidewalks along existing road frontages.

§ 92-13. Penalties for offenses. [Amended 5-4-1976]

Each violation of this Article shall be punishable by a fine of not more than two hundred fifty dollars (\$250.).

ARTICLE III, (RESERVED) EN

OCTOBER 19, 2004

Adopted

TOWN OF RIVERHEAD

APPOINTS PART TIME SENIOR CITIZEN AIDE

RESOLUTION # 979

COUNCILMAN DENSIESKI

offered the following resolution

which was seconded by COUNCILMAN BARTUNEK

WHEREAS, Lisa Darrow started the year as a full time Senior Citizen Aide at Group 2, Step 4 of the CSEA Salary Administration Schedule; and

WHEREAS, Lisa Darrow has requested to reduce her schedule to two days a week thereby making Ms. Darrow a part time employee; and

WHEREAS, Lisa Darrow's supervisor has recommended approval of this request.

WHEREAS, part time employees are compensated at hourly rates based on the annual salary of the "P" step less \$2,000; and

NOW, THEREFORE, BE IT RESOLVED, that Lisa Darrow is hereby appointed to the part time position of Senior Citizen Aide at the hourly rate of \$13,2204 effective August 30, 2004.

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, authorized to forward a Certified Copy of this Resolution to Lisa Darrow, the Nutrition Department and the Office of Accounting.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

OCTOBER 19, 2004

Adopted

TOWN OF RIVERHEAD

TOWN BOARD SPECIAL PROJECTS FUND

BUDGET ADJUSTMENT

RESOLUTION # 980

COUNCILMAN BARTUNEK

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>
024.012200.543925	VIDEO PRODUCTION SERVICE	\$ 4,000	
024.000000.390599	APPROPRIATED FUND BALANCE	16,000	
024.012200.524217	TELEVISION COMMUNICATIONS EQUIP.		\$20,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

OCTOBER 19, 2004

Adopted

TOWN OF RIVERHEAD

REFUSE & GARBAGE DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 981

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>
115.000000.390599	APPROPRIATED FUND BALANCE	\$32,750	
115.081600.512500	OVERTIME		\$10,000
115.081600.543400	EDUCATION EXPENSE		750
115.081600.547510	D.E.C. STIPULATION EXP.		22,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

October 19, 2004

Adopted

TOWN OF RIVERHEAD
Resolution # 982

APPROVES TEMPORARY SIGN PERMIT OF
RIVERHEAD USED CAR SUPERSTORE

COUNCILWOMAN BLASS

offered the following resolution, which was seconded by

COUNCILMAN DENSIESKI

WHEREAS, a temporary sign permit and sketch were submitted by Thomas Brezinski for property located at 1423 Old Country Road, Riverhead, New York also known as SCTM# 108.00-02-014.01; 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 Riverhead Used Car Superstore submitted by Thomas Brezinski and be it

RESOLVED, that said temporary sign permit shall expire on Jan. 19, 2005 and the applicant shall removed the affected sign, in its entirety, on or before said date; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Thomas Brezinski, Riverhead Used Car Superstore, 1423 Old Country Road, Riverhead, NY 11901, the Planning Department and the Building Department.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

COUNCILWOMAN BLASS OFFERED
THE RESOLUTION TO BE AMENDED,
SECONDED BY COUNCILWOMAN SANDERS.

The Resolution Was Was Not
Thereupon Duly Declared Adopted
as amended.

OCTOBER 19, 2004

Adopted

TOWN OF RIVERHEAD

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE 2005 PRELIMINARY ANNUAL BUDGET FOR THE TOWN OF RIVERHEAD

RESOLUTION # 983

COUNCILMAN DENSIESKI 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 21, 2004 issue of The News Review;

BE IT RESOLVED, that the Town Board hereby ratifies the publication of the attached Public Notice in the October 21, 2004 issue of The News Review by the Town Clerk.

