

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

**August 16<sup>th</sup> , 2005**

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

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

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

**ELECTED OFFICIALS**

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

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

**DEPARTMENT HEADS**

**John J. Hansen  
Leroy E. Barnes, Jr.  
Andrea Lohneiss  
Ken Testa  
Richard Hanley  
Chief David Hegermiller  
James Janecek  
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:**  
**REGULAR TOWN BOARD MEETING:**

- #774 Declares Lead Agency and Determines Environmental Significance of the Authorization for the Issuance of \$4,395,000.00 in Serial Bonds by the Town of Riverhead to Pay the Cost of the Establishment of a New Park and Recreational Facility at Enterprise Park at Calverton
- #775 2005 Recreation Capital Imp. Project Budget Adjustment
- #776 2005 Sara Grant Budget Adoption
- #777 '05 B&G Truck Acquisition Project Budget Adoption
- #778 '05 Farm Road Area Improvement Project Budget Adoption
- #779 '05 Deep Hole Road Imp. Project Budget Adoption'
- #780 '05 Middle Road Imp. Project Budget Adoption
- #781 '05 So. Jamesport Roads Imp. Project Budget Adoption (Front St., 2<sup>nd</sup>, 3<sup>rd</sup>, Green St., Center St., West St.)
- #782 '05 Harrison Avenue Road Imp. Project Budget Adoption
- #783 '05 Pier Avenue Road Imp. Project Budget Adoption
- #784 Calverton Sewer District Budget Adjustment
- #785 General Fund Budget Adjustment
- #786 PAL Fund Budget Adjustment
- #787 Recreation Program Fund Budget Adjustment
- #788 Riverhead Sewer District Budget Adjustment
- #789 Scavenger Waste District Budget Adjustment
- #790 Twin Ponds Parking Field Imp. Budget Adjustment
- #791 Water District Budget Adjustment

- #792 Accepts Resignation of P/T Homemaker in the Nutrition Dept. (H. Ostop)
- #793 Termination of Employment (J. Carey)
- #794 Authorizes Attendance of Assessor at Seminar
- #795 Authorizes the Attendance of One Police Officer to the Colonel Henry F. Williams Homicide Seminar
- #796 Authorizes Sewer District Employee to Attend Course
- #797 Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for Chaperones and Part Time Rec. Aides
- #798 Authorizing Publication of Help Wanted Advertisement for P/T and/or F/T Senior Citizen Aide and Homemaker
- #799 Authorization to Publish Advertisement for Diesel Fuel for Use by the Town of Riverhead
- #800 Authorization to Publish Advertisement for Food
- #801 Authorization to Publish Advertisement for Meat & Poultry
- #802 Authorization to Publish Advertisement for Propane
- #803 Awards Bid for 2006 Ford Super Duty F550 Crew Cab Landscaper Truck
- #804 Extends Bid Contract for Police Uniforms
- #805 Adopts a Local Law Amending Chapter 108 Entitled, "Zoning" of the Town of Riverhead (Article XIX-Cluster Development)
- #806 Adopts a Local Law Amending Chapter 108 Entitled, "Zoning" of the Town of Riverhead (Transfer of Development Rights)
- #807 Appoints Member to the Recreation Advisory Committee
- #808 Appoints Members to the Riverhead Open Space/Park Preserve Committee

- #809 Authorizes Supervisor to Execute Lease Agreement with Cingular Wireless PSC, LLC Plant #9- RWD
- #810 Authorizes Supervisor to Execute Lease Agreement with Omnipoint Communications, Inc.- Pulaski Street Tank, RWD
- #811 Authorizes the Supervisor to Execute License Agreements with Central Suffolk Hospital
- #812 Authorizes the Supervisor to Execute Agreement with the NF Management
- #813 Approves Application of the African American Educational and Cultural Festival, Inc.
- #814 Approves Chapter 90 Application of Church of the Harvest
- #815 Approves Chapter 90 Application of Darkside Productions, Inc. (Haunted House)
- #816 Approves the Application for Fireworks Permit of Timothy Hill Children's Ranch
- #817 Approves Chapter 90 Application of Living Water Full Gospel Church
- #818 Approves Chapter 90 Application of Riverhead Country Fair Committee
- #819 Approves Application of Word of Life Ministries (Church related Street Fair)
- #820 Approves Temporary Sign Permit of the Baiting Hollow Club
- #821 Approves Temporary Sign Permit of Bubba-Lu's Sugar Shack
- #822 Approves Temporary Sign Permit of Halloween Scene
- #823 Order Authorizing Increase and Improvement to the Riverhead Water District –Misc. Improvements the District Facilities 202-b
- #824 Accepts 5% Performance Bond of New Cingular Wireless PCS, LLC doe LIN Cellular Communications (NY) LLC

- #825 Authorizes the Release of Security Posted for Hartill Contracting, LC
- #826 Authorizes Town Clerk to Publish and Post Notice of Public Hearing to Consider the Designation of Downtown Riverhead as a Historic District
- #827 Authorizes the Town Clerk to Post and Publish a Notice to Bidders to Provide and Install a Faire Alarm System in the Municipal Garage
- #828 Authorizes the Town Clerk to Post and Publish a Notice to Bidders to Provide and Install New Wood Floor in the George Young Community Center
- #829 Memorializing Resolution Requesting Suffolk County Executive to Approve Suffolk County Legislature Resolution No. 1647 of 2005
- #830 Refers Proposed Local Law to Amend Chapter 12 of the Riverhead Town Code Entitled, "Coastal Erosion Hazard Areas" to the Riverhead Planning Board, Department of Environmental Conservation and Suffolk County Planning Commission
- #831 Approves Site Plan of Mary Ann Diliberto Wine Tasting House
- #832 Approves Site Plan of Micor Enterprises LLC
- #833 Approves Site Plan of OldCastle Retail, Inc. d/b/a Bonsal America
- #834 Approves Site Plan of Riverhead Commerce Park (Lot #6 and #7)
- #835 Approves Site Plan of Sprint Spectrum LP @ Cherry Creek
- #836 Authorizes CSEA President to Attend Delegates Meeting
- #837 Pays Bills

Adopted

August 16, 2005

TOWN OF RIVERHEAD

Resolution # 774 A

**DECLARES LEAD AGENCY AND DETERMINES ENVIRONMENTAL SIGNIFICANCE OF THE AUTHORIZATION FOR THE ISSUANCE OF \$4,395,000.00 IN SERIAL BONDS BY THE TOWN OF RIVERHEAD TO PAY THE COST OF THE ESTABLISHMENT OF A NEW PARK AND RECREATIONAL FACILITY AT ENTERPRISE PARK AT CALVERTON**

**COUNCILMAN BARTUNEK**

offered the following resolution which

was seconded by **COUNCILWOMAN BLASS**

**WHEREAS**, the Town of Riverhead Community Development Agency will enter into a license agreement with the Riverhead Town Board to allow the Town Board to utilize 61.83 acres at the Enterprise Park at Calverton for use as a town park, and

**WHEREAS**, the Riverhead Town Board is contemplating the authorization of \$4,395,000.00 in serial bonds to allow improvements to be made for such aforementioned park, and,

**WHEREAS**, the Town Board of the Town of Riverhead did on November 2, 1995 adopt a Findings Statement concluding the environmental review (Generic Environmental Impact Statement) of the redevelopment of the Calverton site; such Generic Environmental Impact Statement resulting in Findings contemplating the use of a portion of the property for public recreational purposes, and

**WHEREAS**, the Planning Department has recommended that the proposed authorization of the issuance of serial bonds be considered an Unlisted action pursuant to 6NYCRR Part 617, and,

**WHEREAS**, the Community Development Agency has carefully considered the merits of the proposed bond authorization, the SEQRA record created to date, as well as other pertinent planning, zoning and environmental information, now

**THEREFORE, BE IT**

**RESOLVED**, that in the matter of the authorization of the issuance of \$4,395,000.00 in Town of Riverhead serial bonds, the Riverhead Town Board hereby declares itself to be the lead agency pursuant to 6NYCRR Part 617, and

**BE IT FURTHER**

**RESOLVED**, that the proposed recreational improvements are considered to be in conformance with those SEQRA findings made for the redevelopment of the Calverton site and that such improvements do not pose any adverse impacts to either the natural or social environment and that a Supplemental Generic Environmental Impact Statement need not be prepared, and

**BE IT FURTHER**

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

**BE IT FURTHER**

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

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

# Adopted

August 16, 2005

TOWN OF RIVERHEAD

2005 RECREATION CAPITAL IMP. PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 775

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

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

	<u>FROM</u>	<u>TO</u>
406.095031.481900.70055     Park & Recreation Transfer	60,000	
406.071100.523029.70055     Bear Estates Basketball Court Imp		1,600
406.071100.523001.70055     Bear Estates Walkways Imp		8,600
406.071100.523007.70055     Bear Estates Parking Imp		4,800
406.071100.523011.70055     Bear Estates Playground Equip		45,000

**THE VOTE**

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

August 16, 2005

Adopted

TOWN OF RIVERHEAD

2005 SARA GRANT

BUDGET ADOPTION

RESOLUTION # 776

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>
406.013100.492000.40124	SARA Grant	30,960	
406.013100.543900.40124	Consultant		30,960

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

August 16, 2005

Adopted

TOWN OF RIVERHEAD

'05 B & G TRUCK ACQUISITION PROJECT

BUDGET ADOPTION

RESOLUTION # 777

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

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.40126	Serial Bond Proceeds	45,000	
406.016250.524175.40126	Truck Acquisition		45,000

THE VOTE

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

AUGUST 16 2005

Adopted

TOWN OF RIVERHEAD

'05 FARM ROAD AREA IMPROVEMENT PROJECT

BUDGET ADOPTION

RESOLUTION # 778

COUNCILWOMAN BLASS

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

which was seconded by COUNCILMAN DENSIESKI

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45095	Serial Bond Proceeds	100,000	
406.051100.541301.45095	Road Paving Expense		100,000

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

AUGUST 16 2005

Adopted

TOWN OF RIVERHEAD

'05 DEEP HOLE ROAD IMP. PROJECT

BUDGET ADOPTION

RESOLUTION # 779

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

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

		<u>FROM</u>	<u>TO</u>
406. 095731.494200.45096	Serial Bond Proceeds	75,000	
406. 051100.541301.45096	Road Paving Expense		75,000

THE VOTE

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

AUGUST 16 2005

Adopted

TOWN OF RIVERHEAD

'05 MIDDLE ROAD IMP PROJECT  
(from Deep Hole Rd to Manor Rd)

BUDGET ADOPTION

RESOLUTION # 780

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>
406.095731.494200.45097	Serial Bond Proceeds	50,000	
406.051100.541301.45097	Road Paving Expense		50,000

**THE VOTE**

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

AUGUST 16 2005

Adopted

TOWN OF RIVERHEAD

'05 SO. JAMESPORT ROADS IMP PROJECT

(Front St, 2<sup>nd</sup>, 3<sup>rd</sup>, Green St., Point St., Center St. & West St.)

BUDGET ADOPTION

RESOLUTION # 781

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>
406.095731.494200.45098	Serial Bond Proceeds	85,000	
406.051100.541301.45098	Road Paving Expense		85,000

**THE VOTE**

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

AUGUST 16 2005

Adopted

TOWN OF RIVERHEAD

'05 HARRISON AVE RD IMPR PROJECT  
(from Middle Rd to RT58)

BUDGET ADOPTION

RESOLUTION # 782

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>
406.095731.494200.45099	Serial Bond Proceeds	30,000	
406.051100.541301.45099	Road Paving Expense		30,000

**THE VOTE**

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

AUGUST 16 2005

Adopted

TOWN OF RIVERHEAD

'05 PIER AVE RD IMPROVEMENT PROJECT

BUDGET ADOPTION

RESOLUTION # 783

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

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45100	Serial Bond Proceeds	45,000	
406.051100.541301.45100	Road Paving Expense		45,000

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

# Adopted

August 16, 2005

TOWN OF RIVERHEAD

CALVERTON SEWER DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 784

COUNCILWOMAN BLASS

offered the following resolution,

COUNCILMAN BARTUNEK

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

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

		<u>FROM</u>	<u>TO</u>
124.000000.390599	Appropriated F/B	21,876	
124.081300.543900	Misc. Consultants		3,276
124.081300.546203	Electricity		13,600
124.081300.543504	Engineering Expense		5,000

**THE VOTE**

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

August 16, 2005

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 785

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>
001.000000.390599 Appropriated F/B	16,000	
001.080200.543310 Planning, Legal Consultants		16,000
001.036250.542400 Code Enforcement, Uniform Exp	1,457	
001.036250.542100 Code Enforcement, Office Supplies		1,457
001.092705.471000 Gifts & Donations	3,400	
001.036250.524000 Code Enforcement, Equipment		3,400
001.033310.492210 JABG Grant	3,900	
001.031250.543900 JAB, Consultant		3900

**THE VOTE**

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

August 16, 2005

Adopted

TOWN OF RIVERHEAD

PAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 786

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>
004.000000.390599    Appropriated Fund Balance	1500	
004.031200.542400    Football Uniforms		1500

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

August 16, 2005

# Adopted

TOWN OF RIVERHEAD

RECREATION PROGRAM FUND

BUDGET ADJUSTMENT

RESOLUTION # 787

COUNCILMAN DENSIESKI

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

which was seconded by COUNCILMAN BARTUNEK

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

	<u>FROM</u>	<u>TO</u>
006.067720.492299    Empire State Development Corp. Aid		3,000
006.067720.543401    Caregiver Training		1,500
006.067720.543401    Caregiver Stress Seminars		1,500

THE VOTE

Bartunek  Yes  No      Sanders  Yes  No

Blass  Yes  No      Densieski  Yes  No

Cardinale  Yes  No

August 16, 2005

TOWN OF RIVERHEAD  
RIVERHEAD SEWER DISTRICT  
BUDGET ADJUSTMENT  
RESOLUTION # 788

COUNCILMAN BARYNEK 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>
114.081300.546203 Plant Electricity	15,100	
114.081300.524400 Misc. Equipment		6,100
114.081300.541416 Replacement & Improvement		6,000
114.081300.541425 Station Generator Maintenance		2,000
114.081300.542303 First Aid Supplies		500
114.081300.542400 Uniform Expense		500

**THE VOTE**

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

August 16, 2005

Adopted

TOWN OF RIVERHEAD

SCAVENGER WASTE DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 789

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>
125.081890.546203	Electricity Expense	11,700	
128.081890.524900	Misc. Equipment		7,000
128.081890.524300	Office Equipment		1,000
128.081890.541416	Replacement & Imp		2,500
128.081890.542303	First Aid Supplies		200
128.081890.549000	Misc. Expense		1,000

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

August 16, 2005

Adopted

TOWN OF RIVERHEAD

TWIN PONDS PARKING FIELD IMPROVEMENT

BUDGET ADJUSTMENT

RESOLUTION # 790

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

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

	<u>FROM</u>	<u>TO</u>
406.051100.547900.40107 Contingency	12,000	
406.051100.523030.40107 Construction		12,000

**THE VOTE**

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

August 16, 2005

Adopted

TOWN OF RIVERHEAD

WATER DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 791

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

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

		<u>FROM</u>	<u>TO</u>
112.000000.390599	Appropriated F/B	73,500	
112.083200.542503	Chemical Expense		40,000
112.083200.542506	Plant Supplies		3,500
112.083200.543000	Professional Services		30,000

**THE VOTE**

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

August 16, 2005

Adopted

TOWN OF RIVERHEAD

ACCEPTS RESIGNATION OF P/T HOMEMAKER  
IN THE NUTRITION DEPARTMENT

RESOLUTION # 792

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

**WHEREAS**, Helen Ostop has notified Judy Doll of her resignation from the position of Part Time Homemaker in the Nutrition Department , effective August 8, 2005.

