

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

June 20th, 2006

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

**Barbara Blass, Councilwoman
John Dunleavy, Councilman**

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

ELECTED OFFICIALS

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

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

DEPARTMENT HEADS

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

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

PUBLIC COMMENT ON ANY RESOLUTIONS LISTED BELOW:
REGULAR TOWN BOARD MEETING:

- #570 CDBG Consortium 2006 Budget Adoption
- #571 General Fund Control of Dogs Budget Adjustment
- #572 General Fund Fire Protection & Code Enforcement Division Budget Adjustment
- #573 General Fund Police Department-JAB/Youth Programs Budget Adjustment
- #574 Sewer District Budget Adjustment
- #575 Sewer District Budget Adoption
- #576 Peconic Riverfront Park Improvement Project Budget Adjustment
- #577 Peconic Riverfront Park Improvement Project Budget Adjustment
- #578 Authorizes Establishment of Bank Account for Main Street Program
- #579 Approves Site Plan of Omnipoint Facilities Network 2, LLC
- #580 Approves Site Plan of East Main Street Ventures, Inc.
- #581 Approves Special Permit Application of Culinary Art Riverhead, LLC
- #582 Approves Sign Permit of Bubba Lu's Ice Cream
- #583 Accepts Cash Security of Hristina Mantzopoulos (Hellas East Management LLC)
- #584 Accepts Irrevocable Letter of the Corporation of the Presiding Bishop of the Church of Jesus Christ of Later-Day Saints, a Utah Corporation Sole
- #585 Appoints Summer Recreation Aides to the Recreation Department (A. Stephens, J. Walsh, B. Woodhull)

- #586 Appoints a Lifeguard Level II to the Recreation Department (A. Smura)
- #587 Appoints a Lifeguard Level I to the Recreation Department (C. Bilunas)
- #588 Appoints a P/T Assistant Recreation Leader/Skatepark to the Recreation Department (R. Gatz)
- #589 Ratifies the Appointment of a P/T Assistant Recreation Leader/Skatepark to the Recreation Department (C. Barker)
- #590 Ratifies an Appointment of a P/T Assistant Recreation Leader/Skatepark to the Recreation Department (F. Boucher IV)
- #591 Accepts Resignation of Deputy Town Attorney (M. Hartill)
- #592 Ratifies Termination of Deputy Town Attorney (T. Loschiavo)
- #593 Accepts Resignation of Part Time Recreation Leader (J. Minuto)
- #594 Ratifies Execution of Engagement Letter- Appoints Financial Consultant in the Accounting Department (William Rothaar)
- #595 Authorizes Supervisor to Send Letter
- #596 Accepts Offer of Sale of Real Property Located in the Town of Riverhead (purported owner: Carl E. Carter and Karen Terry Carter)
- #597 Adopts a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Town of Riverhead (108-56 Signs)
- #598 Adopts a Local Law Amending Chapter 46A Entitled, "Architectural Review" of the Riverhead Town Code
- #599 Adopts a Local Law to Repeal and Replace Chapter 73 Entitled, "Landmarks Preservation" of the Riverhead Town Code
- #600 Approves Chapter 90 Application of Vail-Leavitt Music Hall, Inc. (Blues Festival)

- #601 Approves Chapter 90 Application of Jamesport Fire Department to Conduct a Fireman's Carnival
- #602 Approves Application of Church of the Harvest
- #603 Approves Chapter 90 Application of East End Arts Council (Wine Press Concert Series)
- #604 Approves Chapter 90 Application of Polish Town Civic Association
- #605 Approves Chapter 90 Application of Old Steeple Community Church
- #606 Approves the Application for Fireworks Permit of Riverhead Raceway (July 1, 2006)
- #607 Approves the Application of Fireworks Permit of Wildlife Rescue Center of the Hamptons, Inc.
- #608 Approves the Application for Fireworks Permit of Riverhead Raceway (August 27, 2006)
- #609 Amends TBR 06-154
- #610 Amends Resolution #556 of 2006 (Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (Residence Districts Schedule of Dimensional Regulations)
- #611 Authorizes Town Clerk to Post and Publish Public Notice for Public Hearing Regarding Boundary Line Alteration between 201 Howell Avenue and 718 East Main Street
- #612 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (Destination Retail (DRC) Zoning Use District-Permitted Uses)
- #613 Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Local Law to Amend Chapter 101 Entitled, "Vehicles and Traffic" of the Riverhead Town Code (101-8 Weight Limits)

- #614 Authorizes Town Clerk to Post and Publish Public Notice to Public Hearing to Consider a Local Law for an Amendment to the Zoning Map of the Riverhead Town Code
- #615 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (108-20.2- Residence A-80 (RA-80) Zoning Use District)
- #616 Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law to Amend Chapter 101.10 Entitled, "Parking Prohibited" and Chapter 101-18 Entitled, "Seasonal Parking Permitted" of the Riverhead Town Code
- #617 Authorizes Town Clerk to Post and Publish Public Notice for a Public Hearing Regarding a Local Law to Amend Chapter §52-18 (Penalties for Offenses) of the Riverhead Town Code
- #618 Authorizes Town Clerk to Post and Publish Public Notice for a Public Hearing Regarding a Local Law to Amend Chapter §108-78 (Penalties for Offenses) of the Riverhead Town Code
- #619 Ratify Authorization to Publish and Post a Help Wanted Advertisement for the Position of Custodial Worker I
- #620 Authorizes the Town Clerk to Post and Publish Notice to Bidders for the Town of Riverhead Annual Construction Contract
- #621 Authorizes Town Clerk to Publish and Post Notice to Bidders for Electric Motor Emergency Repair/Replacement for Use by the Riverhead Water District
- #622 Awards Bid for Municipal Solid Waste
- #623 Awards Bid on Stainless Steel Material Spreaders w/Liquid Calcium Chloride Dispensing Systems
- #624 Authorizes Submission of Application to New York State Department of Transportation for Funding Under the Transportation Enhancements Program
- #625 Pays Bills

JUNE 20, 2006

Adopted

TOWN OF RIVERHEAD

CDBG CONSORTIUM 2006

BUDGET ADOPTION

RESOLUTION # 570

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>
181.084910.493000.06906	Federal Aid	\$168,000	
181.086680.540000.06906	Home Imp Program		52,000
181.086760.542200.06906	Soup Kitchen Supplies		5,850
181.086760.543401.06906	Family Service -Training & Education		4,200
181.086760.543401.06906	Peconic Comm. Council		1,000
181.086760.543401.06906	First Baptist Church Companion Prog.		1,000
181.086760.543401.06906	LI Council of Church		1,000
181.086760.543408.06906	Drug Abuse Prevention Education		5,400
181.086760.543409.06906	Literacy Education Program		4,100
181.086760.544000.06906	Alternative Counseling Services		3,100
181.086860.540000.06906	Administration		18,800
181.086620.523001.06906	Sidewalk Improvements		71,550

THE VOTE

Dunleavy Yes No Bartunek Yes No
 Blass Yes No Densieski Yes No
 Cardinale Yes No

Accounting

JUNE 20, 2006

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

CONTROL OF DOGS

BUDGET ADJUSTMENT

RESOLUTION # 571

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

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

		<u>FROM</u>	<u>TO</u>
001.035100.542400	Control of Dogs, Uniform Expense	\$490.00	
001.035100.549000	Control of Dogs, Misc. Expense	\$150.00	
001.035100.524000	Control of Dogs, Equipment		\$640.00

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

JUNE 20, 2006

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

FIRE PROTECTION & CODE ENFORCEMENT DIVISION

BUDGET ADJUSTMENT

RESOLUTION # 572

CCUNCILMAN DUNLEAVY

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

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

		<u>FROM</u>	<u>TO</u>
001.036250.542400	Uniforms	\$1,250.00	
001.036250.543403	Professional Services/Education		\$1,250.00

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

JUNE 20, 2006

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

POLICE DEPARTMENT – JAB/YOUTH PROGRAMS

BUDGET ADJUSTMENT

RESOLUTION # 573

_____ 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>
001.031250.511100	JAB, Personal Services	\$2,000.00	
025.073100.544300	Youth Programs, Scholarship Expenses		\$2,000.00

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

JUNE 20, 2006

Adopted

TOWN OF RIVERHEAD

SEWER DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 574

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>
114.081300.546203	Plant Electric & Gas	\$8,000.00	
114.081300.5414165	Replacements & Improvements		\$8,000.00

THE VOTE

Dunleavy Yes No Bartunek Yes No
 Blass Yes No Densieski Yes No
 Cardinale Yes No

JUNE 20, 2006

Adopted

TOWN OF RIVERHEAD

SEWER DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 575

COUNCILMAN BARTUNEK

offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY

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

		<u>FROM</u>	<u>TO</u>
406.092705.421050.20026	Developer Fees	\$25,000.00	
406.081300.543504.20026	Engineering Expenses		\$25,000.00

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

JUNE 20, 2006

Adopted

TOWN OF RIVERHEAD

PECONIC RIVERFRONT PARK IMPROVEMENT PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 576

COUNCILMAN DUNLEAVY

_____ 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>
406.071100.597000.40185 Contingency	\$130,121.50	
406.071100.523018.40185 Construction		\$130,121.50

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Engineering, Community Development, and the Office of Accounting.

THE VOTE

Dunleavy Yes No Bartunek Yes No

Blass Yes No Densieski Yes No *alstair*

Cardinale Yes No

JUNE 20, 2006

Adopted

TOWN OF RIVERHEAD

PECONIC RIVERFRONT PARK IMPROVEMENT PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 577

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>
406.095031.481900.40185	Transfer from Park & Rec	\$8,000	
406.071100.523018.40185	Construction		\$8,000

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Engineering, Community Development, and the Office of Accounting.

THE VOTE

Dunleavy Yes No Bartunek Yes No

Blass Yes No Densieski Yes No *abstain*

Cardinale Yes No

Adopted

6/20/06

Town of Riverhead
Resolution # 578

Authorizes Establishment of Bank Account for Main Street Program

COUNCILMAN DENSIESKI

offered the following resolution, which

was seconded by COUNCILMAN BARTUNEK.

WHEREAS, the Riverhead Business Improvement District Management Association, Inc., applied to the New York State Housing Trust Fund for funds for building and façade improvements on Main Street in downtown Riverhead; and

WHEREAS, the NYS Housing Trust Fund awarded \$200,000 to the Riverhead Business Improvement District Management Association, Inc. for the Main Street Program; and

WHEREAS, the program provides for reimbursement for eligible expenditures, however the Riverhead Business Improvement District Management Association, Inc. does not have the funds to advance to property owners for eligible improvements; and

WHEREAS, the Town Board of the Town of Riverhead serves as the Business Improvement District.

THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Riverhead Business Improvement District to advance \$200,000 to Riverhead Business Improvement District Management Association, Inc.; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the opening of a checking account in the name of the Riverhead Business Improvement District Management Association, Inc. and Town of Riverhead with Phil Cardinale, Jack Hansen, Andrea Lohneiss and Tim Griffing as authorized signatures for said account; and

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a copy of this resolution to the Riverhead Business Improvement District Management Association, Inc., Tim Griffing, Treasurer, the Accounting Department, and Andrea Lohneiss.

THE VOTE

Dunleavy yes no Bartunek yes no
Blass yes no Densieski yes no
Cardinale yes no

ablan

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

Adopted

June 20th, 2006

TOWN OF RIVERHEAD

Resolution # 579

APPROVES SITE PLAN OF OMNIPOINT FACILITIES NETWORK 2, LLC.

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

WHEREAS, a site plan and elevations were submitted by Omnipoint Facilities Network 2, LLC, to co-locate 9 public utility wireless telecommunications antenna panels with additional equipment cabinets onto an existing tower located at Riverhead Water District water tank (Pulaski Street), Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-124-1-27; and

WHEREAS, the Planning Department has reviewed the site plan dated December 6, 2005, as prepared by Neil Alexander MacDonald, R.A. and elevations dated December 6, 2005 as prepared by Neil Alexander MacDonald, R.A. and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be an Unlisted Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617 and that an Environmental Impact Statement need not be prepared; and

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

WHEREAS, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Check Number 0335141 to the Office of the Financial Administrator of the Town of Riverhead; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Omnipoint Facilities Network 2, LLC to co-locate 9 public utility wireless telecommunications antenna panels with additional equipment cabinets onto an existing tower located at Riverhead Water

District water tank (Pulaski Street), Riverhead, New York, site plan dated December 6, 2005, as prepared by Neil Alexander MacDonald, R.A. and elevations dated December 6, 2005, as prepared by Neil Alexander MacDonald, 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 approved by the Town Attorney, 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, Omnipoint Facilities Network 2, LLC hereby authorizes and consents to the Town of Riverhead to enter premises at Pulaski Street, Riverhead to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
11. That all utilities shall be constructed underground, if feasible;
12. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof.
13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
15. That a post construction certification be provided to the Town (Water District), from 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 Munley, Meade, Nielsen and Re', Attorneys at Law, 36 North New York Avenue, Huntington, New York 11743, the Riverhead Planning Department, Riverhead Building Department, Riverhead Town Water District, Office of the Town Attorney and the Town Engineer.

Planning Department

THE VOTE

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

**THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED**

June 20th, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 580

APPROVES SITE PLAN OF EAST MAIN STREET VENTURES INC.

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

WHEREAS, a site plan was submitted by East Main Street Ventures Inc. to allow the construction of townhouses with related site improvements, upon real property located 612 East Main Street, Riverhead, New York, such real property more particularly described as Suffolk County Tax Map Parcel No. 0600-129-3-37; and

WHEREAS, the Zoning Board of Appeals granted yard relief (Appeal No. 06-36) showing a lot line depth of 6 feet instead of the required 15 feet and that the applicant, as a condition of the approval, shall provide proper screening to the residence located to the north of said proposed townhouses either through the use of fencings or plantings, and

WHEREAS, the Planning Department has reviewed a site plan dated December 9th, 2005, as prepared by Jeffrey Butler, P.E. and elevations dated November 16th, 2005, as prepared by Jeffrey Butler, P.E. 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 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 East Main Street Ventures Inc. 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

significant adverse impacts upon either the natural or social environment and that a Draft Environmental Impact Statement need not be prepared.

BE IT FURTHER

RESOLVED, that the site plan was submitted by East Main Street Ventures Inc., to allow the construction of townhouses with related site improvements, upon real property located at the 612 East Main Street, Riverhead, New York, such site plan prepared by Jeffrey Butler, P.E., dated December 9th, 2005 and elevations dated November 16th, 2005 as prepared by Jeffrey Butler, P.E. are hereby approved by the Town Board 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 draft covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be reviewed by the Town Attorney's Office prior to recording 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, East Main Street Ventures Inc., hereby authorizes and consents to the Town of Riverhead to enter premises at 612 East Main Street, 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. 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 no building permit shall issue prior to the submission of plans for the screening of the use to the residence located at the northerly property line to the satisfaction of the Planning Director; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to, East Main Street Ventures Inc., c/o Deirdre and Patrick Fedun, 400 Eagle Nest Court, Laurel, New York 11948, the Riverhead Planning Department, Riverhead Building Department, Town Attorney and the Town Engineer.

Planning Dept.

THE VOTE

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

**THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED**

06/20/06

TOWN OF RIVERHEAD

Adopted

Resolution # 581

**APPROVES SPECIAL PERMIT APPLICATION OF
CULINARY ARTS RIVERHEAD, LLC**

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

WHEREAS, an application was submitted on March 7, 2006 to the Town Board for a special permit pursuant to §§ 108-169 to allow the construction of a two story building of approximately 28,583 square feet on approximately .48 acres of property in the DC-1 Zoning Use District with Ninety (90) percent lot coverage as opposed to the Eighty (80) percent allowed within the DC-1 Zoning Use District on property more particularly described as Suffolk County Tax Map Number 0600-128-5-50.1, 51, 53, 55, and 66.3; and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form (FEAF) in connection with the application, and

WHEREAS, the FEAF indicates that the Culinary Arts School will employ 21 full time and 22 part time administrative and bakery staff and 25 adjunct professors, 300 students and that at most 122 students and faculty will be utilizing the building at any one time,

WHEREAS, the property lies within the Riverhead Parking District No. 1, and

WHEREAS, the action is considered "Unlisted" for the purposes of 6 NYCRR Part 617 (SEQRA), and

WHEREAS, the Town of Riverhead Planning Staff has reviewed & prepared a report on the application and the FEAF, and completed a independent review of the parking available within the immediate vicinity of the proposed Culinary Arts school, and

WHEREAS, on May 2, 2006 a public hearing was held on the special permit petition of Culinary Arts Riverhead, LLC before the Town Board at which all testimony was given under oath, and

WHEREAS, the Town Board has carefully considered the merits of the petition, the Planning Staff report the SEQRA record created to date,

the sworn testimony given at the public hearing, as well as all relevant planning, zoning and environmental information, and

WHEREAS, the matter was referred to the Suffolk County Planning Commission in accordance with the mandates of section 239-m of the General Municipal Law, and

WHEREAS, the Suffolk County Planning Commission has concluded that the matter is one for local determination, and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby declares itself to be Lead Agency for the purposes of SEQRA, and be it further

RESOLVED, that the Town Board determines that coordinated review of the application under SEQRA is neither appropriate nor required, and be it further

RESOLVED, that the Town of Riverhead hereby determines that based upon the review of the application, the FEAF and the Town's independent review, the application will have no significant impacts upon the natural and social environment and as such issues a negative declaration pursuant to 6 NYCRR Part 617, and

RESOLVED, that the Town Board hereby makes findings as follows:

FIRST: That the subject premises lies within the DC-1 Use District;

SECOND: That §108-69 of the Riverhead Town Code provides the Town Board may, by special permit, allow within the Riverhead Public Parking District No. 1 a minimum front yard depth of zero feet and/or a total building area of up to 100% of the area of a parcel of land held in one ownership, either by erection of a new building or by alteration or extension of an existing building.

THIRD: That the property lies within the Town of Riverhead Public Parking District No. 1,

FOURTH: That the Town of Riverhead Public Parking District No. 1 has sufficient capacity to contain all of the parking expected to be generated by the Culinary Arts School that will be constructed on the site,

FIFTH: That the applicant has met the requirements of Town Law §274-b for the issuance of the special permit in that the proposed special permit

use is in harmony with the existing zoning and that it will not adversely affect the neighborhood.

BE IT FURTHER,

RESOLVED, that based upon its findings, the Town Board of the Town of Riverhead hereby approves the special permit of Culinary Institute subject to the following conditions:

1) That no building permit be issued until a site plan has been approved by the Town Board pursuant to Article XXVI of the Riverhead Town Code;

BE IT FURTHER,

RESOLVED, that copies of this resolution be forwarded to the Planning Department, Town Attorney, Building Department, and Suffolk County Community College, and the applicant.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

June 20, 2006

Adopted

TOWN OF RIVERHEAD
Resolution # 582

APPROVES SIGN PERMIT OF BUBBA LU'S ICE CREAM

COUNCILMAN DENSIESKI

offered the following resolution, which was seconded by

COUNCILMAN BARTUNEK

WHEREAS, a sign permit and sketch were submitted by Matt Lewis for property located at 40 McDermott Ave, 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 was not approved by the Architectural Review Board; and

BY

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 sign permit application for Bubba Lu's submitted by Matt Lewis for Bubba-Lu's and be it

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Matt Lewis, 40 McDermott Ave, Riverhead, NY 11901, the Planning Department, Code Enforcement Division and the Building Department.

THE VOTE

Bartunek Yes No

Dunleavy Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Is Is Not
Duly Declared Adopted



TOWN OF RIVERHEAD
ARCHITECTURAL REVIEW BOARD
200 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901-2596
(631) 727-3200, EXT. 267

TO: Building Department
FROM: Architectural Review Board
DATE: May 10th, 2006
RE: **BUBBA-LU'S - ROOF SIGN**

We have reviewed the above referenced application and have determined that the sign permit is:

Approved

Disapproved

Approved with the following amendments.