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	

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a Public Hearing will be held on the 3rd day of November, 2004 at 2:10 p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the adoption of the 2005 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	\$82,680
Town Board Councilpersons (4)	\$34,175
Town Receiver of Taxes	\$60,950
Town Assessors (3)	\$63,390
Town Clerk	\$68,900
Town Justices (2)	\$63,940
Highway Superintendent	\$71,675

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 21, 2004

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

OCTOBER 19, 2004

Adopted

TOWN OF RIVERHEAD

APPOINTS GRANTS COORDINATOR

Resolution # 984

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

WHEREAS, a vacancy exists for the position of Grants Coordinator, and

WHEREAS, the position was duly posted and advertised and all willing applicants were interviewed; and

WHEREAS, the Department of Civil Service has published a List of Certified Eligibles, list #04N-243, for this position, and

WHEREAS, it is the recommendation of the Personnel Committee that Jennifer Mesiano a candidate from the list of Certified Eligibles be appointed to the position of Grants Coordinator.

NOW, THEREFORE, BE IT RESOLVED, that effective November 1, 2004, the Town Board hereby appoints Jennifer Mesiano to the position of Grants Coordinator on Group 7, Step P of the Administrative Salary Structure of the CSEA Contract; and

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, authorized to forward a Certified Copy of this Resolution to Jennifer Mesiano and the Office of Accounting.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

TOWN OF RIVERHEAD

Resolution # 985

ACCEPTS SECURITY (CERTIFIED CHECK) OF CROWN RECYCLING

COUNCILWOMAN BLASS _____ offered the following resolution, was seconded by

COUNCILMAN DENSIESKI _____ :

WHEREAS, Crown Recycling has submitted a certified check in the sum of Twelve Thousand Sixty (\$12,060.) Dollars representing the 5% site plan bond as noted in the approved site plan dated December 2, 2003, Resolution #1312, to construct a proposed metal frame building located at Youngs Avenue, Riverhead, New York, further described as Suffolk County Tax Map #0600-80-2-14, pursuant to Section 108-133 (I) of the Riverhead Town Code; and

WHEREAS, the Town Attorney has reviewed certified check and deems it to be sufficient in form.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the cash security in the form of a certified check in the sum of Twelve Thousand Sixty (\$12,060.) Dollars issued payable to the Town of Riverhead; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Crown Recycling, Youngs Avenue, Riverhead, New York, 11901; the Riverhead Planning Department; 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

October 19, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 986

CLASSIFIES ACTION OF SPECIAL PERMIT
KENT ANIMAL SHELTER OFFICE EXPANSION,
AND REFERS PETITION TO THE PLANNING BOARD

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

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Pamela Green, pursuant to Section 108-51A. and Article XXVIA. of the Riverhead Town Code to construct a 300sq.ft. office addition for an existing kennel/animal shelter located on a 1.6ac. parcel zoned Residence B-40; such property more particularly described as SCTM 0600-138-1-6.2, and

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

WHEREAS, the Riverhead Planning Department has reviewed these materials and has determined the petition to be a Type II action pursuant to 6NYCRR Part 617.5(c)(7), and

WHEREAS, pursuant to 617.3(f), 617.5(a) and 617.6(a)(1)(i) agency SEQR responsibilities end with this designation, no determination of significance being necessary, and

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

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declares the special permit application of Kent Animal Shelter to be a Type II action, and

BE IT FURTHER

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

10/19/04

Adopted

TOWN OF RIVERHEAD

Resolution # 987

DECLARES LEAD AGENCY AND DETERMINES SIGNIFICANCE ON SITE
PLAN APPLICATIONS OF HORIZON AT JAMESPORT
(HORIZON AT JAMESPORT/HAMLET AT JAMESPORT)

COUNCILWOMAN SANDERS

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

WHEREAS, the Riverhead Town Board is in receipt of a site plan application from Horizon at Jamesport (Hamlet at Jamesport) dated August 24, 2004 pursuant to Article XXVI of the Town Code of the Town of Riverhead to allow the construction and development of a parcel of real property located on the north side of Main Road (NYS Route 25) in the hamlet of Jamesport, such property being zoned Business CR, and specifically known as SCTM No. 0600-68-1-35; and

WHEREAS, full Environmental Assessment Forms and supporting documentation have been submitted in connection with the application, and