**NOW, THEREFORE, BE IT RESOLVED**, that this Town Board hereby accepts the resignation of Helen Ostop.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be, and is hereby, directed to forward a Copy of this Resolution to Helen Ostop, 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

Adopted

August 16, 2005

TOWN OF RIVERHEAD

TERMINATION OF EMPLOYMENT

RESOLUTION # 793

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS.

**WHEREAS**, on or about May 9, 2005, James Carey was given a six month probationary appointment for the position of Maintenance Mechanic;

**WHEREAS**, by agreement among the Town of Riverhead, James Carey, and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Mr. Carey was demoted to the position of Laborer effective June 23, 2005;

**WHEREAS**, it is the decision of the Town Board to terminate Mr. Carey's employment effective July 26, 2005.

**NOW, THEREFORE, BE IT RESOLVED**, that the employment of James Carey with the Town of Riverhead is hereby terminated effective July 26, 2005.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby directed to forward a Certified Copy of this Resolution to James Carey and his attorney, as well as to John J. Hansen, Financial Administrator and John T. Bauer, Esq.

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	

08/16/2005

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 794

**AUTHORIZES ATTENDANCE OF ASSESSOR AT SEMINAR**

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

WHEREAS, on September 10 - 14, 2005 a New York State Assessors' Association Executive Board/Trustees meeting and the Annual Meeting and Seminar on Assessment Administration are being held in Rochester, New York, and

WHEREAS, 1 member of the Board of Assessors is required to attend said Board/Trustees meeting and has expressed an interest and desire in attending said seminar.

NOW, THEREFORE, BE IT RESOLVED, that the assessor is hereby authorized to attend said seminar, and

BE IT FURTHER RESOLVED, that the use of a Town vehicle is hereby authorized, and

BE IT FURTHER RESOLVED, that the assessor shall be reimbursed for costs of registration, deposit, travel, lodging and meals, not to exceed a total of \$1,100.00, and

BE IT FURTHER RESOLVED, that said expenses are to be fully receipted upon return, and

BE IT FURTHER RESOLVED, that expenses incurred for tuition, travel, lodging and meals are subject to reimbursement by the State of New York to the Town of Riverhead upon completion of said seminar, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Assessor's Office and the Accounting Department.

**THE VOTE**

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Bartunek  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

Resolution # 795

AUTHORIZES THE ATTENDANCE OF ONE POLICE OFFICER TO THE COLONEL HENRY F. WILLIAMS HOMICIDE SEMINAR

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

**WHEREAS**, Police Chief Hegermiller has requested authorization from the Riverhead Town Board for the attendance of one Police Officer to attend the Colonel Henry F. Williams Homicide Seminar; and,

**WHEREAS**, the seminar will be held at the New York State Police Academy in Albany, New York from September 17 – 22, 2005.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the attendance of one police officer at the aforementioned seminar; and,

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes reimbursement of expenses, not to exceed \$500.00 (includes registration, lodging, meals, tolls and miscellaneous expenses for 4 nights) upon proper submission of receipts; and,

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

THE VOTE

Sanders  Yes  No    Blass  Yes  No

Densieski  Yes  No    Bartunek  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

08/16/05

Adopted

TOWN OF RIVERHEAD

Resolution # 796

**AUTHORIZES SEWER DISTRICT EMPLOYEE TO ATTEND COURSE**

**COUNCILMAN BARTUNEK**

offered the following resolution, which was seconded by

**COUNCILMAN DENSIESKI** :

**WHEREAS**, SUNY Morrisville is sponsoring Wastewater Operator Certification Courses having a specific course entitled, "Basic Operations of Wastewater Treatment Plants" to be held on September 12, 2005 through September 23, 2005; and

**WHEREAS**, it is the desire of Michael Reichel, Sewer District Superintendent, that Sewer District Employee Michael Maffia attend such course.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes Sewer District Employee Michael Maffia to attend the aforementioned course to be held at SUNY Morrisville on September 12, 2005 through September 23, 2005; and be it further

**RESOLVED**, that all related expenses incurred by the Sewer District Employee will be fully receipted upon his return, not to exceed a total cost of \$2,300.00, and thereafter reimbursed by the Accounting Department; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Michael Reichel, Sewer District Superintendent and the Office of Accounting.

THE VOTE

Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blas  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no

THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

Adopted

August 16, 2005

TOWN OF RIVERHEAD

Resolution # 797

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST  
A HELP WANTED AD FOR CHAPERONES AND PART TIME REC AIDES

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 Help Wanted Advertisement in the August 25, 2005 issue of The Traveler Watchman.

**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 qualified individuals to fill the position of P/T Recreation Aide in the Teen Center and Chaperones. Applications are to be submitted to the Accounting Department, 200 Howell Avenue, Riverhead, NY. by Sept. 2, 2005.

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

August 16, 2005

TOWN OF RIVERHEAD

Resolution # 798

**AUTHORIZING PUBLICATION OF HELP WANTED ADVERTISEMENT  
FOR P/T AND OR F/T SENIOR CITIZEN AIDE AND HOMEMAKER**

COUNCILWOMAN SANDERS 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 August 18, 2005 issue of The Traveler Watchman and 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 Office.

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

## HELP WANTED

PLEASE TAKE NOTICE, the Town of Riverhead is seeking qualified individuals to serve in the positions of P/T and/or F/T Homemaker and Senior Citizen Aides. Applications are to be submitted to the Accounting Department, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 8/26/2005. EOE

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

Adopted

August 16, 2005

TOWN OF RIVERHEAD

Resolution # 799

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR DIESEL FUEL  
FOR USE BY THE TOWN OF RIVERHEAD

COUNCILMAN BARTUNEK

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for DIESEL FUEL, and

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the AUGUST 25<sup>TH</sup>, 2005 issue of the Traveler Watchman and;

BE IT RESOLVED, that the Town Clerk be, and hereby is, authorized to forward a copy of this resolution to the Purchasing Department.

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the purchase of **DIESEL FUEL** for use by the TOWN OF RIVERHEAD will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:00 a.m.** on **SEPTEMBER 8<sup>TH</sup>, 2005**.

Bid packets, including Specifications, may be obtained at the Town Clerk's office at Town Hall Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m. or on our website at [www.riverheadli.com](http://www.riverheadli.com).

All bids must be submitted on the bid form provided. Any and all exceptions to the Specifications must be listed on a separate sheet of paper, bearing the designation "EXCEPTIONS TO THE SPECIFICATIONS" and be attached to the bid form.

The Town Board reserves the right and responsibility to reject any or all bids or to waive any formality if it believes such action to be in the best interest of the Town.

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR DIESEL FUEL.**

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

**COPY**

# Adopted

TOWN OF RIVERHEAD

Resolution # 800

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR FOOD

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for FOOD and;

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the AUGUST 25<sup>TH</sup>, 2005 issue of the Traveler Watchman and;

BE IT RESOLVED, that the Town Clerk be, and hereby is, authorized to forward a copy Of this resolution to the Senior Citizen Manager and the Purchasing Department.

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the purchase of **FOOD** for use by the TOWN OF RIVERHEAD will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:10 a.m.** on **SEPTEMBER 8TH, 2005.**

Bid packets, including Specifications, may be obtained at the Town Clerk's office at Town Hall Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m. or on our website at [www.riverheadli.com](http://www.riverheadli.com).

All bids must be submitted on the bid form provided. Any and all exceptions to the Specifications must be listed on a separate sheet of paper, bearing the designation "EXCEPTIONS TO THE SPECIFICATIONS" and be attached to the bid form.

The Town Board reserves the right and responsibility to reject any or all bids or to waive any formality if it believes such action to be in the best interest of the Town.

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation BIDS FOR FOOD.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

AUGUST 16, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 801

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR MEAT & POULTRY

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

WHEREAS,; the Town Clerk is authorized to publish and post a notice to bidders for MEAT & POULTRY and;

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the AUGUST 25<sup>TH</sup>, 2005 issue of the Traveler Watchman and;

BE IT RESOLVED, that the Town Clerk be, and hereby is, authorized to forward a copy of this resolution to the Senior Citizen Manager and the Purchasing Department.

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the purchase of **MEAT & POULTRY PRODUCTS** for use by the TOWN OF RIVERHEAD will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:05 A.M. ON SEPTEMBER 8<sup>TH</sup>, 2005.**

Bid packets, including Specifications, may be obtained at the Town Clerk's office at Town Hall Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m. or on our website at [www.riverheadli.com](http://www.riverheadli.com).

All bids must be submitted on the bid form provided. Any and all exceptions to the Specifications must be listed on a separate sheet of paper, bearing the designation "EXCEPTIONS TO THE SPECIFICATIONS" and be attached to the bid form.

The Town Board reserves the right and responsibility to reject any or all bids or to waive any formality if it believes such action to be in the best interest of the Town.

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR MEAT & POULTRY PRODUCTS.**

Adopted

TOWN OF RIVERHEAD

Resolution # 802

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR PROPANE

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for PROPANE and;

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the AUGUST 25<sup>TH</sup>, 2005 issue of the Traveler Watchman and;

BE IT RESOLVED, that the Town Clerk be, and hereby is, authorized to forward a copy of this resolution to the Purchasing Department.

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the purchase of **PROPANE** for use by the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:15 a.m. on September 8<sup>th</sup>, 2005.**

Bid packets, including Specifications, may be obtained at the Town Clerk's office at Town Hall Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m. or on our website at [www.riverheadli.com](http://www.riverheadli.com).

All bids must be submitted on the bid form provided. Any and all exceptions to the Specifications must be listed on a separate sheet of paper, bearing the designation "EXCEPTIONS TO THE SPECIFICATIONS" and be attached to the bid form.

The Town Board reserves the right and responsibility to reject any or all bids or to waive any formality if it believes such action to be in the best interest of the Town.

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR PROPANE.**

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

AUGUST 16, 2005

Adopted

TOWN OF RIVERHEAD

AWARDS BID FOR 2006 FORD SUPER DUTY F550 CREW CAB LANDSCAPER TRUCK

RESOLUTION # 803

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

**WHEREAS**, the Town of Riverhead advertised for bids for 2005 or 2006 Landscaper Truck; and

**WHEREAS**, the Town received one bid; and

**NOW, THEREFORE, BE IT RESOLVED**, that the bid for Landscaper Truck is hereby awarded to Riverhead Motors, Inc. for the dollar amount of \$4,1427.00.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Engineering Department and the Purchasing Department.

THE VOTE

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

# Adopted

August 16, 2005

TOWN OF RIVERHEAD

Resolution # 804

EXTENDS BID CONTRACT FOR POLICE UNIFORMS

COUNCILWOMAN BLASS offered the following resolution,

COUNCILMAN BARTUNEK which was seconded by

WHEREAS, the Purchasing Department has requested the contract with CHARLES GREENBLATT, INC. originally awarded under Resolution #345 adopted April 20, 2004, be extended until April 20, 2006 and;

WHEREAS, the above name vendor has agreed to extend the contract until April 20, 2006 for the attached prices, and;

WHEREAS, the Town Board has reviewed said request.

NOW THEREFORE BE IT

RESOLVED, that the contract for POLICE UNIFORMS be and hereby is, extended until April 20, 2006;

RESOLVED, the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Charles Greenblatt, Inc. and the Purchasing Department.

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

APPROXIMATE QUANTITIES 100-200 OF EACH ITEM.

ITEM #	DESCRIPTION	COST	EXCEPTIONS
#1			
Item #1 Page 5	style 35R5886 - Long sleeve 65% poly/35 cotton twill	36.75 ea.	none
Item #2 Page 8	style 45W6986 68% Dacron Poly/30% Rayon 2 1/2 Lxwrg - Long sleeve	46.75 ea.	none
Item #3 Page 11	style 95R6986 68% Dacron Poly/30% Rayon 2 1/2 Lxwrg - short sleeve	40.75 ea.	none
Item #4 Page 13	style 85R5886 65% poly/35 cotton twill short sleeve	33.75 ea.	none
Item #5 Page 15	style 49300 65% poly/35% cotton twill Trousers	49.95 - no hem 52.95 - with hem	none
Item #6 Page 18	style 39300 70% poly/28% Rayon 2 1/2 Lxwrg Trousers	57.95 no hem 60.95 with hem	none
<p>Note All merchandise bid is as per specifications with no exceptions.</p> <p>Our Terms - NET 30 Days</p> <p>Delivery - 30 Days A.R.O. with estimates</p> <p>Freight - F.O.B. Destination</p> <p>Samples of each item provided via U.S.</p>			

Philip J. Cardinale, Supervisor

TOWN OF RIVERHEAD

200 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901-2515

BID #04-10

BID FOR: POLICE UNIFORMS

BIDDERS NAME

Charles Greenblatt Inc.  
34-36 Cain Drive  
Brentwood N.Y. 11717

BIDDERS ADDRESS

Fax: 631-231-4024  
Phone: 631-231-4010

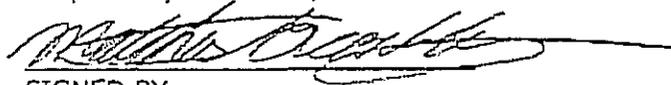
CITY, STATE, ZIP

3/22/04      (631) 231-4010      (631) 231-4024  
DATE              PHONE NUMBER              FAX NUMBER

In compliance with your advertisement for bids to be opened on MARCH 25<sup>TH</sup>, 2004 and subject to all conditions thereof, the undersigned hereby proposes to furnish the item(s) and/or service(s) itemized in this proposal in accordance with the Notice to Bidders, General Information Agreement and Specifications contained herein on the Bid Proposal Form attached.