This application is approved/denied for the following reason(s):

THE VOTE:	Jacunski	Yes	No	Abstain
	Searles	Yes	No	Abstain
	Sokoloski	Yes	No	Abstain
	Jacquemin	Yes	No	Abstain
	Haynal	Yes	No	Abstain

DISAPPROVED



APPLICATION FOR SIGN PERMIT

Town of Riverhead
Suffolk County, New York

Ver. 1.02
10-24-05

Fee \$ 100.- Receipt No. 33247 Application No. 35183 Date Granted 1/1
 Date Denied 1/1 ZB No. 30771 Date Permit Issued 1/1
 Board of Appeals No. _____ Date Approved or Denied 1/1
 SCTM # 129-4-10.6 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)

First Name _____ Last Name _____ or Business Name Shoot For the Moon LLC
 Phone Number _____ Fax Number _____ Cellular Number (631) 252-8893
 Street No. 40 Street Name McDermott Town Riverhead State NY Zip 11901
 Mailing Address (if different from property location): _____

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)

First Name _____ Last Name _____ or Business Name _____
 Street No. _____ Street Name _____ Town _____ State _____ Zip _____
 Phone Number _____ Fax Number _____ Cellular Number _____

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 Riverhead If offsite, check box

If offsite, has permission been obtained from property owner, if other than the applicant, upon which the sign is to be erected?

Use District: 600 Sign Area (Sq. Ft.): 20 Sq. Ft. Height of Sign: 30 inches

Below, please choose all that apply:

- New Altered Permanent Temporary
- Lighted Single Face Double Faced Attached To Building
- Facial (Painted or Affixed) Independent Construction Advertising Business

Materials to be used: 3/4" MAO

Matthew Lewis has submitted papers for a sign permit, dated 1/1
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.

Sworn to me before this 3 day of May, 2006
Sign [Signature]
KIM E. FUENTES Signature of Owner or Applicant

[Signature]
Notary Public, State of New York
No. 4811709

Qualified in Suffolk County
Commission Expires April 30, 2008

7582212322



APPLICATION FOR SIGN PERMIT

Town of Riverhead
Suffolk County, New York

Ver. 1.02
10-24-05

Fee \$ 100 Receipt No. 33248 Application No. 35184 Date Granted 1/1
 Date Denied 1/1 ZB No. 30772 Date Permit Issued 1/1
 Board of Appeals No. _____ Date Approved or Denied 1/1
 SCTM # 129-4-10.6 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)

First Name _____ Last Name _____ or Business Name Shoot For the moon LLC
 Phone Number _____ Fax Number _____ Cellular Number (631) 252-8893
 Street No. 40 Street Name McDermott Town Riverhead State NY Zip 11901
 Mailing Address (if different from property location): _____

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)

First Name _____ Last Name _____ or Business Name _____
 Street No. _____ Street Name _____ Town _____ State _____ Zip _____
 Phone Number _____ Fax Number _____ Cellular Number _____

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 Riverhead if offsite, check box

If offsite, has permission been obtained from property owner, if other than the applicant, upon which the sign is to be erected?

Use District: D.C.O.D. Sign Area (Sq. Ft.): 20 sq Ft Height of Sign: 30 inches

Below, please choose all that apply:

<input checked="" type="checkbox"/> New	<input type="checkbox"/> Altered	<input checked="" type="checkbox"/> Permanent	<input type="checkbox"/> Temporary
<input type="checkbox"/> Lighted	<input checked="" type="checkbox"/> Single Face	<input type="checkbox"/> Double Faced	<input checked="" type="checkbox"/> Attached To Building
<input checked="" type="checkbox"/> Facial (Painted or Affixed)	<input type="checkbox"/> Independent Construction	<input type="checkbox"/> Advertising	<input checked="" type="checkbox"/> Business

Materials to be used: Aluminum 3/4 M70

Matthew Lewis has submitted papers for a sign permit, dated 5.3.06
 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.

Sworn to me before this 3 day
 of May, 2006 Sign Matthew Lewis
 of _____ KIM E. FUENTES Signature of Owner or Applicant
 Notary Public, State of New York
 No. 4811709
 Qualified in Suffolk County
 Commission Expires April 30, 2006
 Notary Public 7582212322

TOWN OF RIVERHEAD

Adopted

Resolution # 583

ACCEPTS CASH SECURITY OF HRISTINA MANTZOPOULAS (HELLAS EAST MANAGEMENT LLC)

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY

WHEREAS, Hristina Montzopoulos – Hellas East Management LLC has posted a cash security (Cashier's Check #15011 dated May 18, 2006) in the sum of Five Hundred Dollars (\$500) representing the 5% site plan security as noted in the approved site plan dated March 21, 2006 Resolution #247 for façade work located at 37 East Main Street, Riverhead, New York, further described as Suffolk County Tax Map # 600-128.-6-72.1, pursuant to Section 108-133 (I) of the Riverhead Town Code.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the 5% cash security in the sum of Five Hundred Dollars (\$500); 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 Hristina Montzopoulos, 807 Front Street, Greenport, New York, 11944; the Building Department; the Planning Department and the Town Attorney's Office.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Is Is not
Considered Declared Duly Adopted

06/20/06

TOWN OF RIVERHEAD

Resolution # 584

**ACCEPTS IRREVOCABLE LETTER OF THE CORPORATION OF THE
PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATER-DAY
SAINTS, A UTAH CORPORATION SOLE**

COUNCILMAN DUNLEAVY

offered the following resolution,

which was seconded by **COUNCILWOMAN BLASS**

WHEREAS, The Corporation of the Presiding Bishop of the Church of Jesus Christ of Later-Day Saints, A Utah Corporation Sole, has posted an Irrevocable Letter of Credit (#ZSB801671 from Zions Bank, Los Angeles, California) in the sum of Forty Four Thousand Five Hundred Dollars (\$44,500) representing the 5% site plan security for the construction of a Church with related improvements as per adopted Resolution #344 dated April 18, 2006 for the work at Middle Road, Riverhead, New York 11901 - Suffolk County Tax Map # 600-101.-3-10.5 pursuant to Section 108-133 (I) of the Riverhead Town Code; and

WHEREAS, the Town Attorney has reviewed said letter of credit 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 letter of credit in the sum of Forty Four Thousand Five Hundred Dollars (\$44,500) 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 The Church of Jesus Christ of Latter-Day Saints, 50 East North Temple Street, Salt Lake City, Ut. 84150, the Building Department; the Planning Department and the Town Attorney's Office.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Is IS Not
Declared Duly Adopted

6/20/06

Adopted

TOWN OF RIVERHEAD

Resolution # 585

APPOINTS
SUMMER RECREATION AIDES
TO THE
RECREATION DEPARTMENT

COUNCILWOMAN BLASS

_____ offered the following resolution,

COUNCILMAN DENSIESKI

which was seconded by _____

RESOLVED, that the Town Board appoints the attached list of Summer Recreation Aides to the Recreation Department effective June 21, 2006 to and including August 25, 2006 to serve as needed on an at will basis and to serve at the pleasure of the Town Board and

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward a copy of this resolution to Adrianna Stephens, Jamie Walsh, Brittany Woodhull, the Recreation Department and the Office of Accounting.

1

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

¹ Rec. Kelly: Res Blanket III Sum Rec Aide 06

**RECREATION DEPARTMENT APPOINTMENTS
6/20/06 TOWN BOARD MEETING**

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Level</u>	<u>Start Date</u>	<u>End Date</u>	<u>Salary</u>
Stephens	Adrianna	Summer Rec. Aide	I	6/21/06	8/25/06	\$8.50
Walsh	Jamie	Summer Rec. Aide	I	6/21/06	8/25/06	\$8.50
Woodhull	Brittany	Summer Rec. Aide	I	6/21/06	8/25/06	\$8.50

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

6/20/06

TOWN OF RIVERHEAD

Adopted

Resolution # 586

APPOINTS A LIFEGUARD LEVEL II
TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by COUNCILMAN PARTNEREK COUNCILMAN DENSIESKI

RESOLVED, that Abigail Smura is hereby appointed to serve as a Lifeguard Level II effective June 21, 2006 to and including September 4, 2006, to be paid at the rate of \$11.50 per hour, and to serve at the pleasure of the Town Board; and

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

1. All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start date.
2. Subject to Suffolk County Lifeguard Certifications.
3. Current CPR Certifications

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

THE VOTE

Dunleavy yes ___ no ___ Bartunek yes ___ no ___
 Blass yes ___ no ___ Densieski yes ___ no ___
 Cardinale yes ___ no ___

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

¹ Rec. Doris/ Res Lifeguard 2006 Abigail Smura

6/ 20/06

Adopted

TOWN OF RIVERHEAD

Resolution # 587

**APPOINTS A LIFEGUARD LEVEL I
TO THE RIVERHEAD RECREATION DEPARTMENT**

~~COUNCILWOMAN BLASS~~ ~~BARTUNEK~~ offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

RESOLVED, that Courtney Bilunas is hereby appointed to serve as a Lifeguard Level I effective June 21, 2006 to and including September 4, 2006, to be paid at the rate of \$10.50 per hour, and to serve at the pleasure of the Town Board; and

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

1. All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start date.
2. Subject to Suffolk County Lifeguard Certifications.
3. Current CPR Certifications

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

1

THE VOTE

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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

¹ Rec. Doris/ Res Lifeguard Courtney Bilunas 2006

6/20/06

Adopted

TOWN OF RIVERHEAD

Resolution # 588

APPOINTS A P/ T ASSISTANT RECREATION LEADER / SKATEPARK TO THE RIVERHEAD RECREATION DEPARTMENT

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

RESOLVED, that Renee Gatz is hereby appointed to serve as a P/T Assistant Recreation Leader effective June 24, 2006 to serve as needed on an at-will basis and to be paid at the rate of \$9.50 per hour, and to serve at the pleasure of the Town Board; and

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

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

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

1

THE VOTE

Dunleavy yes ___ no ___ Bartunek yes ___ no ___
 Blass yes ___ no ___ Densieski yes ___ no ___
 Cardinale yes ___ no ___

THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

¹ Rec. Colleen/ Res PT Asst. Rec Leader skate.Renee Gatz.

6/20/06

Adopted

TOWN OF RIVERHEAD

Resolution # 589

RATIFIES THE APPOINTMENT OF A P/ T ASSISTANT RECREATION LEADER / SKATEPARK TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILWOMAN BLASS

_____ offered the following resolution,

COUNCILMAN DENSIESKI

which was seconded by _____

RESOLVED, that Christopher Barker is hereby appointed to serve as a P/T Assistant Recreation Leader effective June 4, 2006 to serve as needed on an at-will basis and to be paid at the rate of \$9.50 per hour, and to serve at the pleasure of the Town Board; and

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

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

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

1

THE VOTE

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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

¹ Rec. Colleen/ Res PT Asst. Rec Leader skate.Chris Barker

6/20/06

Adopted

TOWN OF RIVERHEAD

Resolution # 590

**RATIFIES APPOINTMENT OF A P/ T ASSISTANT RECREATION LEADER /
SKATEPARK
TO THE RIVERHEAD RECREATION DEPARTMENT**
COUNCILWOMAN BLASS

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

RESOLVED, that Frederick Boucher IV is hereby appointed to serve as a P/T Assistant Recreation Leader effective June 9, 2006 to serve as needed on an at-will basis and to be paid at the rate of \$9.50 per hour, and to serve at the pleasure of the Town Board; and

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

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

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

1

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

¹ Rec. Doris/ Res PT Asst. Rec Leader Fred Boucher

June 20, 2006

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 591

ACCEPTS RESIGNATION OF DEPUTY TOWN ATTORNEY

COUNCILMAN BARTUNEK

_____ offered the following resolutions, which was seconded

by COUNCILMAN DUNLEAVY.

WHEREAS, Mary C. Hartill notified the Town Board of her resignation from the position of Deputy Town Attorney effective June 30, 2006.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the resignation of Mary C. Hartill effective June 30, 2006; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Mary C. Hartill, the Town Attorney and the Office of Accounting.

THE VOTE

Dunleavy ~~Yes~~ No

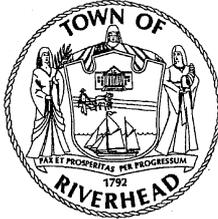
Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No

Z:/Peggy



TOWN OF RIVERHEAD

Office of the Town Attorney

200 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901-2596

(631) 727-3200 ext. 651

Fax: (631) 727-6152

Dawn C. Thomas <i>Town Attorney</i> Ext. 216	Tina LoSchiavo <i>Deputy Town Attorney</i> Ext. 608	Mary C. Hartill <i>Deputy Town Attorney</i> Ext. 378	Harold Steuerwald <i>Deputy Town Attorney</i> Ext. 605	Laura J. Calamita <i>Paralegal</i> Ext. 215
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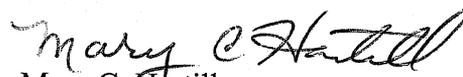
June 19, 2006

Dear Supervisor Cardinale:

Thank you for the opportunity to serve the people of the Town of Riverhead as Deputy Town Attorney. Regrettably, the time has come that I must focus my full attention on the private practice of law.

It is with sincere thanks that I now resign my position as Deputy Town Attorney effective June 30, 2006.

Very truly yours,


Mary C. Hartill

Cc: Town Board Members
Town Attorney

June 20, 2006

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 592

RATIFIES TERMINATION OF DEPUTY TOWN ATTORNEY

COUNCILMAN DUNLEAVY offered the following resolutions, which was seconded
by COUNCILWOMAN BLASS.

RESOLVED, that Deputy Town Attorney Tina LoSchiavo is hereby terminated effective June 20, 2006; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Tina LoSchiavo, the Town Attorney, and the Office of Accounting.

THE VOTE

Dunleavy ~~Yes~~ No

Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No

Z:/Peggy

June 20, 2006

Adopted

TOWN OF RIVERHEAD

ACCEPTS RESIGNATION OF PART TIME RECREATION LEADER

RESOLUTION # 5934

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

WHEREAS, Joseph Minuto notified Raymond Coyne of his resignation from the position of Part Time Recreation Leader in the Recreation Department effective June 9, 2006.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby accepts the resignation of Joseph Minuto.

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

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

6/9/00

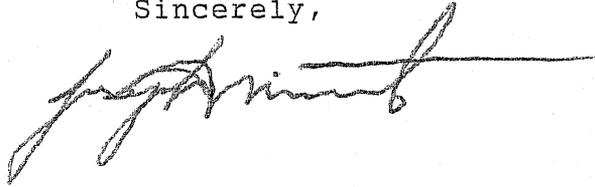
Joseph Minuto
11 Montgomery ave.
Mastic, NY 11950

Town of Riverhead
Recreation dept.
Coleen Fox

Letter of Resignation

Regretfully I must resign from my position at the skatepark, for at present I don't possess the wherewithal to commute to and from work. I apologize for any inconvenience I have caused in scheduling and the like. I appreciate the opportunity I have had to work at the park and would like to be considered in the future when I have the resources to do such.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph Minuto", with a long horizontal line extending to the right.

June 20, 2006

Adopted

TOWN OF RIVERHEAD

RATIFIES EXECUTION OF ENGAGEMENT LETTER
APPOINTS FINANCIAL CONSULTANT
IN THE ACCOUNTING DEPARTMENT

RESOLUTION # 594

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

WHEREAS, the Town Board wishes to appoint a temporary Financial Consultant in the Accounting Department due to the absence of Jack Hansen.

RESOLVED, that the Supervisor is authorized to execute an engagement letter for William Rothaar to provide financial consulting services for the Town of Riverhead (attached);

NOW THEREFORE, BE IT RESOLVED, that William Rothaar is hereby appointed as temporary Financial Consultant in the Accounting Department of the Town of Riverhead effective June 8, 2006 at the hourly rate of \$75.00; and added to the Town Vendor consultant list and;

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

THE VOTE

Dunleavy Yes No Bartunek Yes No
Blass Yes No Densieski Yes No
Cardinale Yes No

WILLIAM J. ROTHAAAR, CPA, P.C.

**One Carlisle Road
Miller Place, NY 11764
631-476-1469
e-mail: billr@brcpa.net**

Phil Cardinale
Town Supervisor
Town of Riverhead
200 Howell Avenue
Riverhead, NY 11901

June 7, 2006

Dear Supervisor Cardinale,

I appreciate the opportunity to work with you. To minimize the possibility of a misunderstanding between us, I am setting forth pertinent information about the services I will perform for you.

I will prepare the Annual Update Report for Town of Riverhead (The Town) based on the information available from the Town's accounting software. I will work with the Town's financial advisor in preparing the schedule for 2006 bonding. I will assist you in preparation of the Town's Budget, and perform the normal duties necessary to manage the accounting department. I will assess the status of all accounting functions and report to you and the Town Board

Fees for my services will be \$75 per hour, billed at the end of the month.

If the above fairly sets forth your understanding, please sign the enclosed copy of this letter and return it to me.

I am pleased to have you as a client and look forward to a long and mutually satisfying relationship.

Very truly yours,



William J. Rothaar
Certified Public Accountant

ACCEPTED

By: _____

June 20, 2006

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 595

AUTHORIZES SUPERVISOR TO SEND LETTER

COUNCILMAN BARTUNEK offered the following resolutions, which was seconded

by COUNCILMAN DUNLEAVY.

BE IT RESOLVED, that the Supervisor is authorized to send the attached letter to the following carters, which constitutes all of the carters doing business in Downtown Riverhead: Maggio Sanitation, Riverhead Sanitation, Winter, Crown Sanitation, Waste Management, East End Sanitation, V. Garofalo, Jet Sanitation Service Corp., K&S Sanitation; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Code Enforcement, the Town Attorney, the Parking District Advisory Committee members, the BID, and Riverhead Chamber of Commerce.

THE VOTE

Dunleavy ~~Yes~~ No

Blass ~~Yes~~ No

Cardinale ~~Yes~~ No

Bartunek ~~Yes~~ No

Densieski Yes ~~No~~

Z:/Peggy



TOWN OF RIVERHEAD

PHIL CARDINALE, SUPERVISOR

200 HOWELL AVENUE
RIVERHEAD, NEW YORK 11901
(631) 727-3200 EXT. 251
FAX (631) 727-6712
WWW.RIVERHEADLI.COM

June 20, 2006

Dear Sir or Madam:

It has come to the attention of the Town Board that numerous commercial dumpsters are currently located on public property in Downtown Riverhead. If any of your company's dumpsters are so located, please remove same immediately. Should such dumpsters not be removed from public property by 5 p.m. on Thursday, June 29, 2006, Code Enforcement Officers will be directed to remove the dumpster or dumpsters to a Town facility and hold your company responsible for removal, transport and daily storage charges to the extent permissible by law.

Thank you for your immediate attention to this matter.

Sincerely,

Phil Cardinale
Town Supervisor

TOWN OF RIVERHEAD

Adopted

Resolution # 596

ACCEPTS OFFER OF SALE OF REAL PROPERTY LOCATED IN THE TOWN OF RIVERHEAD

(purported owner: Carl E. Carter and Karen Terry Carter)

COUNCILMAN DUNLEAVY

_____ offered the following resolution, which was seconded

by COUNCILWOMAN BLASS _____ :

WHEREAS, the Open Space Committee ("the Committee") has received an offer for the sale of real property from Carl E. Carter and Karen Terry Carter on approximately 9.3 acres of vacant land located at 3162 Sound Avenue, Riverhead, NY for a purchase price of \$1,300,000.00, further described as Suffolk County Tax Map # 0600-41-1-17.1, to the Town of Riverhead, which parcel falls with the RA-80 zoning district; and

WHEREAS, the Committee has commissioned an appraisal of the value of the subject real property; and

WHEREAS, the Committee has assessed the subject real property and has formally recommended that the Town Board of the Town of Riverhead consider the purchase of the property; and

WHEREAS, the Town Board has carefully considered the merits of the offer, the report of the Peconic Land Trust, the appraisal by Given Associates, the report of the Open Space Committee and all other pertinent planning, zoning and environmental information; and

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

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby accepts the offer of sale of the subject real property of Carl E. Carter and Karen Terry Carter, pursuant to Chapter 14 of the Code of the Town of Riverhead; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract, and to purchase the subject property in an amount not to exceed one million three hundred thousand dollars (\$1,300,000.00) and authorizes the Town Attorney to order a survey and title report for the subject real property and directs the Accounting Department to set up a budget; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Robinson & Robinson, PC, 61 Main Street, Southampton, New York 11968; the Open Space Committee; Peconic Land Trust, Attn: Dawn Haight, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969 ; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Office of the Town Attorney.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no DerSieski yes ___ no
Cardinale yes ___ no

**THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED**

6/20/06

Adopted

TOWN OF RIVERHEAD

Resolution # 597

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

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

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

WHEREAS, a public hearing was held on the 6th day of June, 2006 at 7:15 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

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

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

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

THE VOTE

Dunleavy yes no Bartunek yes no
 Blass yes no Densieski yes no
 Cardinale yes no

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

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" (108-56 Signs.) at its regular meeting held on June 20, 2006.