WHEREAS, although the site plan application form only identifies one parcel as being the subject of the application; to wit SCTM # 0600-68-1-35, the actual site plan submitted with the application form also depicts an adjacent parcel of property comprising approximately 33 which property is zoned both Hamlet Residential and Agricultural Protection Zone, and is specifically known as SCTM #0600-47-1-3.3, and

WHEREAS, the adjacent parcel of property shown on the site plan (SCTM# 0600-47-1-3.3) shows no development proposed, and

WHEREAS, the Planning Department has prepared a report on the aforementioned application identifying potential adverse environmental impacts including impacts to land, water and public health, aesthetic resources, transportation and growth and community character and has determined that that the development may have significant adverse environmental impacts including; the fact that construction time is stated to be three years in duration thereby exceeding the one year threshold in duration, the potential for construction on slopes in excess of fifteen (15%) percent, possible erosion impacts, potential for impacts to

groundwater resources of project discharges and stored materials, potential for contrast of project components with surrounding land use patterns, potential for impacts related to project generated traffic and potential for possible conflict with recently adopted community goals and objects as stated in the Town of Riverhead Comprehensive Plan, and

WHEREAS, pursuant to Article XXVI of the Town Code of the Town of Riverhead, the Town Board is the entity charged with the authority to review and make determinations on applications for site plan.

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Riverhead hereby determines itself to be Lead Agency pursuant to 6 NYCRR Part 617 in connection with the site plan application of Horizon at Jamesport (Hamlet at Jamesport), and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby determines the action to be "Unlisted" in accordance with 6 NYCRR 617.7(a)(2), and be it further

RESOLVED, that the Town Board of the Town of Riverhead, as lead agency pursuant to 6 NYCRR Part 617, based upon the information provided to it by the applicants, hereby determines that the site plan application as proposed may have significant adverse environmental impacts in that there may have an adverse impacts upon groundwater, plants and animals, aesthetic resources, public health, noise and traffic, and be it further

RESOLVED that pursuant 6 NYCRR 617.7 the Town Board of the Town of Riverhead hereby determines that the application may have significant adverse environmental impacts as set forth above and that as such an Environmental Impact Statement is required to be prepared,; and be it further

RESOLVED that pursuant to 6 NYCRR 617.10(a)(1-3), the Riverhead Town Board determines that it is appropriate for it to prepare a Draft Environmental Impact Statement to study the impacts that would potentially be created by the development proposed; and it further

RESOLVED that pursuant to 6 NYCRR 617.8, the Riverhead Town Board will prepare a draft scope of issues to be addressed in the Draft Environmental Impact Statement; and be it further

RESOLVED, that pursuant to 6 NYCRR 617.13 (a) the Town Board shall be entitled to charge a fee to the applicants in order to recover the

actual costs of preparing the draft environmental impacts; and be it further

RESOLVED, that the Town Clerk be authorized to forward a copy of this resolution to the applicants, the Planning Department and the Town Attorney's office.

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

OCTOBER 19, 2004

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 988

COUNCILMAN BARTUNEK

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>
001.010100.542609 TOWN BOARD, ADVERTISING	\$ 500	
001.010100.543920 TOWN BOARD, COUNSELING SERVICES		\$ 500
001.000000.390599 APPROPRIATED FUND BALANCE	17,000	
001.013100.524000 FINANCE, EQUIPMENT		17,000
001.000000.390599 APPROPRIATED FUND BALANCE	7,500	
001.014200.512500 TOWN ATTY, O/T.		300
001.014200.542100 TOWN ATTY, OFFICE SUPPLIES		500
001.014200.542802 TOWN ATTY, LAW BOOK SUPPLEMENTS		700
001.014200.524380 TOWN ATTY, OFFICE EQUIP.		6,000
001.011100.524000 JUSTICE, EQUIPMENT	3,000	
001.011100.512500 JUSTICE, O/T		1,500
001.011100.542802 JUSTICE, SUPPLEMENTAL LAW BOOKS		1,500
001.000000.390599 APPROPRIATED FUND BALANCE	10,150	
001.014400.524000 TOWN ENGINEER, EQUIPMENT		150
001.014400.543500 TOWN ENGINEER, CONSULTANTS		10,000
001.000000.390599 APPROPRIATED FUND BALANCE	11,500	
001.016250.541150 B&G, REPAIR & MAINT.	300	
001.016250.524000 B&G, EQUIPMENT		300
001.016250.541500 B&G, VEHICLE MAINT.		10,000
001.016250.547504 B&G, SANITATION EXPENSE		1,500