Bidder certifies that the prices quoted herein do not include Federal Excise Tax or any Federal, New York State or City Sales Tax and are not higher than prices charged to any governmental or commercial consumer for like merchandise and/or service; and all prices include shipping and freight charges to any Municipal building or site within the Town of Riverhead.

Respectfully submitted,



SIGNED BY

President/owner

TITLE

BIDDERS ARE INVITED TO ATTEND BID OPENING

TOWN OF RIVERHEAD

8/16/05

Adopted

TOWN OF RIVERHEAD

Resolution # 805

**ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED, "ZONING" OF  
THE RIVERHEAD TOWN CODE  
(Article XIX – Cluster Development)**

COUNCILMAN BARTUNEK offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 108 entitled, "Zoning" (Article XIX – Cluster Development) of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 2<sup>nd</sup> day of August, 2005 at 2:25 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law amending Chapter 108 "Zoning"(Article XIX – Cluster Development) 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 Traveler Watchman newspaper and to post same on the signboard at Town Hall; and be it further

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

THE VOTE

Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blas  yes \_\_\_ no Denisieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no

THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled, "Zoning" of the Riverhead Town Code.

**Be it enacted** by the Town Board of the Town of Riverhead that a local law amending Chapter 108 entitled, "Zoning" (Article XIX – Cluster Development) of the Riverhead Town Code is hereby adopted.

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

Dated: Riverhead, New York  
August 16, 2005

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

**BARBARA GRATTAN, Town Clerk**

**ZONING**  
**Chapter 108**

**ARTICLE XIX, Cluster Development**

~~§ 108-84. Purpose.~~

~~Pursuant to the provisions of § 281 of the Town Law of the State of New York, the purpose of this amendment to the Riverhead Zoning Ordinance is to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands, in order to provide larger areas of open space both for recreational and conservational purposes and in order to implement objectives of the comprehensive plan when adopted.~~

§ 108-84. Purpose and intent.

It is the purpose of this article to require cluster development pursuant to § 278 of the Town Law in order to allow for maximum flexibility in achieving a compatible arrangement of agricultural and residential land uses and to protect prime agricultural soils, scenic vistas, and significant natural features.

§ 108-85. Adoption of statutory provisions; grant of authority.

The Town Board of the Town of Riverhead hereby elects to adopt the provisions of ~~§ 281~~ § 278 and to exercise the powers granted by ~~§ 281~~ § 278 of the Town Law and hereby grants to the Planning Board of the Town of Riverhead appropriate authority as set forth in this Article.

§ 108-86. Applicability of Article.

This Article shall be applicable to land zoned for residential purposes in the Town of Riverhead and which is located in either the RA-40, RB-40, RB-80, RA-80, or APZ Zoning Use Districts.

§ 108-87. Procedures before Planning Board.

A. ~~As provided in § 281(a) of the Town Law, the Planning Board shall follow the provisions of this Article if, in the discretion of the Planning Board, the application of this Article shall benefit the Town.~~

B. ~~In order to assist the Planning Board in determining whether to require a cluster, each applicant for a major subdivision shall submit at least one proposed cluster plan with each major subdivision application. The Planning Board, in its sole discretion, may direct the preparation of additional cluster plans as it deems necessary to evaluate the desirability of a cluster type development.~~

C. ~~Clusters shall be imposed by the Planning Board, except upon the specific finding, in writing, by the Planning Board that the proposed open space zone of the applicant will be~~

detrimental to the surrounding area and will not be in the best interest of the community and will be contrary to the provisions of the Comprehensive Plan of the Town of Riverhead when adopted by the Planning Board.

A. In order to accomplish the clustering of residential lots, an applicant for subdivision shall provide a standard yield plan and a cluster plan.

B. In its review of a cluster subdivision plan, the Planning Board shall consider the following:

- (1) The location and extent of prime agricultural soils;
- (2) The location of wooded areas;
- (3) The location and extent of natural features;
- (4) The general topography and the location and extent of sloped areas;
- (5) The spatial relationship of the property to contiguous or neighboring preserved agricultural land;
- (6) The general stormwater tributary area and the extent and direction of overland drainage.

C. The cluster subdivision plat must locate and arrange the residential lots so as to accomplish the following:

- (1) Protect, to the maximum extent practicable, that portion of the tract preserved for agricultural use.
- (2) Reduce, to the maximum extent practicable, any nuisance or conflict between residential and agricultural uses, both within the tract and in relation to adjoining and nearby tracts.
- (3) Demonstrate compatibility of the cluster plat with existing residential development and agricultural land uses.
- (4) Demonstrate the ways in which scenic vistas are being considered or enhanced and shall depict a lot arrangement which has considered the visual impact of residential development upon such vistas.
- (5) Remain harmonious with and protect during construction, to the maximum extent practicable, the natural environment, minimizing the clearing of treed areas, the grading of earth, removal of soils, and precluding the disturbance of surface waters and wetlands

and other similar disturbances of the natural environment pursuant to Chapter 107 of the Riverhead Town Code.

- D. The agricultural lots of a cluster subdivision plat must be so laid out as to provide for a minimum lot size of 10 acres, a minimum building area of one acre, contiguity with existing agricultural tracts, bounding of prime agricultural soils and retention of all storm water runoff.
- E. Cluster development shall require that a minimum of 70% of Class I or Class II prime agricultural soils are preserved through the creation of farm lots and the recording of agricultural easements, except that the Planning Board may approve a cluster subdivision with a lower percentage of preserved prime agricultural soils in order to ensure appropriate arrangement of lots, streets, and public facilities.
- F. In the event that the Planning Board approves a cluster plat that preserves less than 70% of the prime agricultural soils, the reasons supporting such decision shall be set forth within the resolution approving the preliminary plat. The Planning Board shall not approve a cluster subdivision plat with less than 50% of the area of the tract being preserved as prime soils or open space areas.
- G. The Planning Board shall not cluster lots in order to create golf courses, playgrounds, tennis courts, swimming pools or any other amenity as required open space. The purpose of the cluster plan is to preserve agricultural land for agricultural use and other natural features to the greatest extent practicable.

§ 108-88. Individual detached dwelling units.

A. The Planning Board may allow, as provided in § 281(b) of the Town Law, a permitted number of individual detached dwelling units, which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of this chapter applicable to the district or districts in which such land is situated and conforming to all other applicable requirements. In computing the maximum number of dwelling units, the Planning Board may reduce the gross parcel area by a maximum of 20% that normally would be used for roads and drainage. It shall not require the open space normally required in other subdivision applications, pursuant to § 277 of the Town Law. The remaining area of the property may then be divided by the number of square feet required for the minimum lot size under this chapter, which division will result in the number of dwelling units permitted.

B. In its review of the plan, the Planning Board shall determine the arrangement of the dwelling structures upon the site as well as their height, length, spacing, open spaces and landscaping, off-street open and enclosed parking spaces, streets, driveways and all other physical features as shown on said plan or otherwise described.

~~§ 108-89. Condominium units.~~

~~A. The Planning Board may allow the permitted number of units to be clustered as condominium units, as defined by the applicable statutes of the State of New York and this chapter, and shall not permit any commercial use as an adjunct thereto. Each unit shall provide cooking and bathroom facilities and a separate entrance to the exterior of the structure or to a public hall, and each unit shall provide in the average a minimum of 1,000 square feet of livable floor area, exclusive of porches, patios, garages, breezeways, terraces and other attached accessory structures. No building permit shall be issued unless a site plan showing the location of buildings, structures, driveways, parking areas, landscaping, fencing, drainage facilities and pavement specifications has been approved by the Town of Riverhead Planning Board, nor unless the method of sewage disposal and water supply has been approved by the Suffolk County Department of Health.~~

~~B. Prior to the Planning Board's public hearing as provided in the rules and regulations of the Planning Board and § 276 and 277 of the Town Law, a copy of the final submission shall be delivered to the Town Board by the Planning Board at least 10 days before said hearing.~~

~~§ 108-90. Open space.~~

§ 108-88. Dedication and maintenance of open space.

- A. The application of the procedure prescribed by this Article shall result in a plat showing lands available for a park, recreation, open space or municipal purposes directly related to the plat. The Planning Board, as a condition of plat approval, may establish such conditions on the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes. The open space created by the use of the provisions of this Article must clearly labeled on the subdivision map as to its use and the rights of the owners in the subdivision, as well as whether it is to be dedicated ultimately to the Town or other governmental body or to an approved private or conservation corporation or to a property owners' association or otherwise under conditions meeting with Planning Board approval. The details as to use and ownership of such open space are further to be set out in a declaration recorded by the owner or other appropriate instrument. Such open space is to be preserved in perpetuity, and the Planning Board may require an open space easement running to the Town as a condition of approval.
- B. If said lands are to be offered for dedication to the Town, the Town Board may require that such conditions shall be approved by the Town Board before said plan shall be approved for filing. All or portions of open space may be dedicated to the Town or some other municipal corporation.
- C. If the open space is not to be dedicated to the Town or other governmental authority or to an approved private or conservation corporation, the applicant, simultaneously with the filing of the map, must either create a property owners association or neighborhood corporation

embracing all property owners within the map and providing for adequate annual contributions for maintenance of said open space or otherwise satisfy the Planning Board with regard to the maintenance of said open space.

D. The following must be adhered to if a property owners' association is created:

- (1) The property owners' association must be set up before the lots are sold.
- (2) Membership must be mandatory for each lot buyer and any successive buyer.
- (3) The open space restrictions must be in perpetuity, not just for a given period of years.
- (4) The association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
- (5) Property owners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property.
- (6) The association must be able to adjust the assessment to meet changed needs.

~~§ 108-91. Approval of open space use by Planning Board.~~

~~The Planning Board may approve uses for open space, and such uses shall be clearly indicated on the final map.~~

~~A. The Planning Board may approve recreational uses such as playgrounds, golf courses, tennis courts, swimming pools, beach areas, etc.~~

~~B. The Planning Board may approve conservational uses such as open woodland, wetlands or dune areas.~~

~~§ 108-92. Coverage and setback requirements.~~

~~A. If individual detached dwelling units are used, the following height, frontage, area, yard and coverage requirements, including front, side and rear yard setbacks, are to be met:~~

~~(1) In Residence A District, the same requirements as exist in the Residence A District at the time final approval of the subdivision application is granted by the Planning Board.~~

~~(2) In Agriculture A District, the same requirements as exist in the Agriculture A District at the time final approval of the subdivision application is granted by the Planning Board.~~

~~B. If condominium units, as provided for in § 108-89 of this Article, are used, the minimum front, side and rear yards for all buildings, structures, playgrounds, parking areas, etc., shall be 100 feet from the property line of the entire parcel subdivided under this Article. Minimum side and rear yards for driveways or access roads shall be 100 feet from the property line of the entire parcel subdivided under this Article. Height shall not exceed two stories and shall not exceed 35 feet. Coverage, as defined in this chapter, is not to exceed 15%. Parking requirements shall be two parking spaces per each family dwelling unit.~~

~~§ 108-93.~~ § 108-89. Screening and landscaping.

In addition to any screening and landscaping requirements contained in existing rules and regulations of the Planning Board, the Planning Board may require additional screening and planting in order to lessen the impact of the open space zone on adjacent properties.

~~§ 108-94.~~ § 108-90. Filing of subdivision map.

In addition to the other Planning Board requirements for final maps, upon final approval of a change of zone by the Town Board and final approval of the subdivision application by the Planning Board, the applicant shall file the subdivision map in the office of the County Clerk, which map shall contain thereon a statement that the subdivision has been approved pursuant to the provisions of this Article, the number and type of units which can be erected thereon, the areas in which said units may be constructed and the areas which are to remain open space and under what conditions.

\* Underline represents addition(s)

\* Overstrike represents deletion(s)

8/16/05

# Adopted

## TOWN OF RIVERHEAD

Resolution # 806

### ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE (Transfer of Development Rights)

COUNCILWOMAN SANDERS offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 108 entitled, "Zoning" (Transfer of Development Rights) of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 2<sup>nd</sup> day of August, 2005 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 a local law amending Chapter 108 "Zoning" (Transfer of Development Rights) 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 Traveler Watchman, the official newspaper, and to post same on the signboard at Town Hall; and be it further

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

**THE VOTE**

Cardonek	<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 108 entitled, "Zoning" of the Riverhead Town Code at its regular meeting held on August 16, 2005. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter 108  
Zoning  
**Transfer of Development Rights**

**§ 108- . Commercial Site Plan Administration.**

A. The Town Board shall be the administrator for application of preservation certificates on commercial site plan application as follows:

- (1) In the event that preservation credit certificates are to be applied to commercial development as set forth in this chapter, the Town Board shall have the authority to vary the development standards set forth in this chapter including; but not limited to: parking, floor area ratio and lot coverage requirements. The Town Board shall utilize the standards set forth in §276 of the Town Law of the State of New York in determining whether to vary development standards as set forth herein.
- (2) Section 108-311 is adopted pursuant to the Municipal Home Rule Law of the State of New York and is expressly intended to supercede the provisions of Town Law §276 and Chapter 108-76 of the Town Code of the Town of Riverhead

Dated: Riverhead, New York  
August 16, 2005

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

**BARBARA GRATTAN, Town Clerk**

- Underline represents addition(s)

August 16, 2005

# Adopted

TOWN OF RIVERHEAD

Resolution # 807

**Appoints Member to the Recreation Advisory Committee**

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

**WHEREAS**, pursuant to Advisory Committee guidelines adopted by the Riverhead Town Board, a vacancy exists on the Recreation Advisory Committee; and

**WHEREAS**, it is desirable for each Advisory Committee to have adequate representation; and

**WHEREAS**, Marge Acevedo is a Wading River resident who has expressed interest in serving as a volunteer on the Recreation Advisory Committee;

**NOW THEREFORE BE IT RESOLVED** that the Riverhead Town Board hereby appoints Marge Acevedo to the Recreation Advisory Committee for a two-year term.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the members of the Recreation Advisory Committee.