Be it enacted by the Town Board of the Town of Riverhead as follows:

§108-56. Signs.

A. Definitions. As used in this section, the following terms shall have the meaning set forth herewith:

TEMPORARY SIGN – Any sign erected on a ninety (90) day basis following receipt of necessary approvals by Town agencies or departments.

E. Additional sign types requiring a permit.

- (6) Temporary Business Signs. One temporary business sign issued by the Building Department in a commercial or industrial use zone for a time period of not more than 90 days provided that:
- (1) (a) Such sign shall not be erected prior to project approval by the Town of Riverhead Building Department.
- (b) Such sign shall not exceed thirty two (32) square feet in area.
- (c) Such sign shall bear only the name and/or type of the business.
- (d) Such sign shall not exceed a height of fifteen (15) feet from the average level of the ground surrounding the sign.
- (e) Such sign shall be setback no less than twenty five (25) feet from any side line and fifteen (15) feet from the front or rear property line. Under no circumstances shall a sign be placed in any public right-of-way or create a potential danger to vehicular traffic.
- (f) Such sign shall not be illuminated.
- (g) May be double-sided.

- (h) The applicant has made a complete application for a permanent sign on the subject premises.
- (2) If more than one temporary sign is desired approval must first be received from the Town Board.
- (7) Temporary Special Event Signs. One temporary special event sign may be permitted at the location of the special event and shall be posted no more than 7 days prior to the event provided that such sign:
- (1) (a) shall not be erected prior to the approval of the special event permit by the Town Board pursuant to Chapter 90:
- (b) shall not exceed 50 square feet in area.
- (c) shall not be posted more than fifteen (15) feet above the average level of the ground surrounding the sign.
- (d) shall not be placed within a public right of way or create a potential danger to vehicular traffic.
- (e) shall not be illuminated.
- (f) may be double sided.
- (g) shall have received a sign permit application.
- (2) If more than one special event sign is desired, approval must first be received from the Town Board. Approval of multiple temporary special event signs may be made as part of the special event permit application. All approved temporary special event signs must comply with the provisions of § E(7) (1) (a) –(g) above.
- (3) Shall be removed following conclusion of the 90 day approval period.

Dated: Riverhead, New York
June 20, 2006

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

BARBARA GRATTAN, Town Clerk

6/20/06

TOWN OF RIVERHEAD

Adopted

Resolution # 598

**ADOPTS A LOCAL LAW AMENDING CHAPTER 46A ENTITLED,
"ARCHITECTURAL REVIEW" OF THE RIVERHEAD TOWN CODE**

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

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 46A entitled, "Architectural Review" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 6th day of June, 2006 at 7:25 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 46A entitled, "Architectural Review" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the News Review, 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 Architectural Review Board; 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
Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 46A entitled, "Architectural Review" of the Riverhead Town Code at its regular meeting held on June, 20, 2006. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter 46A
ARCHITECTURAL REVIEW

ARTICLE I

Purpose

§ 46A-2. Aspects of review.

The Architectural Review Board, in examining applications for site plan review, is to consider the various aspects of design, with special emphasis on these objectives:

- A. To prevent the unnecessary destruction or blighting of the natural landscape or of the achieved man-made environment.
- B. To ascertain that architectural treatments have been designed so as to relate harmoniously to significant existing buildings that have a visual relationship to the proposed development.
- C. To coordinate compliance with other municipal ordinances that affect visual impact, such as the sign regulations contained in the Zoning Code Editor's Note: See Ch. 108, Zoning. and dumpster enclosures pursuant to § 98-8 of the Code of the Town of Riverhead.
- D. To review site plan applications together with the Landmark Preservation Commission for alterations or demolition of a designated structure or structures within an historic district, and make recommendations to the Town Board.

ARTICLE III

Architectural Review Board

§ 46A-6. Powers and duties.

- A. The Architectural Review Board shall have the powers and duties granted by the articles of this chapter.
- B. The Architectural Review Board shall have the power to retain consultants, including but not limited to technical experts, engineers, architects and historians to render assistance and advice in connection with any project to fulfill the duties of the Architectural Review Board. Any contract to retain such consultants which involves the expenditure of Town funds shall be subject to the prior approval of the Town Board.
- C. The Architectural Review Board shall, upon request of the Planning Board, review the aesthetic aspects, as detailed herein, of such proposals as may require sole approval of the Planning Board.

D. The Architectural Review Board shall review, together with the Landmarks Preservation Commission, any application made pursuant to §73 Article IV and §108-129 of the Riverhead Town Code.

Dated: Riverhead, New York
June 20, 2006

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

BARBARA GRATTAN, Town Clerk

- Underline represents addition(s)

6/20/06

Adopted

TOWN OF RIVERHEAD

Resolution # 599

**ADOPTS A LOCAL LAW TO REPEAL AND REPLACE CHAPTER 73 ENTITLED,
"LANDMARKS PRESERVATION" OF THE RIVERHEAD TOWN CODE**

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

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to repeal and replace Chapter 73 entitled, "Landmarks Preservation" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 6th day of June, 2006 at 7:30 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law to repeal and replace Chapter 73 entitled, "Landmarks Preservation" to the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
 Blass yes ___ no Densieski yes ___ no
 Cardinale yes ___ no

**THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED**

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to repeal and replace Chapter 73 entitled "Landmarks Preservation" to the Riverhead Town Code at its regular meeting held on June 20, 2006.

Be it enacted by the Town Board of the Town of Riverhead that 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
June 20, 2006

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

BARBARA GRATTAN, Town Clerk

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

Chapter 73
LANDMARKS PRESERVATION

ARTICLE I

Purpose

§ 73-1. Declaration of purpose and policy.

The Town Board of the Town of Riverhead hereby finds that:

- A. There exists in the Town of Riverhead places, sites, structures and buildings of special historic significance or which by reason of famous events, the antiquity or uniqueness of architectural construction and design are of particular significance to the heritage of our town.
- B. The conservation, protection and preservation of such places, sites, structures and buildings is a public necessity in harmony with the Master Plan and will promote the public health, safety and general welfare.
- C. The purpose of this chapter is to accomplish the conservation, protection and preservation of such places, sites, structures and buildings.

ARTICLE II

Definitions

§ 73-2. Words and terms defined.

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

ALTERATION — Any act or process which changes one (1) or more of the exterior architectural features of a structure designated as a landmark or any structure or building in a historic district.

BUILDING — A structure having a roof supported by walls, and, when separated by a party wall without openings, it shall be deemed a separate building. A "building" shall include travel trailers, mobile homes and other structures on wheels or other supports if used for business or living purposes.

EXTERIOR ARCHITECTURAL FEATURES — The architectural style, design, general arrangement and components of all of the outer surfaces of any building or structure, including but not limited to the kind, color and texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to said building or structure.

HISTORIC DISTRICT — Any area which contains places, sites, structures or buildings which have a special character and ambient or historical value or aesthetic interest and which represent one (1) or more periods or styles of architecture of an era of history and which cause such area to constitute a distinct section of the town.

LANDMARK — Any place, structure or building of historical value or aesthetic interest by reason of its antiquity or uniqueness of architectural design or as part of the development, heritage or cultural characteristics of the town, county, state or nation.

LANDMARK AND HISTORIC DISTRICT MAP — A map to be prepared and maintained by the Division of Building identifying the location of all landmarks, landmark sites and historic districts.

LANDMARK SITE — A parcel or part thereof on which is situated a landmark and any abutting parcel or part thereof constituting part of the premises on which the landmark is situated.

STRUCTURE — A combination of materials, other than a building, forming a construction that is safe

and stable. Excluded shall be a combination of such materials having a total floor area of less than fifty (50) square feet and which is used for purposes other than family dwelling, storage, business, farm or industrial purposes. Also excluded shall be fences four (4) feet or less in height in a front yard and six (6) feet or less in height elsewhere on a lot.

STYLES OF ARCHITECTURE — Style recognized by one (1) of the following organizations:

- A. The National Register of Historic Places.
- B. Historic American Buildings Survey.
- C. Historic American Engineering Record, U.S. Department of the Interior, National Park Service.
- D. Division for Historic Preservation, New York State Office of Parks and Recreation.
- E. National Trust for Historic Preservation.
- F. Society of Architectural Historians.
- G. The Riverhead Town Preservation and Landmarks Society, Inc.

ARTICLE III

Landmarks Preservation Commission

§ 73-3. Creation.

- A. There is hereby created a Landmarks Preservation Commission. This Landmarks Preservation Commission, which shall act as an advisory body to the Town Board, shall consist of seven (7) members who shall be appointed by the Town Board on the recommendation of the Riverhead Town Preservation and Landmarks Society Inc. [Amended 12-6-1977]
- B. Among the membership there shall be one (1) member of the American Institute of Architects, one (1) architectural historian, one (1) member of the New York State Bar and three (3) residents of the Town of Riverhead. These requirements may be waived where designated members are not available.
- C. Members are to be appointed for terms of three (3) years, provided that of those members first taking office, two (2) shall be appointed for one (1) year, two (2) for two (2) years and three (3) for three (3) years. Members may serve for more than one (1) term, and each member shall serve until the appointment of a successor.
- D. In the event of a vacancy occurring during the term of a member of the Landmarks Preservation Commission, the Town Board shall make an appointment to complete the unexpired term of such member, and, where such member is required to have specified qualifications, such vacancy shall be filled by appointment in the manner herein prescribed with a person having the same qualifications.

§ 73-4. Powers and duties.

- A. The Landmarks Preservation Commission shall have the powers and duties granted by the Articles of this chapter.
- B. In addition, the Landmarks Preservation Commission shall have the power to retain consultants, including but not limited to technical experts, engineers, architects and historians to advise in the preparation of any plans or projects or to render assistance and advice in connection with any project to fulfill the duties of the Landmarks Preservation Commission. Any contract to retain such consultants which involves the expenditure of town funds shall be subject to the prior approval of the Town Board.

§ 73-5. Officers.

The members of the Commission shall elect one (1) of the members of the Landmarks Preservation Commission to serve as Chairman for a period of three (3) years. The Commission may elect a Vice Chairman from the remaining members of the Landmarks Preservation Commission.

§ 73-6. Quorum. [Amended 12-15-1987]

At least four (4) members of the Landmarks Preservation Commission shall constitute a quorum for the transaction of its business or the performance of its functions, and the concurring vote of four (4) members of the Landmarks Preservation Commission shall be necessary for the adoption of any recommendations, motions or other acts of the Landmarks Preservation Commission.

ARTICLE IV Designation of Landmarks

§ 73-7. Procedure.

- A. Any person may request the designation of a landmark, landmark site or historic district by submitting to the Landmarks Preservation Commission an application for such designation on a form furnished by the Landmarks Preservation Commission. The Landmarks Preservation Commission, in addition, may, on its own motion, initiate proceedings for the designation of a landmark, landmark site or historic district.
- B. In the event the Landmarks Preservation Commission decides to entertain an application for designation, notice that such application is being entertained shall be given by the Commission to the owner or owners of the parcel on which the proposed landmark sites or historic district is situated. Notice shall also be given to the owners of all property located within two hundred fifty (250) feet of the exterior boundary lines of the subject parcel. Said owner or owners shall have the right to confer with the Landmarks Preservation Commission prior to final action by the said Commission on the application.
- C. The Landmarks Preservation Commission shall either approve or disapprove an application within sixty (60) days after the receipt of the application or after the date the Landmarks Preservation Commission, on its own motion, initiates proceedings for the designation of a landmark, landmark site or historic district. The approval may limit itself to the proposed historic district or to landmark site as described in the application or may include modifications thereof.
- D. If the Landmarks Preservation Commission disapproves the application, the proceedings with regard to the proposed historic district, landmark or landmark site shall terminate. In the event that no decision is rendered within sixty (60) days, the application shall be deemed disapproved. No application shall be renewed for a period of one (1) year from the date of initial filing, nor shall the Landmarks Preservation Commission, on its own motion, renew an application for a period of one (1) year from the date of initial filing. An approved or disapproved application shall immediately be filed with the Town Board, and notice of such approval or disapproval shall be mailed by the Town Clerk to the owners of the subject property.
- E. The Town Board in its discretion may call a public hearing on all applications either approved or disapproved by the Landmarks Preservation Commission. Such hearing shall be advertised in a newspaper of general circulation in the town at least fourteen (14) days prior to such hearing, and notice thereof shall be served, by mail postmarked at least fourteen (14) days prior to the date of the public hearing, upon the owner or owners of the proposed landmark or landmark site or of owners of the properties within the proposed historic district as shown by the tax rolls of the town and the owner or owners of all property located within two hundred fifty (250) feet of the exterior boundary lines of the subject place, site, structure or historic district.
- F. When the Town Board approves or denies an application, the Building Department, the Landmarks Preservation Commission and the owner or owners of the subject property shall be notified in writing by the Town Clerk. If the Town Board approves an application, the Town Clerk shall also notify the Town Assessors.

§ 73-8. Building permits in proposed landmark areas; designation on map.

- A. Upon receipt of notice that the Landmarks Preservation Commission is considering a place, site, structure or building for designation as a landmark or landmark site or as part of a historic district, the Building Department and Town Clerk shall not issue any permit for the demolition, alteration or improvement of said place, site, structure or building nor shall there be any alterations, repairs or additions, regardless of whether a building permit is required, to buildings or structures located wholly or partly within the boundaries of a proposed historic district or which are being considered for designation as landmarks unless such alterations, repairs or additions are made consistent with the

~~materials and styles of the particular architectural period of which said building or structure is characteristic as determined by the Landmarks Preservation Commission for a period of one hundred twenty (120) days unless, prior to the expiration of said period, there is a final determination by the Town Board that said place, site, structure or building has not qualified as a landmark or landmark site or as part of a historic district. If, within said period, the Town Board designates the property in question as a landmark or landmark site or as part of a historic district, no building permit shall be issued except pursuant to Article VI of this chapter.~~

~~B. Upon notification that the Town Board has designated a landmark, a landmark site or historic district, the Building Department shall immediately cause such property to be so designated on the Landmark and Historic District Map.~~

ARTICLE V Regulation of Building Construction

§ 73-9. Compliance required.

~~No structure, site, place or building designated as a landmark or landmark site appearing on the Landmark and Historic District Map and the Official Zoning Map of the area in which the landmark or landmark site is located, or any place, site, structure, building or property located wholly or partly within the boundaries of the historic district shall be constructed, altered, repaired, moved or demolished except in compliance with the requirements set forth in this Article.~~

§ 73-10. Review of plans; requirements.

~~A. The Landmarks Preservation Commission shall review all plans for the moving, exterior construction, alteration or repair, landscaping or demolition of places, sites, structures or buildings designated as landmarks or landmark sites and all places, sites, structures or buildings wholly or partly within the boundaries of the historic district.~~

- ~~(1) It shall be the duty of the Landmarks Preservation Commission to review such plans before a building permit for the proposed activity is granted by the Building Department.~~
- ~~(2) The Landmarks Preservation Commission shall only review plans relating to the exterior features of a structure or building as are visible from the public way and shall have no jurisdiction to consider interior walls, arrangements or structures.~~
- ~~(3) In reviewing the plans, the Landmarks Preservation Commission shall give consideration to:
 - ~~(a) The historical and architectural value and significance of the building or structure and its relationship to the historic and architectural value of the surrounding area.~~
 - ~~(b) The general appropriateness of proposed exterior design, colors, arrangement, texture and materials.~~
 - ~~(c) Any other factors relating to aesthetic considerations which the Landmarks Preservation Commission deems pertinent to the benefit of the town and to the historic significance of the structure or building and surrounding area.~~~~

~~B. Alterations, repairs and additions to buildings or structures located wholly or partly within the boundaries of the historic district or which are designated as landmarks shall be made consistent with the materials and styles of the particular architectural period of which said building or structure is characteristic.~~

~~C. New construction shall be consistent with the architectural styles of historic value in the historic district. However, the Landmarks Preservation Commission may approve the construction of buildings or structures which have a dissimilar architectural style to that of the historic district if said Commission deems it proper that the new construction will be in the best interests of the historic district.~~

~~D. Moving of buildings or structures designated as landmarks or located wholly or partly within the boundaries of the historic district may be allowed as an alternative to demolition.~~

~~E. Procedure for the review of plans.~~

- ~~(1) Applications for a building permit to construct, alter, repair, move or demolish any place, site,~~

~~structure or building designated as a landmark or any place, site, structure or building with in or on the boundaries of the historic district shall be made to the Building Department, except as provided hereafter. The application shall state that the property is a landmark and/or is located within or on the boundaries of the historic district. Plans shall be submitted showing the structure or building in question and also giving its relation to adjacent structures or buildings and construction, alteration, repair, moving or demolition sought to be accomplished.~~

- ~~(2) The Building Department shall transmit the application and the plans to the Landmarks Preservation Commission.~~
- ~~(3) The Landmarks Preservation Commission shall then review the plans according to the provisions of this chapter. In reviewing the plans, the Landmarks Preservation Commission may confer with the applicant or his authorized representative concerning the building permit.~~
- ~~(4) Notwithstanding any other provisions of this chapter, if the applicant establishes to the satisfaction of the Commission that there is unnecessary hardship in the strict application of the provisions of this Article, a notice to proceed will be granted if the applicant provides proof that the following facts and conditions exist:
 - ~~(a) The land or improvement in question cannot yield a reasonable return if the proposed construction, removal, alteration or demolition is not permitted; or~~
 - ~~(b) The hardship of the applicant is due to unique circumstances and the proposed alteration, construction, removal or demolition will not alter the essential character of the area, and the hardship is the result of the application of this chapter and is not the result of any act or omission by the applicant.~~~~
- ~~(5) Any relief granted shall be in conformance with the objectives of this chapter.~~
- ~~(6) The Landmarks Preservation Commission shall approve, modify and approve or disapprove such plans within sixty (60) days after receiving the application and plans and shall transmit a record of its proceedings and findings to the Building Department and the applicant. If the Commission fails to act within sixty (60) days of receipt of the application, the application shall be deemed to have been approved.~~
- ~~(7) The Building Department shall not grant a building permit until such time as an application has been approved by the Landmarks Preservation Commission or sixty (60) days have elapsed from the date the application is received by the Commission.~~
- ~~(8) Nothing in this Article shall be construed to prevent ordinary maintenance or repair, with like materials of similar quality and color, of any place, site, structure or building designated as a landmark or landmark site, or any property located wholly or partly within the boundaries of an historic district.~~

§ 73-11. Remedying of unsafe conditions.

~~This chapter shall not apply in any case where the Building Department or any authorized town enforcement agency orders or directs the construction, removal, alteration or demolition of any improvement on a landmark site or in an historic district for the purpose of remedying conditions determined to be unsafe or dangerous to the life, health or property of any person.~~

ARTICLE VI **Identification; Violations**

§ 73-12. Identification and approval.

~~The Building Department shall be responsible for appropriate public identification of areas designated as landmarks, landmark sites and historic districts on the Landmark and Historic District Map. The Landmarks Preservation Commission must approve the size, style, color, typography, material of construction and wording of all privately owned signs identifying landmarks, landmark sites and properties within historic districts prior to installation, consistent with the provisions of Article V.~~

§ 73-13. Penalties for offenses.