OCTOBER 19, 2004

GENERAL FUND

BUDGET ADJUSTMENT, Continued

		<u>FROM</u>	<u>TO</u>
001.000000.390599	APPROPRIATED FUND BALANCE	4,300	
001.036250.512500	CODE ENFORCEMENT, O/T		3,500
001.036250.524000	CODE ENFORCEMENT, EQUIP		100
001.036250.542100	CODE ENFORCEMENT, OFFICE SUPPLIES		700
001.000000.390599	APPROPRIATED FUND BALANCE	3,500	
001.050100.512100	TRANSPORTATION ADMIN., O/T		1,000
001.050100.541150	TRANSPORTATION ADMIN., BLDG. MAINT.		2,500
001.067720.541530	PROGRAM FOR THE AGING, AUTO REPAIR	2,000	
001.067720.541500	PROGRAM FOR THE AGING, BUS OPERATING. EXP.	8,500	
001.067720.543405	PROGRAM FOR THE AGING, TRAVEL EXP.		8,500
001.067720.546100	PROGRAM FOR THE AGING, TELEPHONE EXP.		2,000
001.000000.390599	APPROPRIATED FUND BALANCE	5,220	
001.070200.541000	REC. ADMIN., REPAIR & MAINT.		3,000
001.070200.542600	REC. ADMIN., PRINTING EXP.		220
001.070200.546000	REC. ADMIN., UTILITIES		2,000
001.071400.541000	PLAYGROUNDS & REC. CENTER, REPAIR & MAINT.	405	
001.071400.524000	PLAYGROUNDS & REC. CENTER, EQUIP.		405
001.071800.518607	BEACHES, BEACH ATTENDENTS	3,000	
001.071800.518606	BEACHES, LIFEQUARDS		1,500
001.071800.546000	BEACHES, UTILITIES		1,500
001.000000.390599	APPROPRIATED FUND BALANCE	8,650	
001.079890.545000	TEEN CENTER, RENT		8,650

OCTOBER 19, 2004

GENERAL FUND

BUDGET ADJUSTMENT, Continued

		<u>FROM</u>	<u>TO</u>
001.000000.390599	APPROPRIATED FUND BALANCE	8,500	
001.081600.512500	SANITATION, O/T		5,000
001.081600.541530	SANITATION, AUTO REPAIRS		2,500
001.081600.546100	SANITATION, TELEPHONE		1,000
001.000000.390599	APPROPRIATED FUND BALANCE	12,000	
001.086860.512500	COMMUNITY DEVELOPMENT, O/T		12,000
001.000000.390599	APPROPRIATED FUND BALANCE	18,950	
001.016200.524000	TOWN HALL OPERATIONS, EQUIP.		2,000
001.016200.546100	TOWN HALL OPERATIONS, TELEPHONE EXP.		1,500
001.016200.546000	TOWN HALL OPERATIONS, LIGHT, HEAT & WATER EXP.		2,500
001.016200.542500	TOWN HALL OPERATIONS, SUPPLIES & SERVICE		12,950