**THE VOTE**

Bartunek ~~Yes~~ No

Sanders ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No

August 16, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 8083

Appoints Members to the Riverhead Open Space/Park Preserve Committee

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

WHEREAS, Section 14-40 of the Riverhead Town Code provides for the creation of an Open Space/Park Preserve Committee, its composition and its authority; and

WHEREAS, Chapter 14 of the Riverhead Town Code empowers the Town Board to appoint the members of the Open Space/Park Preserve Committee;

WHEREAS, on August 31, 2004, the Riverhead Town Board appointed members to Open Space/Park Preserve Committee for fixed terms; and

WHEREAS, the terms of two of the members expire as of August 31, 2005;

NOW, THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby appoints the following individuals to the Open Space/Park Preserve Committee for two-year terms as follows:

- John White as a Member of the Recreation Committee
Sherry Johnson as a Member of the Community; and

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the members of the Open Space/Park Preserve Committee hereby appointed, the Riverhead Planning Department, the Office of the Town Attorney and the Office of Accounting.

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

8/16/05

Adopted

**AUTHORIZES SUPERVISOR TO EXECUTE  
LEASE AGREEMENT WITH CINGULAR WIRELESS PSC, LLC  
PLANT #9  
RIVERHEAD WATER DISTRICT**

RESOLUTION #809

Adopted \_\_\_\_\_

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

WHEREAS, a public hearing was held on August 2, 2005, regarding a lease agreement with Cingular Wireless PSC, LLC, and

WHEREAS, all persons wishing to be heard were heard,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to execute the lease agreement with Cingular Wireless PSC, LLC on behalf of the Riverhead Water District,

RESOLVED, that the Town Clerk shall forward certified copies of this resolution to the Gary Pendzick, Accounting Department, Frank Isler, Esq. and Marie Russo at Highlander Consultants, Inc.

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

**THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE  
Riverhead Water District**

Adopted

8/16/05

**AUTHORIZES SUPERVISOR TO EXECUTE  
LEASE AGREEMENT WITH OMNIPOINT COMMUNICATIONS  
INC.,  
PULASKI STREET TANK  
RIVERHEAD WATER DISTRICT**

resolution #810

Adopted \_\_\_\_\_

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

**WHEREAS**, a public hearing was held on August 2, 2005, regarding a lease agreement with Omnipoint Communications, Inc., and

**WHEREAS**, all persons wishing to be heard were heard,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor be and is hereby authorized to execute the lease agreement with Omnipoint Communications, Inc., on behalf of the Riverhead Water District,

**RESOLVED**, that the Town Clerk shall forward certified copies of this resolution to the Gary Pendzick, Accounting Department, Frank Isler, Esq. and William Anderson at Omnipoint Communications.

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

**THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE  
Riverhead Water District**

Adopted

08/16/05

TOWN OF RIVERHEAD

Resolution # 811

**AUTHORIZES THE SUPERVISOR TO EXECUTE LICENSE AGREEMENTS WITH CENTRAL SUFFOLK HOSPITAL**

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

**WHEREAS**, a benefit for Central Suffolk Hospital known as the "Designer Showcase" will be held at the Hawkins House on South Jamesport Avenue, Jamesport, NY to benefit Central Suffolk Hospital, and

**WHEREAS**, Central Suffolk Hospital has requested the use of the Town Beach Parking facility located at the terminus of Town Beach Road in Jamesport, and

**WHEREAS**, the Town wishes to allow the use of said parking facility to reduce traffic hazards that could be created by on street parking during the event and since the event is being held during the time of year that the beach parking is not fully utilized, and

**NOW, THEREFORE, be it**

**RESOLVED**, that the Supervisor is hereby authorized to the attached license agreement, and be it further

**RESOLVED** that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Office of the Town Attorney and the Office of Accounting, CDA and Central Suffolk Hospital.

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

authorize execution of license agreement/dct

LICENSE AGREEMENT

Need  
new  
agreement

This License Agreement ("hereinafter License"), made this \_\_\_\_\_ day of September, 2005, by and between the Town of Riverhead, ("Licensor") with offices at 200 Howell Avenue, Riverhead, New York and Central Suffolk Hospital ("Licensee"), having a place of business at, New York 11792.

WITNESSETH

WHEREAS, the licensee wishes to utilize a portion of the Town of Riverhead parking facilities located upon Town property located at the terminus of Town Beach Road in Jamesport, and also known as SCTM No. 0600- \_\_\_\_\_ ; and for fully described in Exhibit A attached hereto; and

WHEREAS, the Town of Riverhead wishes to grant the Licensee the right to utilize a portion of said parking facilities;

NOW, THEREFORE, in consideration of the mutual agreements herein contained, Licensor and Licensee, for themselves and their successors, hereby agree as follows:

1. Licensing. Upon the terms and conditions hereinafter set forth, Licensor hereby licenses to Licensee the right to use the Licensed Premises depicted on "Exhibit A" annexed hereto and made a part hereof.

2. Term of the License. The term of this License (the "term") shall commence on \_\_\_\_\_ and shall end on \_\_\_\_\_

3. Licensed Premises. The Licensed Premises shall include ( ) parking spaces in the Town parking lot located on the side of said parking facility. The Licensee at its sole cost and expense, erect signs to designate the thirty (30) parking spaces within the Licensor's parking lot that shall be licensed for the exclusive use of the Licensee pursuant to this Agreement.

4. Condition of the Licensed Premises. The Hospital is familiar with the Licensed Premises, has examined same, and, except as explicitly hereinafter provided, Licensee agrees to accept the licensed premises in its "as is" condition without reliance upon any representations or warranties of or made by Licensor.

5. Insurance and Indemnification: The Licensee will be responsible for providing comprehensive general liability insurance in the amount of not less than \$2,000,000 with a company or companies reasonably satisfactory to the Licensor. The Licensee will provide certificates of the foregoing insurance, showing the Town of Riverhead as "Additional Insured" to the extent of their interest. Finally, Licensee agrees to indemnify and hold the Town of Riverhead and their respective officers, employees, agents, representatives and officials harmless from any and all loss or liability associated with its use of the property and related activities described herein, including liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by licensee and its employees, agents,

representatives and concessionaires of the Property, excepting liability solely caused by the gross negligence of the Town or its employees, agents or representatives. Without limiting the generality of the foregoing, Licensee agrees to indemnify and hold the Town of Riverhead harmless from any lien claimed or asserted for labor, materials or services furnished to Licensee in connection with the use of the property. With respect to any suit or claim by the Town, whether under this indemnification provision or otherwise, Licensee, for itself, its agents, employees and representatives, hereby expressly waives any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable attorneys fees incurred by the Town of Riverhead securing compliance with the provision of this indemnification agreement. Licensee will work with the Town of Riverhead to ensure adequate coverage of all property and liability with all concerned entities being named as "additional insured".

6. License Fee. In consideration of the type of use to which the Licensee intends to conduct at the premises; i.e. to provide parking for a fund raiser benefiting Central Suffolk Hospital, the Licensor agrees to waive the license fee for the use of the premises.

7. Use of Licensed Premises. Licensee agrees to utilize the licensed premises as a parking area to supplement the parking that will be required for the fund raising event to be held between

, 2005. §48-20 of the Town Code of the Town of Riverhead shall not apply to the use of the Licensed Premises by the Licensee.

8. Repair, Maintenance and Inventory of License Premises.

a) Licensee, at its sole expense, agrees to maintain the Licensed Premises free of trash and debris and to return the premises back to its original condition following completion of the license term.

b) Licensee shall not alter the Licensed Premises without the prior permission of the Licensor.

9. Assignment. Notwithstanding anything to the contrary contained in the License, Licensee shall not assign this license, the use of the Licensed Premises, in whole or in part, or permit Licensee's interest to be vested in any other party other than Licensee by operation of law or otherwise without the expressed written consent of the Licensor. A transfer of more than fifty (50%) percent at any one time, or in the aggregate from time to time, of the stock, partnership or other ownership interests in Licensee, direct or indirectly, shall be deemed to be an assignment of this License.

10. Indemnity: Licensee shall indemnify and hold the Licensor harmless from and against any and all claims, actions, liabilities, losses (including, without limitation, consequential and special damages), costs and expenses (including, without limitation, court costs and reasonable

attorney fees and expenses), arising from or in connection with the use of the licensed premises.

11. Notices: Any notices to be given under this License shall be in writing and shall be sent by registered or certified mail, return receipt requested. If such notice is directed to Licensor, it shall be addressed to the attention of the Riverhead Town Supervisor and the Office of the Riverheads Town Attorney at 200 Howell Avenue, Riverhead, New York. If such notice is directed to the Licensee, it shall be addressed to

, New York 11901.

12. Miscellaneous: (a) Merger. All prior understandings and agreements between the parties with respect to the subject matter hereof are merged within this agreement, which alone, fully and completely sets forth the understanding of the parties with respect to the subject matter hereof. This license may not be changed or terminated orally, or in any manner, other than in writing signed by the party against whom enforcement is sought.

b) Nothing contained in this Agreement either expressly or impliedly shall invalidate any pre-existing non-conforming use upon the real property owned by the Licensee or constitute any admission by the Licensee that any violation exists now or shall exist in the future.

13. Cross Default: To the extent that the Licensor and Licensee are parties to related agreements, any default under the related

agreements shall be deemed to be a default under this License, and any default under this license shall be deemed a default under such similar agreements.

IN WITNESS WHEREOF, Licensor and Licensee do hereby execute this License as of the date and year first above written.

TOWN OF RIVERHEAD

CENTRAL SUFFOLK HOSPITAL

By: \_\_\_\_\_

By: \_\_\_\_\_

8/16/05

TOWN OF RIVERHEAD

Adopted

Resolution # 812

**AUTHORIZES THE SUPERVISOR TO EXECUTE  
AGREEMENT WITH THE NF MANAGEMENT**

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

**WHEREAS**, County of Suffolk has transferred title to a parcel of real property on Horton Avenue for the purpose of having the Town of Riverhead construct an affordable single family residence, and

**WHEREAS**, the Town wishes to contract with NF Management to demolish the existing structure and construct the contemplated affordable residence,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Supervisor is hereby authorized to execute a contract of sale in the standard New York form containing the construction requirements of the Town with NF Management, Inc. for the purposes outlined above; and be it further

**RESOLVED** that the Town Clerk is hereby directed to forward a copy of this resolution to the NF Management, Andrea Lohneiss, CDA Director, David Cullen, Special Projects Manager, the Office of Accounting 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

8/16/05

TOWN OF RIVERHEAD

Adopted

Resolution # 813

**APPROVES APPLICATION OF THE AFRICAN AMERICAN EDUCATIONAL AND CULTURAL FESTIVAL, INC.**

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

**WHEREAS**, The African American Educational and Cultural Festival, Inc. has submitted an application for the purpose of conducting an educational and cultural exhibition to be held in the Peconic Riverfront Parking Lot, Riverhead, New York, between the hours of 10:00 a.m. and 5:00 p.m. on Saturday, August 27, 2005; and

**WHEREAS**, African American Educational and Cultural Festival, Inc. has submitted a completed Short Form Environmental Assessment pursuant to 6 NYCRR Part 617 identifying the potential adverse environmental impacts of the event; and

**WHEREAS**, due to it's not-for-profit status, the African American Educational and Cultural Festival, Inc. has requested the Chapter 90 Application fee for this event be waived; 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 Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

**RESOLVED**, that the application of The African American Educational and Cultural Festival, Inc. for the purpose of conducting an educational and cultural exhibition to be held in the Peconic Riverfront Parking Lot, Riverhead, New York, between the hours of 10:00 a.m. and 5:00 p.m. on Saturday, August 27, 2005, is hereby approved; and be it further

**RESOLVED**, that this approval is subject to Riverhead Town Code Chapter 81 entitled, "Noise Control" and that applicant shall not exceed the noise limits as defined in Section 81-5 Prohibited Acts.; and be it further

**RESOLVED**, that any tent installations and any and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical  
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Code and National Fire Protection Agency 102 and the Tents & Membrane Structures; and be it further

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

**RESOLVED**, that the Town Board hereby waives the Chapter 90 Application fee in connection with this event; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to The African American Educational and Cultural Festival, Inc., P.O. Box 119, Riverhead, New York, 11901, Attn: Marilyn Banks-Winter; Kenneth Testa, P.E.; 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

8/16/05

Adopted

TOWN OF RIVERHEAD

Resolution # 814

**APPROVES CHAPTER 90 APPLICATION OF CHURCH OF THE HARVEST**

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

**WHEREAS**, Church of the Harvest has submitted a Chapter 90 Application for the purpose of conducting a 3 on 3 Basketball Tournament having music and food, to be located at the park on Lewis Street in Millbrook Gables, Riverhead, New York, to be held on August 20, 2005, between the hours of 11:30 a.m. and 8:00 p.m.; and

**WHEREAS**, Church of the Harvest has completed and filed a Short Form Environmental Assessment Form in accordance with 6 NYCRR 617, and

**WHEREAS**, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b), and

**WHEREAS**, the applicant has requested the application fee be waived due to its not-for-profit status; and

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

**NOW THEREFORE BE IT RESOLVED**, that Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2), and be it further

**RESOLVED**, that the Chapter 90 Application of the Church of the Harvest to conduct a 3 on 3 Basketball Tournament having music and food, to be located at the park on Lewis Street in Millbrook Gables, riverhead, New York, to be held on August 20, 2005, between the hours of 11:30 a.m. and 8:00 p.m., is hereby approved; and be it further

**RESOLVED**, that the Town Board hereby waives the Chapter 90 Application fee in connection with this event; and be it further

**RESOLVED**, that this approval is subject to Riverhead Town Code Chapter 81 entitled, "Noise Control" and that applicant shall not exceed the noise limits as defined in Section 81-5 Prohibited Acts.; and be it further

**RESOLVED**, that any tent installations and any and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 and the Tents & Membrane Structures; and be it further

**RESOLVED**, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. 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-event" inspection appointment; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Church of the Harvest, P.O. Box 1086, Riverhead, New York, 11901; the Riverhead Fire Marshal; Chief Hegermiller, Riverhead Police 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

8/16/05

Adopted

TOWN OF RIVERHEAD

Resolution # 815

**APPROVES CHAPTER 90 APPLICATION OF DARKSIDE PRODUCTIONS INC.**  
**(HAUNTED HOUSE)**

COUNCILWOMAN SANDERS offered the following resolution, was seconded by

COUNCILMAN BARTUNEK :

**WHEREAS**, Darkside Productions Inc. has submitted an application for the purpose of conducting a haunted house walk-through to be held at 5184 Rte. 25A, Wading River, New York, on September 30, 2005 through October 31, 2005, between the hours of 12:00 noon and 12:00 midnight; and

**WHEREAS**, Darkside Productions Inc. has submitted a completed Short Form Environmental Assessment pursuant to 6 NYCRR Part 617 identifying the potential adverse environmental impacts of the 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 Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

**RESOLVED**, that the application of Darkside Productions Inc. for the purpose of conducting a haunted house walk-through to be held at 5184 Rte. 25A, Wading River, New York, on September 30, 2005 through October 31, 2005, between the hours of 12:00 noon and 12:00 midnight, is hereby approved subject to the following conditions:

- A fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 209 for the purpose of scheduling the "pre-opening" inspection appointment;
- Issuance of Town of Riverhead Place of Assembly permit prior to opening to public;
- Approval from New York State Department of Labor prior to opening to public;

- Approval of parking plan by Riverhead Police Department; and be it further

**RESOLVED**, that the applicable Chapter 90 Application fee has been paid; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Darkside Productions Inc., 4 Olive Street, Rocky Point, New York, 11778; the Riverhead Fire Marshal; Chief Hegermiller, Riverhead Police 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

8/16/05

Adopted

TOWN OF RIVERHEAD

Resolution # 816

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF  
TIMOTHY HILL CHILDREN'S RANCH**

COUNCILMAN BARTUNEK offered the following resolution, was seconded by

COUNCILMAN DENSIESKI :

**WHEREAS**, Timothy Hill Children's Ranch has submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held on their property located at 298 Middle Road, Riverhead, New York on September 10, 2005 at 8:00 p.m.; and

**WHEREAS**, the Town Attorney is in receipt of a completed Fireworks Application executed by the Chief of the Riverhead Department and the Riverhead Fire Marshal and a certificate of insurance from the fireworks company (Pyro Engineering Inc.) naming the Town of Riverhead as an additional insured and has determined that same is satisfactory as to their form.

**NOW THEREFORE BE IT RESOLVED**, that the Fireworks Permit Application of Timothy Hill Children's Ranch, for the purpose of conducting a fireworks display to be held on their property located at 298 Middle Road, Riverhead, New York on September 10, 2005 between 7:45 p.m. and 8:30 p.m. is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by the Riverhead Fire Department whom must be at the site prior to commencement of fireworks display.
- Scheduling a pre-event inspection between 12:00 noon and 2:00 p.m. on the day of the event having the Fireworks technician(s), the Riverhead Fire Marshal and the Riverhead Fire Chief in attendance.
- Fireworks and technicians must arrive at Timothy Hill Children's Ranch no later than 2:00 p.m. on the day of the event.
- Fireworks technician must have photo identification and present same to Fire Marshal upon request.
- Fire Marshal to be present 30 minutes prior to commencement of display for purpose of final inspection and safety review.
- Fireworks display shall be limited to shells not larger than 3" in diameter.
- Fire Marshal shall have final authorization to allow the fireworks display or cancel the display if there are unsafe conditions, lightning and/or winds in excess of 30 miles per hour; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Timothy Hill Children's Ranch, 298 Middle Road, Riverhead, New York, 11901; Bay Fireworks, 110 Route 110, Suite 102, Huntington Station, New York, 11746; the Riverhead Fire Department; Bruce Johnson, 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

8/16/05

TOWN OF RIVERHEAD

Resolution # 817

**APPROVES CHAPTER 90 APPLICATION OF LIVING WATER FULL GOSPEL CHURCH**

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

**COUNCILWOMAN BLASS** \_\_\_\_\_ :

**WHEREAS**, Living Water Full Gospel Church has submitted a Chapter 90 Application for the purpose of conducting a carnival to be located at the corner of Mill Road and Route 58, Riverhead, New York, on the following dates and times:

Thursday, September 15 <sup>th</sup> , 2005	6:00 p.m. to 10:00 p.m.
Friday, September 16 <sup>th</sup> , 2005	6:00 p.m. to 11:00 p.m.
Saturday, September 17 <sup>th</sup> , 2005	4:00 p.m. to 10:00 p.m.
Sunday, September 18 <sup>th</sup> , 2005	2:00 p.m. to 8:00 p.m.; and

**WHEREAS**, Living Water Full Gospel Church has completed and filed and Short Form Environmental Assessment Form in accordance with 6 NYCRR 617; and

**WHEREAS**, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b); and

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

**WHEREAS**, the applicant has requested the Chapter 90 Application fee be waived due to its not-for-profit status; and

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

**NOW THEREFORE BE IT RESOLVED**, that Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

**RESOLVED**, that the Chapter 90 Application of Living Water Full Gospel Church for the purpose of conducting a carnival at the corner of Mill Road and Route 58, Riverhead, New York on the aforementioned dates and times is hereby approved; and be it further

**RESOLVED**, that the Town Board of the Town of Riverhead hereby waives the application fee for this event due to their not-for-profit status; and be it further

**RESOLVED**, that this approval is *subject to* Riverhead Town Code Chapter 81 entitled, "Noise Control" and that applicant shall not exceed the noise limits as defined in Section 81-5 Prohibited Acts.; and be it further

**RESOLVED**, that the tent installation and any and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 and the Tents & Membrane Structures; and be it further

**RESOLVED**, that should the assistance of Town of Riverhead employees be required for this event, the applicant shall be responsible for the over time costs associated with same; and be it further

**RESOLVED**, that this approval is *subject to* the applicant contacting the Police Department no later than September 1, 2005 for the purpose of devising an approved traffic and safety plan; and be it further

**RESOLVED**, that this approval is *subject to* a fire safety inspection by the Town Fire Marshal prior to the opening of this event to the public. 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; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Living Water Full Gospel Church, 27 Shade Tree Lane, Riverhead, New York, 11901; the Riverhead Fire Marshal; the Riverhead 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

8/16/05

Adopted

TOWN OF RIVERHEAD

Resolution # 818

**APPROVES CHAPTER 90 APPLICATION OF RIVERHEAD COUNTRY FAIR COMMITTEE**

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

**WHEREAS**, the Riverhead Country Fair Committee has submitted an application for the purpose of conducting their annual Country Fair to be held on Main Street, Peconic Riverfront parking area and Peconic Avenue, Riverhead, New York on October 9, 2005, having a rain date of October 10, 2005, between the hours of 11:00 a.m. and 5:00 p.m.; and

**WHEREAS**, the Riverhead Country Fair has completed and filed and Short Form Environmental Assessment Form in accordance with 6 NYCRR 617, and

**WHEREAS**, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b), 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 including the certificate of insurance regarding said application.

**NOW THEREFORE BE IT RESOLVED**, that Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2), and be it further

**RESOLVED** that the application of Riverhead Country Fair Committee for the purpose of conducting their annual Country Fair to be held on Main Street, Peconic Riverfront parking area and Peconic Avenue, Riverhead, New York on October 9, 2005, having a rain date of October 10, 2005, between the

hours of 11:00 a.m. and 5:00 p.m., is hereby approved; and be it further

**RESOLVED**, that Chapter 46 entitled "Alcoholic Beverages" is deemed to be waived for the service of alcoholic beer during the event at or in locations and by licensed alcohol service providers to be determined prior to the commencement of the event; and be it further

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

**RESOLVED**, that the Town Board of the Town of Riverhead hereby waives the application fee for this event; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Country Fair/Townscape, Inc.; Ken Testa, P.E.; Bruce Johnson, Fire Marshal; Chief Hegermiller, Riverhead 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

8/16/05

Adopted

TOWN OF RIVERHEAD

Resolution #819

**APPROVES APPLICATION OF WORD OF LIFE MINISTRIES  
(CHURCH RELATED STREET FAIR)**

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

**COUNCILMAN DENSIESKI** :

**WHEREAS**, Word of Life Ministries has submitted an application for the purpose of conducting a church related street fair to be held in the Peconic Riverfront municipal parking lot, Riverhead, New York, on Saturday, September 17, 2005 between the hours of 3:00 p.m. and 9:00 p.m.; and

**WHEREAS**, Word of Life Ministries has completed and filed a Short Form Environmental Assessment Form in accordance with 6 NYCRR 617, and

**WHEREAS**, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b), and

**WHEREAS**, the applicant has requested the Chapter 90 Application fee be waived due it's not-for-profit status; 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 Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2), and be it further

**RESOLVED**, that the application of Word of Life Ministries for the purpose of conducting a church related street fair to be held in the Peconic Riverfront municipal parking lot, Riverhead, New York, on Saturday, September 17, 2005 between the hours of 3:00 p.m. and 9:00 p.m. is hereby approved; and be it further

**RESOLVED**, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee; and be it further

**RESOLVED**, that this approval is subject to Riverhead Town Code Chapter 81 entitled, "Noise Control" and that applicant shall not exceed the noise limits as defined in Section 81-5 Prohibited Acts.; and be it further

**RESOLVED**, that the tent installation and any and all electric shall comply with the applicable provisions of the Building and Fire Code of New York Sate, the National Electrical Code and National Fire Protection Agency 102 and the Tents & Membrane Structures; and be it further

**RESOLVED**, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. 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; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Word of Life Ministries, 10 Peconic Avenue, Riverhead, New York, 1190; the Riverhead Fire Marshal and Chief Hegermiller, Riverhead Police 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

August 16, 2005

# Adopted

TOWN OF RIVERHEAD  
Resolution # 820

APPROVES TEMPORARY SIGN PERMIT OF THE BAITING HOLLOW CLUB

COUNCILMAN DENSIESKI

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

COUNCILWOMAN SANDERS

**WHEREAS**, a temporary sign permit and sketch were submitted by Stanley Pine for property located at 2578 Sound Avenue, Calverton, New York also known as SCTM# 040.00-02-018.00; and

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

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the temporary sign permit application for The Baiting Hollow Club submitted by Stanley Pine for Wulforst Farms, LLC and be it

**RESOLVED**, that said temporary sign permit shall expire on November 16, 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 Wulforst Farms, LLC, Att: Stanley Pine, PO Box 912, Remsenberg, New York 11960 the Planning Department, Code Enforcement Division and the Building Department.

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**Application**  
FOR SIGN PERMIT  
**Town of Riverhead**  
Suffolk County, New York

Fee ..... 100	Receipt No. .... 31990
Application No ..... 34390	Date Permit Issued .....
ZB No. .... 29886	Date Approved or Denied .....
Building Inspector	
Board of Appeals No. ....	Date Granted .....
Date Denied .....	

Dated: 8/3/05  
SCTM# 40-2-18

APPLICATION IS HEREBY MADE to the Building Inspector in the Town of Riverhead for the issuance of a Permit pursuant to the Zoning Ordinance of the Town of Riverhead, Suffolk County, New York, for the use and the erection or the structural alteration of a sign or signs, as hereinafter described and as shown on the accompanying layout or plot plan:

1. The sign to be located at 2578 SOUND AVE. & WARNER DR. in the Town of Riverhead, Use District, is to be RA/80 - RA40 altered (replacement of existing sign)  
Erected or Structurally altered

2. The sign will have an area of 20' Sq. feet, and will be 4' feet in height. The base of the sign will be 3' feet above ground level.

3. The sign will be Permanent or Temporary installation.  
(Circle one)

4. Description of sign: (Check appropriate items below):
- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> a. Lighted      | <input type="checkbox"/> d. Attached to Building                   | <input checked="" type="checkbox"/> g. Advertising |
| <input type="checkbox"/> b. Single Face             | <input checked="" type="checkbox"/> e. Facial (Painted or Affixed) | <input type="checkbox"/> h. Business               |
| <input checked="" type="checkbox"/> c. Double Faced | <input checked="" type="checkbox"/> f. Independent Construction    |  |

Materials to be used: COROPLAST

6. Has permission been obtained from property owner, if other than the applicant, upon which the sign is to be erected? .....

All statements made in this application and shown on the attached plot plan are true to the best of my knowledge and belief.

Property Owner Name & Address: WILCOAST FARMS LLC  
P.O. Box 912

Applicant Name: STANLEY BINE Remsen Road, NY 11960

Business Name: Stroms

Address: [Signature] Phone Number: 315-61-9991

Signature of owner or applicant: [Signature] (cell)

Sworn to before me this 3 day of

August, 2005

Notary Public

**KIM E. FUENTES**  
Notary Public, State of New York  
No. 48770  
Qualified in Suffolk County  
Commission Expires April 30, 2006

\_\_\_\_\_ has submitted papers for a sign permit, dated \_\_\_\_\_.

NO SIGN CAN BE ERECTED UNTIL THE TOWN BOARD APPROVAL IS OBTAINED AND A SIGN PERMIT IS ISSUED. IT IS ADVISABLE NOT TO ORDER YOUR SIGN UNTIL ALL APPROVALS ARE OBTAINED.

Stanley Pini

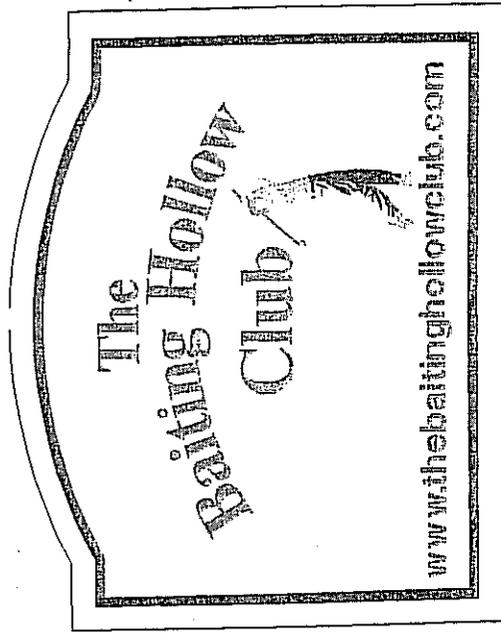
8/3/05

Name

Date

108-56.1. Penalties for offenses against sign provisions. [Added 10-19-1993; amended 8-2-1994]

Any sign installed without benefit of a sign permit pursuant to 108-56 of the Riverhead Town Code shall be charged a civil penalty of **five hundred dollars (\$500.)** in addition to the sign permit and application fee as specified in 52-10 of the Riverhead Town Code. Said civil penalty shall be due and payable upon application for a sign permit.



**Double Sided**

**Material**

**White Coroplast**

**Size**

**48"H x 60"W= 20 sq ft**

**Font**

**Dutch 801 Greek Bold**

**Letter Height**

**5" & 2.25**

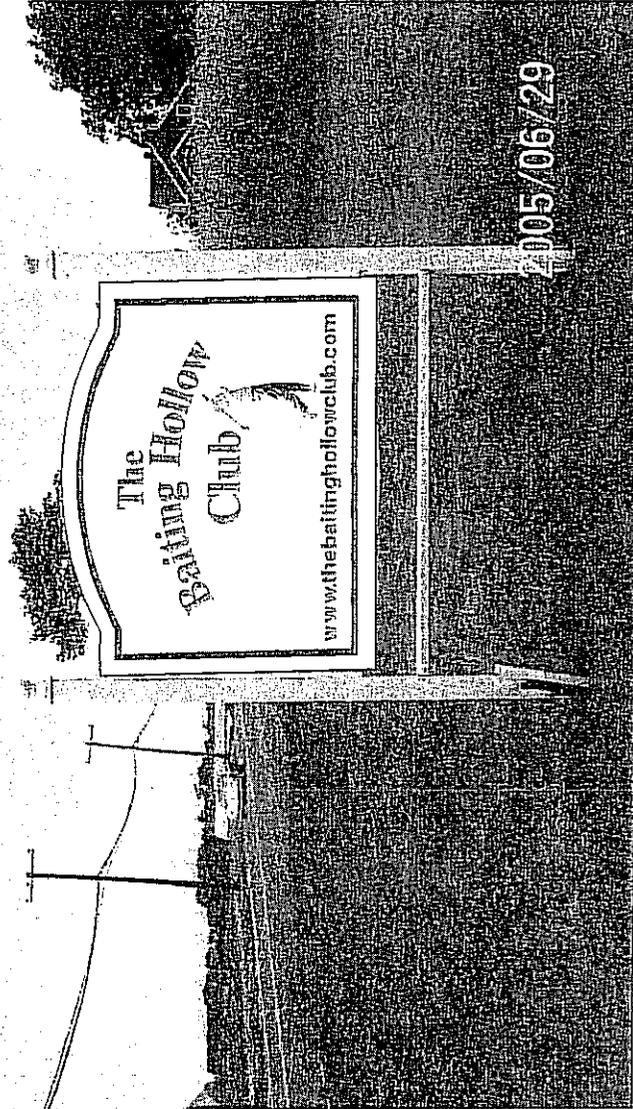
**Space btwn Letter .5 & .25 typ.**

**PMS colors**

**Burgundy #194c**

**Green #3305**

**Beige # 467**



August 16, 2005

# Adopted

TOWN OF RIVERHEAD  
Resolution # 821

APPROVES TEMPORARY SIGN PERMIT OF BUBBA-LU'S SUGAR SHACK

COUNCILWOMAN SANDERS offered the following resolution, which was seconded by

COUNCILMAN BARTUNEK

**WHEREAS**, a temporary sign permit and sketch were submitted by Matt Lewis for property located at 40 McDermott Street, Riverhead, New York also known as SCTM# 129.00-04-010.06; 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 Bubba-Lu's Sugar Shack submitted by Matt Lewis and be it

**RESOLVED**, that said temporary sign permit shall expire on November 16, 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 Matthew L. Lewis, 4 Meadowood Lane, East Moriches, New York 11940, the Planning Department, Code Enforcement Division and the Building Department.

**THE VOTE**

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted



APPLICATION FOR SIGN PERMIT

Town of Riverhead
Suffolk County, New York

TM# 129-4-10.6

Fee 100- Receipt No. 32003 Application No. 34402 Date Granted
Date Denied ZB No. 29898 Date Permit Issued
Board of Appeals No. Date Approved or Denied
SCTM# Inspector's Approval

All information BELOW to be filled out by APPLICANT: A PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK. This Application is to be submitted ACCOMPANIED by BUILDING PLANS DRAWN TO SCALE IN DUPLICATE.

THE OWNER OF THE PROPERTY IS: (PLEASE PRINT CLEARLY)
Matthew L. Lewis Bubba-Lui's Sugar Shack
Matthew Lewis 631-252-8893
4 Meadowood Lane East Moriches, N.Y., 11940

The person responsible for the supervision of the work insofar as the Building Code and the Zoning Ordinance apply is:
CONTACT PERSON (if different from owner)
Same As Above

APPLICATION IS HEREBY MADE to the Building Inspector in the Town of Riverhead for the issuance of a Permit pursuant to the Zoning Ordinance of the Town of Riverhead, Suffolk County, New York, for the use and the erection or the structural alteration of a sign or signs, as hereinafter described and as shown on the accompanying layout or plot plan:

Location of Sign: 40 McDermott Street, Riverhead, NY If offsite, check box
Use District: Sign Area (Sq Ft): 8.75 Height of Sign: 2.5'

Below, please choose all that apply:
New, Altered, Permanent, Temporary, Lighted, Single Face, Double Faced, Attached To Building, Facial, Independent Construction, Advertising, Business

Materials to be Used: VINYL

Matthew L. Lewis has submitted papers for a sign permit, dated
Name of Applicant Date of Submission

NO SIGN CAN BE ERECTED UNTIL THE TOWN BOARD APPROVAL IS OBTAINED AND A SIGN PERMIT IS ISSUED. IT IS ADVISABLE NOT TO ORDER YOUR SIGN UNTIL ALL APPROVALS ARE OBTAINED.

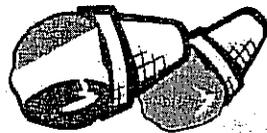
Signed: [Signature] Signature of Owner or Applicant

Sworn to before me this 4th day of August, 2005.
Notary Public in Suffolk County, New York
Ronald C. Kanka
No. 01KA7153235
My Commission Expires 2/28/07

**BUBBA-LUS**

sugar shack

**Now Open!**



August 16, 2005

Adopted

TOWN OF RIVERHEAD  
Resolution # 822

APPROVES TEMPORARY SIGN PERMIT OF HALLOWEEN SCENE

COUNCILMAN BARTUNEK offered the following resolution, which was seconded by

COUNCILWOMAN BLASS

**WHEREAS**, a temporary sign permit and sketch were submitted by Janine Nebbons as agent for Auralee of New York for property located at Tanger Factory Outlet, Suite 1404, Riverhead, New York also known as SCTM# 0600/119.00-01-038.01; 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 Halloween Scene submitted by Janine Nebbons, agent for Auralee of New York and be it

**RESOLVED**, that said temporary sign permit shall expire on November 16, 2005 and the applicant shall remove 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 Tanger Outlet Center, Att: Janine Nebbons, Suite 200, 1770 West Main Street, Riverhead, New York, 11901, Code Enforcement, Planning Department and the Building Department.

**THE VOTE**

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**Application  
FOR SIGN PERMIT**

**Town of Riverhead**  
Suffolk County, New York

Dated: 8/3/05  
SCTM# 119-1-38.1

Fee <u>100-34383</u>	Receipt No. <u>31983</u>
Application No. <u>24383</u>	Date Permit Issued .....
ZB No. <u>29879</u>	Date Approved or Denied .....
Building Inspector .....	
Board of Appeals No. ....	Date Granted .....
Date Denied .....	

APPLICATION IS HEREBY MADE to the Building Inspector in the Town of Riverhead for the issuance of a Permit pursuant to the Zoning Ordinance of the Town of Riverhead, Suffolk County, New York, for the use and the erection or the structural alteration of a sign or signs, as hereinafter described and as shown on the accompanying layout or plot plan:

1. The sign to be located at 1404 Tanger Mall Dr in the Town of Riverhead, Manufacturer Outlet Use District, is to be Temp affixed - 6 Framed reflective Erected or Structurally altered paint

2. The sign will have an area of ..... Sq. feet, and will be 27.8 in. feet in height. The base of the sign will be 15.5 feet above ground level.

3. The sign will be Permanent or Temporary installation. (Circle one)

4. Description of sign: (Check appropriate items below).

- ..... a. Lighted
- ..... b. Single Face
- ..... c. Double Faced
- .....  d. Attached to Building
- ..... e. Facial (Painted or Affixed)
- ..... f. Independent Construction
- ..... g. Advertising
- ..... h. Business

5. Materials to be used: Styrofoam, Retolite Black paint

6. Has permission been obtained from property owner, if other than the applicant, upon which the sign is to be erected? Yes

All statements made in this application and shown on the attached plot plan are true to the best of my knowledge and belief.

Property Owner Name & Address: Tanger Properties Ltd Plus/Co  
208 Tanger Mall Dr Riverhead NY

Applicant Name: LAURA KEENAN 11901

Business Name: HALLOWEEN SCENE

Address: 3501 Mernack Rd, Seaford NY 11783 Phone Number: 516-783-9685

Laura J. Keenan  
(Signature of owner or applicant)

Sworn to before me this 1 day of AUGUST, 2005

Marianne Rosner  
MARIANNE ROSNER  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 486462  
QUALIFIED IN NASSAU COUNTY  
MY COMMISSION EXPIRES AUG. 1, 2011.

Notary Public



**HALLOWEEN SCENE**

Styrofoam Letters

Height: 32"

Width: 288"

Font: Standard Bold Condensed

Color: Black

Adopted

8/16/05

**TOWN OF RIVERHEAD  
ORDER AUTHORIZING INCREASE AND IMPROVEMENT  
TO THE RIVERHEAD WATER DISTRICT  
MISCELLANEOUS IMPROVEMENTS TO DISTRICT FACILITIES  
202-b**

RESOLUTION #823

Adopted \_\_\_\_\_

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

WHEREAS, a recommendation has been made to the Town Board of the Town of Riverhead, Suffolk County, New York, as governing body of the Riverhead Water District, by H2M, consulting engineers to the Riverhead Water District, by letter originally dated December 9, 2003, and revised March 29, 2004, that due to changes in the scope of work as requested by the District the total cost of the project has increased slightly above the original authorization, and

WHEREAS, the maximum amount previously authorized was \$1,073,000, with said funds used to be allocated and charged to the District's Repair and Maintenance Account as the cost of increasing and improving the facilities of the District and shall be borne by the entire District to be paid from existing funds; and

WHEREAS, two projects are currently in their final construction stages and the scope of work has changed requiring an additional cost beyond that previously approved by the Town Board, and

WHEREAS, the total cost of additional funds for the miscellaneous improvements to the District's facilities is \$91,000, and

WHEREAS, it has been determined that this is a Type II action with no significant impact upon the environment, and

WHEREAS, in accordance with Section 202-b of the Town Law, a public hearing was held on May 18, 2004, and all persons wishing to be heard were heard,

NOW, THEREFORE, upon the proceedings, plans and specifications, and the public hearing, the Town Board of the town of Riverhead, as governing body of the

Riverhead Water District hereby determines as follows:

RESOLVED, that the improvements to the Riverhead Water District will not have a significant impact upon the environment, and it is further

RESOLVED, that improvements as set forth above are in the best interest of the properties served by the Riverhead Water District, and it is further

RESOLVED, that the maximum amount to be increased and expended for said improvements is \$91,000 which shall be allocated and charged as the cost of increasing and improving the facilities of the Riverhead Water District and shall be borne by the entire District to be paid from existing funds in the total amended amount of \$1,164,000, and be it further

RESOLVED that a certified copy of this resolution shall be forwarded to Frank Isler, Esq., Gary Pendzick, and the Riverhead Accounting Department.

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

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

08/16/05

Adopted

TOWN OF RIVERHEAD

Resolution # 824

ACCEPTS 5% PERFORMANCE BOND OF NEW CINGULAR WIRELESS PCS, LLC FOR LIN CELLULAR COMMUNICATIONS (NY) LLC

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

WHEREAS, New Cingular Wireless PCS, LLC for LIN Cellular Communications (NY) LLC has posted a performance bond in the sum of Seven Thousand Five Hundred Sixty Seven Dollars (\$7,567) representing the 5% site plan performance bond as noted in the approved site plan dated July 19, 2005 Resolution #728 to collocate three (3) sector antennas (4 antennas per sector) to an existing municipal water tank, located at Tower #2, Plant #9 of the Riverhead Water District, Wading River, (Lewin Hills), New York, Suffolk County Tax Map # 600-57.-1-1.5 pursuant to Section 108-133 (I) of the Riverhead Town Code; and

WHEREAS, the Town Attorney has reviewed said performance 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 Seven Thousand Five Hundred Sixty Seven Dollars (\$7,567) 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 Munley, Meade, Nielsen & Re', Jacalyn R, Fleming, 36 North New York Avenue, Huntington, New York 11743, 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

08/16/05

Adopted

**TOWN OF RIVERHEAD**

**Resolution # 825**

**AUTHORIZES THE RELEASE OF SECURITY POSTED FOR HARTILL CONTRACTING INC.**

**COUNCILMAN DENSIESKI** offered the following resolution,

which was seconded by **COUNCILMAN BARTUNEK**

WHEREAS, Hartill Contracting Inc. posted security, in the form of a Certificate of Deposit #0000290070756 in the sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00) at Suffolk County National Bank pursuant to Section 108-133(I) of the Riverhead Town Code; and

WHEREAS, Richard P. Podlas, Building Inspector, has determined that construction has been completed to the Building Department's satisfaction, the Planning Department is satisfied with the site work completed, and a Certificate of Occupancy #19942 dated July 13, 2005 for ZB28752 has been issued for said construction.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the Certificate of Deposit (#0000290070756) in the sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00) and

BE IT FURTHER RESOLVED, that the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Hartill Contracting Inc., P.O. Box 5, Wading River, New York 11792, the Building Department; the Town Clerk and the Town Attorney's Office.

**THE VOTE**

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

# Adopted

## TOWN OF RIVERHEAD

Resolution # 826

### AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING TO CONSIDER THE DESIGNATION OF DOWNTOWN RIVERHEAD AS A HISTORIC DISTRICT

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

WHEREAS, pursuant to Article IV of Chapter 73 of the Riverhead Town Code, a procedure exists for Designation of Landmarks; and

WHEREAS, the Landmarks Preservation Commission approved the creation of a Downtown Riverhead Historical District; and

WHEREAS, proper notice of a public hearing will be given to the owners of all property located within two hundred fifty (250) feet of the exterior boundary lines of the subject parcel(s); and

WHEREAS, the Landmarks Preservation Commission has carefully considered the merits of this application and has approved it for historical status; and

WHEREAS, the Town Board in its discretion may call a public hearing on this application and wishes to exercise its option.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is hereby directed to publish and post the attached Notice of Public Hearing, once in the August 25th issue of the Traveler Watchman, the official newspaper for this purpose and to cause such additional notification as required pursuant to Article IV, Section 73-7 (E) of the Riverhead Town Code; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to the Landmarks Preservation Commission; the Building Department; the Assessor's Office and the Office of the Town Attorney

Z:\Melissa\Landmarks-RhdHistoricDistrictPH.doc

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  WAS NOT  
THEREFORE DULY ADOPTED

**PUBLIC NOTICE**

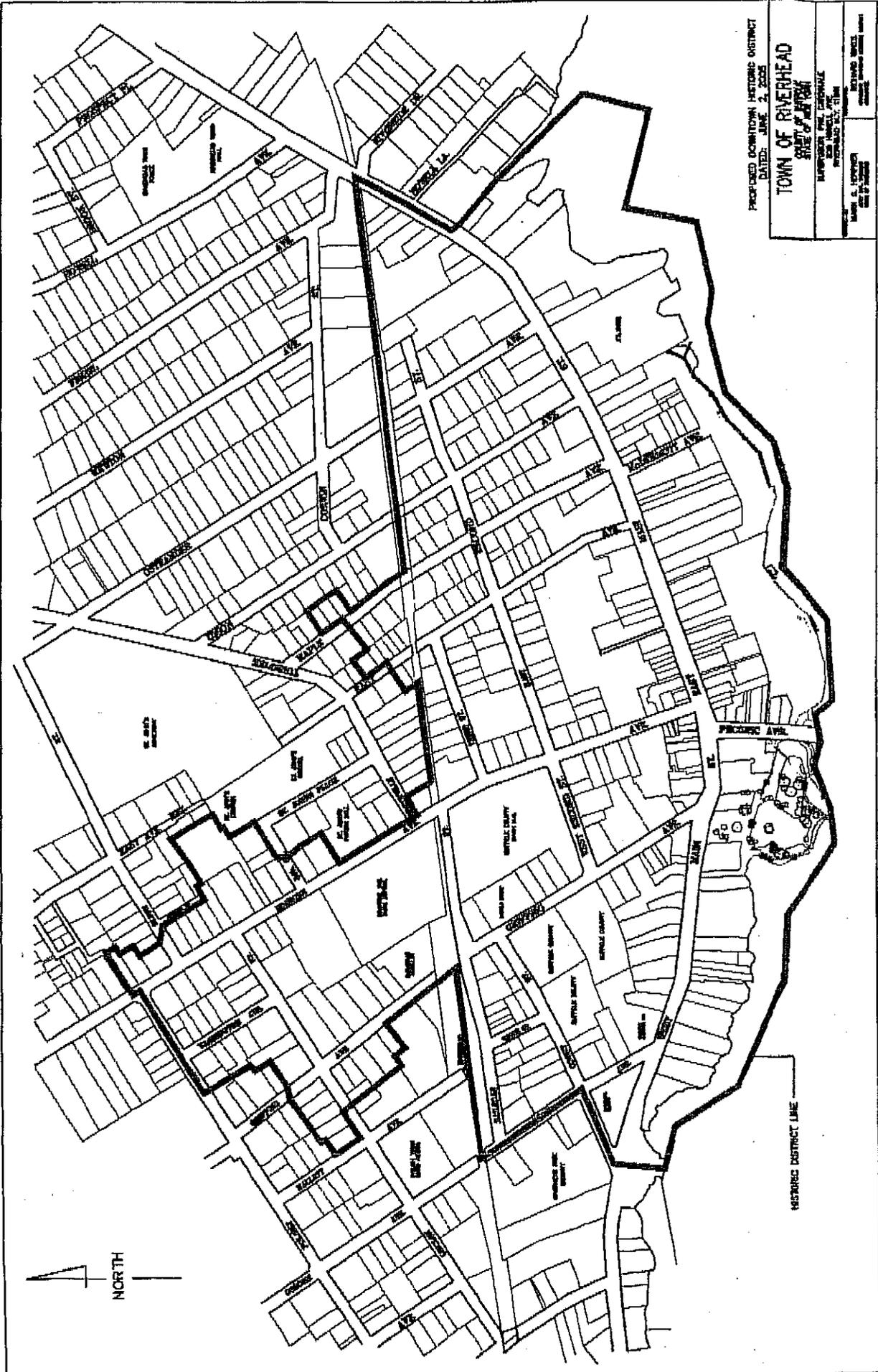
PLEASE TAKE NOTICE, that a public hearing will be held on the 7th day of September, 2005 at 7:10 o'clock p.m. at Wading River Congregational Church, North Country Road, Wading River, New York to consider the designation of the following area as historical:

Downtown Riverhead Historic District as per attached map.

DATED: August 16, 2005

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

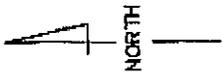


PROPOSED DOWNTOWN HISTORIC DISTRICT  
 DATED: JUNE 2, 2005

**TOWN OF RIVERHEAD**  
 COUNTY OF SUFFOLK  
 STATE OF NEW YORK

MEMORANDUM FOR: TOWN BOARD  
 DATE: JUNE 2, 2005

FROM: TOWN ENGINEER  
 SUBJECT: HISTORIC DISTRICT



HISTORIC DISTRICT LINE

August 16, 2005

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 827

AUTHORIZES THE TOWN CLERK TO POST AND PUBLISH A NOTICE TO  
BIDDERS TO  
PROVIDE AND INSTALL A FIRE ALARM SYSTEM  
IN THE MUNICIPAL GARAGE

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the  
attached Notice to Bidders in the August 25, 2005 issue of the official Town newspaper  
to provide and install a fire alarm system in the Town of Riverhead Municipal Garage  
Facility located on County Route 58, Riverhead, New York; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to  
forward a certified copy of this resolution to Kenneth Testa, P.E., Municipal Garage 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

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed proposals to provide and install a new fire alarm system at the Town of Riverhead Municipal Garage facility located on County Route 58, Riverhead, New York will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, until 11:00 September 6, 2005 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and/or obtained on or about August 25, 2005 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays.

A fee of \$50.00 will be required for each copy of the contract documents.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked "Municipal Garage Fire Alarm" and must be accompanied by a bid surety as stated in the Instructions to Bidders.

The Town of Riverhead reserves the right to reject any and all bids.

**BY ORDER OF THE RIVERHEAD TOWN BOARD**  
Barbara A. Grattan, Town Clerk  
Riverhead, New York 11901

Dated: August 16, 2005

August 16, 2005

# Adopted

## TOWN OF RIVERHEAD

RESOLUTION # 828

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A NOTICE TO  
BIDDERS TO  
PROVIDE AND INSTALL NEW WOOD FLOOR  
IN THE GEORGE YOUNG COMMUNITY CENTER**

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the August 25, 2005 issue of the official Town newspaper to provide and install wood flooring in the George Young Community Center located on South Jamesport Avenue, Jamesport, New York; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authored to forward a certified copy of this resolution to David Carrick, Jim Janecek and the Office of Accounting.

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  
NOTICE TO BIDDERS**

Sealed proposals to provide and install new white oak select wood flooring in the George Young Community Center located on South Jamesport Avenue, Jamesport, New York will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, until 11:05 on September 6, 2005 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and/or obtained on or about August 25, 2005 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays.

A fee of \$50.00 will be required for each copy of the contract documents.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked "GYCC Wood Floor" and must be accompanied by a bid surety as stated in the Instructions to Bidders.

The Town of Riverhead reserves the right to reject any and all bids.

**BY ORDER OF THE RIVERHEAD TOWN BOARD**  
Barbara A. Grattan, Town Clerk  
Riverhead, New York 11901

Dated: August 16, 2005

August 16, 2005

# Adopted

TOWN OF RIVERHEAD

Resolution # 829

**Memorializing Resolution Requesting Suffolk County Executive to Approve Suffolk County Legislature Resolution No. 1647 of 2005**

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

WHEREAS, Suffolk County Legislators Michael Caracciolo and Jay Schneiderman sponsored a law entitled "A Charter Law to Provide for Fair and Equitable Distribution of Public Safety Sales and Compensating Use Tax Revenues" (Resolution No. 1647 of 2005); and

WHEREAS, numerous public hearings were held before the Budget and Finance Committee of the Suffolk County Legislature with testimony provided by numerous East End Town Supervisors and Village Mayors; and

WHEREAS, the Suffolk County Legislature, at its meeting held on August 9, 2005, adopted the above-referenced legislation, which will now provide for the fair and equitable distribution of public safety sales and compensating use tax revenues to those Towns and Villages not utilizing the services of the Suffolk County Police Department, namely, all of the East End Towns and Villages;

NOW THEREFORE BE IT RESOLVED THAT, the Town Board of the Town of Riverhead hereby requests that the Suffolk County Executive approve the above-cited legislation; and be it

FURTHER RESOLVED, that the Town Clerk is directed to forward a copy of this resolution to Suffolk County Executive Steve Levy and the members of the Suffolk County Legislature.

**THE VOTE**

Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Sanders ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No

# Adopted

08/16/05

TOWN OF RIVERHEAD

Resolution # 830

**REFERS PROPOSED LOCAL LAW TO AMEND CHAPTER 12 OF THE RIVERHEAD TOWN CODE ENTITLED "COASTAL EROSION HAZARD AREAS" TO THE RIVERHEAD PLANNING BOARD, DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND SUFFOLK COUNTY PLANNING COMMISSION**

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

WHEREAS, the Town Board wishes to adopt a local law to amend Chapter 12 of the Riverhead Town Code entitled "Coastal Erosion Hazard Areas", and

WHEREAS, prior to the adoption of the proposed local law, the Town Board wishes to refer the proposed local law to the Riverhead Planning Board, The NYS Department of Environmental Conservation and the Suffolk County Planning Commission to obtain review and comment from those agencies,

NOW, THEREFORE, BE IT

**RESOLVED**, that the Town Clerk be and is hereby authorized to refer the attached proposed local law to amend Chapter 12 entitled, "Coastal Erosion Hazard Areas" of the Riverhead Town Code.

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

RIVERHEAD TOWN CODE  
CHAPTER 12  
COASTAL EROSION HAZARD AREAS

§12-6 Definitions

NONCONFORMING BUILDING OR STRUCTURE — Any building or structure located entirely or partially within the Coastal Erosion Hazard Area or seaward of a Natural Protective Feature as defined herein.

MAJOR ADDITION — An addition to a structure resulting in an increase of 25% or greater in the ground area-coverage gross floor area of the structure, other than an erosion protection structure or a pier, dock or wharf. The increase will be calculated as the ground-area-coverage gross floor area to be added, including any additions previously constructed under a coastal erosion management permit, divided by the ground area-coverage gross floor area of the existing structure, as defined in "existing structure."

GROSS FLOOR AREA-The sum of the horizontal areas of all floors of a building, including interior balconies and mezzanines, but excluding uncovered exterior balconies, decks or porches. All horizontal dimensions of each floor are to be measured from the exterior faces of the walls of each such floor, including all roofed-over areas, or from the center line of party walls with any adjoining building. Accessory structures including, but not limited to; garages and sheds shall be included in computing gross floor area.

§ 12-14

C. Nonconforming buildings and structures

The following provisions shall apply to and govern all nonconforming buildings and structures:

1. Alteration, reconstruction, or repair of nonconforming buildings or structures, generally. A lawfully preexisting nonconforming building or structure or a building or structure which lawfully exists within the Coastal Erosion Hazard Area or seaward of any Natural Protective Feature may be altered, reconstructed or repaired, provided that the degree of nonconformity is not thereby increased. For the purposes of this subsection, an increase in the degree of nonconformity shall include any increase in the amount of a nonconforming building's or structure's gross floor area or an increase in any portion of a building or structure located above the maximum height permitted.

2. Setback limitations for alteration, reconstruction, or repair of nonconforming structures. Any alteration, reconstruction, or repair of a nonconforming buildings or structures shall not be located seaward of the preexisting nonconforming structure and shall meet the adjacent side yard requirements for new construction.

3. Limitations on reconstruction.

a. If more than 50% of the gross floor area of a nonconforming building or structure requires reconstruction such building or structure must be relocated, redesigned, and/or reengineered to conform to all setback, structure, and other requirements of this code.

b. If it is not possible to relocate a nonconforming building or structure in accordance with (a) above, application may be made to the Town Board, and upon proof of same, the Town Board may grant relief for the nonconforming building or structure to be reconstructed to the original nonconforming dimensions.

4. In specific cases and upon application to it, the Town Board may modify requirements when it furthers the goals outlined by the Comprehensive Plan of the Town of Riverhead.

# Adopted

August 16th, 2005

TOWN OF RIVERHEAD

Resolution # 831

**APPROVES SITE PLAN OF MARY ANN DILIBERTO**  
**WINE TASTING HOUSE**

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

**WHEREAS**, a site plan and elevations were submitted by Mary Ann Diliberto to construct a 2,224 sq. ft. wine tasting house and related improvements to an existing vineyard such real property located at 250 Manor Lane, Jamesport, New York, known and designated as Suffolk County Tax Map Number 0600-47-2-5.5; and

**WHEREAS**, the Planning Department has reviewed the site plan dated June 15<sup>th</sup>, 2005 as prepared by Martin Sendlewski, R.A. and elevations dated June 15<sup>th</sup>, 2005, as prepared by Martin Sendlewski, R.A., has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

**WHEREAS**, the Town Board has carefully considered the merits of the site plan application, the SEQRA record to date, the report of the Planning Department, as well as all other relevant Planning, Zoning and Environmental information; and

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

**WHEREAS**, the site plan, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 2004-1018 of the Office of the Financial Administrator of the Town of Riverhead; and

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that in the matter of the site plan application of Mary Ann Diliberto, the Riverhead Town Board declares itself to be the Lead Agency and further determines the action to be Type II pursuant to 6NYCRR Part 617; and

**BE IT FURTHER**

**RESOLVED**, that the site plan and elevations submitted by Mary Ann Diliberto to construct a 2,224 sq. ft. wine tasting house and related improvements to an existing vineyard such real property located at 250 Manor Lane, Jamesport, New York, site plan dated June 15<sup>th</sup>, 2005, as prepared by Martin Sendlewski, R.A. and elevations dated June 15<sup>th</sup>, 2005, as prepared by Martin Sendlewski, R.A., be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

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

Town of Riverhead to enter premises at 250 Manor Road, Jamesport, New York, to enforce said handicapped parking regulations;

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Mary Ann Diliberto, 250 Manor Lane, PO Box 702, Jamesport, New York 11947, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

Planning Dept.

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

**DECLARATION AND COVENANTS**

**THIS DECLARATION**, made the \_\_\_\_\_ day of \_\_\_\_\_, 2005, made by Mary Ann Diliberto, Declarant:

**WITNESSETH:**

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

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

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

**NOW, THEREFORE, THIS DECLARANT WITNESSETH:**

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

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

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled , "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
6. Parking, paving, and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
8. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Mary Ann Diliberto hereby authorizes and consents to the Town of Riverhead to enter premises at 250 Manor Lane, Jamesport, New York, to enforce said handicapped parking regulations;
9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
10. That all utilities shall be constructed underground, if feasible;
11. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall pose a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;
12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;

13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock", as published by the American Association of Nurserymen;
14. That all necessary precautions shall be taken to contain all dust, dirt, and sand within property boundaries. Such precautions may include the application of dust down, watering, or proper screening or other appropriate measures;
15. That the property owner shall only purvey agricultural products not grown on the premises from a floor area not exceeding forty percent (40%) of the total floor area of the Building;

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

\_\_\_\_\_  
MARY ANN DILIBERTO

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

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

\_\_\_\_\_  
Notary Public

August 16th, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 832

**APPROVES SITE PLAN OF MICOR ENTERPRISES LLC**

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

**WHEREAS**, a site plan and elevations were submitted by Micor Enterprises LLC, for exterior renovations to an existing building located at 211 Roanoke Avenue, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-128-6-9; and

**WHEREAS**, the Planning Department has reviewed the site plan dated May 3rd, 2005, as prepared by Martin Sendlewski, R.A. and elevations dated May 3<sup>rd</sup>, 2005, as prepared by Martin Sendlewski, R.A., and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

**WHEREAS**, the Town Board has carefully considered the merits of the site plan application, the SEQRA record to date, the report of the Planning Department, as well as all other relevant planning, zoning and environmental information; and

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

**WHEREAS**, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 2005-0314 of the Office of the Financial Administrator of the Town of Riverhead; and;

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that in the matter of the site plan application of Micor Enterprises LLC, the Riverhead Town Board declares itself to be the Lead Agency and further determines the action to be Type II pursuant to 6NYCRR Part 617; and

**BE IT FURTHER**

**RESOLVED**, that the site plan and elevations submitted by Micor Enterprises, LLC., site plan dated May 3rd, 2005, as prepared by Martin Sendlewski, R.A. and

elevations dated May 3<sup>rd</sup>, 2005, as prepared by Martin Sendlewski, R.A. for exterior renovations to an existing building, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan approves and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
7. That parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
8. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
9. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Micor Enterprises, LLC authorizes and consents to the Town of Riverhead to enter premises at the 211 Roanoke Avenue, Riverhead, New York, to enforce said handicapped parking regulations;

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Micor Enterprises, LLC, 211 Roanoke Avenue, Riverhead, New York 11901, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

*Planning Dept.*

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

## DECLARATION AND COVENANTS

**THIS DECLARATION**, made the \_\_\_\_ day of \_\_\_\_\_, 2005, made by Micor Enterprises, LLC, Declarant:

### WITNESSETH:

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

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

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

### NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

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

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled , "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
6. Parking, paving, and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
8. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Micor Enterprises LLC, hereby authorizes and consents to the Town of Riverhead to enter premises at 211 Roanoke avenue, New York, to enforce said handicapped parking regulations;
9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
10. That all utilities shall be constructed underground, if feasible;
11. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall pose a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;
12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;

13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock", as published by the American Association of Nurserymen;
14. That all necessary precautions shall be taken to contain all dust, dirt, and sand within property boundaries. Such precautions may include the application of dust down, watering, or proper screening or other appropriate measures;

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

\_\_\_\_\_  
MICOR ENTERPRISES LLC.

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

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

\_\_\_\_\_  
Notary Public

August 16th, 2005

**Adopted**

TOWN OF RIVERHEAD

RESOLUTION #833

**APPROVES MODIFIED SITE PLAN OF OLDCASTLE RETAIL INC.  
D/B/A BONSAI AMERICAN**

**COUNCILMAN DENSIESKI**

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

WHEREAS, by Resolution #41, adopted on January 19<sup>th</sup>, 2005 by the Riverhead Town Board, the Riverhead Town Board did approve the site plan of Bonsal American, for renovations to an existing manufacturing facility upon real property located at 4062 Grumman Blvd, Calverton, New York known and designated as Suffolk Tax Map Number 0600-135-1-7.8; and

WHEREAS, Bonsal American has requested that a modification of said site plan approval be approved by the Riverhead Town Board in order to modify the site plan; and

WHEREAS, the Planning Department has reviewed the site plan dated May 25<sup>th</sup>, 2005, as prepared by Barret, Bonacci & Van Weele, P.C. and has recommended that the Town Board grant such modification; and

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

WHEREAS, the site plan fee, as required by Section 108-131 B (3) of the Code of the Town of Riverhead has been received and deposited per Check Number 1564 dated August 15<sup>th</sup>, 2005.

NOW, THEREFORE BE IT

RESOLVED, the Town Board of Riverhead does hereby approve the site plan modification of Bonsal American, as prepared by Barret, Bonacci & Van Weele, P.C., dated May 25<sup>th</sup>, 2005.

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Mark A. Lowry, agent for Bonsal American, 4062 Grumman Boulevard, Building 701C, Calverton New York 11933, the Riverhead Planning Department, Building Department, Town Engineer, Assessors' Office and the Office of the Town Attorney.

*Planning Department*

**THE VOTE**  
Bartunek  yes \_\_\_ no \_\_\_ Sanders  yes \_\_\_ no \_\_\_  
Blass \_\_\_ yes \_\_\_ no \_\_\_ Densieski  yes \_\_\_ no \_\_\_  
Cardinale  yes \_\_\_ no \_\_\_  
**THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED**

August 16<sup>th</sup>, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 834

**APPROVES SITE PLAN OF RIVERHEAD COMMERCE PARK**  
**(Lot #6 & #7)**

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

**WHEREAS**, a site plan and elevations were submitted by Riverhead Commerce Park Associates, LLC, to construct two office buildings of 8,000 sq. ft. and 11,999 sq. ft. together with related site improvements, located at Commerce Drive, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-101-01-10.10 & 10.18; and

**WHEREAS**, the Planning Department has reviewed the site plan dated June 22, 2005, as prepared by Robert J. Gruber, R.A. and elevations dated January 13th, 2005, as prepared by Robert J. Gruber, R.A. and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

**WHEREAS**, the Town Board has carefully considered the merits of the site plan application, the SEQRA record to date, the report of the Planning Department, as well as all other relevant Planning, Zoning and Environmental information; and

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

**WHEREAS**, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Check Number 1216 dated August 15<sup>th</sup>, 2005; and

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that in the matter of the site plan application of the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the action to be Unlisted Pursuant to 6NYCRR Part 617 without adverse impacts to either the natural or social environment and that an Environmental Impact Statement need not be prepared.

## BE IT FURTHER

**RESOLVED**, that the site plan and elevations submitted by Riverhead Commerce Park, LLC., for construction of a two office buildings of 8,000 sq. ft. and 11,999 sq. ft. together with related site improvements, located at Commerce Drive, Riverhead, New York, site plan dated June 22nd, 2005 as prepared by Robert J. Gruber, R.A. and elevations dated January 13<sup>th</sup>, 2005, as prepared by Robert J. Gruber, R.A. be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

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

Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Riverhead Commerce Park Associates, LLC hereby authorizes and consents to the Town of Riverhead to enter premises at Commerce Drive, Riverhead, New York, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
11. That all new utilities shall be constructed underground, if feasible;
12. That pursuant to Section 108-133(I) of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a land clearing and/or building permit, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof.
13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
15. That no Land Clearing or Building Permit shall issue prior to the subject parcels being merged; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Richard Israel, Esq., Riverhead Park Associates, LLC, 185 Old Country Road, Suite #5, Riverhead, New York 11901, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

THE VOTE

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

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

## DECLARATION AND COVENANTS

THIS DECLARATION, made the \_\_\_\_ day of \_\_\_\_\_, 2005, made by Riverhead Commerce Park Associates LLC., Declarant:

### WITNESSETH:

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

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

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

### NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

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

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

13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock", as published by the American Association of Nurserymen;
14. That all necessary precautions shall be taken to contain all dust, dirt, and sand within property boundaries. Such precautions may include the application of dust down, watering, or proper screening or other appropriate measures;

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

RIVERHEAD COMMERCE PARK  
ASSOCIATES LLC

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

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

\_\_\_\_\_  
Notary Public

August 16th, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 835

**APPROVES SITE PLAN OF SPRINT SPECTRUM LP @ CHERRY CREEK**

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

**WHEREAS**, a site plan and elevations were submitted by Sprint Spectrum LP to collocate 3 public utility wireless telecommunications antennae with an additional 10' x 20' equipment cabinet onto an existing tower located at 900 Reeves Avenue, Riverhead, New York known and designated as Suffolk County Tax Map Number 0600-18-2-1.3; and

**WHEREAS**, the Planning Department has reviewed the site plan dated March 17<sup>th</sup>, 2005, as prepared by Joseph J. Coppola, R.A. and elevations dated March 17<sup>th</sup>, 2005, as prepared by Joseph J. Coppola, R.A., has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

**WHEREAS**, the Town Board has carefully considered the merits of the site plan application, the SEQRA record to date, the report of the Planning Department, as well as all other relevant Planning, Zoning and Environmental information; and

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

**WHEREAS**, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 2005-0616 of the Office of the Financial Administrator of the Town of Riverhead; and

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that in the matter of the site plan application of the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the action to be Unlisted pursuant to 6NYCRR Part 617 with no adverse impacts to either the natural or social environment and that an Environmental Impact Statement need not be prepared.

## BE IT FURTHER

**RESOLVED**, that the site plan and elevations submitted by Sprint Spectrum LP to collocate 3 public utility wireless telecommunications antennae with an additional 10' x 20' equipment cabinet onto an existing tower located at 900 Reeves Avenue, Riverhead, New York, site plan dated March 17<sup>th</sup>, 2005 as prepared by Joseph J. Coppola, R.A. and elevations dated March 17<sup>th</sup>, 2005 as prepared by Joseph J. Coppola, R.A. be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

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

be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Cherry Creek, Inc. hereby authorizes and consents to the Town of Riverhead to enter premises at 900 Reeves Avenue, Riverhead, New York, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
11. That all new utilities shall be constructed underground, if feasible;
12. That pursuant to Section 108-133(D) of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a land clearing and/or building permit, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof.
13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
15. That a post construction certification be provided to the Town, from the a licensed engineer; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to, Jacalyn R. Fleming, Munley, Meade, Nielsen, & Re , 36 North New York Avenue, Huntington, New York 11743, attorneys for applicant, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

Planning Dept.

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

## DECLARATION AND COVENANTS

**THIS DECLARATION**, made the \_\_\_\_\_ day of \_\_\_\_\_, 2005, made by Cherry Creek Inc., Declarant:

### WITNESSETH:

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

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

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

### NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

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

4. That all necessary precautions shall be taken to contain all dust, dirt, and sand within property boundaries. Such precautions may include the application of dust down, watering, or proper screening measures.
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled , "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
7. Parking, paving, and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
8. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
9. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, hereby authorizes and consents to the Town of Riverhead to enter premises at 900 Reeves Avenue, Jamesport, New York to enforce said handicapped parking regulations;
10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
11. That all new utilities shall be constructed underground, if feasible;
12. That pursuant to Section 108-133(I) of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a land clearing and/or building permit, shall post a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;

13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock", as published by the American Association of Nurserymen;
14. That all necessary precautions shall be taken to contain all dust, dirt, and sand within property boundaries. Such precautions may include the application of dust down, watering, or proper screening or other appropriate measures;

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

\_\_\_\_\_  
CHERRY CREEK, INC.

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

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

\_\_\_\_\_  
Notary Public

August 16, 2005

**Adopted**

TOWN OF RIVERHEAD

Resolution # 836

**Authorizes CSEA President to Attend Delegates Meeting**

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

**WHEREAS**, the Civil Service Employees Association (CSEA) is holding its Annual Delegates Meeting on September 28, 2005 through September 30, 2005 in Buffalo, New York; and

**WHEREAS**, attendance at the CSEA Annual Delegates Meeting is for educational and informational purposes; and

**WHEREAS**, it is the desire of William J. Walsh, President of CSEA Suffolk Local 852, that CSEA Suffolk Local 852 3<sup>rd</sup> Vice President Matt Hattorff attend such meeting.

**NOW THEREFORE BE IT RESOLVED** that the Riverhead Town Board hereby authorizes Administrative Leave for Matt Hattorff to attend the aforementioned meeting to be held in Buffalo, New York on September 28, 2005 through September 30, 2005; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to William J. Walsh, CSEA Suffolk Local 852 President, Matt Hattorff and the Office of Accounting.

**THE VOTE**

Bartunek ~~Yes~~ No

Sanders ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No