- ~~A. A violation of this chapter shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment.~~
- ~~B. The imposition of the penalties in this Article shall not preclude the Town Attorney from instituting any appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, demolition, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent an illegal act, conduct, business or use in or about any premises.~~

Chapter 73
LANDMARKS PRESERVATION

ARTICLE I

§73-1. LEGISLATIVE FINDINGS AND INTENT :

The Town Board of the Town of Riverhead finds that the protection, enhancement and perpetuation of landmarks and historic districts is necessary to promote the economic, cultural, educational and general welfare of the public. Inasmuch as Riverhead has many significant historic, architectural and cultural resources which constitute its heritage, this chapter is intended to:

- a. protect and enhance the landmarks and historic districts, which represent distinctive elements of Riverhead's historic, architectural and cultural heritage;
- b. foster civic pride in the accomplishments of the past;
- c. protect and enhance Riverhead's attractiveness to residents and visitors; and
- d. ensure the harmonious, orderly and efficient growth and development of the Town.

ARTICLE II

LANDMARKS PRESERVATION COMMISSION

§73-2. CREATION.

- a. There is hereby created a Landmarks Preservation Commission, which shall act as an advisory body to the Town Board, and in conjunction with the Architectural Review Board, when necessary, on site plans and applications for designated landmarks or structures within an historic district.
- b. The Landmarks Preservation Commission shall consist of seven (7) members who shall be appointed by the Town Board to the extent available in the community as follows:
 - i. one (1) member of the American Institute of Architects,
 - ii. one (1) architectural historian,
 - iii. one (1) attorney,
 - iv. four (4) residents of the Town of Riverhead.
- c. Commission members are to be appointed to a term of three (3) years, provided that of those members first taking office:
 - i. two (2) shall be appointed for one (1) years,
 - ii. two shall be appointed for two (2) years
 - iii. and three (3) shall be appointed for three (3) years.Members may serve for more than one (1) term, and each member shall serve until the appointment of a successor.
- d. In the event of a vacancy occurring during the term of a member of the Landmarks Preservation Commission, the Town Board shall vote on an appointment to complete the unexpired term.
- e. The Chairperson and Vice-Chairperson of the Commission shall be elected by and from the members of the Commission.

§73-3. POWERS AND DUTIES:

The Landmarks Preservation Commission shall have the powers and duties granted by the Articles of this chapter, which shall include:

- a. To recommend designation of identified structures or resources as landmarks, or historic districts to the Town Board,
- b. To act on behalf of the Town Board on applications for alterations to residential structures which have been designated as landmarks,
- c. To act on behalf of the Town Board on alterations or demolitions of designated structures within an historic district, which are not part of a site plan application,
- d. To review site plan applications together with the Architectural Review Board for alterations, or demolition of a designated structure or structures within an historic district, or new construction within an historic district, and make recommendations to the Town Board,
- e. To retain professional consultants as necessary to carry out the duties of the Commission. Any contract to retain such consultants involving expenditure of Town funds shall be subject to prior approval of the Town Board,
- f. To adopt criteria for use in the identification of significant historic, architectural and cultural landmarks and for the delineation of historic dist
- g. To increase public awareness of the value of historic, cultural and architectural preservation by the development of and participation in public and educational programs or literature,
- h. To recommend acquisition of a landmark structure by the Town Board where its preservation is essential to the purpose of this act and where private preservation is not feasible.

ARTICLE III

DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS

§73-4. PROCEDURE.

- a. The Commission may recommend for designation an individual property as a landmark if
:
 - i. It possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region or state, or
 - ii. it so identifies with historic personages, or
 - iii. it embodies the distinguishing characteristics of an architectural style, or
 - iv. because of the unique location or singular physical characteristic, or represents an established and familiar visual feature of the neighborhood,
- b. The Commission may recommend for designation a group of properties as an historic district if it:
 - i. contains properties which meet one or more of the criteria for designation of a landmarks, and
 - ii. the designation of an historic district rather than individual landmark will effectively accomplish the purpose of this chapter.

- c. Each proposed landmark and the boundaries of each proposed district shall be filed in writing in the Town Clerk's Office for public inspection.
- d. Notice of a proposed designation of a landmark or of an historic district involving no more than ten (10) properties, shall be sent by registered mail to the owners of the properties proposed for designation describing the properties proposed and announcing a public hearing by the Commission to consider the designation. Where the proposed designation of a historic district includes more than ten (10) properties and involves individual notice, which the Commission deems infeasible, in lieu of notice by registered mail, notice may be published in the official newspaper of the Town at least ten (10) days prior to the date of the public hearing.
- e. The Town Board in its discretion may call a public hearing on any proposed designation of a landmark or of an historic district. If the Town Board exercises its right to hold a public hearing, said hearing shall be noticed and held concurrently with the Commission hearing. The Commission, property owners, and any interested parties may present testimony or documentary evidence at the hearing, which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark or historic district.
- f. The Commission shall forward its recommendations on designations to the Town Board, which shall approve or disapprove of the designation by resolution.
- g. The Town Board shall forward notice of each property designated as a landmark or the boundaries of the historic district to the Town Clerk, the Building Department and the owner or owners of the property so designated.
- h. The Building Department shall maintain a map of all properties/districts so designated.

ARTICLE IV

ALTERATION, DEMOLITION OR NEW CONSTRUCTION AFFECTING LANDMARKS OR HISTORIC DISTRICTS

§73-5. COMPLIANCE REQUIRED.

No structure, site, place or building designated as a landmark wholly or partly within the boundaries of an historic district shall be constructed, altered, repaired, moved or demolished except in compliance with the requirements set forth in this article. No permit shall issue for the demolition, alteration or improvement of a site, structure or building if it is proposed for designation as a landmark or within a proposed Historic District unless said work is consistent with the criteria and procedures set forth herein.

§73-6. APPLICATION PROCEDURE.

- a. The application shall include:
 - i. Name, address and contact number of the applicant/owner
 - ii. Location and photographs of property
 - iii. Elevation of proposed changes
 - iv. Perspective drawing, including relationship to adjacent properties if available
 - v. Samples of color or materials to be used

- vi. Where proposal includes signs or lettering, a scale drawing showing materials to be used, method of illumination, if any, and the location on the property; and
- vii. Any other information, which the reviewing Board(s), may deem useful in order to visualize the proposed work.
- b. An application for a building permit for activity which is not part of a site plan, shall be made to the Building Department and referred to the Landmarks Preservation Commission for review and recommendation.
- c. The Landmarks Preservation Commission shall, on behalf of the Town Board transmit to the Building Department within forty-five (45) days, the recommendation for approval, denial, or approval with modifications prior to the issuance of a building permit. No permit shall issue without the positive recommendation of the Commission.
- d. Any activity which is part of a site plan application, shall be submitted to the Planning Department and simultaneously referred to the Architectural Review Board and the Landmarks Preservation Commission.
- e. In the event that the Landmarks Preservation Commission and the Architectural Review Board jointly review the application as part of a site plan, the recommendations shall be transmitted to the Town Board for consideration during the site plan review process pursuant to 108-129.
- f. Any application which is not recommended for approval may be appealed to the Town Board which shall hold a public hearing within 45 days of receipt of the appeal, and shall render its decision at the next regularly scheduled Town Board meeting.
- g. Any Board(s) reviewing an application for the activities herein described shall consider the following criteria in making its recommendations to approve, deny or approve with modifications:
 - i. The Board(s) shall only consider changes made to the exterior of a structure or a building designated as a landmark or any structure or building within an historic district.
 - ii. Properties which contribute to the character of the historic district shall be, to the greatest extent practicable, retained with their historic features altered as little as possible;
 - iii. Any alteration of existing property shall be compatible with its historic character, as well as the surrounding district, if applicable.
 - iv. New construction shall be compatible with the district in which it is located;
- h. In applying the principle of compatibility, the Commission shall consider the following factors:
 - i. The general design, character and appropriateness of the property of the proposed and new construction.
 - ii. The scale of the proposed alteration or new construction in relation to the property itself, and surrounding properties.
 - iii. The texture, materials and color and their relation to similar features of other properties in the neighborhood.
 - iv. Visual compatibility of surrounding properties, including proportion of the property's facade, proportion and arrangement of windows and other openings of the facade, roofline and rhythm of spacing of properties on streets, including setbacks; and,

- v. The importance of historic, architectural or other features to the significance of the property.
- i. All decisions of the Landmarks Preservation Commission and the Architectural Review Board, shall be in writing and filed with the Town Clerk and the Building Department.
- j. Nothing in this Article shall be construed to prevent ordinary maintenance or repair, with like materials of similar quality and color, of any place, site, structure or building designated as a landmark or landmark site, or any property located wholly or partly within the boundaries of an historic district.

§73- 7. HARDSHIP CRITERIA.

In addition to the appeal process hereinabove described, any applicant whose application for the demolition, alteration or improvement of an historic structure or building is denied may apply to the Town Board for relief from the denial on the grounds that the denial presents a hardship. To prove the existence of hardship that applicant must establish to the Town Board's satisfaction that:

- a. The property is incapable of earning a reasonable return. Reasonable return shall not be the most profitable return possible; and
- b. The property cannot be adapted for a use which would result in such reasonable return.

§73-8. REMEDYING OF UNSAFE CONDITIONS.

This chapter shall not apply in any case where the Building Department or any authorized enforcement personnel orders or directs alteration or maintenance for the purpose of remedying conditions determined to be unsafe or dangerous.

ARTICLE V
VIOLATIONS

All work performed pursuant to this chapter shall conform to the requirements included therein. In the event that the Building Inspector finds that work performed is not in conformance with the permit issued, the Building Inspector shall issue a stop work order which shall remain in effect until work is in compliance.

§73-9. Penalty for Offenses.

- a. A violation of this chapter shall be punishable by a fine not to exceed \$1,000.00.
- b. The imposition of the penalties of the Article shall not preclude the Town Attorney from instituting any appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, demolition, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent an illegal act, conduct, business or use in or about any premises.

Adopted

6/20/06

TOWN OF RIVERHEAD

Resolution # 600

APPROVES CHAPTER 90 APPLICATION OF VAIL-LEAVITT MUSIC HALL, INC. (BLUES FESTIVAL)

COUNCILMAN DUNLEAVY

offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

WHEREAS, on January 27, 2006, the Vail-Leavitt Music Hall, Inc. had submitted a Chapter 90 Application for the purpose of conducting a Blues Festival to be held in the Peconic River Municipal Parking Lot, Grangebel Park and First Street, Riverhead, New York, on the following dates and times:

July 8, 2006 between the hours of 11:00 a.m. and 10:00 p.m.

July 9, 2006 between the hours of 1:00 p.m. and 5:00 p.m.; and

WHEREAS, Vail-Leavitt Music Hall, Inc. has completed and filed a Long 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, Vail-Leavitt Music Hall, Inc. has requested that this event be exempt from Chapter 46 of the Riverhead Town Code entitled, "Alcohol Consumption"; and

WHEREAS, Vail-Leavitt Music Hall, Inc. has requested the Chapter 90 Application fee for this event be waived due to their 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 Vail-Leavitt Music Hall, Inc. for the purpose of conducting a Blues Festival to be held in the Peconic River Municipal Parking Lot and Grangebel Park, Riverhead, New York, on the aforementioned dates and times, is hereby approved; and be it further

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

RESOLVED, that approval for this event shall be subject to the following:

- Receipt of a Certificate of Insurance naming the Town of Riverhead as an additional insured *no later than June 30, 2006*;
- Receipt of required Suffolk County Department of Health permit(s), including the food handling permit(s);
- Receipt of required Public Gathering/Emergency Medical Services (EMS) permit(s);

and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes this event to be exempt from Chapter 46 entitled, "Alcohol Consumption" of the Riverhead Town Code; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes this event to be exempt from Chapter 86 entitled, "Noise Control" of the Riverhead Town Code; 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 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 employees of the Riverhead Buildings and Grounds Department, the Riverhead Police Department, the Riverhead Highway Department, the Sanitation Department and the Riverhead Fire Protection and Code Enforcement Division are hereby authorized to utilize overtime expenditures to ensure the necessary public safety and security in connection with 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 Vail-Leavitt Music Hall, Inc., P.O. Box 147, Riverhead, New York, 11901; Kenneth Testa, P.E.; the Riverhead Fire Marshal; the Riverhead Police Department and the Office of the Town Attorney.

6/20/06

TOWN OF RIVERHEAD

Adopted

Resolution # 601

**APPROVES CHAPTER 90 APPLICATION OF JAMESPORT FIRE DEPARTMENT TO
CONDUCT A FIREMANS' CARNIVAL**

COUNCILWOMAN BLASS

_____ offered the following resolution, was seconded by

COUNCILMAN DENSIESKI
_____ :

WHEREAS, on June 6, 2006, the Jamesport Fire Department had submitted a Chapter 90 Application for the purpose of conducting a Firemans' Carnival to be held at the George Young Community Center, Main Road, Jamesport, New York, on July 11, 2006 through July 15, 2006 between the hours of 4:00 p.m. and 12:00 midnight; and

WHEREAS, the Jamesport Fire Department 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 Jamesport Fire Department has requested the Chapter 90 Application fee for this event be waived due to their 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 the Jamesport Fire Department for the purpose of conducting a Firemans' Carnival to be held at the George Young Community Center, Main Road, Jamesport, New York, on July 11, 2006 through July 15, 2006 between the hours of 4:00 p.m. and 12:00 midnight is hereby approved; 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 Sate, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

RESOLVED, that employees of the Riverhead Buildings and Grounds Department, the Riverhead Police Department, the Riverhead Highway Department, the Sanitation Department and the Riverhead Fire Protection and Code Enforcement Division are hereby authorized to utilize overtime expenditures to ensure the necessary public safety and security in connection with this 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 arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee for this event due to their not-for-profit status; and be it further

RESOLVED, that the Town Board exempts this event from Chapter 46 (Alcoholic Beverages) of the Riverhead Town Code; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Jamesport Fire Department, Attn: William Burns, P.O. Box 78, Jamesport, Jamesport, New York, 11974; the Riverhead Fire Marshal; Chief Hegermiller, Riverhead Police Department and the Office of the Town Attorney.

THE VOTE

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

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

6/20/06

Adopted

TOWN OF RIVERHEAD

Resolution # 602

APPROVES CHAPTER 90 APPLICATION OF CHURCH OF THE HARVEST

COUNCILMAN DENSIESKI

_____ offered the following resolution, was seconded by

COUNCILMAN BARTUNEK

WHEREAS, on May 5, 2006, Church of the Harvest had submitted a Chapter 90 Application for the purpose of conducting a "Riverhead Community and Workers Appreciation Day", having music, food and games, to be located on the grounds of the East End Arts Council at 133 East Main Street, Riverhead, New York, to be held on July 15, 2006, between the hours of 12:00 noon and 5:00 p.m.; and

WHEREAS, an Owners Endorsement completed by the East End Arts Council has been received granting permission for the event to take place on their property; 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 Chapter 90 Application fee be waived due to its 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 Chapter 90 Application of the Church of the Harvest to conduct a "Riverhead Community and Workers Appreciation Day", having music, food and games, to be

located on the grounds of the East End Arts Council at 133 East Main Street, Riverhead, New York, to be held on July 15, 2006, between the hours of 12:00 noon and 5:00 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 Sate, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); 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-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

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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

6/20/06

TOWN OF RIVERHEAD

Adopted

Resolution # 603

**APPROVES CHAPTER 90 APPLICATION OF EAST END ARTS COUNCIL
(WINE PRESS CONCERT SERIES)**

COUNCILMAN BARTUNEK offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY :

WHEREAS, on May 8, 2006, the East End Arts Council (“EEAC”) had submitted a Chapter 90 Application for the purpose of conducting two concerts as part of the Wine Press Concert Series to be held at the following locations, dates and times:

Jamesport Vineyards	Saturday, July 22 2006	6:00 – 8:00 p.m.
Palmer Vineyards	Saturday, August 5, 2006	6:00 - 8:00 p.m.; and

WHEREAS, EEAC has requested the Chapter 90 Application fee for this event be waived due to their not-for-profit status; and

WHEREAS, EEAC has completed and filed and 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, 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

NOW THEREFORE BE IT RESOLVED, that the application of the East End Arts Council for the purpose of conducting two concerts as part of the Wine Press Concert Series to be held at the aforementioned locations, dates and times 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 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 (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 the East End Arts Council, 133 East Main Street, Riverhead, New York, 11901; Bruce Johnson, Fire Marshal; Ken Testa, P.E.; the Riverhead Police Department and the Office of the Town Attorney

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

6/20/06

TOWN OF RIVERHEAD

Adopted

Resolution # 604

APPROVES CHAPTER 90 APPLICATION OF POLISH TOWN CIVIC ASSOCIATION

COUNCILMAN DUNLEAVY

offered the following resolution, was seconded by

COUNCILWOMAN BLASS

WHEREAS, on May 23, 2006, the Polish Town Civic Association had submitted a Chapter 90 Application for the purpose of conducting their annual Polish Town Street Fair and Festival to be held on Pulaski Street, Osborne Avenue and Lincoln Street, Riverhead, New York, on August 19th and 20th, 2006 between the hours of 10:00 a.m. and 6:00 p.m.; and

WHEREAS, the Polish Town Civic Association has completed and filed a Long 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 Polish Town Civic Association has requested the Chapter 90 Application fee for this event be waived due to their not-for-profit status; and

WHEREAS, Polish Town Civic Association has requested this event be exempt from Chapter 46 (Alcoholic Beverages) of the Riverhead Town Code; 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 Polish Town Civic Association for the purpose of conducting their annual Polish Town Street Fair and Festival to be held on Pulaski Street, Osborne Avenue and Lincoln Street, Riverhead, New York, on August 19th and 20th, 2006 between the hours of 10:00 a.m. and 6:00 p.m., is hereby approved; and be it further

RESOLVED, that the Town Board exempts this event from Chapter 46 (Alcoholic Beverages) of the Riverhead Town Code; 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 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 (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 employees of the Riverhead Buildings and Grounds Department, the Riverhead Police Department, the Riverhead Highway Department and the Riverhead Fire Marshal are hereby authorized to utilize overtime expenditures to ensure the necessary public safety and security in connection with 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 Polish Town Civic Association, 300 Lincoln Street, Riverhead, New York, 11901; the Riverhead Fire Marshal; Kenneth Testa, P.E.; the Riverhead Police Department and the Office of the Town Attorney.

THE VOTE

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

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

6/20/06

TOWN OF RIVERHEAD

Adopted

Resolution # 605

**APPROVES CHAPTER 90 APPLICATION OF
OLD STEEPLE COMMUNITY CHURCH**

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

WHEREAS, on May 23, 2006, Old Steeple Community Church had submitted a Chapter 90 Application for the purpose of conducting an Annual Antique Fair to be located on their property located at 656 Main Road, Aquebogue, New York, to be held on August 26, 2006, between the hours of 8:00 a.m. and 5:00 p.m., having a rain date of September 4, 2006; and

WHEREAS, Old Steeple Community 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, the applicant has requested the Chapter 90 Application fee be waived due to its 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 Old Steeple Community Church for the purpose of conducting an Annual Antique Fair to be located on their property located at 656 Main Road, Aquebogue, New York, to be held on August 26, 2006, between the hours of 8:00 a.m. and 5:00 p.m., having a rain date of September 4, 2006, 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 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 this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event 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 employees of the Riverhead Police Department are hereby authorized to utilize overtime expenditures to ensure the necessary public safety and security in connection with 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 Old Steeple Community Church, P.O. Box 154, Aquebogue, New York, 11931; the Riverhead Fire Marshal; the Riverhead Police Department and the Office of the Town Attorney.