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

OCTOBER 19, 2004

GENERAL FUND

BUDGET ADJUSTMENT, Continued

		<u>FROM</u>	<u>TO</u>
001.000000.390599	APPROPRIATED FUND BALANCE	52,000	
001.031200.512100	POLICE, UNIFORM O/T		50,000
001.031200.512500	POLICE, NON UNIFORM O/T		2,000
001.031200.541407	POLICE, TYPEWRITER MAINT.	200	
001.031200.524260	POLICE, TYPEWRITER EQUIP.		110
001.031200.542100	POLICE, OFFICE SUPPLIES		90
001.031200.524900	POLICE, MISC. EQUIP.	280	
001.031200.542502	POLICE, EVIDENCE STORAGE EXP.		30
001.031200.549000	POLICE, MISC. EXP.		250
001.031220.524214	BAY CONSTABLE, RADIO EXP.	2,310	
001.031220.524190	BAY CONSTABLE, BOAT		350
001.031220.541545	BAY CONSTABLE, REPAIRS & LABOR		1,940
001.031220.542319	BAY CONSTABLE, BOAT FIELD SUPPLIES		20
001.031250.516650	JAB, HOLIDAY PAY	1,000	
001.031250.512100	JAB, O/T		1,000
001.000000.390599	APPROPRIATED FUND BALANCE	3,350	
001.035100.524000	CONTROL OF DOGS, EQUIP.		200
001.035100.546100	CONTROL OF DOGS, TELEPHONE		2,500
001.035100.546303	CONTROL OF DOGS, GASOLINE		500
001.035100.549000	CONTROL OF DOGS, MISC. EXP.		150
001.000000.390599	APPROPRIATED FUND BALANCE	39,290	
001.036200.512500	SAFETY INSPECTOR, O/T		20,000
001.036200.541500	SAFETY INSPECTOR, CAR EXP.		10,000
001.036200.549000	SAFETY INSPECTOR, MISC. EXP.		540
001.036200.545210	SAFETY INSPECTOR, COPIER EXP.		650
001.036200.546000	SAFETY INSPECTOR, UTILITY EXP.		4,000
001.036200.541150	SAFETY INSPECTOR, BLDG. MAINT & REPAIR		1,600
001.036200.542500	SAFETY INSPECTOR, BLDG. SUPPLIES		2,500

October 19, 2004

TOWN OF RIVERHEAD

Resolution No. 989

Adopted

SENSE OF THE BOARD
OPPOSITION TO PSYCHIATRIC FACILITY
AT THE HISTORIC HENRY PERKINS HOTEL

Councilman Densieski offered the following resolution which was seconded by **COUNCILMAN BARTUNEK**

WHEREAS, the Riverhead Town Board is continuing with the ongoing revitalization of Downtown Riverhead and

WHEREAS, as the Henry Perkins Hotel is an historic building that serves as the "gateway" to Downtown Riverhead, and

WHEREAS, the Henry Perkins Hotel is proposed to be purchased and used as a residence for individuals with psychiatric disabilities, and

WHEREAS, the Riverhead Town Board strongly believes in helping all Riverhead residents with psychiatric disabilities in locations other than our Historic Downtown, and

WHEREAS, the people of Riverhead feel strongly about the revitalization of our downtown and feel this use would be inconsistent with the goals set forth in the Town's adopted Master Plan, and

WHEREAS, psychiatric residential facilities do not enhance the Historic Downtown area, and

WHEREAS, the Riverhead Town Board seeks immediate and active assistance and support from all County, State, and Federal officials,

NOW THEREFORE, BE IT RESOLVED, that the Riverhead Town Board is adamantly opposed to the historic "Henry Perkins Hotel" being used as a psychiatric residential facility, and

BE IT RESOLVED, that the Riverhead Town Board calls upon all elected officials to oppose and thwart any efforts to establish or support any such psychiatric facility in Downtown Riverhead.

NOW THEREFORE, BE IT RESOLVED, that the Town Clerk is authorized to send this Resolution to the following: Suffolk County Legislators, Governor George E. Pataki, Congressman Timothy Bishop, Senator Kenneth P. Lavallo, Assemblywoman Patricia L. Acampora, County Executive Steve Levy, Assemblyman Fred W. Thiele, Jr.

THE VOTE

Sanders ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Bartunek ~~Yes~~ No

Cardinale ~~Yes~~ No

10.19.04

ADOPTED

TOWN OF RIVERHEAD

Resolution # 990

PAYS BILLS

THE VOTE

5 Yes's

The Resolution Was Thereupon Duly Declared Adopted