THE VOTE

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

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

6/20/06

TOWN OF RIVERHEAD

Adopted

Resolution # 606

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF
RIVERHEAD RACEWAY (July 1, 2006)**

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILMAN BARTUNEK

WHEREAS, on May 9, 2006, Riverhead Raceway had submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held at the center of the racetrack at 1797-1785 Old Country Road, Riverhead, New York on July 1, 2006 at approximately 9:00 p.m., having a rain date of July 2, 2006; 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 both the fireworks company (Pyro Engineering Inc d/b/a PyroArts by Bay Fireworks) and Wordlife Metrodome, Inc. d/b/a Riverhead Raceway, naming the Town of Riverhead as an additional insured and has determined that same is satisfactory as to their form; and

WHEREAS, the \$200.00 Fireworks Permit Application fee has been paid.

NOW THEREFORE BE IT RESOLVED, that the Fireworks Permit Application of Riverhead Raceway, for the purpose of conducting a fireworks display to be held at the center of the racetrack at 1797-1785 Old Country Road, Riverhead, New York on July 1, 2006, at approximately 9:00 p.m., having a rain date of July 2, 2006, is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by Riverhead Raceway. Riverhead Fire Department may provide additional fire apparatus at the discretion of the Chief of the Riverhead Fire Department.
- 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 Riverhead Raceway no later than 12:00 noon on the day of the event.
- Fire Marshal to be present 30 minutes prior to commencement of show for purpose of final inspection and safety review.
- The show shall be limited to firework shells not larger than 3" in diameter.
- The Fire Marshal shall have the final authorization to allow the show to proceed or cancel the show if there are unsafe conditions, lighting and/or wind in excess of 30 miles per hour; and be it further

RESOLVED, that the Riverhead Fire Marshal are hereby authorized to receive overtime expenditures for the necessary public safety and security purposes 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 Barbara Cromarty, 175 E. 62nd Street, 18 B, New York, New York, 10021; Pyro Engineering, Inc., 110 Route 110, Suite 102, Huntington Station, New York, 11746; the Riverhead Fire Department; Bruce Johnson, Riverhead Fire Marshal; Chief Hegermiller, Riverhead Police Department and the Office of the Town Attorney.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Deasieski yes ___ no
Cardinale yes ___ no

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

6/20/06

Adopted

TOWN OF RIVERHEAD

Resolution # 607

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF
WILDLIFE RESCUE CENTER OF THE HAMPTONS, INC.**

COUNCILMAN BARTUNEK

_____ offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY
_____:

WHEREAS, on May 23, 2006, the Wildlife Rescue Center of the Hamptons, Inc. had submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held in the Grangebél Park, Riverhead, New York on July 4, 2006, at approximately 9:00 p.m., having a rain date of July 5, 2006; 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 together with a certificate of insurance from both the fireworks company (Fireworks by Grucci, Inc.) and Wildlife Rescue Center of the Hamptons, Inc. naming the Town of Riverhead as an additional insured and has determined that same is satisfactory as to their form; and

WHEREAS, Wildlife Rescue Center of the Hamptons, Inc. has requested the Chapter 90 Application fee for this event be waived due to their not-for-profit status.

NOW THEREFORE BE IT RESOLVED, that the Fireworks Permit Application of the Wildlife Rescue Center of the Hamptons, Inc. for the purpose of conducting a fireworks display to be held in the Grangebél Park, Riverhead, New York on July 4, 2006, at approximately 9:00 p.m., having a rain date of July 5, 2006, 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 10:00 a.m. and 12:00 noon 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 Grangebél Park no later than 12:00 noon on the day of the event.
- Fire Marshal to be present 60 minutes prior to commencement of show for purpose of final inspection and safety review.
- The show shall be limited to firework shells not larger than 3" in diameter.

- The Fire Marshal shall have the final authorization to allow the show to proceed or cancel the show if there are unsafe conditions, lighting and/or wind in excess of 30 miles per hour; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the Fireworks Permit Application Fee; and be it further

RESOLVED, that the Riverhead Buildings and Grounds Department, the Riverhead Police Department and the Riverhead Fire Marshal are hereby authorized to receive overtime expenditures for the necessary public safety and security purposes in connection with this event; and be it further

RESOLVED, the Town Board hereby authorizes the Fire Marshal to post closure notices within the required safety zone; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Wildlife Rescue Center of the Hamptons, Inc., Attn: Jim Hunter, 228 West Montauk Highway, Hampton Bays, New York, 11946; Fireworks by Grucci, Inc., One Grucci Lane Brookhaven, New York, 11719; the Riverhead Fire Department; Bruce Johnson, Riverhead Fire Marshal; the Office of the Town Attorney and the Riverhead Police Department.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
 Blass yes ___ no Densieski yes ___ no
 Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

6/20/06

TOWN OF RIVERHEAD

Adopted

Resolution # 608

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF
RIVERHEAD RACEWAY (August 27, 2006)**

COUNCILMAN DUNLEAVY

_____ offered the following resolution, was seconded by

COUNCILWOMAN BLASS

_____ :

WHEREAS, on May 9, 2006, Riverhead Raceway had submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held at the center of the racetrack at 1797-1785 Old Country Road, Riverhead, New York on August 27, 2006 at approximately 9:00 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 both the fireworks company (Pyro Engineering Inc d/b/a PyroArts by Bay Fireworks) and Wordlife Metrodome, Inc. d/b/a Riverhead Raceway, naming the Town of Riverhead as an additional insured and has determined that same is satisfactory as to their form; and

WHEREAS, the \$200.00 Fireworks Permit Application fee has been paid.

NOW THEREFORE BE IT RESOLVED, that the Fireworks Permit Application of Riverhead Raceway, for the purpose of conducting a fireworks display to be held at the center of the racetrack at 1797-1785 Old Country Road, Riverhead, New York on August 27, 2006, at approximately 9:00 p.m. is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by Riverhead Raceway. Riverhead Fire Department may provide additional fire apparatus at the discretion of the Chief of the Riverhead Fire Department.
- 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 Riverhead Raceway no later than 12:00 noon on the day of the event.
- Fire Marshal to be present 30 minutes prior to commencement of show for purpose of final inspection and safety review.
- The show shall be limited to firework shells not larger than 3" in diameter.
- The Fire Marshal shall have the final authorization to allow the show to proceed or cancel the show if there are unsafe conditions, lighting and/or wind in excess of 30 miles per hour; and be it further

RESOLVED, that the Riverhead Fire Marshal are hereby authorized to receive overtime expenditures for the necessary public safety and security purposes 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 Barbara Cromarty, 175 E. 62nd Street, 18 B, New York, New York, 10021; Pyro Engineering, Inc., 110 Route 110, Suite 102, Huntington Station, New York, 11746; the Riverhead Fire Department; Bruce Johnson, Riverhead Fire Marshal; Chief Hegermiller, Riverhead Police Department and the Office of the Town Attorney.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

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

June 20, 2006

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 609

AMENDS TBR 06-154

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

BE IT RESOLVED, that the Town Board hereby amends Town Board Resolution 06-154 to read "in an amount not to exceed Thirty three million dollars (\$33,000,000)"; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Grimes Contracting Co., Inc., Ken Testa, Frank A. Isler, Young & Young and the Office of Accounting.

THE VOTE

Dunleavy ~~Yes~~ No

Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ ~~No~~ abstain

Cardinale ~~Yes~~ No

Z:/Peggy

6/20/06

Adopted

TOWN OF RIVERHEAD

Resolution # 610

AMENDS RESOLUTION #556 OF 2006
(AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF
THE RIVERHEAD TOWN CODE
(RESIDENCE DISTRICTS SCHEDULE OF DIMENSIONAL REGULATIONS)

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

WHEREAS, Resolution #556 adopted by the Riverhead Town Board on June 6, 2006, authorized Town Clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code (Residence Districts Schedule Of Dimensional Regulations); and

WHEREAS, said resolution incorrectly advised that a public hearing shall take place on July 18, 2005; and

WHEREAS, the correct public hearing date shall be July 18, 2006.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby amends Resolution #556 dated June 6, 2006 to reflect a correct public hearing date of July 18, 2006; and be it further

RESOLVED, that all other terms and conditions of Resolution #556 shall remain in full force and effect; and be it further

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

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

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

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 18th day of July, 2006 at 7:10 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code (Residence Districts Schedule of Dimensional Regulations) as follows:

Dated: Riverhead, New York
June 6, 2006

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

BARBARA GRATTAN, Town Clerk

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

Town of Riverhead
Residence Districts Schedule of Dimensional Regulations
 Amended 6-22-2004 by L.L. No. ----2004

Zoning Use District	Minimum lot area (square feet)	Minimum lot width (feet)	Maximum impervious surface (%)	Maximum height of residential buildings (feet)	Minimum front yard depth (feet)	Minimum either side yard width (feet)	Minimum both side yards, total width (feet)	Minimum side yard abutting side street (feet)	Minimum rear yard depth (feet)
Agricultural Protection (APZ) 3	80,000	175	15	35	60	30	65	60	75
Residence A-80 (RA-80) 3	80,000	175	15	35	60	30	65	60	75
Residence A-40 (RA-40)									
As-of-right subdivision	40,000	150	15	35	50	25	55	50	60
Workforce housing option ¹	20,000	100	15	35	40	10	25	40	40
Hamlet Residential (HR)	80,000	175	15	35	60	30	65	60	75
Residence B-80 (RB-80) 3	80,000	175	15	35	60	30	65	60	75
Residence B-40 (RB-40)	40,000	150	15	35	50	25	55	50	60
Retirement Community (RC)	15 acres ²	150	15	35	25	10	25	25	40

NOTES:

~~The workforce housing option allows an increased development yield of 50% provided that 66% of the total lots within the subdivision are reserved for workforce housing.~~

¹ The workforce housing option allows an increased development yield of 100% provided that 100% of the increased development yield within the subdivision is reserved exclusively for workforce housing.

total lots within the subdivision are reserved for workforce housing.

² The minimum parcel area to be considered for inclusion within the Residence RC Zoning Use District shall be fifteen (15) acres with development yield of one (1) unit per 40,000 square feet.

³ Agricultural worker housing development yields not to exceed (1) unit per 80,000 square feet of real property.

6/20/06

Adopted

TOWN OF RIVERHEAD

Resolution # 611

AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE FOR PUBLIC HEARING REGARDING BOUNDARY LINE ALTERATION BETWEEN 201 HOWELL AVENUE AND 718 EAST MAIN STREET

resolution, COUNCILMAN BARTUNEK offered the following

which was seconded by COUNCILMAN DUNLEAVY:

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a boundary line alteration between 201 Howell Avenue (SCTM# 600-127-04-34, 600-127-04-32.1) and 718 East Main Street (SCTM# 600-127-04-33) once in the June 29, 2006 issue of News Review, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

RESOLVED, that the Supervisor is hereby authorized to file an application with the Planning Board, as attached, and be it further

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

THE VOTE

Dunleavy yes no Bartunek yes no
 Blass yes no Densieski yes no
 Cardinale yes no

THE RESOLUTION WAS WAS NOT
 THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 5th day of July 2006 at 7:35 pm, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider alteration of the boundary line between 201 Howell Avenue (SCTM# 600-127-04-34, 600-127-04-32.1) and 718 East Main Street (SCTM# 600-127-04-33).

Dated: Riverhead, New York
June 20, 2006

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

BARBARA GRATTAN, Town Clerk

0600/ 127 - 4 - 32.1

33
34



TOWN OF RIVERHEAD
Planning Board
200 Howell Avenue, Riverhead New York 11901
(631) 727-3200, Ext. 240

APPLICATION FOR SUB-DIVISION

Please type or print clearly

MAJOR

MINOR

Boundary Line Alteration

Designated name of proposed development or project: 201 Howell Ave

Applicant*:

Name: Phil Cardinale

Address: 200 Howell Ave
Riverhead, NY 11901

Phone: 631 727 3200 x 251

Owner*:

Name: Town of Riverhead

Address: 201 Howell Ave
Riverhead, NY 11901

Phone: 631 727 3200 x 251

- Suffolk County Tax Map Number: 0600- 127 - 4 - 32.1, 33 & 34
- Location of site: 201 Howell Ave & 718 East Main St.
- Current zoning classification: _____
- Description of sub-division: Boundary Line Alteration
To swap Bucci ball ct For Parking For Building Department
- Total site area: 21,513 square feet
.494 acres

X
Applicant signature

Phil Cardinale
Print applicant name

_____ Date

Supervisor
Title, if applicable

This application is

Complete

Incomplete because: _____

Date: _____

Received By: _____

Sub-Division fees NOT refundable

COMPLETING.

DISCLOSURE AFFIDAVIT

State of New York)

ss:

County of Suffolk)

I, Phil Cardinale an applicant for the following relief:

and being duly sworn, deposes and says:

That I make and complete this affidavit under the penalty of perjury and swear to the truth thereof.

That I understand that this affidavit is required by Section 809 of the GENERAL MUNICIPAL LAW and that a knowing failure to provide true information is punishable as a misdemeanor. Being so warned, I state:

That myself, is a State Officer, is an officer or employee of Riverhead Town, and

That this person has an interest in the person, partnership, or association requesting the above stated relief.

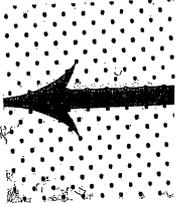
That for the purpose of this section, an officer or employee shall be deemed to have an interest in the applicant where he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them

- (a) is an applicant,
- (b) is an officer, director, partner or employee of the applicant,
- (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association, applicant, or
- (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered dependent or contingent upon the favorable approval of such application, petition, or request.

That ownership of less than five (5) percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchange shall not constitute an interest for the purpose of this section.

X

(SIGNATURE)



Sworn to before me this _____ day

of _____, 20

NOTARY PUBLIC

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Boundary Line Alteration

Location of Action (include Street Address, Municipality and County)

718 East Main St 1/2 201 Howell Ave | Riverhead, NY - SUFFOLK
Name of Applicant/Sponsor Town of Riverhead | 724 Realty Corp - Andrew Maggio
Address 200 Howell Ave. | PO Box 237 Farmingville, NY 11738
City / PO Riverhead State NY Zip Code 11901

Business Telephone _____

Name of Owner (if different) Town of Riverhead | 724 Realty Corp - Andrew Maggio
Address attorney: Michael Strauss 331-5300 1303 Main St. suite 4
City / PO Port Jefferson, State NY Zip Code 11777

Business Telephone 631-331-5300

Description of Action:

To swap parking areas as depicted on the attached survey.
201 Howell Ave 1/2 718 East Main St. Riverhead.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other _____

2. Total acreage of project area: 49 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>N/A</u> acres	<u>N/A</u> acres
Forested	<u>N/A</u> acres	<u>N/A</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>N/A</u> acres	<u>N/A</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>N/A</u> acres	<u>N/A</u> acres
Water Surface Area	<u>N/A</u> acres	<u>N/A</u> acres
Unvegetated (Rock, earth or fill)	<u>N/A</u> acres	<u>N/A</u> acres
Roads, buildings and other paved surfaces	<u>49</u> acres	<u>49</u> acres
Other (Indicate type) _____	_____ acres	_____ acres

3. What is predominant soil type(s) on project site?

- a. Soil drainage: Well drained _____% of site Moderately well drained 60 % of site.
 Poorly drained _____% of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

a. What is depth to bedrock _____ (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% _____% 10- 15% _____% 15% or greater _____% N/A

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No

8. What is the depth of the water table? N/A (in feet)

9. Is site located over a primary, principal, or sole source aquifer? Yes No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? Yes No

15. Streams within or contiguous to project area:

N.A.

a. Name of Stream and name of River to which it is tributary

N.A.

16. Lakes, ponds, wetland areas within or contiguous to project area:

N.A.

b. Size (in acres):

17. Is the site served by existing public utilities?

Yes

No

a. If YES, does sufficient capacity exist to allow connection?

Yes

No

b. If YES, will improvements be necessary to allow connection?

Yes

No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?

Yes

No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?

Yes

No

20. Has the site ever been used for the disposal of solid or hazardous wastes?

Yes

No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

a. Total contiguous acreage owned or controlled by project sponsor: N.A. acres.

b. Project acreage to be developed: N.A. acres initially; _____ acres ultimately.

c. Project acreage to remain undeveloped: N.A. acres.

d. Length of project, in miles: N.A. (if appropriate)

e. If the project is an expansion, indicate percent of expansion proposed. N.A. %

f. Number of off-street parking spaces existing 0; proposed 8

g. Maximum vehicular trips generated per hour: N.A. (upon completion of project)?

h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	_____	_____	_____	_____
Ultimately	_____	_____	_____	_____

i. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; _____ length.

j. Linear feet of frontage along a public thoroughfare project will occupy is? _____ ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? N.A. tons/cubic yards.

3. Will disturbed areas be reclaimed

Yes

No

N/A

a. If yes, for what intended purpose is the site being reclaimed?

[Empty rectangular box for answer]

b. Will topsoil be stockpiled for reclamation?

Yes

No

c. Will upper subsoil be stockpiled for reclamation?

Yes

No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? _____ acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: NA months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated NA (number)

b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition) N.A

c. Approximate completion date of final phase: _____ month _____ year. N.A

d. Is phase 1 functionally dependent on subsequent phases? Yes No N.A

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction NA; after project is complete

10. Number of jobs eliminated by this project _____.

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? Yes No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? _____ tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name _____; location _____

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

[Empty rectangular box for explanation]

17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? Yes No

19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

[Empty rectangular box with handwritten "NA" in the center]

22. If water supply is from wells, indicate pumping capacity _____ gallons/minute.

23. Total anticipated water usage per day _____ gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

[Empty rectangular box for explanation]

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town, Village Planning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, County Health Department	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Local Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
State Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input checked="" type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

DC-5

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

N.A.

4. What is the proposed zoning of the site?

N.A.

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N.A.

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?

Yes

No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

NA

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?

Yes

No

9. If the proposed action is the subdivision of land, how many lots are proposed?

None

a. What is the minimum lot size proposed?

see Survey

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?
 Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

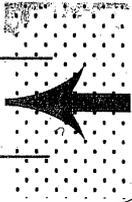
E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Phil Cardinale Date X

Signature X

Title SUPERVISOR, TOWN OF RIVERHEAD



If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

6/20/06

Adopted

TOWN OF RIVERHEAD

Resolution # 612

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE (DESTINATION RETAIL (DRC) ZONING USE DISTRICT – PERMITTED USES.)

COUNCILMAN DUNLEAVY

_____ offered the following resolution, was seconded by

COUNCILWOMAN BLASS

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code (Destination Retail (DRC) Zoning Use District) once in the June 29, 2006 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 18th day of July, 2006 at 7:15 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**ARTICLE XLVI
Destination Retail Center (DRC) Zoning Use District**

§ 108-258. Uses.

In the DRC Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

A. Permitted uses:

- (4) Banks.

Dated: Riverhead, New York
June 20, 2006

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

BARBARA GRATTAN, Town Clerk

* Underline represents addition(s)

6/20/06

Adopted

TOWN OF RIVERHEAD

Resolution # 613

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED "VEHICLES AND TRAFFIC" OF THE RIVERHEAD TOWN CODE (101-8 WEIGHT LIMITS)

COUNCILWOMAN BLASS

offered the following

resolution, which was seconded by COUNCILMAN DENSIESKI:

RESOLVED, that the Town Clerk is hereby authorized to publish and post the attached public notice to consider a proposed local law to consider the amendment of Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code, once in the June 29, 2006 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Riverhead Police Chief David Hegermiller; the Riverhead Highway Department and the Office of the Town Attorney.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 18th day of July, 2006 at 7:20 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 101 of the Riverhead Town Code entitled, "Vehicles & Traffic" as follows:

§ 101-8.1 Weight limits.

No person shall operate a motor vehicle of a total weight of greater than 18,000 pounds (9 tons) upon the following designated town highways or part thereof, except local deliveries.

<u>Street</u>	<u>Location</u>
<u>Hamilton Avenue</u>	<u>In its entirety commencing from the intersection of Lincoln Street in a northerly direction to the intersection of Osborn Avenue</u>
<u>Marcy Avenue</u>	<u>In its entirety commencing from the intersection of West Main Street in a northerly direction to the intersection of Osborn Avenue</u>
<u>Raynor Avenue</u>	<u>In its entirety commencing from the intersection of West Main Street in a northerly direction to the intersection of Osborn Avenue</u>
<u>Sweezy Avenue</u>	<u>In its entirety commencing from the intersection of West Main Street in a northerly direction to the intersection of Osborn Avenue</u>
<u>Wading River Manor Road</u>	<u>In its entirety commencing from the intersection of Rte. 25 (Middle Country Road) in a northerly direction to the intersection of Rte 25A</u>

Dated: Riverhead, New York
June 20, 2006

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

BARBARA GRATTAN, Town Clerk

- Underline represents addition(s)

June 20, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 614

AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW FOR AN AMENDMENT TO THE ZONING MAP OF THE RIVERHEAD TOWN CODE

COUNCILMAN DENSIESKI

_____ offered the following resolution,

COUNCILMAN BARTUNEK

which was seconded by _____:

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a proposed local law to consider the ratification of the Riverhead Town Zoning Map, as amended on November 16, 2004, once in the, June 29, 2006, issue of News Review, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to the Planning Department, Planning Board, Building Department and the Town Attorney's Office.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

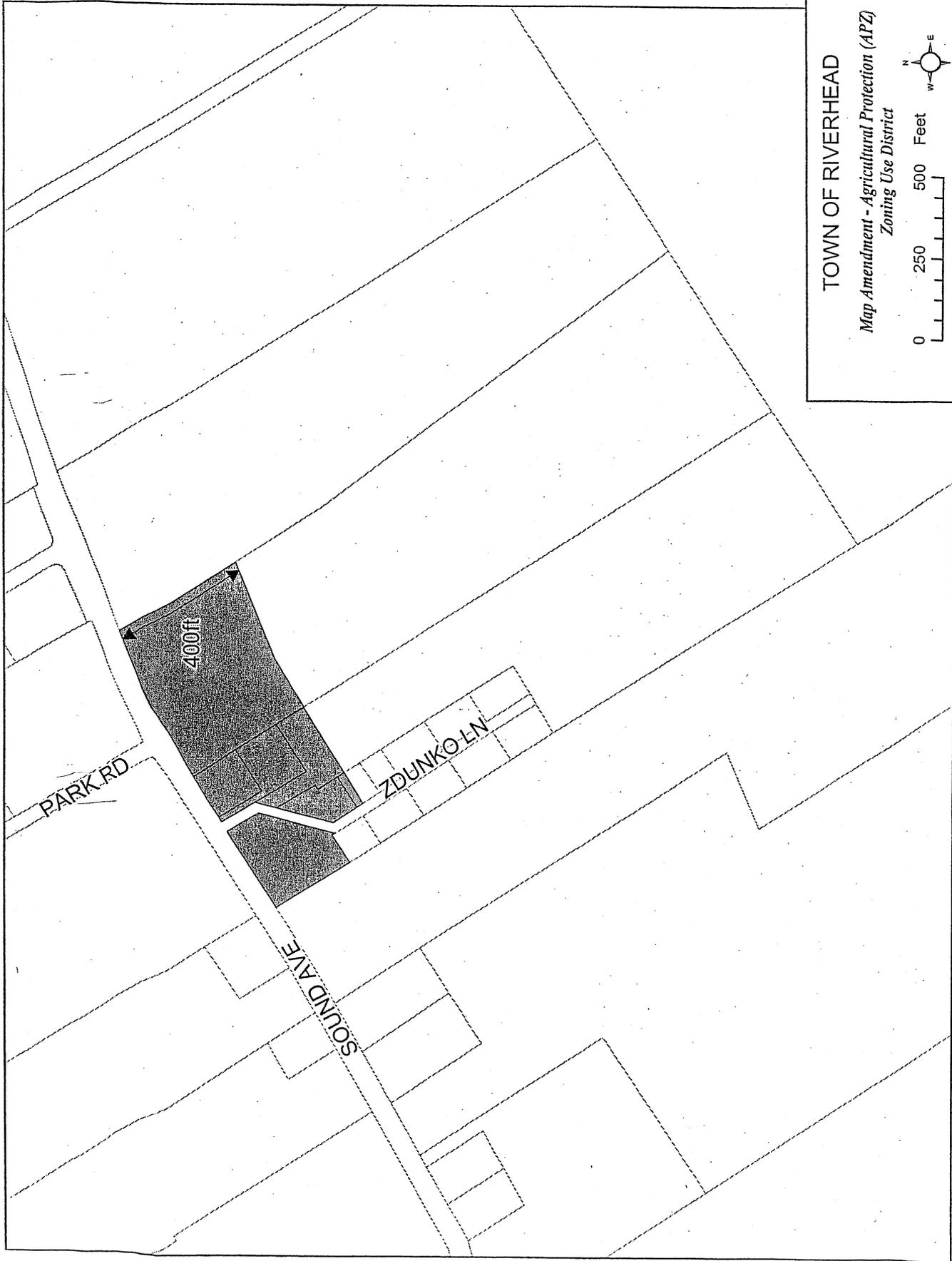
**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 18th day of July, 2006 at 7:25 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to ratify the adoption of the Zoning Map of the Riverhead Town, Suffolk County, New York as shown on the attached Zoning Map:

Dated: Riverhead, New York
June 20, 2006

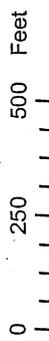
**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD**

BARBARA GRATTAN, Town Clerk



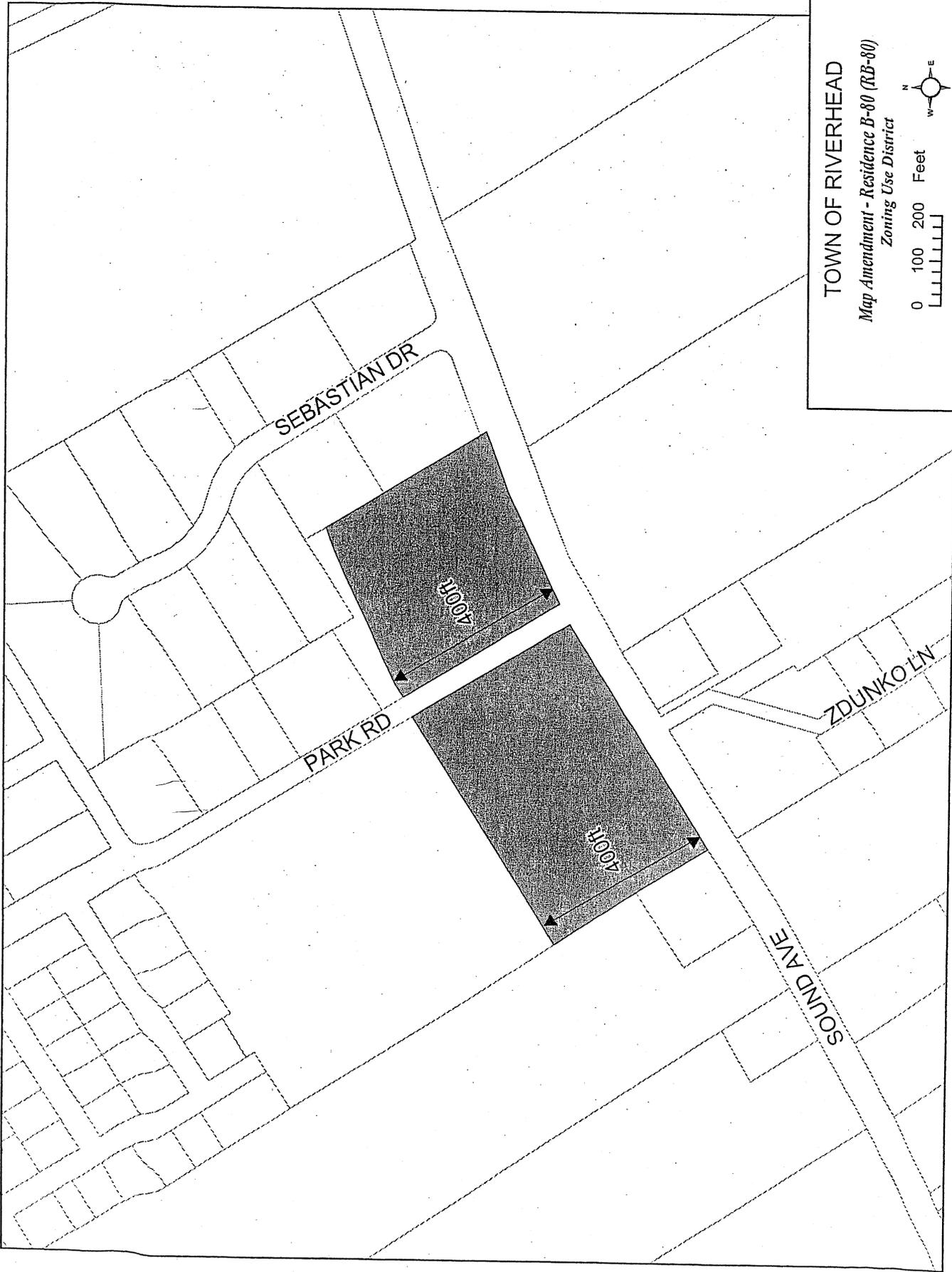
TOWN OF RIVERHEAD

Map Amendment - Agricultural Protection (APZ)
Zoning Use District



Source: Town of Riverhead Planning Department, 20 September 2004;
Suffolk County Real Property Tax Service Agency, Copyright 2003, County of Suffolk, NY

■ Agricultural Protection (APZ) Zoning Use District



TOWN OF RIVERHEAD
Map Amendment - Residence B-80 (RB-80)
 Zoning Use District

0 100 200 Feet

Source: Town of Riverhead Planning Department, 21 September 2004;
 Suffolk County Real Property Tax Service Agency, Copyright 2003, County of Suffolk, NY

Residence B-80 (RB-80) Zoning Use District



6/20/06

Adopted

TOWN OF RIVERHEAD

Resolution # 615

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF
THE RIVERHEAD TOWN CODE
(108-20.2 - Residence A-80 (RA-80) Zoning Use District)**

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

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the June 29, 2006 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

Dunleavy yes ___ no ___ Bartunek yes ___ no ___
Blass yes ___ no ___ Densieski yes ___ no ___
Cardinale yes ___ no ___

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 18th day of July, 2005 at 7:30 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**Chapter 108
Zoning**

ARTICLE VA
Residence A-80 (RA-80) Zoning Use District

§ 108-20.2. Uses.

In the RA-80 Zoning Use District, no building, structure or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

- A. Permitted uses.
- (1) Agricultural production, including but not limited to the following:
 - (a) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes, and dry beans.
 - (b) Fruits, including apples, peaches, grapes, cherries and berries.
 - (c) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
 - (d) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
 - (e) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, farmed deer, farmed buffalo, fur-bearing animals, milk, eggs and furs.
 - (f) Christmas trees grown in a managed Christmas tree operation, whether dug for transplanting or cut from the stump.
 - (g) Commercial horse boarding operation.
 - (h) Licensed small animal and bird rehabilitation on a parcel a minimum of ten (10) acres with lot coverage not to exceed 20% for this use.

Dated: Riverhead, New York
June 20, 2006

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

BARBARA GRATTAN, Town Clerk

* Underline represents addition(s)

June 20, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 616

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW TO AMEND CHAPTER 101.10 ENTITLED "Parking, Prohibited" and CHAPTER 101.18 ENTITLED "Seasonal Parking Permitted" OF THE RIVERHEAD TOWN CODE

Councilman Bartunek offered the following resolution, which was seconded by COUNCILMAN DUNLEAVY:

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a proposed local law to amend Chapter 101.10 entitled "Parking, Prohibited" and chapter 101.18 entitled, "Seasonal Parking Permitted" once in the June 29, 2006 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to the Highway Department, the Riverhead Police Department, the Division of Code Enforcement and the Office of the Town Attorney.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

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

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 18th day of July at 7:35 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 101.10 entitled "Parking, Prohibited" and chapter 101. 18 entitled, Seasonal Parking Permitted" as follows:

§ 101.10.

Park Road	East	From its intersection with Sound Avenue to a point 150 feet north of the northern terminus of Longview Drive and Park Road
Park Road	West <u>Both</u>	From its intersection with Sound Avenue to its terminus with Reeves Beach parking area
Sea Breeze Drive	<u>Both East</u>	Between Hornpipe Drive and Park Road

§ 101-18.

Park Road	East	Beginning at 150 feet from the northern terminus of Longview Drive and Park Road to its terminus at Reeves Beach area
Sea Breeze Drive	East	Beginning from Crows Nest Drive running southerly to Hornpipe Drive

Dated: Riverhead, New York
June 20, 2006

BY ORDER OF THE BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

THE VOTE

DUNLEAVY ___ YES ___ NO BARTUNEK ___ YES ___ NO

BLASS ___ YES ___ NO DENSIESKI ___ YES ___ NO

CARDINALE ___ YES ___ NO

THIS RESOLUTION ___ IS ___ IS NOT
DECLARED DULY ADOPTED

06/20/06

TOWN OF RIVERHEAD

Adopted

Resolution # 617

AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE FOR A PUBLIC HEARING REGARDING A LOCAL LAW TO AMEND CHAPTER § 52-18 (PENALTIES FOR OFFENSES) OF THE RIVERHEAD TOWN CODE

COUNCILMAN DUNLEAVY

_____ offered the following resolution,

which was seconded by COUNCILWOMAN BLASS _____:

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a local law to amend Chapter 52 entitled "Penalties for offenses" of the Riverhead Town Code once in the June 29, 2006 edition of the News Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to the Building Department, Planning Department, Code Enforcement, and the Town Attorney.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
 Blass yes ___ no Densieski yes ___ no
 Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 1st day of August, 2006 at 2:10 o'clock p.m., at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider a local law to amend Chapter 52 entitled "Penalties for offenses" of the Riverhead Town Code as follows:

§ 52-18. Penalties for offenses.

{Paragraphs (A) through (D) shall remain unchanged}

E. Civil penalties. In addition to the criminal penalties set forth herein, the Town Attorney is authorized to pursue any and all actions in law or equity, including but not limited to actions for compensatory damages; civil penalties; to compel compliance, or to restrain by injunction, violations of this chapter; and any other remedies which the Town Attorney may deem necessary and proper.

(1) Any person found to have violated any of the provisions of this chapter shall be subject to a civil penalty.

(2) Each day of a continuing violation shall be subject to a separate civil penalty. The civil penalty for a violation of this chapter shall be as follows: \$350.00 for the first day of violation or any part thereof, \$500.00 for the second day of violation or any part thereof; and \$1,000.00 for the third day of violation or any part thereof; and for all subsequent days of violation, up to and including the 15th day, said civil penalties for any given fifteen-day period may not exceed \$15,000.00. Civil penalties may be recovered in any action or proceeding brought by the Town Attorney in any court of competent jurisdiction or before a duly appointed hearing officer whenever permitted by law for a violation of this chapter.

(3) Each fifteen-day period shall be the subject of a separate cause of action and shall be subject to additional civil penalties not to exceed the \$15,000.00 in each and every fifteen-day period.

(4) All civil penalties shall be mandatory penalties and MUST be imposed upon a judgment in favor of the Town. If said penalty is not paid to the Town of Riverhead within ten (10) days of a judgment, a civil judgment shall be entered against the property, and the owner of the property, and said judgment may be collectable by a tax assessment against the property on which said violation occurred.

(5) Any civil penalty imposed shall be in addition to any fine and/or imprisonment imposed as a result of a criminal prosecution provided for in the Riverhead Town Code or any state or local law. There is no requirement of notice prior to the commencement of a civil action.

(6) Strict liability. Personal knowledge of the existence of a violation is not required, no mens rea (intent) is required, and any violation charged herein shall be one of strict liability.

(7) Continued violation. There shall be a presumption that a violation continues from the day the Town establishes that said violation existed until the violation's existence is rebutted, but in any case, no longer than 15 days for each civil action filed.

Dated: Riverhead, New York
June 20, 2006

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

BARBARA GRATTAN, Town Clerk

06/20/06

Adopted

TOWN OF RIVERHEAD

Resolution # 618

AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE FOR A PUBLIC HEARING REGARDING A LOCAL LAW TO AMEND CHAPTER § 108-78 (PENALTIES FOR OFFENSES) OF THE RIVERHEAD TOWN CODE

COUNCILWOMAN BLASS

_____ offered the following resolution,

which was seconded by **COUNCILMAN DENSIESKI** _____:

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a local law to amend Chapter 108 entitled "Penalties for offenses" of the Riverhead Town Code once in the June 29, 2006 edition of the News Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to the Building Department, Planning Department, Code Enforcement, and the Town Attorney.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 1st day of August, 2006 at 2:10 o'clock p.m., at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider a local law to amend Chapter 108 entitled "Penalties for offenses" of the Riverhead Town Code as follows:

§ 108-78. Penalties for offenses.

{Paragraphs (A) through (D) shall remain unchanged}

E. Civil penalties. In addition to the criminal penalties set forth herein, the Town Attorney is authorized to pursue any and all actions in law or equity, including but not limited to actions for compensatory damages; civil penalties; to compel compliance, or to restrain by injunction, violations of this chapter; and any other remedies which the Town Attorney may deem necessary and proper.

(1) Any person found to have violated any of the provisions of this chapter shall be subject to a civil penalty.

(2) Each day of a continuing violation shall be subject to a separate civil penalty. The civil penalty for a violation of this chapter shall be as follows: \$350.00 for the first day of violation or any part thereof, \$500.00 for the second day of violation or any part thereof; and \$1,000.00 for the third day of violation or any part thereof; and for all subsequent days of violation, up to and including the 15th day, said civil penalties for any given fifteen-day period may not exceed \$15,000.00. Civil penalties may be recovered in any action or proceeding brought by the Town Attorney in any court of competent jurisdiction or before a duly appointed hearing officer whenever permitted by law for a violation of this chapter.

(3) Each fifteen-day period shall be the subject of a separate cause of action and shall be subject to additional civil penalties not to exceed the \$15,000.00 in each and every fifteen-day period.

(4) All civil penalties shall be mandatory penalties and MUST be imposed upon a judgment in favor of the Town. If said penalty is not paid to the Town of Riverhead within ten (10) days of a judgment, a civil judgment shall be entered against the property, and the owner of the property, and said judgment may be collectable by a tax assessment against the property on which said violation occurred.

(5) Any civil penalty imposed shall be in addition to any fine and/or imprisonment imposed as a result of a criminal prosecution provided for in the Riverhead Town Code or any state or local law. There is no requirement of notice prior to the commencement of a civil action.

(6) Strict liability. Personal knowledge of the existence of a violation is not required, no mens rea (intent) is required, and any violation charged herein shall be one of strict liability.

(7) Continued violation. There shall be a presumption that a violation continues from the day the Town establishes that said violation existed until the violation's existence is rebutted, but in any case, no longer than 15 days for each civil action filed.

Dated: Riverhead, New York
June 20, 2006

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

BARBARA GRATTAN, Town Clerk

June 20, 2006

Adopted

TOWN OF RIVERHEAD

RATIFY AUTHORIZATION TO PUBLISH AND POST
A HELP WANTED ADVERTISEMENT FOR THE POSITION OF
CUSTODIAL WORKER I

RESOLUTION # 619

COUNCILMAN DENSIESKI

_____ offered the following

resolution, which was seconded by _____ COUNCILMAN BARTUNEK

BE IT RESOLVED, that the Town Board ratify the authorization to publish the attached Help Wanted Ad in the June 22, 2006 issue of The News Review.

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

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking individual for the position of Custodial Worker I. Applications can be downloaded at www.riverheadli.com and submitted to the Accounting Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:30pm on June 30, 2006.EOE.

BY ORDER OF:

THE RIVERHEAD TOWN BOARD

BARBARA GRATTAN, TOWN CLERK

June 20, 2006

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 620

AUTHORIZES THE TOWN CLERK TO POST AND PUBLISH A NOTICE TO
BIDDERS FOR THE TOWN OF RIVERHEAD
ANNUAL CONSTRUCTION CONTRACT

COUNCILMAN BARTUNEK offered the following resolution which was

seconded by COUNCILMAN DUNLEAVY.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the June 29, 2006 issue of the official Town newspaper for the Annual Construction Contract, 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., Andrea Lohneiss and the Office of Accounting.

THE VOTE

Dunleavy yes ___ no Bartunek 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 for the Town of Riverhead Annual Construction Contract, 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 am on July 12, 2006 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and/or obtained on or about June 29, 2006 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays or by visiting the Town of Riverhead website: www.riverheadli.com and click on "Bid Requests".

Each proposal must be submitted on the form provided in a sealed envelope clearly marked, "Annual Construction Contract" 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: June 9, 2006

June 20, 2006

Adopted

TOWN OF RIVERHEAD

**AUTHORIZES TOWN CLERK TO PUBLISH & POST
NOTICE TO BIDDERS FOR ELECTRIC MOTOR EMERGENCY
REPAIR/REPLACEMENT FOR USE BY THE RIVERHEAD WATER DISTRICT**

RESOLUTION # 621

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders for electric motor emergency repair/replacement to be used by the Riverhead Water District ; and be it further

RESOLVED, that the Town Clerk is authorized to forward a certified copy of this resolution to the Riverhead Water District and the Purchasing Department.

THE VOTE

Dunleavy yes ___ no Bartunek 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 bids for the purchase of **ELECTRIC MOTOR EMERGENCY REPAIR/REPLACEMENT** 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 **July 11, 2006**.

Bid Specifications and/or Plans may be examined and/or obtained at the Town Clerk's office at Town Hall Monday through Friday (except holidays) between the hours of 8:30 a.m. and 4:30 p.m. or by visiting the Town of Riverhead website at www.riverheadli.com. Click on "Bid Requests".

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 in a sealed envelope addressed to: **TOWN CLERK, TOWN OF RIVERHEAD, 200 HOWELL AVENUE, RIVERHEAD, NEW YORK, 11901**, and bear the designation: **BID FOR ELECTRIC MOTOR EMERGENCY REPAIR/REPLACEMENT.**

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

June 20, 2006

TOWN OF RIVERHEAD

Adopted

Resolution # 622

AWARDS BID FOR MUNICIPAL SOLID WASTE

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

WHEREAS, the Town Clerk was authorized to publish and post a notice for sealed bids for removal of Municipal Solid Waste for the Town of Riverhead and;

WHEREAS, 1 bid was received and opened at 11:05 am on June 8, 2006, at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

NOW THEREFORE BE IT RESOLVED, that the bid for disposal of Municipal Solid Waste for the Town of Riverhead be and hereby is, awarded to Crown Recycling Facility for \$85 per ton.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby is authorized to forward a certified copy of this resolution to the Crown Sanitation Facility, the Sanitation Supervisor and the Purchasing Department.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

Adopted

TB 6/20/06

TOWN OF RIVERHEAD

Resolution # 623
Adopted June 20, 2006

AWARDS BID ON STAINLESS STEEL MATERIAL SPREADERS W/LIQUID CALCIUM CHLORIDE DISPENSING SYSTEMS

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

WHEREAS, the Town Clerk was authorized to advertise for sealed bids on STAINLESS STEEL MATERIAL SPREADERS W/LIQUID CALCIUM CHLORIDE DISPENSING SYSTEMS for the use of the Riverhead Highway Department, and

WHEREAS, all bids were received and read aloud on the 22nd of May at 11:00 A.M. at the Town Hall, 200 Howell Avenue, Riverhead, New York the date, time and place given in the Notice to Bidders, and

WHEREAS, one bid was received,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Stainless Steel Material Spreader W/Liquid Calcium Chloride Dispensing Systems be and is hereby awarded to TRIOUS, INC., 458 Johnson Avenue, Bohemia, NY 11716-0158 in the amount of \$16,887.00 each, and

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

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

Adopted

6/20/06

Town of Riverhead

Resolution # 624

Authorizes Submission of Application to New York State Department of Transportation for Funding under the Transportation Enhancements Program

COUNCILMAN BARTUNEK

_____ offered the following resolution, which

COUNCILMAN DUNLEAVY

was seconded by _____.

WHEREAS, the Transportation Enhancements Program was created in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and continued in the Transportation Equity Act for the 21st Century (TEA-21) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); and

WHEREAS, the Transportation Enhancements Program provides innovative opportunities to improve the transportation system through the implementation of specific activities such as safe pedestrian and bicycle facilities, scenic routes, beautification and the restoration of historic buildings and provision of visitors centers; and

WHEREAS, the Town of Riverhead has sponsored numerous transportation enhancements projects since 1991 and has the opportunity to sponsor a project at the Hallockville Museum Farm and Folklife Center, a national register site located on a NYS Historic Highway; and

WHEREAS, the proposed project meets the three eligibility criteria and incorporates several of the eligible enhancement activities, including the provision of facilities for pedestrians and bicycles, the provision of a welcome center facility along a historic highway, landscaping and other scenic beautification, historic preservation, rehabilitation of, historic transportation buildings structures or facilities, archeological planning and research, and establishment of transportation museums.

THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the submission of an application by the Hallockville, Inc., as applicant, with the Town of Riverhead, as sponsor, for not more than \$1,000,000 in federal funding with the minimum required 20% non-federal share to be provided by Hallockville, Inc. as a contribution to the Town of Riverhead as sponsor; and

BE IT FURTHER RESOLVED, that upon notice of funding award, administration of the project will be based upon a Project Agreement between the NYSDOT and the Town of Riverhead and a subrecipient agreement between the Town of Riverhead and Hallockville, Inc. setting forth the obligations of each party for the project to be undertaken as approved.

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Hallockville Museum Farm, Inc. and Andrea Lohneiss, CD Director.

THE VOTE

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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

Adopted

RESOLUTION # 625 ABSTRACT #06-23 June 8, 2006 (TBM 6/20/06)			
COUNCILMAN DUNLEAVY			
offered the following Resolution which was seconded by			
COUNCILWOMAN BLASS			
FUND NAME		CD - None	CHECKRUN TOTALS
			GRAND TOTALS
GENERAL FUND	1		3,251,690.40
RECREATION PROGRAM FUND	6		651.29
SENIOR CITIZEN DAY CARE CENTER	27		849.02
ECONOMIC DEVELOPMENT ZONE FUND	30		2,711.76
HIGHWAY FUND	111		67,960.92
WATER DISTRICT	112		153,633.91
RIVERHEAD SEWER DISTRICT	114		62,166.25
REFUSE & GARBAGE COLLECTION DI	115		4,704.59
STREET LIGHTING DISTRICT	116		33,237.03
PUBLIC PARKING DISTRICT	117		1,976.30
BUSINESS IMPROVEMENT DISTRICT	118		102.72
AMBULANCE DISTRICT	120		1,178.97
EAST CREEK DOCKING FACILITY FU	122		13.34
CALVERTON SEWER DISTRICT	124		11,237.38
RIVERHEAD SCAVANGER WASTE DIST	128		27,987.19
WORKERS' COMPENSATION FUND	173		1,554.56
RISK RETENTION FUND	175		10,294.70
CDBG CONSORTIUM ACOUNT	181		501.92
SEWER DISTRICTS DEBT SERVICE	382		6,731.88
WATER DISTRICT DEBT SERVICE	383		389,851.22
GENERAL FUND DEBT SERVICE	384		393,098.15
TOWN HALL CAPITAL PROJECTS	406		1,160,685.77
YOUTH SERVICES CAP PROJECT	452		2,431.80
SENIORS HELP SENIORS CAP PROJE	453		2,532.47
MUNICIPAL FUEL FUND	625		13,728.33
MUNICIPAL GARAGE FUND	626		19,313.53
TRUST & AGENCY	735		14,206,131.09
COMMUNITY PRESERVATION FUND	737		3,187.51
CALVERTON PARK - C.D.A.	914		5,000.00
TOTAL ALL FUNDS			19,835,144.00

THE VOTE

Dunleavy yes no Bartunek yes no
 Blass yes no Densieski yes no
 Cardinale yes no

THE RESOLUTION WAS WAS NOT
 THEREFORE DULY ADOPTED

Adoptec

RESOLUTION # 625 ABSTRACT #06-24 June 15, 2006 (TBM 6/20/06)				
COUNCILMAN DUNLEAVY				
offered the following Resolution which was seconded by				
COUNCILWOMAN BLASS				
FUND NAME		CD - 6/12/06	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1	\$ 12,000,000.00	\$ 126,827.73	\$ 12,126,827.73
POLICE ATHLETIC LEAGUE	4	\$ 30,000.00	\$ 1,815.54	\$ 31,815.54
TEEN CENTER	5	\$ 15,000.00		\$ 15,000.00
RECREATION PROGRAM FUND	6	\$ 150,000.00	\$ 4,968.09	\$ 154,968.09
SITE COUNCIL	7	\$ 5,000.00		\$ 5,000.00
D.A.R.E	8	\$ 2,500.00		\$ 2,500.00
CHILD CARE CENTER BUILDING FUN	9	\$ 105,000.00	\$ 106.02	\$ 105,106.02
TOWN BD SPC PROG	24	\$ 10,000.00		\$ 10,000.00
SRS DAYCARE BLDG FUND	27	\$ 22,000.00		\$ 22,000.00
ECONOMIC DEVELOPMENT ZONE FUND	30	\$ 35,000.00	\$ 93.02	\$ 35,093.02
HIGHWAY FUND	111	\$ 2,400,000.00	\$ 12,857.54	\$ 2,412,857.54
WATER DISTRICT	112	\$ 1,000,000.00	\$ 3,627.48	\$ 1,003,627.48
R&M	113	\$ 1,000,000.00		\$ 1,000,000.00
RIVERHEAD SEWER DISTRICT	114	\$ 2,400,000.00	\$ 14,937.79	\$ 2,414,937.79
REFUSE & GARBAGE COLLECTION DI	115	\$ 1,500,000.00	\$ 382.64	\$ 1,500,382.64
STREET LIGHTING DISTRICT	116	\$ 650,000.00	\$ 3,017.24	\$ 653,017.24
PUBLIC PKG	117	\$ 100,000.00		\$ 100,000.00
BUSINESS IMPROVEMENT DISTRICT	118	\$ 40,000.00	\$ 158.19	\$ 40,158.19
AMBULANCE DISTRICT	120	\$ 300,000.00	\$ 280.02	\$ 300,280.02
EAST CREEK DOCKING FACILITY FU	122	\$ 100,000.00	\$ 2,473.43	\$ 102,473.43
CALVERTON SEWER DISTRICT	124	\$ 240,000.00	\$ 26.86	\$ 240,026.86
RIVERHEAD SCAVANGER WASTE DIST	128	\$ 1,125,000.00	\$ 6,455.83	\$ 1,131,455.83
SEWER DISTRICT FUND	130	\$ 385,000.00		\$ 385,000.00
WORKERS' COMPENSATION FUND	173	\$ 1,175,000.00	\$ 2,779.84	\$ 1,177,779.84
RISK RETENTION FUND	175	\$ 60,000.00	\$ 28,071.05	\$ 88,071.05
UNEMPLOYMT	176	\$ 45,000.00		\$ 45,000.00
CDBG CONSORTIUM ACOUNT	181		\$ 79.32	\$ 79.32
PUBLIC PKG DEBT	381	\$ 30,000.00		\$ 30,000.00
SEWER DEBT	382	\$ 125,000.00		\$ 125,000.00
WATER DEBT	383	\$ 650,000.00		\$ 650,000.00
GEN TOWN DEBT	384	\$ 10,000,000.00		\$ 10,000,000.00
SCAV WASTE DEBT	385	\$ 60,000.00		\$ 60,000.00
SUFFOLK THEATER	386	\$ 550,000.00		\$ 550,000.00
TOWN HALL CAPITAL PROJECTS	406		\$ 326,057.68	\$ 326,057.68
MUNICIPAL GARAGE FUND	626		\$ 13,367.18	\$ 13,367.18
SPECIAL TRUST	736	\$ 325,000.00		\$ 325,000.00
COMM. PRES. FUND	737	\$ 1,100,000.00		\$ 1,100,000.00
CALVERTON PARK - C.D.A.	914	\$ 200,000.00	\$ 24.39	\$ 200,024.39
TOTAL ALL FUNDS		\$ 37,934,500.00	\$ 548,406.88	\$ 38,482,906.88

THE VOTE

Dunleavy ___ yes ___ no Bartunek ___ yes ___ no
 Blass ___ yes ___ no Densieski ___ yes ___ no
 Cardinale ___ yes ___ no

THE RESOLUTION ___ WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

Adopted

6/20/06

TOWN OF RIVERHEAD

Resolution # 626

APPROVES CHAPTER 90 APPLICATION OF WILDLIFE RESCUE CENTER OF THE HAMPTONS, INC.

COUNCILWOMAN BLASS

_____ offered the following resolution, was seconded by

COUNCILMAN DENSIESKI

WHEREAS, on March 16, 2006, the Wildlife Rescue Center of the Hamptons, Inc. had submitted a Chapter 90 Application for the purpose of conducting a street fair to include a fireworks show, food and craft vendors and VIP tents, be held in the Peconic Riverfront municipal parking lot, Riverhead, New York, on Tuesday, July 4, 2006, between the hours of 5:00 p.m. and 10:00 p.m.; and

WHEREAS, Wildlife Rescue Center of the Hamptons, Inc. 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, 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 Wildlife Rescue Center of the Hamptons, Inc. for the purpose of conducting a street fair to include a fireworks show, food and craft vendors and VIP tents, be held in the Peconic Riverfront municipal parking lot, Riverhead, New York, on Tuesday, July 4, 2006 between the hours of 5:00 p.m. and 10:00 p.m. is hereby approved; and be it further

THE VOTE

Dunleavy yes ___ no ___ Bartunek yes ___ no ___
Blass yes ___ no ___ Densieski yes ___ no ___
Cardinale yes ___ no ___

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

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

RESOLVED, that approval for this event shall be subject to the following:

- Receipt of a Certificate of Insurance naming the Town of Riverhead as an additional insured ***no later than June 30, 2006***;
- Receipt of required Suffolk County Department of Health permit(s), including the food handling permit(s);
- Receipt of required Public Gathering/Emergency Medical Services (EMS) permit(s);

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 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 employees of the Riverhead Buildings and Grounds Department, the Riverhead Police Department, the Riverhead Highway Department, the Sanitation Department and the Riverhead Fire Protection and Code Enforcement Division are hereby authorized to utilize overtime expenditures to ensure the necessary public safety and security in connection with 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 Wildlife Rescue Center of the Hamptons, Inc., 228 West Montauk Highway, Hampton Bays, New York, 11946; the Riverhead Fire Marshal; Chief Hegermiller, Riverhead Police Department and the Office of the Town Attorney.

6/20/06

Adopted

TOWN OF RIVERHEAD

Resolution # 627

AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE FOR PUBLIC HEARING REGARDING A LOCAL LAW TO AMEND CHAPTER 108 (Zoning) (Empire Zone) OF THE RIVERHEAD TOWN CODE

COUNCILMAN DUNLEAVY

_____ offered the following resolution,

which was seconded by **COUNCILMAN DENSIESKI** _____:

WHEREAS, the Town Board of the Town of Riverhead is required to ratify the preparation and submission of an application by the Suffolk County Empire Zone Administrative Board for re-designation of existing zone boundaries into six distinct and continuous areas to the New York State Commissioner of Economic Development for ultimate approval by the New York State Empire Zones Designation Board and to recite provisions necessary to obtain approval for the application for re-designation, and

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning " (Empire Zone) of the Riverhead Town Code once in the June 29, 2006 issue of the News Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to the Building Department, Empire Zone Coordinator, Planning Department, Code Enforcement, and the Town Attorney.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 5th day of July, at 8:05 p.m. o'clock p.m., at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider a local law to amend Chapter 108 entitled "Zoning " of the Riverhead Town Code as follows:

§108-200

C. This article is required to permit the Town of Riverhead, in cooperation with the County of Suffolk, to prepare and submit to the New York State Commissioner of Economic Development an application for re-designation of a portion of the Town of Riverhead as an economic development zone and to permit the execution of any documents necessary to effectuate the purposes of this local law. It is the intent of this article to provide the incentive necessary to attract private business and industry to the proposed economic development zone, as further described herein below and to maintain the connection between such growth and the human resources base of the community within said zone.

§ 108-203. Composition and powers of Empire Zone Administrative Board

A. Pursuant to Article 18-b of the General Municipal Law, the Local Empire Zone Administrative Board as presently constituted is hereby continued with the following individuals as members pursuant to section 963 (a) of the General Municipal Law: as follows:

- (1) Chairman of Zone Administration Board
- 2) Educational institution representative
- (3) Local utility representative.
- (4) Local business representative
- (5) Organized labor representative
- (6) Community organization representative
- (7) Financial institution representative
- (8) Zone resident of the Town of Riverhead
- (9) Supervisor of the Town of Riverhead
- (10) Director of the Riverhead Community Development Agency
- (11) Chair of the Riverhead Development Corporation
- (12) Resident of the Town of Southampton, appointed by the Town of Southampton Supervisor subject to the approval of the Suffolk County Legislature. [
- (13) Resident of the Town of Babylon, appointed by the Town of Babylon Supervisor subject to the approval of the Suffolk County Legislature

B. All members of the Zone Board shall serve without compensation and shall serve at the pleasure of their respective appointing authorities. The Empire Zone Certification Officer shall not serve as a member of the Zone Board. The Zone Board shall perform all

duties required of it pursuant to § 963 of the New York General Municipal Law. The Zone Board shall hold regular meetings and determine the rules of its own proceedings.

C. The Empire Zone Administrative Board shall exercise all powers provided in the New York State Economic Development Zones Act
Remaining paragraphs shall be re-lettered accordingly.

Dated: Riverhead, New York
June 20, 2006

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

BARBARA GRATTAN, Town Clerk

June 20, 2006

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 628

AUTHORIZES SUPERVISOR TO EXECUTE LETTER

COUNCILMAN BARTUNEK

_____ offered the following resolutions, which was seconded
by COUNCILMAN DUNLEAVY.

RESOLVED, that the Supervisor is hereby authorized to execute the attached letter to the Town of Riverhead Industrial Development Agency; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to The Riverhead Industrial Development Agency, the Town Attorney, and the Town Supervisor.

THE VOTE

Dunleavy ~~Yes~~ No

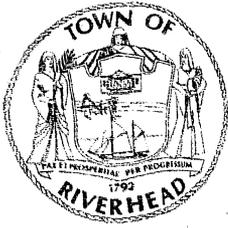
Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No

Z:/Peggy



TOWN OF RIVERHEAD

PHIL CARDINALE, SUPERVISOR

200 HOWELL AVENUE
RIVERHEAD, NEW YORK 11901
(631) 727-3200 EXT., 251
FAX (631) 727-6712
WWW.RIVERHEADLI.COM

June 22, 2006

Town of Riverhead Industrial Development Agency
4603 Middle Country Road
Calverton, New York 11933

Re \$8,005,000 Variable Rate Demand Civic Facility Revenue Bonds
(Central Suffolk Hospital Project), Series 2006A

\$15,200,000 Variable Rate Demand Civic Facility Revenue Bonds
(Central Suffolk Hospital Project), Series 2006B

\$11,795,000 Variable Rate Demand Civic Facility Revenue Refunding Bonds
(Central Suffolk Hospital Project), Series 2006C

Ladies and Gentlemen:

In accordance with Section 147(f) of the Internal Revenue Code of 1986 (the “Code”), you have requested that I, as the chief elected executive officer of the Town of Riverhead, New York, approve the issuance of the above-referenced bonds by the Town of Riverhead Industrial Development Agency (the “Agency”), the Project (as defined below) to be financed or refinanced with such bonds, and its location.

In support of your request you have submitted to me a copy of the application of Central Suffolk Hospital, a not-for-profit corporation organized and existing under the laws of the State of New York (the “Company”), wherein the Company has requested the Issuer to issue its:

1. \$8,005,000 Variable Rate Demand Civic Facility Revenue Bonds (Central Suffolk Hospital Project), Series 2006A (the “**Series 2006A Bonds**”) for the purpose of providing funds to finance certain costs of a project (the “**Series 2006A Project**”) to be undertaken by the Issuer on behalf of the Company, consisting of (A) the acquisition of a leasehold interest in and the improvement and rehabilitation of, and the construction, improvement and equipping of an approximately 9,800 square foot addition to, the Company’s emergency department (the “**ER Facility**”), located at 1300 Roanoke Avenue, Riverhead, New York 11901 (the “**Project Site**”), and (B) the payment of certain costs of credit enhancement and costs of issuance for the Series 2006A Bonds;

2. \$15,200,000 Variable Rate Demand Civic Facility Revenue Bonds (Central Suffolk Hospital Project), Series 2006B (the "**Series 2006B Bonds**") for the purpose of providing funds to finance certain costs of a project (the "**Series 2006B Project**") to be undertaken by the Issuer on behalf of the Company consisting of (A)(y) the acquisition of a subleasehold or other similar interest in, and the construction, improvement and equipping of, certain portions of a medical building to be used as a lobby or registration area, operating suites and space for future build-out and expansion, and the refitting of the Company's existing operating suites, and (z) related infrastructure improvements and additions to the Company's facilities (collectively, the "**OR Facility**") and together with the ER Facility, the "**2006 Project Facility**"), all located at the Project Site, and (B) the payment of certain costs of credit enhancement and costs of issuance for the Series 2006B Bonds; and

3. \$11,795,000 Variable Rate Demand Civic Facility Revenue Refunding Bonds (Central Suffolk Hospital Project), Series 2006C (the "**Series 2006C Bonds**") and together with the Series 2006A Bonds and the Series 2006B Bonds, the "**Bonds**") for the purpose of providing funds to finance certain costs of a project (the "**Series 2006C Project**" and together with the Series 2006A Project and the Series 2006B Project, the "**Project**") to be undertaken by the Issuer on behalf of the Company consisting of (A) the refunding of the New York State Medical Care Facilities Finance Agency's \$23,765,000 original principal amount of Central Suffolk Hospital Mortgage Project Revenue Bonds, 1993 Series A (the "**Refunded Bonds**"), which refunded the then outstanding principal balance of the New York State Medical Care Facilities Finance Agency's \$21,600,000 original principal amount of Central Suffolk Hospital Mortgage Project Revenue Bonds, 1983 Series A, which financed or refinanced expansions and improvements to certain of the Company's hospital facilities located at the Project Site (the "**1983 Project Facility**" and together with the 2006 Project Facility, the "**Project Facility**") and (B) the payment of certain costs of credit enhancement and costs of issuance for the Series 2006C Bonds.

Additionally, you have provided me with the following documents in support of your request:

- (1) a copy of the resolution of the Agency adopted June 5, 2006 wherein the Agency determined, in accordance with the State Environmental Quality Review Act ("SEQRA") that the financing of the Project will have no significant impact on the environment within the meaning of SEQRA,
- (2) a copy of the notice of the first public hearing with respect to the Project which was published in The News Review a newspaper of general circulation in Riverhead, New York, on April 27, 2006, and the affidavit of an employee of such newspaper regarding such publication,
- (3) a transcript of the public hearing held by the Issuer on June 5, 2006, at the Town of Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, relating to the issuance of the Bonds and the nature and location of the Project, and (4) a copy of the Bond Resolution adopted by the Agency with respect to the Project on June 5, 2006, wherein the Agency authorized the issuance of \$35,000,000 aggregate principal amount of Bonds for the purpose of financing or refinancing all or a portion of the Project and certain incidental costs and expenses incurred by the Agency and the Company in connection therewith.

After due consideration of the foregoing, as the chief elected executive officer of Town of Riverhead, New York and as the "applicable elected representative" within the meaning of Section 147(f)(2)(E) of the Code, I hereby approve the issuance of the Bonds, provided that the principal, premium, if any, and interest on the Bonds shall be special obligations of the Agency and shall never be a debt of the State of New York or any political subdivision thereof, including, without limitation, the Town of Riverhead, New York, and neither the State of New York nor any political subdivision thereof, including, without limitation, the Town of Riverhead, New York shall be liable thereon.

This approval is given pursuant to Section 141(f) of the Code for the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for Federal income tax purposes pursuant to the provisions of Sections 103 and 141 - 150 of the Code.

Sincerely,

Philip Cardinale
Town Supervisor
Town of Riverhead

June 20, 2006

TOWN OF RIVERHEAD

Adopted

Resolution # 629

**AUTHORIZES THE SUPERVISOR TO EXECUTE RUNWAY USE
AGREEMENT WITH SOUTH BAY APPAREL**

COUNCILWOMAN BLASS offered the following resolution, was seconded
by

COUNCILMAN DENSIESKI

WHEREAS, the Town owns the existing runways and related facilities located at the Calverton Executive Airfield, as designated by the Federal Aviation Administration ("FAA") as 3C8 ("Airfield"), New York, and

WHEREAS, the CDA is the municipal corporation responsible for development and oversight of the Airfield, and

WHEREAS, the CDA wishes to allow certain businesses to utilize the 10,000 foot runway located at the Airfield, said runway being identified as 14-32 ("Runway") by the FAA as set forth on Exhibit A, and

WHEREAS, South Bay Apparel (Operator) wishes to utilize said Runway in connection with its apparel manufacturing and distribution business, all in accordance with applicable zoning laws and as such use has been previously reviewed and approved by the Town Board of Supervisors, and

WHEREAS, such Runway use by Operator will be in conformity with applicable zoning laws and be of substantial economic benefit to the Town of Riverhead and its residents, and

WHEREAS, the CDA wishes to grant Operator the right to use the Runway subject to the terms and conditions stated in this Agreement,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute the attached runway use 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 South Bay Apparel at 4062-653 Grumman Boulevard, Calverton, New York.

**Runway Use Agreement
FOR PURPOSES AS LIMITED BY ZONING AND AS
SPECIFIED HEREIN**

This Agreement made on the _____ day of June, 2006, between the Town of Riverhead ("Town"), by and through its Community Development Agency ("CDA") and South Bay Apparel] ("Operator"), a Corporation with offices at 4062-653 Grumman Boulevard, Calverton, New York .

WITNESSETH

WHEREAS, the Town owns the existing runways and related facilities located at the Calverton Executive Airfield, as designated by the Federal Aviation Administration ("FAA") as 3C8 ("Airfield"), New York, and

WHEREAS, the CDA is the municipal corporation responsible for development and oversight of the Airfield, and

WHEREAS, the CDA wishes to allow certain businesses to utilize the 10,000 foot runway located at the Airfield, said runway being identified as 14-32 ("Runway") by the FAA as set forth on Exhibit A, and

WHEREAS, Operator wishes to utilize said Runway in connection with its apparel manufacturing and distribution business, all in accordance with applicable zoning laws and as such use has been previously reviewed and approved by the Town Board of Supervisors, and

WHEREAS, such Runway use by Operator will be in conformity with applicable zoning laws and be of substantial economic benefit to the Town of Riverhead and its residents, and

WHEREAS, the CDA wishes to grant Operator the right to use the Runway subject to the terms and conditions stated in this Agreement,

NOW, THEREFORE, in consideration of the mutual covenants and agreement herein contained CDA does hereby demise and provide Operator the right to utilize the subject Runway in all respects as follows:

1. Term: The term of this Agreement shall be for a period of six (6) months commencing June , 2006 and ending December , 2006 ("Term"), subject to such modifications as

the Town and the CDA at their sole discretion may require. Except as otherwise provided herein, this Agreement will remain in full force and effect for the stated Term, provided Operator is not in default of any of the material terms, covenants, or conditions of this Agreement.

2. Payment: Operator shall pay to the CDA the sum of \$ 1,000.00 monthly for its use of the Runway, based on the indicated anticipated level of use and type of aircraft and operations listed on Schedule A. In the event of a material change in the foregoing, the CDA and the Town reserve the right to adjust the monthly fee to reflect such changed condition(s).

3. Use of Runway: CDA hereby grants Operator the non-exclusive, non-transferable right to utilize the Runway, adjoining taxiways, ramp and apron areas as is provided by the CDA for public and common use by aircraft operators for taxiing, take-offs, and landings, of aircraft owned or operated by Operator as such aircraft are more fully listed in Schedule A attached hereto and made a part hereof. The right of use granted hereunder is subject to permitted uses at the Airfield and such other rules and regulations pertaining to the use of the Airfield as may be in effect from time to time during the Term of this Agreement.

On a monthly (or such other periodic basis as the parties may agree), Operator shall provide the CDA with a list of all aircraft using the Runway pursuant to this Agreement; such information shall include aircraft type, date(s) of operation, FAA registration (tail number), owner or operator name and FAR operation type.

Operator shall obtain the approval of the Town and the CDA in the event of any change in the type of aircraft listed on Schedule A. Finally, the CDA reserves the right, in its sole discretion, to grant other persons or entities, certain rights and privileges upon the air field which are identical in whole or in part to those granted to Operator herein.

4. Limitations: In addition to any applicable rule or regulation in effect at the field, it is understood that the air field is not open for public use and therefore Operator agrees to abide by the following terms and conditions:

a) The Runway may be used by Operator only for aircraft types operated under the corresponding Federal Aviation Regulations and subject to the FAA aircraft registration number(s) listed on Schedule A ("Aircraft").

b) Operator shall use the Runway solely in connection with its stated business, consistent with zoning and shall not use the Runway to board, de-board, or transport paying passengers or cargo in regularly scheduled or unscheduled charter air transportation service. Operator shall not use the Runway in connection with any regularly scheduled or unscheduled charter air transportation service whether operated by itself or indirectly through its customers or clients.

c) It is intended that the Runway will solely be used for the benefit of the owners and tenants of at the Airfield and for other aviation purposes at the Airfield, as may be allowed by the CDA from time to time therewith and that no use of the Runway may be made in contravention of zoning or other applicable laws, rules or regulations.

d) Operator acknowledges that the rights granted to use the Runway pursuant to this Agreement are not exclusive to Operator and that there are other users of the Runway.

5. Signs and advertising: No signs shall be placed on the Runway or at the Airfield, without first obtaining written permission from the CDA and the necessary permits from the Town. Operator acknowledges that this Agreement confers no rights with respect to the use of any trade name, trademark or service mark, copyrighted material or any other information proprietary to the Town or the CDA with respect to the ownership, management or operation of the Airfield.

6. Conditions of the Facilities: Operator has examined the subject Runway, taxi ways and tie down area shown in Exhibit A hereto and Operator is fully familiar with the condition of the runway and its related facilities and agrees to accept the Runway and its related facilities, including, but not limited to, Runway lighting and painting, in "as is" condition. Operator agrees to remain fully responsible for its operations and the operations of its customers on the Runway and shall keep the Runway clear of debris and other foreign objects.

7. Wildlife: Operator is fully aware of the existence of the large numbers of wildlife, including but not limited to the geese and the deer, that freely transverse the Runway, taxiways and adjacent areas at the Airfield. Operator acknowledges that the existence of the wildlife poses a potential hazard to aircraft utilizing the Runway. Notwithstanding the foregoing, Operator agrees that it is responsible for ensuring that any wildlife is cleared from the Runway, taxiways and adjacent areas as is necessary to enable it to use the Runway as set forth herein.

Operator further agrees that it shall indemnify and hold the CDA and the Town, their respective officers, officials, directors, employees, servants, and agents, including the Town Board and its individual members harmless from any liability arising from the existence of the wildlife on or in the vicinity of the Runway and other facilities at the Airfield. Operator hereby acknowledges that the Airfield is currently unattended and that neither the Town nor the CDA carries out any maintenance or operational functions at the Airfield. Operator acknowledges that neither the Town nor the CDA has assumed any responsibility for the existing conditions of the Runway and other Airfield facilities and further agrees that neither the Town, nor the CDA shall be required to maintain or operate any facility at the Airfield, including the Runway.

8. Assignment: Operator may not assign, transfer or sublease the whole, or any part of this Agreement, or the rights granted hereunder.

9. Successors and Assigns: All the covenants, stipulations and agreements herein shall extend to and bind the legal representatives, successors and assigns of the respective parties hereto.

10. Indemnity and Insurance: Operator shall keep and hold the CDA and the Town, its commissions, agencies, departments and officials, including the Town Board and its individual members and the respective officers, officials directors, agents, servants and employees of the CDA and the Town harmless from any and all liabilities, losses, suits, claims, judgments, fines, penalties, demands or expenses, including all reasonable costs for investigation and defense thereof (including but not limited to attorney's fees, court costs and expert fees) claimed by anyone by reason of death, injury or damage to persons or property sustained in or about the Airfield arising out of or in connection with the use of the Runway by Operator, its invitees or customers or otherwise arising out of the acts or omissions of Operator, its directors, officers, employees, agents, invitees, customers, and Operators upon and about the Airfield, provided, however, that upon the filing of any claim with the CDA or the Town for damages arising out of incidents for which Operator is obligated herein to hold the CDA and the Town harmless, then and in that event the CDA or the Town, as the case shall be, shall notify Operator of such claim and Operator shall have the right to settle, compromise or defend same. Operator shall further use legal counsel reasonable acceptable to the CDA and the Town in carrying out its obligations hereunder. Any final judgment rendered against the CDA or the Town for any cause for which Operator is liable hereunder shall be conclusive against Operator as to liability and amount where the time to appeal therefrom has expired. The provision of this section shall survive the expiration or early termination of this Agreement.

Operator shall maintain general comprehensive liability insurance, endorsed to cover Airfield operations in an amount equal to that customary for such kind and level of use but in no event less than \$5,000,000.00, combined single limit covering bodily injury and property damage per occurrence through a company acceptable to the CDA and the Town of Riverhead, in which policy the CDA and the Town of Riverhead shall be named as additional insureds. Before any use of the Runway may be made pursuant to this Agreement, Operator shall furnish satisfactory evidence that such insurance is in effect and will not be canceled during the term of this Agreement without thirty-(30) days prior written notice to the Town of such cancellation.

Operator shall also maintain aircraft liability insurance in an amount not less than that customary for the type of air operation conducted by Operator but in no event less than \$5,000,000.00, combined single limit covering death, bodily injury and property damage per occurrence through a company acceptable to the CDA and the Town of Riverhead, in which policy the CDA and the Town of Riverhead shall be named as additional insureds. Operator shall furnish satisfactory evidence that such insurance

is in effect and will not be canceled during the term of this Agreement without thirty (30) days prior written notice to the Town of such cancellation.

11. Hazardous Substances: Operator shall not generate, store, manufacture, refine, transport, or treat, or otherwise permit to be present on or about the Airfield any Hazardous Substances (other than Hazardous Substances as may be duly authorized for use in connection with Operator's business at the Airfield). In no event will Operator dispose of, discharge or release any Hazardous Substances into the environment. As used herein, the term "Hazardous Substances" shall mean any flammables, explosives, radioactive materials, hazardous waste, hazardous and toxic substances or related materials, asbestos or any materials containing asbestos, or any other hazardous or toxic substance material as defined by any Federal, State or Local environmental law, rule or regulation, including, without limitation, the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, and the Hazardous and Solid Waste Amendments of 1984, as amended from time to time, the Comprehensive Environmental Response, Compensation and Liability Act 1980, as amended from time to time, the Toxic Substances Control Act as amended from time to time, the Hazardous Material Transportation Act, as amended from time to time and the regulations adopted and the publications promulgated pursuant to each of the foregoing.

With respect to the unauthorized release of any Hazardous Substance by Operator pursuant to this Agreement, Operator agrees to timely file any spill reports as required by any federal, state or local agency having jurisdiction over the same and to promptly provide the Town with a copy of such report. Further, Operator agrees to remediate and clean up any soil, water or air contaminant resulting from any unauthorized release, spill or discharge of Hazardous Substances, whether or not such release, spill or discharge is reportable under applicable law or regulation.

12. Aircraft Security: Operator shall ensure that the Aircraft which are the subject of this Agreement are operated in accordance with applicable security guidelines of the United States Transportation Security Administration as pertain to the identification of passengers, cargo and baggage carried aboard the Aircraft and the securing of the Aircraft with both interior and exterior locks and any hangar facility for the Aircraft, while the Aircraft is on the ground at the Airfield.

13. Ingress and Egress: This Agreement does not extend, expand, change or alter any existing right of ingress and egress that Operator currently is afforded by virtue of its lease, license or ownership of property at the Airfield site and no right of ingress and egress to the Airfield is hereby granted for pedestrians or ground vehicles other than the express Runway use rights which are the subject of this Agreement.

14. Other:

(a) Compliance with Law. All use of the Runway shall be subject to all applicable federal, state, and local laws, rules and regulations, as may be in effect during the Term of this Agreement including any rules and regulations that the CDA or the Town may impose in connection with the use of the Airfield.

In addition to the foregoing, Operator hereby agrees to comply at all times with and to cause its customers to use the Runway and to conduct its business at the Airfield in compliance at all times with all applicable federal, state and local laws, rules, and regulations, including regulations of the Suffolk County Department of Health regulations pertaining to the use of the Runway and related Airfield facilities. In addition and as required by applicable law, rule or regulation, Operator agrees to file for a fire protection and hazardous materials permit with all government agencies having jurisdiction thereof, including any permits required by the Town of Riverhead in connection with such use.

(b) Termination and Default. Either party to this Agreement may terminate this Agreement, with or without cause on fifteen (15) days prior written notice to the other. In the event Operator fails to perform any material obligation under this Agreement and such failures continues for a period of three (3) days after receipt of written notice of the same from the CDA or the Town, then the CDA may terminate this agreement forthwith, except where the CDA and the Town, in their sole discretion find that any such failure is incapable of cure within the stated time and Operator has diligently commenced to cure such failure. Notwithstanding any to the contrary in this Agreement, in the event Operator fails, at any time during the Term of this Agreement, to maintain and provide the CDA with evidence of the insurance coverage required herein below, the CDA may immediately terminate this Agreement.

If bankruptcy proceedings are commenced with respect to Operator and if this Agreement has not otherwise terminated, then the CDA or the Town may suspend all further performance of this Agreement until Operator assumes or rejects this Agreement pursuant to Section 365 of the Bankruptcy Code or any similar or successor provision. Within thirty (30) days of the commencement of such bankruptcy proceeding, Operator agrees to move the Court in which such bankruptcy proceeding is pending to assume or reject this Agreement. Any such suspension of further performance by the CDA or the Town pending Operator's assumption or rejection will not be a breach of this Agreement and will not affect the CDA's or the Town's right to pursue or enforce any of its rights under this Agreement or otherwise.

(c) Subordination. This Agreement shall be subordinate to the provisions of any existing or future agreement between the CDA, the Town and the United States, relative to the ownership, operation or maintenance of the Airfield.

(d) **Reservation of Rights.** The CDA and the Town, their respective successors and assigns, hereby reserve the right, in their sole discretion, to direct and control all activities at the Airfield and to take any action they deem necessary to preserve for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the Airfield, together with the right to cause and regulate in said airspace such noise as may be inherent in the operation of aircraft, now know or hereafter used for navigation of flight, using said airspace for landing at, taking off from, or operating at the Airfield. In furtherance thereof, the CDA and the Town reserve the right to take any action it considers necessary to protect the aerial approaches of the Airfield against obstruction, which would limit the usefulness of the Airfield or constitute a hazard to aircraft. Any such action shall not be deemed a breach of this Agreement and shall not act to reduce payment due hereunder or otherwise extend the term of this Agreement.

(e) **Entire Agreement.** This writing contains the entire agreement between the parties and supercedes and replaces all prior understandings and agreements between the parties hereto whether oral or written with respect to the subject matter hereof.

IN WITNESS HEREOF, the parties have executed this Agreement as of the date first written above.

Town of Riverhead
By: Philip J. Cardinale

Operator: South Bay Apparel
By: Douglas Dey

Attachments:

Exhibit A "Map of Runway, Taxiways, Ramp and Tie Down Area" [To be provided by the Town]

Schedule A "List of Aircraft Types, FAA Registration Numbers, and FAR Operation" [To be provided by Aircraft Owner or Operator]

THE VOTE

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

**THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED**