



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

December 18th, 2007

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

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

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

ELECTED OFFICIALS

**Laverne Tennenberg
Paul Leszczynski
Mason E. Haas
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

**William Rothaar
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 CDA RESOLUTION LISTED BELOW

CDA Res. #17 A RESOLUTION CALLING A PUBLIC HEARING ON THE COMMUNITY DEVELOPMENT AGENCY'S DESIGNATION OF RIVERHEAD RESORTS LLC AS A QUALIFIED AND ELIGIBLE SPONSOR FOR THE PURCHASE AND DEVELOPMENT OF APPROXIMATELY 755 ACRES LOCATED WITHIN THE PLANNED RECREATIONAL PARK ZONING DISTRICT OF THE PREMISES KNOWN AS THE ENTERPRISE PART AT CALVERTON (EPCAL), CONSISTENT WITH THE GOALS AND OBJECTIVES OF THE CALVERTON ENTERPRISE PARK URBAN RENEWAL PLAN (1998) AND RATIFIES THE PUBLICATION OF PUBLIC NOTICE

PUBLIC COMMENT ON ANY REGULAR RESOLUTION LISTED BELOW:

Res. #1149 AUTHORIZES PUBLICATION OF NOTICE TO SOLICIT PROPOSALS FOR THE DEVELOPMENT OF A BULK STUDY OF THE DC-1 ZONING DISTRICT

Res. #1150 AUTHORIZES PUBLICATION OF NOTICE TO SOLICIT PROPOSALS FOR THE DEVELOPMENT FO HISTORIC GUIDELINES

Res. #1151 HIGHWAY DEPARTMENT BUDGET ADJUSTMENT

Res. #1152 RATIFIES AUTHORIZATION FOR TOWN CLERK TO PUBLISH AND POST THE ATTACHED NOTICE OF COMPLETE APPLICATION (NYSDEC 1-4730-01397/00001) CORWELL AVENUE TOWN BOAT RAMP

Res. #1153 RATIFIES THE RETIREMENT OF A POLICE OFFICER (THOMAS LONG III)

Res. #1154 APPOINTS A P/T RECREATION AIDE/SKATEPARK TO THE RIVERHEAD RECREATION DEPARTMENT (JAY MILDNER)

Res. #1155 APPOINTS DEPUTY TOWN SUPERVISOR (WILLIAM WELSH)

Res. #1156 APPOINTS A P/T RECREATION AIDE/SKATEPARK TO THE RIVERHEAD RECREATION DEPARTMENT (DAVID GUILTY)

Res. #1157 WATER DEPARTMENT BUDGET ADJUSTMENT

Res. #1158 GENERAL FUND BUDGET ADJUSTMENT

Res. #1159 NUTRITION DEPARTMENT BUDGET ADJUSTMENT

Res. #1160 POLICE FUND BUDGET ADJUSTMENT

- Res. #1161 SANITATION – S.T.O.P. PROGRAM BUDGET ADJUSTMENT
- Res. #1162 2007 POLICE HIGHWAY PATROL JA GRANT BUDGET ADOPTION
- Res. #1163 AUTHORIZES THE RELEASE OF SECURITY FOR WINDCREST PROPERTIES LLC F/K/A MID ROAD PROPERTIES LLC
- Res. #1164 RATIFIES THE APPOINTMENT OF A P/T RECREATION AIDE-VOLLEYBALL ATTENDANT LEVEL III TO THE RIVERHEAD RECREATION DEPARTMENT (AMY BULLOCK)
- Res. #1165 RATIFIES THE APPOINTMENT OF A P/T RECREATION AIDE-VOLLEYBALL ATTENDANT LEVEL III TO THE RIVERHEAD RECREATION DEPARTMENT (JENNIFER TRIANDAFILS)
- Res. #1166 AUTHORIZE THE PUBLICATION OF A HELP WANTED AD FOR AUTOMOTIVE EQUIPMENT OPERATORS
- Res. #1167 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER THE PURCHASE OF A PARCEL OF LAND LOCATED IN THE TOWN OF RIVERHEAD KNOWN AS THE WEEPING WILLOW MOTEL (PURPORTED OWNER: JAMES R. WOODHULL)
- Res. #1168 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108, ARTICLE XLV, ENTITLED, “ZONING” OF THE RIVERHEAD TOWN CODE (OUTDOOR LIGHTING)
- Res. #1169 AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 101 ENTITLED, “VEHICLES AND TRAFFIC” OF THE RIVERHEAD TOWN CODE (ARTICLE III, TRAFFIC REGULATIONS)
- Res. #1170 AUTHORIZING THE TOWN OF RIVERHEAD TO ORDER AN APPRAISAL FOR PROPERTY LOCATED AT 1295 PULASKI STREET, RIVERHEAD, NEW YORK (PURPORTED OWNER: RIVERHAD BUILDING SUPPLY CORP.)
- Res. #1171 ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, “ZONING” OF THE RIVERHEAD TOWN CODE (§108-95 SUBDIVISION REGULATIONS –GENERAL PROVISIONS)
- Res. #1172 ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, “ZONING” OF THE RIVERHEAD TOWN CODE (§108-129 – SITE PLAN REVIEW)

- Res. #1173 ADOPTS A LOCAL LAW FOR THE ADDITION OF CHAPTER 110 ENTITLED, "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL REGULATIONS" OF THE RIVERHEAD TOWN CODE
- Res. #1174 ADOPTS A LOCAL LAW FOR THE ADDITION OF CHAPTER 109 ENTITLED "PROHIBITION OF ILLICIT DISCHARGES AND CONNECTIONS TO THE TOWN OF RIVERHEAD MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)" OF THE RIVERHEAD TOWN CODE
- Res. #1175 AMMENDS RESOLUTION #854 OF 9/5/07 APPROVING THE SITE PLAN OF ISLAND INTERNATIONAL
- Res. #1176 AUTHORIZES THE RELEASE OF A BOND OF ELIZABETH STREBEL
- Res. #1177 AWARDS BID CALVERTON ENTERPRISE PARK RIVERHAD WATER DISTRICT
- Res. #1178 AWARDS BID ROUTE 58 HOTEL PLAZA SEWER CONNECTION RIVERHEAD SEWER DISTRICT
- Res. #1179 APPOINTS FIRE MARSHAL I (CRAIG ZITEK)
- Res. #1180 AUTHORIZES LEGAL ACTION AGAINST THE OWNERS, OCCUPANTS AND AGENTS OF THE PROPERTY LOCATED AT 230 DEEP HOLE ROAD, CALVERTON, NEW YORK, (TAX MAP NO. 0600-080.00-01.00-006.000)
- Res. #1181 AUTHORIZES PUBLIC HEARING FOR A LOCAL LAW SETTING SERVICE CONNECTION FEES RIVERHEAD WATER DISTRICT
- Res. #1182 RATIFIES THE CORRECTION OF A PUBLIC HEARING NOTICE AUTHORIZED IN RESOLUTION 1142-07
- Res. #1183 PAYS BILLS

December 18, 2007

TOWN OF RIVERHEAD

Adopted

CDA RESOLUTION # 17

A RESOLUTION CALLING A PUBLIC HEARING ON THE COMMUNITY DEVELOPMENT AGENCY'S DESIGNATION OF RIVERHEAD RESORTS LLC AS A QUALIFIED AND ELIGIBLE SPONSOR FOR THE PURCHASE AND DEVELOPMENT OF APPROXIMATELY 755 ACRES LOCATED WITHIN THE PLANNED RECREATIONAL PARK ZONING DISTRICT OF THE PREMISES KNOWN AS THE ENTERPRISE PART AT CALVERTON (EPCAL), CONSISTENT WITH THE GOALS AND OBJECTIVES OF THE CALVERTON ENTERPRISE PARK URBAN RENEWAL PLAN (1998) AND RATIFIES THE PUBLICATION OF PUBLIC NOTICE

COUNCILWOMAN BLASS

_____ offered the following
COUNCILMAN BARTUNEK

resolution, which was seconded by _____

WHEREAS, the Town of Riverhead Community Development Agency owns, among other properties at the Enterprise Park at Calverton, some 755 acres of property located in the Planned Recreational Park Zone, south of Route 25, Calverton, New York; and

WHEREAS, RIVERHEAD RESORTS LLC. has submitted to the Community Development Agency (the "Agency") a proposal for the redevelopment of the approximately 755 acres of property as a multi-use resort destination comprised of uses described in the Hotel-Conference Center Subdistrict, the Sports Park Subdistrict and the Family Entertainment Center Subdistrict of the Zoning Code.

WHEREAS, the Agency is considering designating RIVERHEAD RESORTS LLC, a limited liability company formed under the laws of the State of New York, as the "qualified and eligible sponsor (the "Sponsor"), pursuant to Section 507 (2) (d) of the General Municipal Law and in accordance with the established rules and procedures of the Agency; and

WHEREAS, by resolution of the Town Board, the Riverhead Development Corporation no longer has an initial review function with respect to proposals affecting the EPCAL property; and

WHEREAS, the Town is considering selling approximately 755 acres of the Planned Recreational Park Zone property to RIVERHEAD RESORTS LLC in order to facilitate this urban renewal project pursuant to a certain Agreement by and between the Town and RIVEHREAD RESORTS LCC, a copy of a draft of which is on file in the Office of the Town Clerk of the Town of Riverhead and is available for public inspection during regular business hours, which Agreement provides for the purchase price of the approximately 755 acres for no less than

\$ 155,000,000.00, for redevelopment as a multi-use destination resort space; and

WHEREAS the draft Agreement on file in the Office of the Town Clerk of the Town of Riverhead further provides RIVERHEAD RESORTS LLC with a right of first refusal to purchase additional property located in the Planned Recreational Park District at 107% of the price offered to the Agency by a bona fide purchaser.

WHEREAS, Section 507(2)(d) of the General Municipal Law requires that a public hearing, following at least ten (10) days public notice, be held by the Agency on the question of designating RIVERHEAD RESORTS LLC the Sponsor for the redevelopment of the aforesaid properties; and

WHEREAS, the Agency now desires to call a public hearing on the designation of RIVERHEAD RESORTS LLC as the Sponsor for the redevelopment of and the sale of the Town owned or to be owned portions of the property;

NOW, THEREFORE BE IT RESOLVED,

A public hearing will be held at the Riverhead Town Hall, 200 Howell Street, Riverhead, New York on December 27, 2007 at 2:15 pm, prevailing time, on the question of designating RIVERHEAD RESORTS LLC the Sponsor for the redevelopment of the approximately 755 acres of Planned Recreational Park District property located in EPCAL south of Route 25, Calverton, New York, consistent with the Calverton Enterprise Park Urban Renewal Plan (1998), and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and it is further

RESOLVED, that the Town Clerk's publication of the attached notice of public hearing in the December 13, 2007 edition of the *News Review*, the newspaper hereby designated as the official newspaper for this purpose and one having general circulation in and available to residents to the Town, is hereby ratified. Such publication has been made no less than ten (10) days before the date designated for the public hearing. The Clerk is further authorized and directed to cause a copy of such notice of public hearing to be posted in such places as she deems appropriate under the circumstances, such posting to be done not less than ten (10) days before the date designated for the public hearing; and it is further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution and attached notice to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901, Don Secunda, Esq., Weber Law Group, 201 North Service Road, Suite 300, Melville, New York 11747-3126; Andrea Lohneiss, Director of the Community

Development Agency; Richard Hanley, Director of Planning; and Dawn C. Thomas, Esq., Town Attorney.

THIS RESOLUTION HAS BEEN PREPARED BY FRANK A. ISLER, SPECIAL COUNSEL.

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

Notice of Public Hearing
Town of Riverhead Community Development Agency
Town of Riverhead, Suffolk County, New York

NOTICE IS HEREBY GIVEN, that the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York (the "Agency") will hold a public hearing at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on December 27, 2007 at 2:15 pm, prevailing time, pursuant to General Municipal Law 507(2)(d) for the purpose of considering whether the RIVERHEAD RESORTS LLC should be designated the "qualified and eligible sponsor" for the redevelopment of approximately 755 acres of the EPCAL site located within the Planned Recreational Park District and whether the portion of said property currently owned by the Town of Riverhead Community Development Agency should be sold to the RIVERHEAD RESORTS LLC pursuant to a certain agreement between the Agency and RIVERHEAD RESORTS LLC, a draft of which agreement is on file in the office of the Town Clerk of the Town of Riverhead and is available for public inspection during regular business hours for a sales price of no less than \$ 155,000,000.00 for the redevelopment of the property as a multi-use destination resort, consistent with the goals and objectives of the Calverton Enterprise Park Urban Renewal Plan (1998).

The aforesaid draft agreement on file in the Office of the Town Clerk of the Town of Riverhead also provides RIVERHEAD RESORTS LLC with a right of first refusal to purchase additional property located in the Planned Recreational Park District at 107% of the price offered to the Agency by a bona fide purchaser.

At said public hearing, the Community Development Agency will hear all persons interested in the subject matter thereof.

Dated: Riverhead, New York
December 13, 2007

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF RIVERHEAD AS THE
GOVERNING BODY OF THE TOWN OF
RIVERHEAD COMMUNITY
DEVELOPMENT AGENCY.

Barbara Grattan, Town Clerk

12/18/07

Adopted

TOWN OF RIVERHEAD

Resolution # 18

AUTHORIZES LEGAL ACTION AGAINST THE NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

WHEREAS, the Town Board and the New York State Department of Environmental Conservation (DEC) have been engaged in a dispute regarding establishing State Environmental Quality Review Act (SEQRA) "lead agency" status in connection with the application of Island Water Park Inc., to amend their site plan approval, and

WHEREAS SEQRA requires that such disputes be submitted to the Commissioner of the DEC for a determination pursuant to 6 NYCRR Part 617.6(b)(5), and

WHEREAS, the dispute was submitted to the DEC Commissioner as required on June 28, 2007. The matter was fully submitted for consideration as of July 9, 2007, and

WHEREAS, the matter was decided by the DEC Commissioner on December 13, 2007 in favor of the DEC,

NOW, THEREFORE

BE IT HEREBY RESOLVED, that Dawn C. Thomas, Town Attorney for the Town of Riverhead is authorized to institute legal action in the name of the Town of Riverhead and the Town of Riverhead Community Development Agency regarding the aforementioned December 13, 2007 determination of the DEC Commissioner regarding the Matter of Island Water Park, Inc.; and be it further

RESOLVED, that a copy of this resolution be forwarded to the Town Clerk, Office of 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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

12/18/07

Town of Riverhead

Adopted

Resolution # 1149

Authorizes Publication of Notice to Solicit Proposals for the Development of a Bulk Study of the DC-1 Zoning District

COUNCILMAN BARTUNEK

_____ offered the following resolution,

COUNCILMAN DUNLEAVY

which was seconded by _____ :

WHEREAS, the Town of Riverhead was awarded a grant from the New York State Quality Communities Grant Program for the development of a bulk study and the development of historic district guidelines to improve the implementation of the DC-1 zoning district and the downtown historic district; and

WHEREAS, following the adoption of the Comprehensive Plan in 2003 the Town Board adopted a new zoning district, DC- 1, to induce redevelopment and encourage Smart Growth. The rezoning is to be refined by the study of height, density, and parking; and

WHEREAS, the Riverhead Town Board desires to solicit proposals from a creative and qualified consultant to conduct a bulk study of the Downtown Center-1 zoning use district in the Riverhead central business district;

WHEREAS, the bulk study should be done by an architectural and urban design firm with planning expertise.

THEREFORE, BE IT RESOLVED, that Riverhead Town Board authorizes the issuance of the attached Request for Proposals.

THEREFORE, BE FURTHER IT RESOLVED, that the Riverhead Town Board hereby authorizes publishing and posting of the attached public notice in the Thursday, January 3, 2008 issue of the News Review and to post same on the signboard in Town Hall.

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

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

Please take notice that a Request for Proposals has been issued by the Riverhead Town Board to solicit proposals from a creative and qualified consultant to conduct a bulk study of the Downtown Center-1 zoning use district within the Riverhead central business district. The bulk study should be done by an architectural and urban design firm with planning expertise.

Copies of the RFP can be obtained at the Community Development Department during business hours or by calling 727-3200 ext. 236

Dated: January 3, 2008

Barbara Grattan
Town Clerk

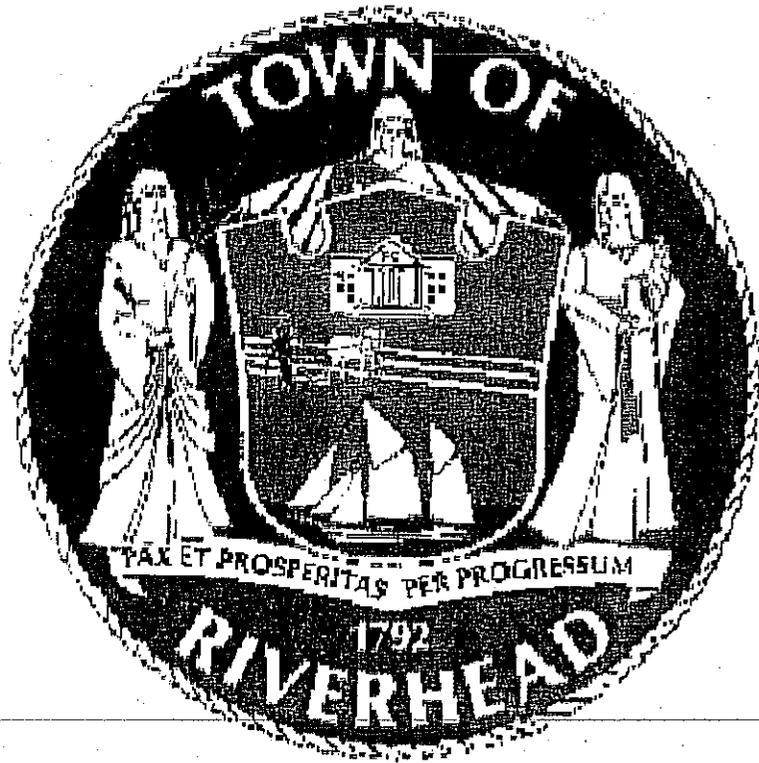
THE VOTE

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

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

REQUEST FOR PROPOSALS

**Town of Riverhead --
Bulk Study of the DC-1 Zoning District**



DECEMBER 8, 2007

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I. OFFERING SUMMARY

Introduction

The Town of Riverhead hereby solicits proposals from a creative and qualified consultant to conduct a bulk study of the Downtown Center-1 zoning use district in the Riverhead central business district. The bulk study should be done by an architectural and urban design firm with planning expertise.

Following the adoption of the Comprehensive Plan in 2003 the town board adopted a new zoning district, DC-1, to induce redevelopment and encourage Smart Growth. The rezoning is to be refined by the study of height, density, and parking.

Requirements to Fulfill Required Task

1. The bulk study should include a detailed analysis of building heights, lot coverage, floor area and private parking with the DC-1 zoning use district.
2. The bulk study should anticipate the comprehensive impact of a full-build-out of the downtown area. The range of considerations should include everything from the physical, such as climatic (sun, shade, wind) to the sensory (sight, sound, smell, feel) in the context of maintenance of historic continuity.
3. Following the development of draft analysis, a scoping meeting will be conducted involving interested parties including the Planning Board, Zoning Board, Architectural Review Board and Landmarks Preservation Commission.
4. A Project Advisory Committee will be created to support the work of the consultant and will be involved in the procurement of the task.
5. An existing condition plan shall be provided on a parcel basis providing a description of parcel improvements and relevant dimensional information.
6. Provide an analysis of for current zoning requirements, as well as recommendations for modifications.
7. The bulk study should include the impact upon adjacent neighborhoods.
8. The bulk study must depict land covered by buildings, impervious surfaces, landscaped and pervious areas, river frontage (north and south banks), parcel identifications by tax map number, streets, parking areas, view corridors, setbacks, maximum heights, parking areas, pedestrian walkways, easements, existing utilities, and the existing terrain.
9. Submit two dimensional paper plots of plans, elevations and sections at scales to be determined.
10. The selected consultant will be required to submit a three dimensional digital file using Revit or other modeling software format to allow insertion of design proposals into bulk model for evaluation.

The bulk study must be completed within six months of execution of a professional services agreement with the Town of Riverhead.

For additional information, please contact:

Andrea Lohneiss
Community Development Department
Town of Riverhead
200 Howell Avenue
Riverhead, NY 11901
(631) 727-3200 x287

Background

The Town of Riverhead, with a population of approximately 30,000, located on the east end of Long Island ("East End") in Suffolk County, was founded in 1792. Riverhead lies between the Towns of Brookhaven and Southold and comprises approximately 78 square miles. Located 70 miles from New York City, Riverhead is bounded by the Peconic River and the Great Peconic Bay on the south, and the Long Island Sound on the north.

The central business district is located along New York State Route 25 and offers access off Exit 72 of Long Island Expressway (I-495). Downtown Riverhead is also in close proximity to the exclusive Hamptons communities.

Situated at the easternmost point of New York State, and home to a thriving, dynamic regional economy, Long Island is predominantly comprised of middle and upper middle-income suburban bedroom communities, drawing a large number of professionals due to its nearby proximity to New York City. The Long Island region also features excellent school systems, abundant medical facilities and an overall high quality of life.

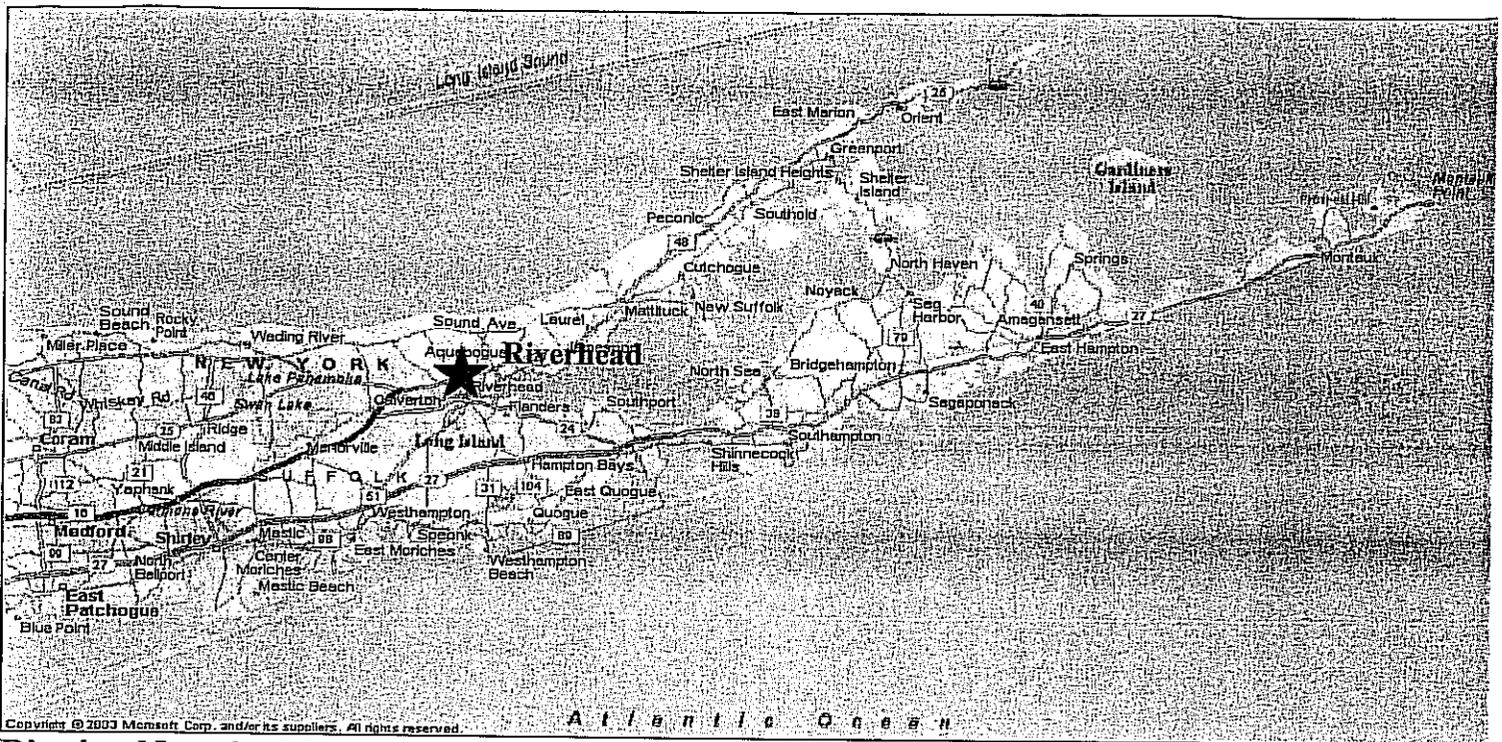
The two counties of Long Island, Nassau and Suffolk, have a combined population of 2.7 million people making Long Island's population greater than 19 states. Long Island is one of the most vibrant business and residential areas in the United States. In 2000 the Nassau-Suffolk Primary Metropolitan Statistical Area (PSMA) ranked number one among the top 20 largest market areas nationally in median per household Effective Buying Income (EBI) of \$57,488 and average household EBI of \$67,500. Long Island's total EBI exceeded \$59.9 billion, ranking 13th nationally according to the 200 Survey of Buying Power and the region ranks number one in retail sales per household among the top 20 largest market areas.

In 2005, Nassau/Suffolk was ranked 8th among the wealthiest metro areas in terms of average household EBI with an estimated population growth of three percent. Much of this ongoing growth and prosperity can be attributed to the overall favorable economics and demographics that comprise Long Island.

The property is located in the eastern portion of Suffolk County which occupies the eastern two thirds of Long Island, New York which extends about 120 miles into the Atlantic Ocean. The county covers

roughly a thousand square miles of territory and is 86 miles long and 26 miles wide at its widest point. Total population 1,419,369 with a 2.8% increase since 2000.

Three major airports serve the region, making Long Island a gateway to business and leisure travelers. Within Suffolk County, the Long Island MacArthur Airport offers service by several regional carriers.



Riverhead Location Map

III. TERMS AND CONDITIONS

Proposals are to be submitted in compliance with the terms and conditions as set forth herein. Proposals should be typed (double-spaced), bound and accompanied by an executed copy of this Request for Proposal signed by a principal of the submitting Proposer thereby affirming its agreement with the requirements hereof.

1. Required Information Regarding the Proposer

Each submitted Proposal must include, without limitation, the following information to be furnished by the submitting Proposer:

- a. Letter of Interest, including overview of firm and officers
- b. Contact person for the Proposer (must be a principal with name and relevant contact information).

- c. The Proposer's business address (including the address of its primary business operations, and that of its office which will be handling this transaction).
- d. The Proposer's main telephone and facsimile numbers.
- e. A general background of the Proposer, and its business organization, including:
 1. Proven qualifications to carry out a project as outlined in this proposal.
 2. Demonstrated experience in similar projects.
 3. Demonstrated understanding of the Town's vision and goals for the area as reflected in the proposed approach to the project.
 4. Provide a list of clients to whom your firm has provided similar services including the names, titles and phone numbers of individuals whom the Town may contact as references.

2. Proposal Delivery Requirements

Submissions must be received on or before 4:30 p.m. on February 11, 2008, with ten (10) copies of the Proposal submitted to: Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York 11901. It is the responsibility of each Proposer to insure that its submission reaches the address as specified above. Overnight delivery or courier service due for arrival on the morning of the submission deadline will not guaranty its timely receipt. Please note that the response should be in an 8½" by 11" letter format and bound into one document. Faxed proposals are not acceptable.

3. Proposal Procedures and Conditions

- a. **Expenses of Proposal Preparation.** Each Proposal prepared in response to this RFP will be prepared solely at the cost and expense of the Proposer with the express understanding that there will be no claim whatsoever for reimbursement from Town for any cost or expense incurred in its preparation. Nor will there be any claims whatsoever for reimbursement from the Town for any other costs or expenses incurred by any Proposer, including, without limitation, the selected Proposer.
- b. **Required Forms.** All Proposals must be typed. Proposers are free to, and are encouraged to, submit supplementary information as attachments. The parties hereto expressly acknowledge, accept, and agree that all documents submitted in response to this RFP will become the property of the Town of Riverhead and will not be returned.
- c. **Except as hereinafter provided.** No officer, agent, or employee of the Town is authorized to amend any of the provisions or specifications contained in this RFP. Accordingly, all changes, if any, must appear as a written addenda attached to this RFP, and be made under the signature of the Chairman.
- d. **Changes to this RFP.** The Town reserves the right to make any additions, deletions, corrections, or changes to the RFP package. In addition, the Town may issue an

interpretation or clarification of Proposal submission requirements, or procedures, or of any terms and conditions of any document contained in or required by the RFP package.

- e. **Addenda to this RFP.** Any such addenda by the Town will be delivered and made in writing to all Proposers who have requested an RFP package and/or returned a completed RFP submission. All such Proposers will be required to acknowledge receipt of any such addenda issued by the Town, by returning and/or attaching a signed and dated copy of the addenda transmission cover sheet as may be instructed in the addenda transmittal.
- f. **Modifications of Proposals.** A submitted Proposal may be modified by the submitting Proposer, in part or in whole, by a written document executed in the same manner and in the same number as the original, submitted Proposal (i.e., with original verification and original supporting forms), provided such modification is received by the Town of Riverhead prior to the stated submission deadline. Such modification must be submitted by such valid means as set forth herein for submission of a Proposal, and which is endorsed on the front thereof with the words "Downtown Riverhead Bulk Study -- Proposal Modification."
- g. **Withdrawal of Proposals.** A Proposer may, by written request (made with an original stipulation), withdraw its Proposal, provided such request is received by the Town of Riverhead prior to the submission deadline. Such request must be submitted in an envelope clearly showing the return address of the submitting Proposer, and which is endorsed on the front thereof with the words "Downtown Riverhead Bulk -- Proposal Withdrawn."
- h. **Late Filings.** Proposals, modifications of Proposals, and withdrawal requests received by the Town after the submission deadline will not be considered, and will be returned to the Proposer unopened.
- i. **Proposers' Exceptions to the RFP.** Should a Proposer take exception to any provision of this RFP, such exception must be clearly stated (referencing the affected section, paragraph, and page in this RFP), must set forth the reason(s) for the objection, and indicate what (if any) alternative is being offered by the objecting Proposer to the Town as to a substitute provision. When exception(s) are taken, the Town shall determine (in its sole discretion) the acceptability of the proposed exception(s). Exceptions may be accepted or rejected, and the Town is under no obligation to accept any such exceptions or proposed alternatives. Where exceptions are rejected, the Town may insist that the Proposer negotiate an acceptable alternative thereto. In the event of an impasse, the Town may permit a Proposer to withdraw its Proposal; however, in such circumstances, the Proposer will be disqualified from any further proceeding under the instant RFP. If no exceptions are stated, the Town shall assume that the Proposer has accepted all the terms and conditions of the RFP package.

- j. **Oral Presentations.** The Town may require Proposers to give oral presentations in support of their Proposals, and to exhibit or otherwise demonstrate the information contained therein. Such presentations will be conducted privately, one Proposer at a time. Non-presenting Proposers will be excluded from any other Proposer's presentation. No oral presentation will be permitted, unless a Proposer has timely filed a complete written Proposal.

- k. **Negotiations.** The Town may issue its Notice of Award on the basis of initial Proposals received without discussions or negotiations. Accordingly, the Town reserves the right to enter into Contract (and/or Contract negotiations) with any selected Proposer. If the Town and the selected Proposer cannot successfully negotiate a Contract acceptable to the Town, then the Town may declare that said negotiations are terminated and begin negotiations with an alternate selected Proposer. No Proposer shall have any rights against the Town (for purchase of the Property or otherwise) arising from such negotiations or the termination thereof.

- l. **Conflicting Provisions.** The Contract will constitute the entire understanding and agreement between the Town and the selected Proposer, and shall set forth all the terms and conditions therefore. In the case of a conflict between this RFP and the Contract, the Contract shall control.

- m. **Proposal Award.** The Town intends to enter into contract negotiations with the Proposer selected by the Town's RFP evaluation committee. If the selected Proposer (who shall receive a "Notice of Award" letter from the Town's RFP evaluation committee) fails to enter into negotiations or fails to execute and return the tendered Contract (together with any necessary documents, attachments, affidavits, and/or deposits) within ten (10) days after the issuance of such Notice of Award letter, then the Town, at its sole option, may determine and declare that said Proposer has abandoned the Contract, and a Notice of Award may be issued to the next most qualified and selected Proposer for the purchase of the Property. Neither the issuance of a Notice of Award nor the negotiation of the Contract with the selected Proposer shall constitute the Town's acceptance of the Proposal or a binding commitment on behalf of the Town to enter into a Contract with such Proposer.

Dated: _____

I have read the requirements for a selected Proposer, acknowledge, agree and accept the terms and requirements hereof, and will be able to comply with them if selected as the purchasing Proposer.

Proposer: _____

Name: _____

Title: _____

Company Name: _____

ARTICLE LVI Downtown Center 1: Main Street (DC-1) Zoning Use District [Added 11-3-2004 by L.L. No. 45-2004]

§ 108-297. Purpose and intent.

The intent of the Downtown Center 1: Main Street (DC-1) Zoning Use District is to allow, maintain, and foster a traditional downtown character along Main Street, with a pedestrian-friendly streetscape, active ground-floor uses, a twenty-four-hour presence from upper-story residential, with a compact, walkable scale.

§ 108-298. Uses.

In the DC-1 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 that following permitted uses or specially permitted uses and their customary accessory uses:

A. Permitted uses: [Amended 2-7-2006 by L.L. No. 8-2006]

- (1) Retail stores.
- (2) Banks.
- (3) Personal service businesses.
- (4) Indoor public markets.
- (5) Art galleries and studios.
- (6) Museums, libraries, aquariums and other cultural attractions.
- (7) Restaurants, cafes, bakeries with retail sale on premises, banquet facilities, specialty food stores, ice cream parlors.
- (8) Theaters and cinemas.
- (9) Professional offices (except for veterinary offices) on the ground floor.
- (10) Schools (including business and secretarial).
- (11) Places of worship.
- (12) Residential units on upper floors with a minimum unit size of 650 square feet.
- (13) Bed-and-breakfast establishments.
- (14) Townhouses upon lots with frontage along public highways other than New York State Route 25.

*Note: Subsequent to the date of enactment of this article, upon the issuance of certificates of occupancy for 500 residential units, such residential units as set forth in § 108-298(A)(13) shall be prohibited within the DC-1 Zoning Use District.

B. Special permit uses:

- (1) Hotels.
- (2) Marinas.
- (3) Taverns.
- (4) Indoor recreation facilities.
- (5) Day-care, nursery schools.
- (6) Dormitories, on upper floors.
- (7) Retail stores with greater than 10,000 square feet of gross leasable floor area.

C. Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically permitted are the following:

- (1) Artists' studios, provided that they occupy 40% or less of a principal residence or are located in a detached accessory building on a residential parcel, and do not exceed 1,000 square feet of floor area.

D. Prohibited uses:

- (1) All ground-floor offices, with the exception of real estate and professional offices.
- (2) Office-only buildings.
- (3) Ground-floor residential units, with the exception of townhouse uses.
- (4) Flea markets, with the exception of farmers markets.
- (5) Gas stations, car washes, and other automobile-oriented uses.
- (6) Drive-through windows for restaurants and banks.
- (7) Antennas for wireless providers.

§ 108-299. Lot, yard, bulk, and height requirements.

No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule Editor's Note: The Zoning Schedule is included at the end of this chapter, incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified.

§ 108-300. Supplementary requirements.

The following design and parking standards shall apply:

A. Design standards.

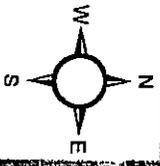
- (1) The principal building entrance and front shall face the primary street frontage and sidewalk. Secondary building entrances on the south side of Main Street shall face the Peconic Riverfront.
- (2) At least 75% of linear width of the front facade shall be comprised of transparent windows. Where shade is desired, awnings are encouraged. Windows may not be obscured more than 10% by opaque banners, or either permanent or temporary advertisements or signs.
- (3) Building shape, massing, and siting should reflect the prevalent character of surrounding buildings on the block.
- (4) Facades of commercial buildings that face sidewalks or pedestrian walkways shall be required to have variations in facade plane, piers, or other architectural features.
- (5) Signage in the DC-1 Zoning Use District shall be provided in accordance with § 108-56, Signs.
- (6) Buffering and transitions:
 - (a) Trash and/or dumpster areas shall be screened by wood fences or landscaping, or a combination thereof pursuant to § 98-8.
 - (b) Buffer plantings or landscaping or opaque fences, preferably wood fences, shall be provided between commercial businesses and adjoining residential uses.
 - (c) Deliveries and loading activities shall, to the extent possible, be restricted to the hours between 8:00 a.m. and 5:00 p.m. on weekdays.

B. Parking standards.

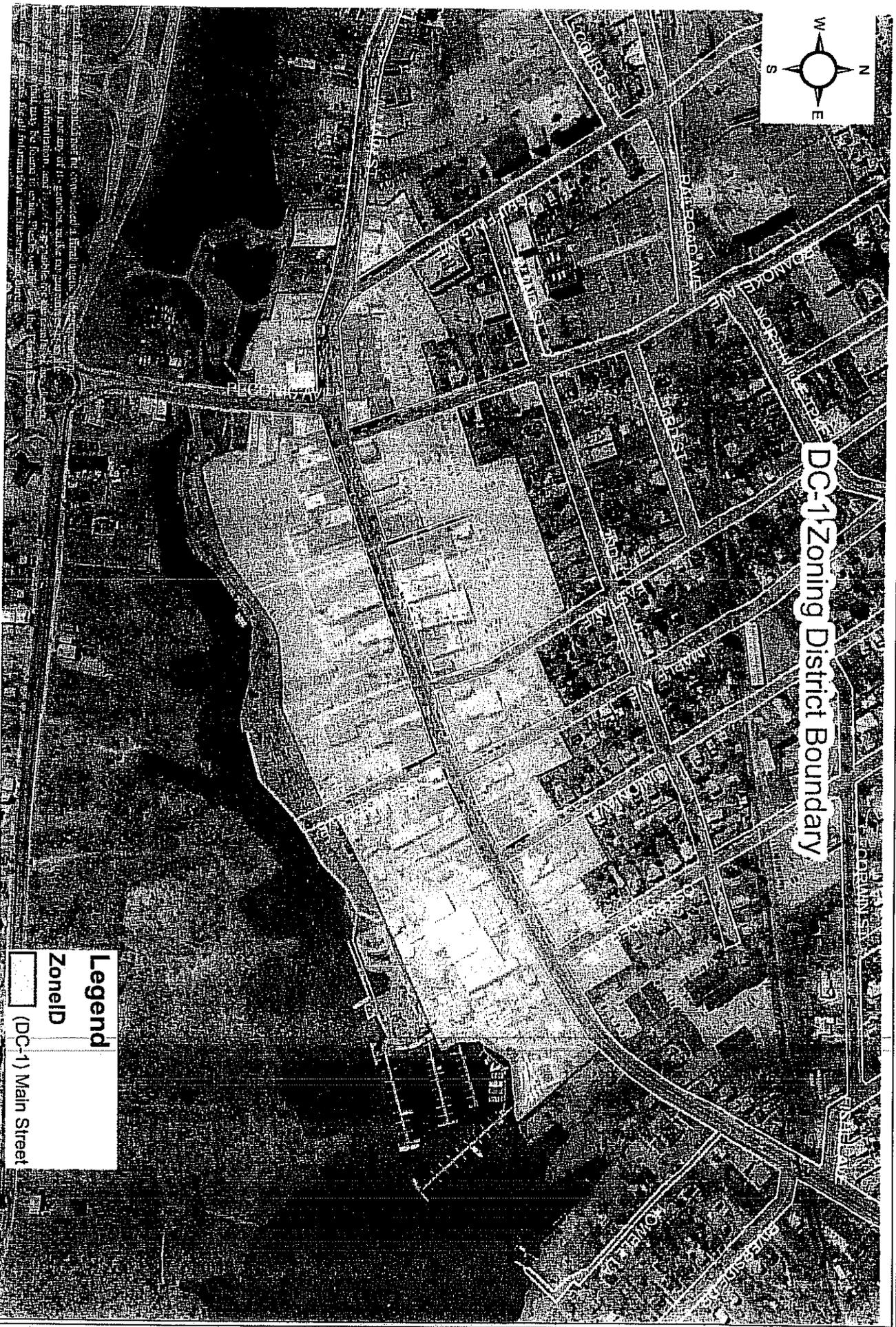
- (1) ~~The number of off-street parking spaces in the DC-1 Zoning Use District shall be provided in accordance with § 108-80, Off-street parking.~~
- (2) Where credible evidence is provided by traffic counts or data by a licensed traffic engineer, up to a twenty-percent reduction in off-street parking may be permitted for shared parking, where the peak parking of two or more uses occurs at different times.
- (3) The parking requirement may be reduced with payment of a fee in lieu of providing off-street parking as provided for in § 108-60.
- (4) Off-street parking shall not be permitted in the front yard. Parking shall be sited to the rear of buildings, away from street frontage(s) when possible, or to the side of buildings. In all cases, garages and parking areas shall be recessed at least five feet from the primary front facade plane of the main building, and at least 15 feet back from

the front property line.

- (5) Parking may also be located fully below buildings, partially below grade in a building, or at-grade within a building, provided it is fully enclosed and no entry is provided facing a public street or front yard. Structured parking that is partially below grade shall be screened from the street by steps, trellises, or screens.
- (6) Curb cuts to parking lots and garages shall be minimized by sharing driveways for access to adjacent parking lots. However, curb cuts and driveways are prohibited along the front property line for properties less than 30 feet in width; in these situations, parking must be accessed from a rear alley, side street, or shared rear lot.
- (7) Curb cuts, driveways, and garages shall meet the following dimensional regulations:
 - (a) Curb cuts and driveways at the front property line leading to parking areas of 10 or fewer spaces shall not exceed 10 feet in width along any point.
 - (b) Curb cuts and driveways at the front property line leading to parking areas of 11 or more spaces shall not exceed 14 feet in width at any point.
 - (c) The maximum width of garage entryways facing a front street shall not exceed 18 feet.



DC-1 Zoning District Boundary



Legend	
	Zoneld
	(DC-1) Main Street



DEPARTMENT: CD



TOWN OF RIVERHEAD

Phil Cardinale, Supervisor
200 Howell Ave.
Riverhead, New York 11901

Filename: JM 25 DC-1 Zoning District Boundary.mxd

DATE: 12/12/2007

Town of Riverhead
Commercial Districts Schedule of Dimensional Regulations

Amended 10-5-2004, 10-12-2004, 10-21-2004, 11-3-2004, 11-16-2004 by L.L. Nos. --2004

Zoning Use District	Building lot coverage (footprint)				Floor area ratio (FAR)				Side yards, lot factor lots				Side yards, corner lots	
	Min. lot area width at front (square feet)	Min. lot width at front (feet)	Maximum without sewer (sq. ft)	Maximum with Transfer of Develop. Rights (sq. ft)	Maximum height of buildings (feet)	Maximum without sewer	Maximum with Transfer of Develop. Rights	Minimum depth from yard	Min. depth for each side (feet)	Min. combined depth for 2 sides (feet)	Min. depth facing street (feet)	Min. depth for 2 sides (feet)	Min. combined depth for 2 sides (feet)	Min. depth (feet)
Downtown Center 1: Main Street (DC-1)	5,000	50	NA	100	60 (N1)	NA	4.00	5.00	0	0	0	0	0	NA
Downtown Center 2: Waterfront (DC-2)	5,000	50	NA	50	35	NA	1.25	NA	15	15	30	15	NA	
Downtown Center 3: Office (DC-3)	5,000	50	NA	80	35	NA	1.50	NA	15 (N3)	10	20	10	NA	
Downtown Center 4: Office / Residential Transition (DC-4)	5,000	50	NA	60	35	NA	1.00	NA	15 (N3)	10	20	10	NA	
Downtown Center 5: Residential (DC-5)	5,000	50	NA	35	35	NA	0.70	NA	15 (N3)	10	20	10	NA	
Hamlet Center (HC)	5,000	50	35	NA	60	35	0.50	NA	25	15	30	25	50	
Village Center (VC)	5,000	50	80	NA	100	35	1.00	NA	10	0	0	10	20	
Business Center (BC)	20,000	100	15	20	30	75	0.20	0.60	50 (N4)	15	30	25	40	
Shopping Center (SC)	40,000	200	15	20	30	75	0.15	0.30	50 (N4)	25	50	25	50	
Destination Retail Center (DRC) (DLU)	40,000	200	10	15	30	75	0.20	0.60	50 (N5)	25	50	25	50	
Commercial/Residential Campus (CRC) (N7)	40,000	200	20	25	NA	60	0.50	NA	30	15	30	25	40	
Rural Corridor (RLC)	40,000	200	10	10	NA	25	0.10 (N9)	NA	50	25	50	50	100	
Business CR	40,000	200	15	15	NA	75	0.20	NA	30	25	50	30	60	
Tourism/Resort Campus (TRC)	80,000	200	8	NA	NA	25	0.15	NA	100	30	60	100	NA	
Industrial A (IA)	80,000	300	40	40	NA	70	0.40	NA	100	50	100	50	100	
Industrial C (IC)	80,000	300	40	40	NA	60	0.40	NA	30	30	60	30	60	

NOTES:

- N1: Maximum height for unenclosed uses shall be thirty-five (35) feet.
- N2: Not to exceed five (5) stories.
- N3: Front porches may extend up to five (5) feet into the front yard, provided that they are at least five (5) feet back from the front property line.
- N4: Thirty-five (35) feet of the front yard to the BC and SC Zoning Use District shall remain unoccupied as landscaped area with the exception of free-standing signs and access driveways.
- N5: Fifty (50) feet of the front yard to the DRC Zoning Use District shall remain unoccupied as landscaped area with the exception of free-standing signs and access driveways.
- N6: Preservation credits may be used to increase the height to fifty (50) feet.
- N7: The minimum floor area of a townhouse shall be 900 square feet.
- N8: Two-family residences shall require a lot of 40,000 square feet and shall employ the use of one (1) Preservation Credit for the second dwelling unit.
- N9: The Floor Area Ratio (FAR) for retail stores or shops shall be calculated utilizing the frontage along the major arterial highway to a depth of no more than 500 linear feet.
- N10: Not to exceed two (2) stories.

N11: Residential yields shall be calculated at one (1) dwelling unit per 40,000 sq. ft. of lot area with the capacity to meet the relevant floor area ratio (FAR) based upon the substitution of one (1) transferred development right.

12/18/07

Adopted

Town of Riverhead

Resolution # 1150

Authorizes Publication of Notice to Solicit Proposals for the Development of Historic Guidelines

COUNCILMAN DUNLEAVY

_____ offered the following resolution,

COUNCILMAN DENSIESKI

which was seconded by _____ :

WHEREAS, the Town of Riverhead hereby solicits proposals from a creative and qualified consultant to develop historic guidelines for the implementation of the downtown historic district in the central business district.

WHEREAS, the Town of Riverhead was awarded a grant from the New York State Quality Communities Grant Program for the development of a bulk study and the development of historic district guidelines to improve the implementation of the DC-1 zoning district and the downtown historic district; and

THEREFORE, BE IT RESOLVED, that Riverhead Town Board authorizes the issuance of the attached Request for Proposals.

THEREFORE, BE FURTHER IT RESOLVED, that the Riverhead Town Board hereby authorizes publishing and posting of the attached public notice in the Thursday, January 3, 2008 issue of the News Review and to post same on the signboard in Town Hall.

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

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

Please take notice that the Town of Riverhead hereby solicits proposals from a creative and qualified consultant to develop historic guidelines for the implementation of the downtown historic district in the central business district.

A Request for Proposals has been issued by the Riverhead Town Board to solicit proposals can be obtained at the Community Development Department during business hours or by calling 727-3200 ext. 236

Dated: January 3, 2008

Barbara Grattan
Town Clerk

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**

REQUEST FOR PROPOSALS

**Town of Riverhead Downtown Historic District--
Development of Historic Guidelines**



DECEMBER 14, 2007

TABLE OF CONTENTS

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A. TOWN BOARD RESOLUTION #_____ ; ADOPTED 12/18/07

I. OFFERING SUMMARY

Introduction

The Town of Riverhead hereby solicits proposals from a creative and qualified consultant to develop historic guidelines for the implementation of the downtown historic district in the central business district.

Requirements to Fulfill Required Task

1. The adoption of the Downtown Historic district is to be augmented by the development of guidelines by a preservation consultant with planning and architectural background in order to facilitate implementation by the Town Board and the Landmarks Preservation Commission. An educational brochure will accompany those design guidelines to describe the value of local historic district legislation to property and business owners, to clarify what the district regulations permit, and to explain the permitting process.
2. Following the development of draft analysis, a scoping meeting will be conducted involving interested parties including the Planning Board, Zoning Board, Architectural Review Board and Landmarks Preservation Commission.
3. Project Advisory Committees will be created to support the work of the consultant and will be involved in the procurement of the task.
4. The development of a map of the historic district must be included.
5. The guidelines should include reference to the Department of Interior standards.
6. Provide a description of the scope of the guidelines, including, but not limited to, items such as residential, commercial and ancillary structures, demolition, moving of structures, additions, architectural details, paving, fences, doors, windows, porches, decks, walls, roofs and roof materials, gutters, siding type and materials, paint colors, shutters, skylights, awnings, antennae, solar collectors, swimming pools, steps, and vacant lots.
7. The consultant will be expected to design a guideline manual that will include extensive photograph and drawing examples and to allow for insertion of future pages. In addition to a paper copy, the guideline manual must be in digital format to allow for revisions and posting on the town's web site as a PDF document.

The historic district guidelines must be completed within six months of execution of a professional services agreement with the Town of Riverhead.

For additional information, please contact:

Andrea Lohneiss
Community Development Department
Town of Riverhead
200 Howell Avenue
Riverhead, NY 11901
(631) 727-3200 x287

Background

The Town of Riverhead, with a population of approximately 30,000, located on the east end of Long Island ("East End") in Suffolk County, was founded in 1792. Riverhead lies between the Towns of Brookhaven and Southold and comprises approximately 78 square miles. Located 70 miles from New York City, Riverhead is bounded by the Peconic River and the Great Peconic Bay on the south, and the Long Island Sound on the north.

The central business district is located along New York State Route 25 and offers access off Exit 72 of Long Island Expressway (I-495). Downtown Riverhead is also in close proximity to the exclusive Hamptons communities.

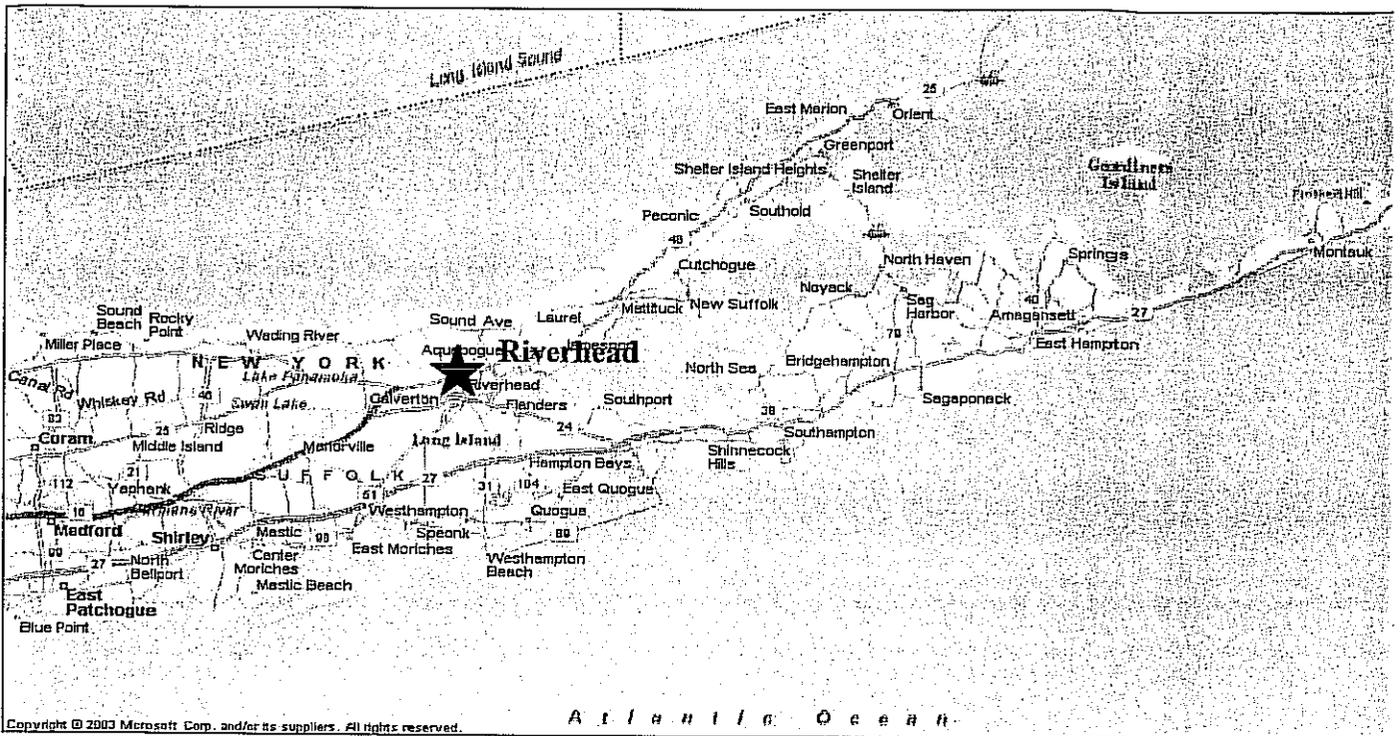
Situated at the easternmost point of New York State, and home to a thriving, dynamic regional economy, Long Island is predominantly comprised of middle and upper middle-income suburban bedroom communities, drawing a large number of professionals due to its nearby proximity to New York City. The Long Island region also features excellent school systems, abundant medical facilities and an overall high quality of life.

The two counties of Long Island, Nassau and Suffolk, have a combined population of 2.7 million people making Long Island's population greater than 19 states. Long Island is one of the most vibrant business and residential areas in the United States. In 2000 the Nassau-Suffolk Primary Metropolitan Statistical Area (PSMA) ranked number one among the top 20 largest market areas nationally in median per household Effective Buying Income (EBI) of \$57,488 and average household EBI of \$67,500. Long Island's total EBI exceeded \$59.9 billion, ranking 13th nationally according to the 200 Survey of Buying Power and the region ranks number one in retail sales per household among the top 20 largest market areas.

In 2005, Nassau/Suffolk was ranked 8th among the wealthiest metro areas in terms of average household EBI with an estimated population growth of three percent. Much of this ongoing growth and prosperity can be attributed to the overall favorable economics and demographics that comprise Long Island.

The property is located in the eastern portion of Suffolk County which occupies the eastern two thirds of Long Island, New York which extends about 120 miles into the Atlantic Ocean. The county covers roughly a thousand square miles of territory and is 86 miles long and 26 miles wide at its widest point. Total population 1,419,369 with a 2.8% increase since 2000.

Three major airports serve the region, making Long Island a gateway to business and leisure travelers. Within Suffolk County, the Long Island MacArthur Airport offers service by several regional carriers.



Riverhead Location Map

III. TERMS AND CONDITIONS

Proposals are to be submitted in compliance with the terms and conditions as set forth herein. Proposals should be typed (double-spaced), bound and accompanied by an executed copy of this Request for Proposal signed by a principal of the submitting Proposer thereby affirming its agreement with the requirements hereof.

1. Required Information Regarding the Proposer

Each submitted Proposal must include, without limitation, the following information to be furnished by the submitting Proposer:

- a. Letter of Interest, including overview of firm and officers
- b. Contact person for the Proposer (must be a principal with name and relevant contact information).
- c. The Proposer's business address (including the address of its primary business operations, and that of its office which will be handling this transaction).
- d. The Proposer's main telephone and facsimile numbers.
- e. A general background of the Proposer, and its business organization, including:
 1. Proven qualifications to carry out a project as outlined in this proposal.
 2. Demonstrated experience in similar projects.
 3. Demonstrated understanding of the Town's vision and goals for the area as reflected in the proposed approach to the project.
 4. Provide a list of clients to whom your firm has provided similar services including the names, titles and phone numbers of individuals whom the Town may contact as references.

2. Proposal Delivery Requirements

Submissions must be received on or before 4:30 p.m. on February 11, 2008, with ten (10) copies of the Proposal submitted to: Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York 11901. It is the responsibility of each Proposer to insure that its submission reaches the address as specified above. Overnight delivery or courier service due for arrival on the morning of the submission deadline will not guaranty its timely receipt. Please note that the response should be in an 8½" by 11" letter format and bound into one document. Faxed proposals are not acceptable.

3. Proposal Procedures and Conditions

- a. **Expenses of Proposal Preparation.** Each Proposal prepared in response to this RFP will be prepared solely at the cost and expense of the Proposer with the express understanding that there will be no claim whatsoever for reimbursement from Town for any cost or expense incurred in its preparation. Nor will there be any claims whatsoever for reimbursement

from the Town for any other costs or expenses incurred by any Proposer, including, without limitation, the selected Proposer.

- b. **Required Forms.** All Proposals must be typed. Proposers are free to, and are encouraged to, submit supplementary information as attachments. The parties hereto expressly acknowledge, accept, and agree that all documents submitted in response to this RFP will become the property of the Town of Riverhead and will not be returned.
- c. **Except as hereinafter provided.** No officer, agent, or employee of the Town is authorized to amend any of the provisions or specifications contained in this RFP. Accordingly, all changes, if any, must appear as a written addenda attached to this RFP, and be made under the signature of the Chairman.
- d. **Changes to this RFP.** The Town reserves the right to make any additions, deletions, corrections, or changes to the RFP package. In addition, the Town may issue an interpretation or clarification of Proposal submission requirements, or procedures, or of any terms and conditions of any document contained in or required by the RFP package.
- e. **Addenda to this RFP.** Any such addenda by the Town will be delivered and made in writing to all Proposers who have requested an RFP package and/or returned a completed RFP submission. All such Proposers will be required to acknowledge receipt of any such addenda issued by the Town, by returning and/or attaching a signed and dated copy of the addenda transmission cover sheet as may be instructed in the addenda transmittal.
- f. **Modifications of Proposals.** A submitted Proposal may be modified by the submitting Proposer, in part or in whole, by a written document executed in the same manner and in the same number as the original, submitted Proposal (i.e., with original verification and original supporting forms), provided such modification is received by the Town of Riverhead prior to the stated submission deadline. Such modification must be submitted by such valid means as set forth herein for submission of a Proposal, and which is endorsed on the front thereof with the words "Downtown Riverhead Historic District Guidelines -- Proposal Modification."

- g. **Withdrawal of Proposals.** A Proposer may, by written request (made with an original stipulation), withdraw its Proposal, provided such request is received by the Town of Riverhead prior to the submission deadline. Such request must be submitted in an envelope clearly showing the return address of the submitting Proposer, and which is endorsed on the front thereof with the words "Downtown Riverhead Historic District Guidelines -- Proposal Withdrawn".
- h. **Late Filings.** Proposals, modifications of Proposals, and withdrawal requests received by the Town after the submission deadline will not be considered, and will be returned to the Proposer unopened.
- i. **Proposers' Exceptions to the RFP.** Should a Proposer take exception to any provision of this RFP, such exception must be clearly stated (referencing the affected section, paragraph, and page in this RFP), must set forth the reason(s) for the objection, and indicate what (if any) alternative is being offered by the objecting Proposer to the Town as to a substitute provision. When exception(s) are taken, the Town shall determine (in its sole discretion) the acceptability of the proposed exception(s). Exceptions may be accepted or rejected, and the Town is under no obligation to accept any such exceptions or proposed alternatives. Where exceptions are rejected, the Town may insist that the Proposer negotiate an acceptable alternative thereto. In the event of an impasse, the Town may permit a Proposer to withdraw its Proposal; however, in such circumstances, the Proposer will be disqualified from any further proceeding under the instant RFP. If no exceptions are stated, the Town shall assume that the Proposer has accepted all the terms and conditions of the RFP package.
- j. **Oral Presentations.** The Town may require Proposers to give oral presentations in support of their Proposals, and to exhibit or otherwise demonstrate the information contained therein. Such presentations will be conducted privately, one Proposer at a time. Non-presenting Proposers will be excluded from any other Proposer's presentation. No oral presentation will be permitted, unless a Proposer has timely filed a complete written Proposal.
- k. **Negotiations.** The Town may issue its Notice of Award on the basis of initial Proposals received without discussions or negotiations. Accordingly, the Town reserves the right to enter into Contract (and/or

Contract negotiations) with any selected Proposer. If the Town and the selected Proposer cannot successfully negotiate a Contract acceptable to the Town, then the Town may declare that said negotiations are terminated and begin negotiations with an alternate selected Proposer. No Proposer shall have any rights against the Town (for purchase of the Property or otherwise) arising from such negotiations or the termination thereof.

- l. **Conflicting Provisions.** The Contract will constitute the entire understanding and agreement between the Town and the selected Proposer, and shall set forth all the terms and conditions therefore. In the case of a conflict between this RFP and the Contract, the Contract shall control.

- m. **Proposal Award.** The Town intends to enter into contract negotiations with the Proposer selected by the Town's RFP evaluation committee. If the selected Proposer (who shall receive a "Notice of Award" letter from the Town's RFP evaluation committee) fails to enter into negotiations or fails to execute and return the tendered Contract (together with any necessary documents, attachments, affidavits, and/or deposits) within ten (10) days after the issuance of such Notice of Award letter, then the Town, at its sole option, may determine and declare that said Proposer has abandoned the Contract, and a Notice of Award may be issued to the next most qualified and selected Proposer for the purchase of the Property. Neither the issuance of a Notice of Award nor the negotiation of the Contract with the selected Proposer shall constitute the Town's acceptance of the Proposal or a binding commitment on behalf of the Town to enter into a Contract with such Proposer.

Dated: _____

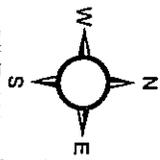
I have read the requirements for a selected Proposer, acknowledge, agree and accept the terms and requirements hereof, and will be able to comply with them if selected as the purchasing Proposer.

Proposer: _____

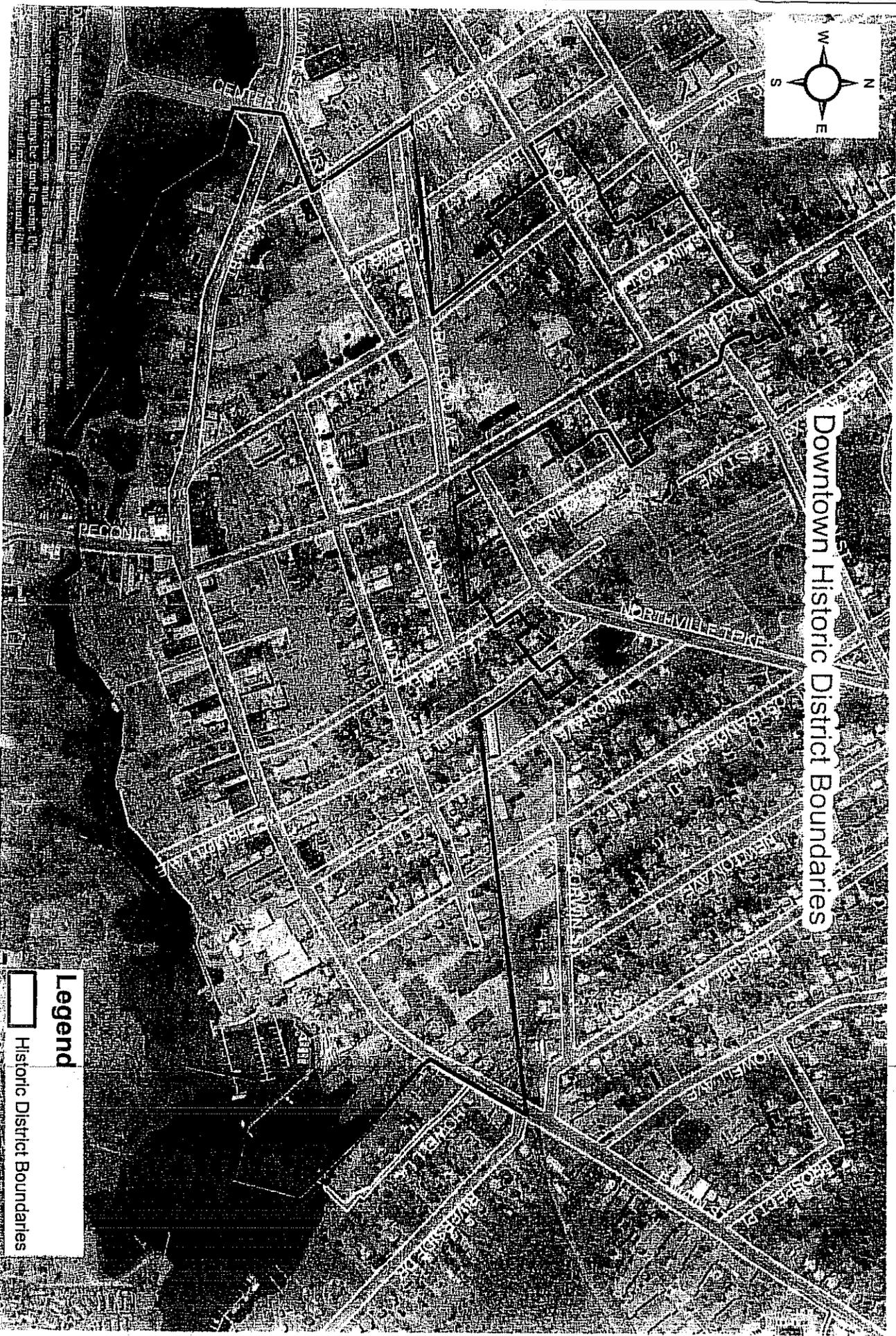
Name: _____

Title: _____

Company Name: _____



Downtown Historic District Boundaries



Legend

 Historic District Boundaries



DEPARTMENT: CD



TOWN OF RIVERHEAD

Phil Cardinale, Supervisor
200 Howell Ave.
Riverhead, New York 11901

filename: JM 24 Downtown Historic Boundaries.mxd

DATE: 12/12/2007

December 18, 2007

Adopted

TOWN OF RIVERHEAD

HIGHWAY DEPARTMENT

BUDGET ADJUSTMENT

RESOLUTION # 1151

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

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

		<u>FROM</u>	<u>TO</u>
111.051300.524000	Equipment	20,000	
111.051420.540000	Salt – Contractual Expenses		20,000

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

**New York State Department of Environmental Conservation
Notice of Complete Application**

Date: 12/07/2007

Applicant: TOWN OF RIVERHEAD
200 HOWELL AVENUE
RIVERHEAD, NEW YORK 11901-2515

Facility: CORWELL AVE TOWN BOAT RAMP
CORWELL AVE- S END/ON PECONIC RIVER
RIVERHEAD, NY 11901

Application ID: 1-4730-01397/00001

Permit(s) Applied for: 1- Article 15 Title 5 Excavation & Fill in Navigable Waters
1-Article 15 Title 15 Long Island Well
1-Article 25 Tidal Wetlands
1-Section 401- Clean Water Act Water Quality Certification

Project is located: in RIVERHEAD in SUFFOLK COUNTY

Project Description:

The applicant proposes to construct a 16 foot by 63 foot concrete boat ramp, 58 feet of which will be installed seaward of apparent high water. Vinyl sheet piling will be installed around the perimeter of the ramp to act as a cofferdam to dewater the ramp area at a rate of 200 gallons per minute. A docking structure consisting of an 8 foot by 40 foot pier, 4 foot by 20 foot ramp, and 8 foot by 20 foot float will be installed on the east side of the ramp. A portion of the existing asphalt roadway will be removed and replaced with gravel. The project is located at the southern terminus of Corwell Avenue on the Peconic River, Town of Riverhead, Suffolk County.

Availability of Application Documents:

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

State Environmental Quality Review (SEQR) Determination

Project is an Unlisted Action and will not have a significant impact on the environment. A Negative Declaration is on file. A coordinated review was not performed.

SEQR Lead Agency None Designated

State Historic Preservation Act (SHPA) Determination

Cultural resource lists and map have been checked. No registered, eligible or inventoried archaeological sites or historic structures were identified at the project location. No further review in accordance with SHPA is required.

Coastal Management

This project is located in a Coastal Management area and is subject to the Waterfront Revitalization and Coastal Resources Act

Availability for Public Comment

Comments on this project must be Submitted in writing to the Contact Person no later than 01/03/2008 or 15 days after the publication date of the notice, whichever is later

Contact Person

MATTHEW R. PENSKI
NYSDEC
SUNY@STONY BROOK, 50 CIRCLE RD
STONY BROOK, NY 11790-3409
(631) 444-0358

December 18, 2007

Adopted

TOWN OF RIVERHEAD

RATIFIES THE RETIREMENT OF A POLICE OFFICER

RESOLUTION # 1153

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

WHEREAS, the Town has notification from the New York State Retirement System that the application of Thomas Long III, a Police Officer in the Riverhead Police Department, has been approved for retirement pending separation from the Town's employment, and the Chief of Police has been notified of same.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby ratifies the separation of Police Officer Thomas Long's employment effective December 9, 2007.

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, directed to send notification of this Resolution to Thomas Long III, the Chief of Police, the Accounting Department, and the Personnel Officer.

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

12/18/2007

TOWN OF RIVERHEAD

Adopted

Resolution # 1154

APPOINTS A P/T RECREATION AIDE/ SKATEPARK TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN BARTUNEK

offered the following resolution,

COUNCILWOMAN BLASS

which was seconded by _____

RESOLVED, that Jay Mildner is hereby appointed to serve as a P/T Recreation Aide/ Skate Park Level II effective December 19th, 2007 to serve as needed on an at-will basis and to be paid at the rate of \$8.25 per hour, and to serve at the pleasure of the Town Board; and

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

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

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department, Jay Mildner, 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 PT rec aide skate Jay Mildner

12/18/07

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1155

APPOINTS DEPUTY TOWN SUPERVISOR

COUNCILMAN BARTUNEK

_____ offered the following resolutions, which was seconded

COUNCILMAN DUNLEAVY

by _____

RESOLVED, effective January 1, 2008, William Welsh is hereby appointed to the position of Deputy Town Supervisor in which he will serve without compensation; and

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

THE VOTE

Dunleavy Yes ~~No~~ *abstain*

Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No

Z:/Trina

12/18/2007

Adopted

TOWN OF RIVERHEAD

Resolution # 1156

APPOINTS A P/T RECREATION AIDE/ SKATEPARK TO THE RIVERHEAD RECREATION DEPARTMENT

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

RESOLVED, that David Guity is hereby appointed to serve as a P/T Recreation Aide/ Skate Park Level II effective December 19th, 2007 to serve as needed on an at-will basis and to be paid at the rate of \$8.25 per hour, and to serve at the pleasure of the Town Board; and

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

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

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department, David Guity, 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 ~~X~~ WAS WAS NOT
 THEREFORE DULY ADOPTED

¹ Rec. Doris/ Res PT rec aide skate David Guity

December 18, 2007

Adopted

TOWN OF RIVERHEAD

WATER DEPARTMENT

BUDGET ADJUSTMENT

RESOLUTION # 1157

COUNCILMAN DUNLEAVY

_____ 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>
112.083200.542506	Plant Supplies	3,050	
112.083200.543000	Professional Services		3,050

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

December 18, 2007

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 1158

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>
001.013100.511500	Personal Services	12,000	
001.050100.541206	Sidewalks Maintenance	2,300	
001.050100.541150	Building Maintenance	2,500	
001.050100.547504	Special Intems Sanitation	1,000	
001.013100.543900	Professional Services		12,000
001.050100.512500	Overtime Non Uniform		5,800

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

December 18, 2007

Adopted

TOWN OF RIVERHEAD

NUTRITION DEPARTMENT

BUDGET ADJUSTMENT

RESOLUTION # 1159

COUNCILMAN BARTUNEK

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

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

		<u>FROM</u>	<u>TO</u>
001.067720.542000	Supplies	8,000	
001.067720.541150	General Building Maintenance		8,000

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

December 18, 2007

TOWN OF RIVERHEAD

Adopted

POLICE FUND

BUDGET ADJUSTMENT

RESOLUTION # 1160

COUNCILWOMAN BLASS

_____ 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>
001.031200.511500	Non-Uniform Base	100,000	
001.031200.513100	Longevity Uniform	12,000	
001.031200.514100	Police Sick Buy Back	5,000	
001.031200.515501	Holding Cell Attendants	3,000	
001.031200.516100	Night Differential Police	34,000	
001.031200.516650	Police Holiday Pay	62,000	
001.031200.518605	Police Seasonal Employees	6,000	
001.031200.519100	Police Termination Pay	7,000	
001.090600.584100	Police Hospitalization	12,200	
001.031200.512100	Police Overtime		100,000
001.031200.512500	Non Uniform Overtime		10,000
001.031200.515503	Crossing Guards		1,800
001.031200.524101	Vehicles		129,400

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

December 18, 2007

Adopted

TOWN OF RIVERHEAD

SANITATION – S.T.O.P PROGRAM

BUDGET ADJUSTMENT

RESOLUTION # 1161

COUNCILMAN DUNLEAVY

_____ 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 adoption:

		<u>FROM</u>	<u>TO</u>
001.082130.492310	D.E.C. Aid S.T.O.P. Program	2,485	
001.081600.547503	Hazardous Waste Containment Facility		2,485

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

December 18, 2007

Adopted

TOWN OF RIVERHEAD

2007 POLICE HIGHWAY PATROL JA GRANT

BUDGET ADOPTION

RESOLUTION # ¹¹⁶²

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 adoption:

		<u>FROM</u>	<u>TO</u>
406.031200.493000.44001	Federal Aid	11,831	
406.031200.524101.44001	Police Vehicle		11,831

THE VOTE

Dunleavy Yes No Bartunek Yes No

Blass Yes No Densieski Yes No

Cardinale Yes No

12/18/07

Tabled

TOWN OF RIVERHEAD

Resolution # 1163

AUTHORIZES THE RELEASE OF SECURITY FOR WINDCREST PROPERTIES LLC (F/K/A MID ROAD PROPERTIES LLC)

COUNCILMAN BANTUNEK offered the following resolution,

which was seconded by **COUNCILWOMAN BLASS**

WHEREAS, Windcrest Riverhead LLC had posted security (Check #1078 dated November 18, 2002) in the amount of Forty Two Thousand Seven Hundred Ten Dollars (\$42,710) representing the 5% bond as per approved site plan Resolution #1256 dated December 18, 2001, for the construction of condominiums at Middle Road, Riverhead, New York, further described as Suffolk County Tax Map Number 0600-81-1-1.1, pursuant to Section 108-133(I) of the Riverhead Town Code; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction, the Planning Department is satisfied with site requirements and Certificate of Occupancies have been issued.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of security in the sum of Forty Two Thousand Seven Hundred Ten Dollars (\$42,710); and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Windcrest Riverhead, LLC, P.O. Box 5750, Bay Shore, New York 11706; the Building Department; the Accounting 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

Tabled

Site Plan Inspection Memo

PLANNING BOARD, TOWN OF RIVERHEAD

PROJECT: Mid Road Properties, LLC - Windcrest East Condominiums
Middle Road, Calverton
S.C.T.M. Parcel No. 0600-081-01.00-001.001

FROM: Vincent A. Gaudiello, P.E.

DATE: November 5, 2007

Pursuant to the inspection request submitted by Ivette X. Matos of Windcrest East dated October 29, 2007, we have performed a final inspection of the referenced condominium project.

Our comments and observations are as follows:

The required site improvements have been substantially completed in accordance with the approved site plan drawings and details prepared by Young and Young, last dated September 17, 2002.

The completed work substantially conforms to the design standards of the Town Code and appears to be holding up well.

At the time, final site plan construction approval is recommended.

We note that our findings are based on a recent at grade observation of the site.

Should the town have any questions concerning this project, feel free to contact this office.

Distribution: Planning Board
Planning Department
Building Department
Gary Pendzick, Riverhead Water District
Laura Calamita, Town Attorney's Office
Windcrest East, via fax (631) 666-2450

VAG

12/18/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1164

**RATIFIES THE APPOINTMENT OF A P/T RECREATION AIDE-
VOLLEYBALL ATTENDANT LEVEL III
TO THE RIVERHEAD RECREATION DEPARTMENT**

COUNCILWOMAN BLASS

_____ offered the following resolution,

COUNCILMAN DUNLEAVY

which was seconded by _____

RESOLVED, that Amy Bullock is hereby appointed as a P/T Recreation Aide-Volleyball Attendant Level III, effective December 17, 2007 to and including May 31, 2008, to be paid at the rate of \$10.20 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; and

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to Amy Bullock.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/ Resolution. Amy Bullock

12/18/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1165

**RATIFIES THE APPOINTMENT OF A P/T RECREATION AIDE-
VOLLEYBALL ATTENDANT LEVEL III
TO THE RIVERHEAD RECREATION DEPARTMENT**

COUNCILMAN DUNLEAVY

offered the following resolution,

which was seconded by **COUNCILMAN DENSIESKI**

RESOLVED, that Jennifer Triandafilis is hereby appointed as a P/T Recreation Aide-Volleyball Attendant Level III, effective December 3, 2007 to and including May 31, 2008, to be paid at the rate of \$10.20 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; and

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to Jennifer Triandafilis.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/ Resolution. Jen Triandafilis

Adopted

December 18, 2007

TOWN OF RIVERHEAD

AUTHORIZE THE PUBLICATION OF A HELP WANTED AD FOR
AUTOMOTIVE EQUIPMENT OPERATORS

RESOLUTION # 1166

COUNCILMAN DENSIESKI

_____ offered the following resolution,

which was seconded by _____ COUNCILMAN BARTUNEK

BE IT RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the January 3, 2008 issue of The Riverhead News Review.

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

HELP WANTED

PLEASE TAKE NOTICE that the Town of Riverhead is seeking qualified individuals to serve in the positions of F/T Automotive Equipment Operator in the Highway Department. The Town requests that all applicants have a clean, valid CDL. Applications are to be submitted to the Personnel Department, 552 East Main Street, Riverhead, NY. No applications will be accepted after 4:00pm on January 11, 2008.
EOE

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

12/18/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1167

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER THE PURCHASE OF A PARCEL OF LAND LOCATED IN THE
TOWN OF RIVERHEAD KNOWN AS THE WEEPING WILLOW MOTEL
(purported owner: James R. Woodhull)**

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

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

WHEREAS, James R. Woodhull has expressed a desire to sell the parcel of approximately 0.454 acres of lands located on the s/s of West Main Street, Riverhead, New York, known and designated as Weeping Willow Motel, located at 961 West Main Street, Riverhead, New York, for a purchase price of \$1,250,000.00, further described as Suffolk County Tax Map #600-124-4-5, to the Town of Riverhead; and

WHEREAS, the Town of Riverhead has made application to the New York State Office of Parks, Recreation and Historic Preservation for grant monies under the Environmental Protection Act of 1993 or the Land and Water Conservation Fund, to assist the Town in preservation of this parcel and re-establishment of the parcel as open space with passive recreational amenities; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has awarded funds in the amount of \$500,000.00 to the Town of Riverhead towards purchase of this parcel and to assist the Town in its aforesated goals;

NOW, THEREFORE BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider the purchase of lands owned by James R. Woodhull once in the December 27, 2007 issue of the News Review, the official newspaper designated for these purposes, and also to cause a copy of the proposed purchase to be posted on the sign board of the Town in the Office of the Town Clerk; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to James R. Woodhull, Post Office Box 677, Riverhead, New York

11901; Peconic Land Trust, Attn: Laura Fischer, 296 Hampton Road, P.O. Box 1776,
Southampton, New York, 11969; the Town Board; Community Development; the
Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting
Office 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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 15th day of January, 2008 at 7:10 PM o'clock p.m., at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider the purchase of approximately 0.454 acres of land known as the Weeping Willow Motel, located on the s/s of West Main Street, Riverhead, New York, for a purchase price of \$1,250,000.00, to the Town of Riverhead, pursuant to §247 of the New York State General Municipal Law and Chapter 14 of the Riverhead Town Code.

Dated: Riverhead, New York
December 18, 2007

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

12/18/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1168

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108, ARTICLE XLV, ENTITLED,
"ZONING" OF THE RIVERHEAD TOWN CODE
(OUTDOOR LIGHTING)**

COUNCILMAN DENSIESKI

_____ offered the following resolution, was seconded by

COUNCILWOMAN BLASS
_____ :

WHEREAS, the Outdoor Lighting Code was duly adopted to ensure sufficient lighting where needed to promote public safety and security and preserve the Town's rural character and ability to view the night sky, and

WHEREAS, the Dark Skies Advisory Committee has recommended amendments to the Town's Outdoor Lighting Code, and

WHEREAS, the Town's Engineering Department has approved the Dark Skies Advisory Committee's recommended amendments to the Town's Outdoor Lighting Code.

NOW THEREFORE BE IT RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108, Article XLV, entitled, "Zoning" of the Riverhead Town Code (Outdoor Lighting) once in the January 3, 2008, 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 Investigations Unit; the Riverhead Building Department, the Riverhead Engineering Department and the Office of the Town Attorney.

**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 15th day of January, 2008, at 7:15 o'clock p.m. to consider a local law to amend Chapter 108, Article XLV, entitled, "Zoning" of the Riverhead Town Code (Outdoor Lighting).

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

Dated: Riverhead, New York
December 18, 2007

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

BARBARA GRATTAN, Town Clerk

DUNLEAVY YES ___ NO BARTUNEK YES ___ NO
BLASS YES ___ NO DENSIESKI YES ___ NO
CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED

Chapter 108
ZONING
ARTICLE XLV
Exterior-Outdoor Lighting

§ 108-246. Purpose.

The general purpose of this article is to protect and promote the public health, safety and welfare of the residents of Riverhead, as well as preserve the quality of life, retain the rural character of Riverhead and afford the public the ability to view the night sky, by establishing regulations and a process for review of exterior lighting. This article establishes standards for exterior lighting in order to accomplish the following:

- I. To promote the conservation of energy for exterior lighting;
- J. To reduce the impact of artificial lighting on human health, flora, fauna, and the environment.

§ 108-247. General provisions.

B. Conflict with other laws.

In a case where this chapter is found to be in conflict with a provision of a zoning, fire, safety, health, water supply, subdivision, or sewage disposal law or ordinance, or regulation adopted pursuant thereto or other law, ordinance, code or regulation, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail.

§ 108-248. Applicability.

- A. New lighting. All exterior lighting installed after the effective date of this article shall conform to the standards established by this article except exterior lighting required to protect and promote public health and safety.

(1) Upon adoption of this article as established by its effective date, all subsequent installation, replacement, alteration, change, repair, or relocation of any nonconforming luminaire, shall conform with the provisions of this article.

(2) All exterior lighting installed shall comply with Chapter 108-250; and Chapter 108-252 (D) of this

Article regarding Glare, Light Pollution, Light Trespass, and Skyglow as defined in this article.

(3) The following exterior lighting, existing or installed prior to the effective date of the adoption herein, which does not conform with the provisions of the article, shall be exempt provided the following requirements are met:

(a) Pre-existing residential floodlight luminaires are exempt provided: the total light output for the fixture does not exceed 1800 lumens (equivalent to 100 watts incandescent) regardless of the number of lamps; and angled downward or shielded so as not to cause glare or light trespass or beam spread beyond the intended target or across property lines. This exemption expires no later than December 31, 2010 at which time full conformance is required.

(b) Pre-existing unshielded residential fixtures mounted on the primary structure are exempt provided the light output, regardless of the number of lamps, is no greater than 900 lumens (60 watts incandescent). This exemption expires no later than December 31, 2010 at which time full conformance is required.

(c) Pre-existing non-conforming non-residential luminaires rated over 1800 lumens (100 watts incandescent), regardless of the number of lamps, shall be altered to the greatest extent possible to prevent visible glare across property lines by re-aiming, shielding, adding louvers, re-lamping, or other means, to meet the definition of fully or partially shielded. This exemption expires no later than December 31, 2010 at which time full conformance is required.

(d) Pre-existing non-conforming automated teller machine (ATM) lighting; fuel filling and gas service station canopy lighting and Long Island Power Authority (LIPA) lighting shall be in full compliance with the provisions of this article no later than December 31, 2010.

(e) Pre-existing non-conforming commercial and industrial parking lot lighting illuminating less than twenty (20) parking spaces shall be in full conformance with the provisions of this article no later than December 31, 2012.

(f) Pre-existing non-conforming commercial and industrial parking lot lighting illuminating twenty (20) or more parking spaces shall be in full conformance with the provisions of this article no later than December 31, 2017, and may be achieved by partial areas of complete renovations regarding lighting levels, pole heights and lamp types in increments of 10% of the parking lot area per year.

§ 108-249. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

AVERAGE HORIZONTAL FOOTCANDLE — The average level of illuminance for a given situation (with snow cover if that is to be expected in the given situation) measured at ground level with the light meter placed parallel to the ground.

EIGHTY-FIVE-DEGREE-CUT-OFF-TYPE LUMINAIRES — Luminaires that do not allow light to escape

above an eighty-five degree angle measured from a vertical line from the center of the lamp extended to the ground (see Figure 2). Editor's Note: Figure 2 is included at the end of this chapter.

CORRELATED COLOR TEMPERATURE (CCT)—A measurement on the Kelvin (K) scale that indicates the warmth or coolness of a lamp's color appearance. The higher the color temperature, the cooler the color appearance. Typically, a CCT rating below 3,200 K is considered warm, while a rating above 4,000 K is considered cool.

FLOODLIGHT — A lamp that produces up to 1,800 lumens and is designed to flood a well defined area with light. (See Table 1 for light output of various lamps. Editor's Note: Table 1 is included at the end of this chapter.) A luminaire rated to produce 1,800 lumens (100 watts incandescent) or more, regardless of the number of lamps, and is which is designed to flood an area with light.

FOOTCANDLE (FC) — The American unit used to measure the total amount of light cast on a surface (illuminance). One footcandle is equivalent to the illuminance produced by a source of one candle at a distance of one foot. For example, the full moon produces .01 fc as measured with a light meter. One footcandle is approximately equal to 10 lux, the British unit used to measure illuminance.

FULL CUT-OFF LUMINAIRES — A luminaire designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaire. (See Figure 1) (See Figure 1). Editor's Note: Figure 1 is included at the end of this chapter. Further, no more than 10% of the lumen output should be provided at angles between 90 degrees and 80 degrees below the lowest light-emitting part of the luminaire laminate.

FULLY SHIELDED — The luminaire incorporates a solid barrier (the shield), which permits no light to escape through the barrier. (See Figure 4. Editor's Note: Figure 4 is included at the end of this chapter.) A luminaire constructed and installed in such a manner that all light emitted by it, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below a horizontal plane through the luminaire's lowest light emitting part, as designed and installed. (See Figure 1).

GLARE — Stray, unshielded light striking the eye that may result in:

D. Reduction of visual performance. Distracting glare, such as light which diverts the eye from a visual task.

HOLIDAY LIGHTING — Strings of individual lamps, where the lamps are at least three inches apart and the output per lamp is not greater than 5 lumens. Temporary lighting used to celebrate holidays. Holiday lighting includes, but is not limited to, strings of small individual lights, illuminated menorahs, illuminated nativity scenes, illuminated candles, and various yard decorations seasonal in nature.

LAMP — The generic term for an artificial light source, to be distinguished from the whole assembly (see "luminaire"); commonly referred to as "bulb." Or light bulb.

LANDSCAPING LIGHTING – Non essential low lumen output fixtures (maximum of 500 lumens or 40 watts incandescent) used to illuminate residential walkways and foliage.

MAINTAINED ILLUMINANCE — The condition that occurs after 200 hours of lamp use prior to a point where luminaire cleaning is necessary. Measurements are taken at ground level with sensor parallel to the ground for horizontal illuminance and measured at five feet above ground with sensor perpendicular to the ground for vertical illuminance.

MUNICIPAL RECREATIONAL FIELDS – includes tennis, basketball and handball courts; football, baseball, softball and soccer fields; hockey, skating and skateboarding rinks constructed by or at the behest of the Town of Riverhead.

PARTIALLY SHIELDED — The luminaire incorporates a translucent barrier, the "partial shield" around the lamp that allows some light to pass through the barrier while concealing the lamp from the viewer. (See Figure 3. Editor's Note: Figure 3 is included at the end of this chapter.) A light fixture which incorporates an opaque barrier, shield, louvers, or other means, so that the light source is not visible across property lines or into roadways.

PLANNING AND ZONING ADMINISTRATOR — The Town of Riverhead Planning Director.

REPAIR OF A LUMINAIRE OR SIGN – Any service normally provided by a licensed electrician upon a luminaire or sign. Repair shall be considered to include replacement or modification of any of the following: poles, mounting arms, housings, hardware, wiring, ballasts, lenses, reflectors, diffusers, baffles, shields, sensors, switches, relays, power supplies, and lamp replacement modules which contain any of the items listed above. Replacement of a user-serviceable lamp will not by itself be considered a repair.

§ 108-250. Outdoor Exterior lighting standards.

A. General standards.

- (3) Canopy lights, such as service station lighting shall be fully recessed and or full cutoff luminaires fully shielded so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent properties.
- (4) Area lights. All area lights shall be are encouraged to be eighty-five-degree full-cut-off-type luminaires.
- (5) The Long Island Power Authority shall not install any luminaires after the effective date of this article that light the public right-of-way, without first receiving approval for any such application by the Riverhead Town Board.

- B. Type of luminaires. All exterior lighting shall use full cut-off luminaires with the light source ~~downcast and fully shielded~~, with the following exceptions:
- (1) Luminaires that have a maximum output of 400 lumens per fixture, regardless of number of lamps (equal to one forty watt incandescent light), may be left unshielded, provided the luminaire has an opaque top or is under an opaque structure (see Figure 5). ~~Editor's Note: Figure 5 is included at the end of this chapter.~~ All exterior lighting, with an exemption granted to municipal recreational fields, rated to be lamped at 1800 lumens (100 watts incandescent) and greater shall use full cutoff luminaires as determined by photometry test or certified by the manufacturer and installed as designed with the light source directed downward. Municipal recreational fields, at a minimum, shall utilize partially shielded fixtures to direct light to the field of play, and to minimize up-glow and light trespass.
 - (2) Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of the number of lamps (equal to one sixty watt incandescent light), may be partially shielded provided the lamp is not visible and the luminaire has an opaque top or is under an opaque structure (see Figure 3). ~~Editor's Note: Figure 3 is included at the end of this chapter.~~ All exterior light fixtures rated to emit 1800 lumens (100 watts incandescent) and less, regardless of the number of lamps shall use fully shielded fixtures (See Figure 1) and shall be installed as designed. (See Figure 1).
 - (3) Floodlights with external shielding shall be angled, provided that no light is directed above a twenty five degree angle measured from the vertical line from the center of the light extended to the ground, and only if the luminaire does not cause glare or light to shine on adjacent property or public rights-of-way and does not emit light above the horizontal plane (see Figure 6). ~~Editor's Note: Figure 6 is included at the end of this chapter.~~ Photocells with timers that allow a floodlight to go on at dusk and off by 11:00 p.m. are encouraged. Privately owned or leased light fixtures located on public utility poles or located in the public right-of-way are prohibited.
 - (4) Commercial holiday lighting lit between November 15 and January 15 of the following year.

C. Lighting: Exempt Exterior Lighting.

The following types of exterior lighting are exempt from the provisions of this section.

- (1) Holiday lighting lit between November 15 and January 15 of the following year.
- (2)(5) Motion Sensor-activated luminaires, provided:
 - (a) They are fully shielded and located in such a manner as to prevent glare and lighting onto properties of others or into a public right-of-way; and
 - (b) The luminaire is set to only go on when activated and to go off within five minutes after activation has ceased; and
 - (c) The luminaire shall not be triggered by activity off the property; and
 - (d) The luminaire, regardless of the number of lamps, does not exceed 1800 lumens and not rated to exceed 100 watts.
- (3)(6) Vehicular lights and all temporary emergency lighting needed by the Fire and Police

Departments, or other emergency services.

- ~~(4)(7)~~ Uplighting of flags for flag; provided the flag is not used for advertising of a governmental installation and the total maximum lumen output is 1,300 lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.
- ~~(5)(8)~~ Lighting of radio, communication and navigation towers; provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with Article XLV, and that the provisions of Article XLV are otherwise met.
- ~~(6)(9)~~ Runway lighting. Lighting on any landing strip or runway, provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this article.
- ~~(7)(10)~~ Neon lights: Neon lights as permitted pursuant to the Town of Riverhead Sign Ordinance.
- ~~(11)~~ Luminaires used for playing fields and outdoor recreational uses shall be exempt from the height restriction, provided all other provisions of this article are met and the light is used only while the field is in use.
- ~~(8)~~ Residential landscape lighting as defined herein provided the lamp or lamps are not visible across property lines and, in addition are not triggered by a dusk-to-dawn timer.

Prohibited Exterior Lighting:

D.

The following types of lighting are prohibited:

- ~~(1)~~ Searchlights, except those used for governmental, emergency and law enforcement purposes.
- ~~(2)~~ Strobe lights, laser lights, or revolving lighting.
- ~~(3)~~ Neon lights, except as legally permitted.
- ~~(4)~~ Blinking, pulsating, tracing, or flashing lights unless temporarily triggered by a security system.
- ~~(5)~~ Any light fixture that may be construed as or confused with a traffic signal, traffic control device or maritime navigational markers.
- ~~(6)~~ Lighting that is determined by municipal law enforcement personnel to contribute to disabling or distracting glare into a public roadway.
- ~~(7)~~ Any light fixture located within a designated Nature Preserve, easement, or waterway.
- ~~(8)~~ Illuminated signs without a municipal permit.
- ~~(9)~~ Non-municipal recreational field lighting, including but not limited to tennis, basketball and handball courts, and sports fields, including but not limited to baseball, soccer, and football without site plan approval and a building permit.

§ 108-251. Placement and height of luminaires.

- A. Parking area luminaires Luminaires, exclusive of municipal streetlighting, and municipal recreational fields, shall be mounted no higher no taller than 17 sixteen (16) feet from the level ground to the lowest light emitting part of the fixture, their tallest point. Parking area lights are encouraged to be

greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level.

- B. Freestanding luminaires on commercially used properties shall be mounted at a height equal to or less than the sum of $H=(D/3)+3$, where D is the distance in feet to the nearest property boundary, but shall not be higher than 15 feet from ground level to the top of the luminaires, and not exceeding the height of the building, whichever is less. Example:

Pole Height (feet)	Distance to Property Line (feet)
15	36 ($36/3 = 12+3=15$)
12	27 ($27/3 = 9+3=12$)
9	18 ($18/3 = 6+3=9$)

- B. Luminaires on commercially used properties shall be located and shielded in a manner to prevent light projection beyond the property line. (See Figure 3)
- C. Streetlights used on arterial roads may exceed 20 feet in height, with the recommendation by the Riverhead Town Board, and only with a finding that exceeding 20 feet is necessary to protect the safety of the residents of the Town of Riverhead.
- C.D. Luminaires used for municipal recreational playing fields and municipal outdoor recreational uses shall be exempt from the height restriction, and illuminance levels, provided all other provisions of this article are met and the light is used only while the field is in use.
- D. Sign lighting. Lighting shall be mounted on the top of the sign directed downward and positioned and shielded so that the light source is located. No individual lamp shall exceed 1000 lumens. Mounting height of lights shall not exceed sixteen (16) feet.
- E. Mounting height of residential luminaires may not exceed 14 (fourteen) feet.

§ 108-252. Illuminance and type of lamp.

- A. Illuminance levels for parking lots, sidewalks, and other walkways affected by side-mounted building lights, and freestanding sidewalk lights (not streetlights) shall not exceed illuminance levels listed in the most current IESNA Recommended Practices, either PR33 or RP20, depending on the application. See Tables 1, 2 and 3). The Town of Riverhead recognizes that not every such area will require lighting.
- B. Parking lot lighting shall not exceed an overall average illumination of 1.5 footcandles as listed on Table 1.
- C. Streetlights shall be full cut high pressure sodium, low pressure sodium, unless otherwise determined that another type is more efficient. Streetlights along residential streets shall be limited to a seventy-watt high pressure sodium (hps) light with a lumen output of 6,400. Street lights along nonresidential streets or at intersections shall be limited to 100 watts hps, with a lumen output of 9,500, except that lights at major intersections on state highways shall be limited to 250 watts hps. If a light type other than high pressure sodium is permitted, then the equivalent output shall be the limit for the other light type (see Table 1). Editor's Note: Table 1 is included at the end of this chapter. Streetlight luminaires shall be Full Cutoff Luminaires and be lamped with high pressure sodium or compact fluorescent light source. The Engineering Division shall make a determination for the Type of light distribution, the height, and lumen value of the light source for each location, based on the manufacturer's supplied photometric information, in order to meet the Streetlighting Warrants. The criteria for evaluating the warrant of

streetlights shall be non-conformance to the American Association of State Highway Transportation Officials (AASHTO) standards and or a safety hazard as determined by the Town Engineer. The Town Engineer shall reserve the option to alter the type of light, light intensity of public roads and public facilities in areas where public safety is an issue. Streetlight luminaries shall be brought into compliance with this section no later than December 31, 2017.

- D. All existing and/or new exterior lighting shall not cause light trespass and shall protect adjacent properties from glare and excessive lighting.
- E. Gas Station Under canopy fixtures shall be lamped so as not to exceed light level measurements as recommended in RP33, Table 2.
- F. All ATM and bank lighting shall conform to the provisions of the New York State ATM Safety Act as contained in the New York State Banking Law section 75-a, et seq., and the provisions of this article.
- G. All Long Island Power Authority leased pre-existing non-conforming unshielded floodlight fixtures, including GE Powerflood, Mercury Vapor fixtures, and all 1000 watt fixtures shall not be re-lamped, repaired or replaced.
- H. The following types of lamps shall not be permitted:
 - 1. Mercury Vapor
 - 2. Unshielded LED lamps, except as exempt for Holiday Lighting.
 - 3. Metal Halide except as approved by the Town Engineer and only when the correlated color temperature (CCT) is less than 3200 K and when the arc tube of the lamp is enclosed with a protective acrylic or tempered glass shroud.
- I. All LIPA Long Island Power Authority (LIPA) leased pre-existing non-conforming fixtures shall be replaced on or before December 31, 2010 with full cutoff fixtures and must meet the Light Solutions "Installation & Criteria" as adopted by LIPA, on March 24, 2006.:
 - a. Light levels shall not exceed recommendations (Table 1);

~~§ 108-253. Tables and information sheets.~~ Editor's Note: The tables and information sheets are included at the end of this chapter. Figures and Tables.

The attached figures and ~~tables~~ information sheets shall be incorporated into Article XLV as guidelines for the public and the Town of Riverhead for use in enforcing this article. The Town does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples. Additional information is provided at the Town of Riverhead Planning Department.

- (A) Figure 1: Illustrations of Full Cutoff and Full Shielded fixtures.
- (B) Figure 2: Diagrams of generally acceptable and generally unacceptable light fixtures.
- (C) Figure 3: Diagrams of recommended fixture placement in relation to the property line to control light trespass.
- (D) Table 1: Limits of Illumination target areas for parking lots

(E) Table 2: Limits of Illumination for targets areas for Car Dealerships, Sidewalks, Walkways, and Gas Stations.

(F) Table 3: Limits of Illumination for Roadways.

§ 108-254. Procedure.

- A. All applications for site plan review, use permits, planned unit developments, subdivision approvals, applicable sign permits, or building permits shall include lighting plans showing location of each existing and proposed outdoor light fixture, and luminaire distribution, type, lamp source type, wattage, mounting height, hours of operation, lumen output, and illuminance levels in ten foot grids in order to verify that lighting conforms to the provisions of this article. The Planning Director may waive the requirement for illuminance level information only, if the ~~Lighting-Administrator~~ Town Engineer finds that the illuminance levels conform to this article. For all other exterior lights which must conform to the requirements of this Article XLV, an application shall be made to the ~~Planning Board Town-Board~~, showing location, luminaire and bulb type, height, hours of operation lumen output and illuminance levels. Applications for subdivision approval regarding lighting plans must be submitted to both the Planning Department and Engineering Department.
- B. The ~~Town-Board or~~ Planning Board shall review any new exterior lighting or any existing exterior lighting on subject property that is part of an application for design review, conditional use permit, planned unit development, subdivision approval, applicable sign permits or building permit, to determine whether the exterior lighting complies with the standards of this Article XLV.
- C. For all other exterior lighting which must conform to the requirements of Article XLV, the ~~Town-Board or~~ Planning Board shall issue a decision whether the exterior lighting complies with the standards of this Article XLV. All such decisions may be appealed to the Town of Riverhead Zoning Board of Appeals within 30 days of the decision.

§ 108-255. Violations and legal actions.

If the ~~Zoning-Officer~~ Code Enforcement Division finds that any provision of this article is being violated, the ~~Zoning-Officer~~ Code Enforcement Division shall give notice by hand delivery or by certified mail, return receipt requested of such violation to the owner and/or the occupant of such premises, demanding that the violation be abated within 30 days of the date of hand delivery or of the date of mailing of the notice. The Planning Department Staff shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the thirty-day period, the ~~Zoning-Officer~~ Town Attorney may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this article.

§ 108-255.1 Severability.

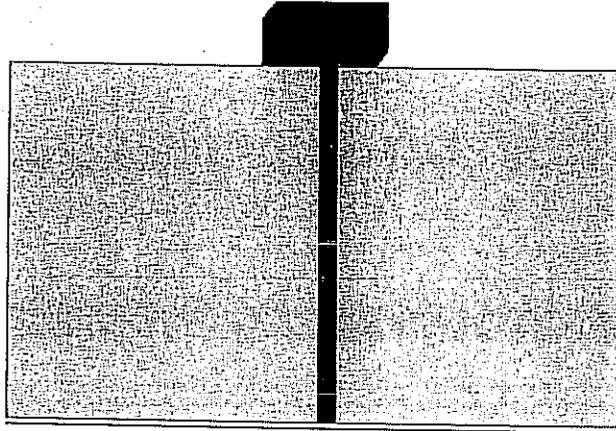
If any clause, sentence, paragraph or section of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder hereof, but such adjudication shall be confined in its operation to the clause, sentence, paragraph or section directly involved in the controversy in which judgment shall have been rendered.

Town of Riverhead, New York

Guidelines for Exterior Lighting

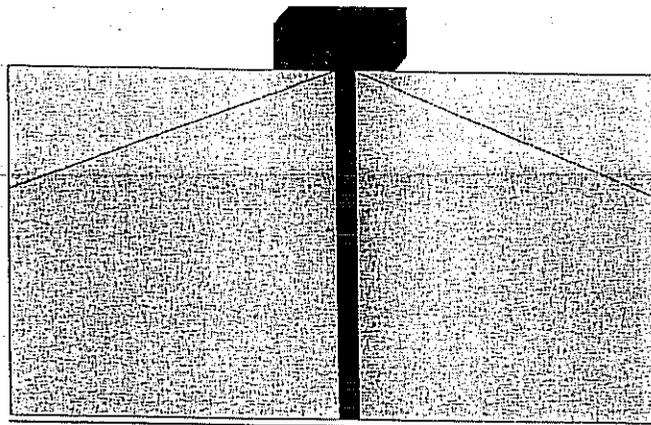
Figure 1 Fully Shielded Fixture:

no light emitted above the lowest light emitting part of the fixture
and no restriction as to amount at various angles below the horizontal.



Full Cutoff Fixture:

additionally restricts the amount of light emitted in the “glare zone”
(90-80 degrees below horizontal) to 10% of the total light output:



Town of Riverhead, New York
Guidelines for Exterior Lighting

Figure 2



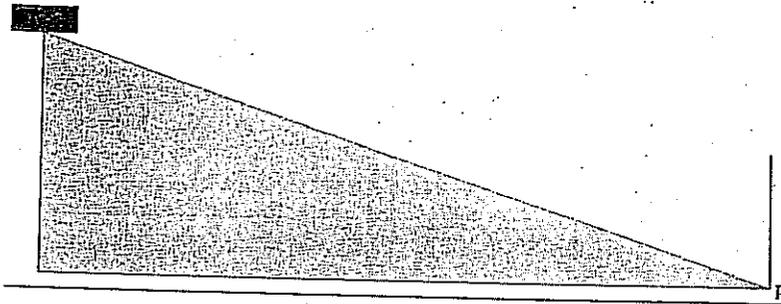
Town of Riverhead, New York

Figure 3

Calculating Fixture Height in relation to distance to property line.

Without available photometric data to execute a lighting plan, Fixture Placement set-backs can help to reduce incidence of light trespass and glare across property lines.

Luminaire*



Mounting height = 1/3 distance to property line plus three feet

A fully shielded or FCO fixture will generally contain light to a site to reduce light trespass if this formula is followed: Divide the distance (D) to the property line by three and add three feet to equal the maximum Mounting Height (MH). Formula: MH no greater than 1/3 Distance to Property line plus 3 feet (The Kennebunkport Formula)

*Assumes common FCO luminaire. Asymmetrical "sharp cutoff" FCO luminaires that have steeper cutoff angles or shielding at the "house side" may be placed closer to property boundaries provided their cutoff angles do not result in light trespass and footcandle measurements can be provided on a lighting plan.

Town of Riverhead
Guidelines for Exterior Lighting

Table 1:

Limits of Illumination target areas for Parking Lots

IESNA Document	Illuminance Levels						Uniformity		
	EMIN	EMAX	EAVE	EV-MIN	EV-AVE	ESC-MIN	MAX/MIN	AVE/MIN	MAX/AVE
<u>Lighting for Parking Facilities RP-20-98</u>									
<i>Medium</i>	0.6		2.4				20:1	4:1	
<i>Low</i>	0.2		0.8				20:1	4:1	
<i>High</i>	0.9		3.6				20:1	4:1	

Light levels indicated are for active use of the facility during open business hours:

High: Large shopping Centers over 300,000 square feet of retail space.

Medium: Community shopping centers between 5,000 and 299,000 square feet retail space

Low: Neighborhood shopping retail of less than 5,000 square feet.

After hours, light levels may be cut by 50% or more.

Town of Riverhead Guidelines for Exterior Lighting

**Table 2. Limits of Illumination for target areas:
Car Dealerships, Sidewalks, Walkways, and Gas stations.**

IESNA Document	Illuminance Levels					Uniformity				
	EMIN	EMAX	EAVE	EV-MIN	EV-AVE	ESC-MIN	MAX/MIN	AVE/MIN	MAX/AVE	
Lighting for Exterior Environments RP-33-99										
<i>Sidewalks (Roadside) and Type A Bikeways</i>	Commercial Areas			1		2		10:1		
	Intermediate Areas			0.5		1		10:1		
	Residential Areas			0.2		0.5		10:1		
<i>Walkways Distant from Roadways and Type B Bikeways</i>	Commercial Areas			0.5		0.5		10:1		
	Intermediate Areas			0.5		1		10:1		
	Residential Areas			2		0.5		10:1		
Car Dealerships										
	<i>Secondary Business Districts</i>									
	Adjacent to roadway		5 - 10					5:1		
	Other rows		2.5 - 5					10:1		
	Entrances		2.5 - 5					5:1		
	Driveways		1 - 2					10:1		
Service Stations or Gas Pump Area										
	Approach		1.5 - 2							
	Driveways		1.5 - 2							
	Pump Island		5							
	Service Areas		2 - 3							

Town of Riverhead

Guidelines for Exterior Lighting

Table 3
Limits of Illumination for Roadways

IESNA Document	Illuminance Levels						Uniformity		
	EMIN	EMAX	EAVE	EV-MIN	EV-AVE	ESC-MIN	MAX/MIN	AVE/MIN	MAX/AV
Roadway Lighting ANSI-RP-8-00									
	<i>Walkways/ Bikeways Mixed use</i>	High Pedestrian Conflict		2	1.0			4.0	
	<i>Walkways/ Bikeways Pedestrian use only</i>	High Pedestrian Conflict		1	0.5			4.0	
	<i>Walkways/ Bikeways Pedestrian use only</i>	Medium Pedestrian Conflict		0.5	0.2			4.0	
	<i>Collector (R2&R3)</i>	High-Medium- Low Pedestrian Conflict		1.2 - 0.9 - 0.6				4.0	
	<i>Local</i>	High-Medium- Low Pedestrian Conflict		0.9 - 0.7 - 0.4				6.0	

Adopted

TOWN OF RIVERHEAD

Resolution # 1169

AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 101 ENTITLED, "VEHICLE AND TRAFFIC" OF THE RIVERHEAD TOWN CODE (ARTICLE III, Traffic Regulations)

COUNCILWOMAN BLASS

offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY :

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice once in the January 3, 2008 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 local law amending Chapter 101 entitled, "Vehicles and Traffic" (Article III, Traffic Regulations) to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Planning Department, the Highway Department, the Engineering 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 15th day of January, 2008 at 7:10 o'clock p.m. to consider a local law amending Chapter 101 entitled, "Vehicles and Traffic" (Article III, Traffic Regulations) of the Riverhead Town Code as follows:

**Chapter 101
VEHICLES AND TRAFFIC**

ARTICLE III, Traffic Regulations

§ 101-3. Stop and yield intersections; railroad crossings; parking fields.

A. Stop intersections. The following intersections are designated as stop intersections, and stop signs shall be erected at such intersections as follows:

Intersection	Stop Sign on	Entrance From
Horton Avenue	Middle Road	East and west
<u>Horton Avenue</u>	<u>Horton Avenue Cul-De-Sac (North of Middle Road)</u>	<u>East</u>
Osborne Avenue	Middle Road	East and west

B. Yield intersections. The following intersections are designated as yield intersections, and yield signs shall be erected at entrances to such intersections as follows:

Intersection	Yield Sign on	Entrance From
<u>Middle Road roundabout</u>	<u>Horton Avenue</u>	<u>South</u>
<u>Middle Road roundabout</u>	<u>Middle Road</u>	<u>East and west</u>
<u>Middle Road roundabout</u>	<u>Osborn Avenue</u>	<u>North and south</u>

§ 101-4. One-way streets.

The streets or portions thereof listed below are hereby designated as one-way streets, and traffic shall travel on such only in the direction indicated:

Street	Direction	Limits
Cedar Street	North	Between Court Street and Railroad Street
<u>Horton Avenue</u>	South	<u>Entering the Middle Road roundabout, traffic shall travel in a unidirectional, counterclockwise direction.</u>
<u>Middle Road roundabout</u>	East	<u>Entering the Middle Road roundabout in an easterly direction, traffic shall travel in a unidirectional, counterclockwise direction.</u>
<u>Middle Road roundabout</u>	West	<u>Entering the Middle Road roundabout in a westerly direction, traffic shall travel in a unidirectional, counterclockwise direction.</u>
<u>Osborn Avenue</u>	North	<u>Entering the Middle Road roundabout, traffic shall travel in a unidirectional, counterclockwise direction.</u>
<u>Osborn Avenue</u>	South	<u>Entering the Middle Road roundabout, traffic shall travel in a unidirectional, counterclockwise direction.</u>

§ 101-5. Speed limits.

The following speed limits in the designated areas are hereby defined:

Speed (mph)	Location
<u>15</u>	<u>On Horton Avenue, in southbound direction, 300 feet north of the Middle Road roundabout – roundabout warning sign and 15 mph speed limit sign.</u>
<u>15</u>	<u>On Middle Road, in eastbound direction, 300 feet west of the Middle Road round-</u>

about – 15 mph speed limit sign.

15 On Middle Road, in westbound direction, 300 feet east of the Middle Road roundabout – roundabout warning sign and 15 mph speed limit sign.

15 On Osborn Avenue, in northbound direction, 300 feet south of Middle Road roundabout – roundabout warning sign and 15 mph speed limit sign.

30 On Osborn Avenue, in northbound direction, existing intersection – 30 mph curve warning sign.

40 On Osborn Avenue, in northbound direction, 200 feet north of the Middle Road roundabout – 40 mph speed limit sign.

15 On Osborn Avenue, in southbound direction, 300 feet north of the Middle Road roundabout – 15 mph speed limit sign.

30 On Osborn Avenue, in southbound direction, 500 feet north of the Middle Road roundabout – roundabout warning sign and 30 mph speed limit sign.

40 On Osborn Avenue, in southbound direction, 100 feet south of the Middle Road roundabout – 40 mph speed limit sign.

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

Dated: Riverhead, New York
December 18, 2007

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

BARBARA GRATTAN, Town Clerk

DUNLEAVY ___ YES ___ NO BARTUNEK ___ YES ___ NO

BLASS ___ YES ___ NO DENSIESKI ___ YES ___ NO

CARDINALE ___ YES ___ NO

THIS RESOLUTION ___ IS ___ IS NOT
DECLARED DULY ADOPTED

12/18/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1170

**AUTHORIZING THE TOWN OF RIVERHEAD TO ORDER
AN APPRAISAL FOR PROPERTY LOCATED AT PULASKI STREET,
RIVERHEAD, NEW YORK (Purported Owner: Riverhead Building Supply Corp.)**

COUNCILMAN DUNLEAVY offered the following resolution and was
seconded by COUNCILMAN DENSIESKI:

WHEREAS, the Town of Riverhead and its government has steadily expanded in recent years and, as a result, the space currently being utilized by the Town limits the Town's ability to centralize its offices and expand departments, personnel and services; and

WHEREAS, in order to accommodate the Town's growth and the Town's desire to increase services and staff for its citizens, the Town Board is desirous of obtaining information necessary to consider purchase of improved real property located at Pulaski Street, Riverhead, New York, designated on the Suffolk County Tax Map as 0600-121.00-01.00-007.000, owned by Riverhead Building Supply Corp.,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Riverhead is authorized to retain the services of Fred Wood & Associates, Appraisers, for the purposes of providing professional services regarding fair market value of the subject property, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Office of the Town Attorney.

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			

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

12/18/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1171

ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE
(§108-95. Subdivision Regulations – General Provisions.)

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 108 entitled, "Zoning" (§108-95. Subdivision Regulations – General Provisions.) of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 4th day of December, 2007 at 2:25 o'clock p.m. at 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the local law amending Chapter 108 entitled, "Zoning" (§108-95. Subdivision Regulations – General Provisions.) of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk 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, all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

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 the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled, "Zoning" (§108-95. Subdivision Regulations — General Provisions.) of the Riverhead Town Code at its regular meeting held on December 18, 2007. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

CHAPTER 108
ZONING
ARTICLE XX
Subdivision Regulations

§ 108-95. General provisions.

D. Stormwater Pollution Prevention Plan.

- (1) A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Chapter 110 of the Riverhead Town Code shall be required for Preliminary Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 110, section 6 of this code. The approved Preliminary Subdivision Plat shall be consistent with the provisions of this code.
- (2) A Stormwater Pollution Prevention Plan consistent with the requirement of the code and with the terms of preliminary plan approval shall be required for Final Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 110, section 6 of the code. The approved Final Subdivision Plat shall be consistent with the provision of the code.

- Underline represents addition(s)

Dated: Riverhead, New York
December 18, 2007

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

BARBARA GRATTAN, Town Clerk

12/18/07

TOWN OF RIVERHEAD

Adopted

Resolution # 1172

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF
THE RIVERHEAD TOWN CODE
(\$108-129 – Site Plan Review)**

COUNCILMAN BARTUNEK

_____ offered the following resolution, was seconded by

COUNCILWOMAN BLASS

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 108 entitled, "Zoning" (§108-129 – Site Plan Review) of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 4th day of December, 2007 at 2:20 o'clock p.m. at 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the local law amending Chapter 108 entitled, "Zoning" (§108-129 – Site Plan Review) of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk 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, all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

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 the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled, "Zoning" (§108-129 – Site Plan Review) of the Riverhead Town Code at its regular meeting held on December 18, 2007. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**Chapter 108
Zoning
Article XXVI
Site Plan Review**

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

- C. Stormwater Pollution Prevention Plan. A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Chapter 110 of the Riverhead Town Code shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 110 of the code. The approved site plan shall be consistent with the provisions of the code.
- C. D. Permits. No building permit or land clearing permit as required by Chapter 52, Building Construction, required for any such activity, including, without limitation, grading, clearing, cutting and filling, excavating or tree removal associated therewith, or the erection, construction, alteration, demolition or moving of any structure, shall be issued until the required site plan approval shall have been granted, and the approved site plan thereafter shall have been signed by a majority of the Planning Board.
- D. E. Certificates of occupancy. No certificate of occupancy shall be issued until all requirements and conditions of the site plan approval have been implemented and an as-built survey, including without limitation the location of all buildings, structures, curb cuts, and other required improvements (e.g., berms, buffer areas), has been submitted to the Planning Director or his duly authorized representative. Any significant change to the approved site plan or elevations that affects the physical character of the building(s) and/or the site, in the absence of an approved amended site plan reflecting said changes, shall cause the certificate of occupancy to be withheld until such change is approved by the Planning Board. The Planning Director shall determine the significance of any such change.
- E. F. Expiration. Site plan approval shall remain in effect for 36 months. In the event that the applicant has not obtained a valid building permit within said thirty-six-month period, the Board approving the site plan may grant one twelve-month extension of site plan approval, upon the request of the applicant made at least 30 days prior to the expiration of the original thirty-six-

month period. This section shall also apply to site plans which have been approved but which have not obtained a building permit prior to the date of adoption of this section.

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

- (1) It shall be unlawful for any person, firm or corporation to construct, alter, ~~repair~~, move, remove, demolish, equip, use, occupy or maintain any real property, ~~building~~ or structure or portion thereof in violation of the approved site plan.
- (2) For any and every violation of the approved site plan, the owner or general ~~agent~~ of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation of approved site plan has been committed or shall exist, and any builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in any such violation of an approved site plan, shall, upon conviction thereof, be liable to a fine or penalty not exceeding \$ 1,000 for each and every violation. Each day that such violation continues shall constitute a separate and distinct violation of the approved site plan.

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

Dated: Riverhead, New York
December 18, 2007

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

BARBARA GRATTAN, Town Clerk

12/18/07

TOWN OF RIVERHEAD

Adopted

Resolution # 1173

**ADOPTS A LOCAL LAW FOR THE ADDITION OF CHAPTER 110 ENTITLED,
"STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL
REGULATIONS" OF THE RIVERHEAD TOWN CODE**

COUNCILWOMAN BLASS

_____ 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 for the addition of Chapter 110 entitled, "Stormwater Management and Erosion and Sediment Control Regulations" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 4th day of December, 2007 at 2:05 o'clock p.m. at 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the local law adding Chapter 110 entitled, " Stormwater Management and Erosion and Sediment Control Regulations " of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk 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, all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and if needed, a certified copy of same may be obtained from the Office of the Town Clerk..

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law adding Chapter 110 entitled, "Stormwater Management and Erosion and Sediment Control Regulations "of the Riverhead Town Code at its regular meeting held on December 18, 2007. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

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

Dated: Riverhead, New York
December 18, 2007

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

BARBARA GRATTAN, Town Clerk

DUNLEAVY YES ___ NO BARTUNEK YES ___ NO
BLASS YES ___ NO DENSIESKI YES ___ NO
CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED

Chapter 110
Stormwater Management and
Erosion and Sediment Control

A code provision to amend the code of the Town of Riverhead to adopt regulations governing stormwater management, and erosion and sediment control.

§110-1. General Provisions.

Findings of Fact

It has been determined that:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- B. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- D. Lack of or improper design and/or construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- F. Substantial economic losses can result from these adverse impacts on the waters of the State;
- G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
- I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of non-point source pollution, erosion and sedimentation from development.

§110-2. Definitions.

The terms used in this chapter or in documents prepared or reviewed under this chapter shall have the meaning as set forth in this section.

Agricultural Activity - the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

Applicant - a property owner or agent of a property owner who has filed an application for a land development or redevelopment activity.

Building - any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

Clearing - any activity that removes the vegetative surface cover.

Dedication - the deliberate appropriation of property by its owner for general public use.

Department - the New York State Department of Environmental Conservation.

Design Manual - the *New York State Stormwater Management Design Manual*, most recent version including applicable updates, which serves as the official guide for stormwater management principles, methods and practices.

Developer - a person who undertakes land development activities.

EPA - Environmental Protection Agency.

Erosion - The removal of soil particles by the action of water, wind, ice or other geological agents.

Erosion Control Manual - the most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book."

Grading - excavation or fill of material, including the resulting conditions thereof.

Impervious Cover - those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Infiltration - the process of percolating stormwater into the subsoil.

Land Development/Redevelopment Activity - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development or redevelopment activities may take place at different times on different schedules.

Landowner - the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Licensed/Certified Professional - A person currently licensed to practice engineering in New York State (PE) or a Certified Professional in Erosion and Sediment Control (CPESC), or a Certified Professional in Stormwater Quality (CPSWO).

Maintenance Agreement - a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

Municipal Separate Storm Sewer System (MS4) - A conveyance or system of conveyances and retention and infiltration facilities; (including roads with drainage systems, curbs and gutters on municipal streets, manholes, catch basins, ditches, man-made channels, or storm drains, stormwater basins, drainage reserve areas, drywells or any other component of a stormwater system) that is:

1. Owned or operated by the Town or another municipal entity;
2. Designed or used for collecting and/or conveying and/or storing and/or infiltrating and/or managing stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

NYSDEC - New York State Department of Environmental Conservation.

Nonpoint Source Pollution - pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Phasing - clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

Planning Board - the Planning Board of the Town of Riverhead.

Pollutant of Concern - sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

Project - land development or redevelopment activity.

Recharge - the replenishment of underground water reserves.

Sediment Control - measures that prevent eroded sediment from leaving the site.

Silvicultural Activity - the activity related to the establishment, growth, composition and quality of forest vegetation.

SPDES General Permit for Construction Activities GP-02-01 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems GP-02-02 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA and/or NYSDEC established water quality standards and/or to specify stormwater control standards

Stabilization - the use of practices that prevent exposed soil from eroding.

Stop Work Order - an order issued which requires that all construction activity on a site be stopped.

Stormwater - Rainwater; or surface runoff and/or subsurface drainage due to rain, snow, or other precipitation or a combination thereof.

Stormwater Management - the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

Stormwater Management Facility - one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

Stormwater Management Officer (SMO) - the Town Engineer of the Town of Riverhead (or the person serving in the capacity of the Town Engineer) or his/her authorized deputies, agents or representatives, including employees of other Town Departments as appropriate. The SMO is designated by the Town to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

Stormwater Management Practices (SMPs) - measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

Stormwater Pollution Prevention Plan (SWPPP) - Stormwater Pollution Prevention Plan. SWPPPs formalize the design of stormwater management measures for each site. The SWPPP has two parts: an erosion and sediment control plan and a post-construction stormwater control plan. The erosion and sediment control plan, required for all regulated construction activities, lays out the nature, placement and capacity of runoff control measures to be used during construction. Where permanent measures are necessary to manage stormwater runoff after construction is completed, a post-construction stormwater control plan is also required, setting forth engineering details, construction schedules and responsibility for ongoing operation and maintenance of permanent stormwater management measures.

Stormwater Runoff - flow on the surface of the ground, resulting from precipitation.

Stream Channel - a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water (see also Watercourse, Waterway).

Surface Waters of the State of New York - lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

Town - The Town of Riverhead.

Town Engineer - The Town Engineer of the Town of Riverhead, or his/her authorized deputies, agents, or representatives.

Watercourse - a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water (see also Stream Channel, Waterway).

Waterway - a channel that directs surface runoff to a watercourse or to the public storm drain (see also Stream Channel, Watercourse).

Wetland - an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§110-3. Purpose.

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within the Town and to address the findings of fact in Section 1 hereof. This chapter seeks to meet those purposes by achieving the following objectives:

- A.** Meet the requirements of minimum measures 4 and 5 of New York State's SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s), Permit No. GP-02-02 or as amended or revised;
- B.** Require land development and redevelopment activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;
- C.** Minimize increases in stormwater runoff from land development and redevelopment activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels, watercourses, and waterways;
- D.** Minimize increases in non-point source pollution caused by stormwater runoff from land development and redevelopment activities which would otherwise degrade local water quality;
- E.** Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development and redevelopment to the maximum extent practicable; and
- F.** Utilize stormwater management practices to achieve the objectives outlined above, and ensure that these practices are properly maintained and eliminate threats to public safety.

§110-4. Applicability.

- A.** This code shall be applicable to all land development and redevelopment activities as defined

in Section 2 of this chapter.

- B.** The Town shall designate a Stormwater Management Officer (SMO) who shall accept and review all Stormwater Pollution Prevention Plans (SWPPPs) and forward such plans to the Town Board or the Town Planning Board, as applicable. The Stormwater Management Officer may (1) review the SWPPP, (2) upon approval by the Town Board of the Town of Riverhead, engage the services of a licensed/certified professional to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this chapter and all other relevant and applicable requirements.
- C.** Notwithstanding the mechanism of review chosen, the SMO shall have the authority under this chapter to inspect the progress of land development and redevelopment activities subject to the provisions of this chapter with regard to conformance with the approved SWPPP. Should the project be found to be in non-compliance with the approved SWPPP, the SMO shall have the authority to halt construction activities until corrective measures are taken to bring the project into compliance.
- D.** All land development or redevelopment activities subject to review and approval by the Planning Board of the Town of Riverhead under subdivision, site plan and/or special permit regulations shall be reviewed subject to the standards contained in this chapter.
- E.** All land development activities subject to review as stated in Section 4 of this chapter shall be required to submit a SWPPP to the SMO, who shall review the SWPPP and grant approval if it complies with the requirements of this chapter.

§110-5. Exemptions.

The following activities are exempt from review under this chapter.

- A.** Agricultural activity as defined in this chapter.
- B.** Silvicultural activity except that landing areas and log haul roads are subject to this law.
- C.** Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- D.** Repairs to any stormwater management practice or facility receiving the written approval of the Stormwater Management Officer.
- E.** Any part of a subdivision if a plat for the subdivision has been approved by the Town on or before the effective date of this chapter.
- F.** Land development or redevelopment activities for which a building permit has been approved on or before the effective date of this chapter.
- G.** Cemetery graves.
- H.** Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.

- I.** Emergency activity immediately necessary to protect life, property or natural resources.
- J.** Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
- K.** Landscaping and horticultural activities in connection with an existing structure.

§110-6. Stormwater Pollution Prevention Plans.

A. Stormwater Pollution Prevention Plan Requirement

No application for approval of a land development or redevelopment activity shall be approved until the SMO has received, reviewed, and accepted a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this chapter.

B. Contents of Stormwater Pollution Prevention Plans

- 1. All SWPPPs shall provide, at a minimum, the following:**
 - a. Background information about the scope of the project, including location, type and size of project;**
 - b. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show:**
 - the total site area**
 - all improvements**
 - areas of disturbance**
 - areas that will not be disturbed**
 - existing vegetation**
 - on-site and adjacent off-site surface water(s)**
 - wetlands and drainage patterns that could be affected by the construction activity**
 - existing and final slopes**
 - locations of off-site material, waste, borrow or equipment storage areas**
 - and location(s) of the stormwater discharges(s)**
 - The site map should be at a scale no smaller than 1"=100'**
 - c. Description(s) of the United States Department of Agriculture National Resources Conservation Service soil type(s) present at the site, and a plan showing the boundaries between soil types on the site, if applicable. These boundaries may be included on the site plan, if clearly labeled;**
 - d. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless said disturbance phasing is shown**

and described on an approved SWPPP;

- e. Descriptions, physical locations, and construction details of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
- f. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response. Proposed locations and approximate quantities of stockpiles of these materials shall also be delineated on the SWPPP;
- g. Descriptions, physical locations, and construction details of the temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
- h. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
- i. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
- j. Descriptions, locations, and details of temporary practices that will be converted to permanent control measures;
- k. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
- l. Maintenance schedule to ensure continuous and effective operation of all temporary and permanent erosion and sediment control practices;
- m. Name(s) of the receiving water(s) and location/proximity to the project site;
- n. Delineation of SWPPP implementation responsibilities for each part of the site;
- o. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
- p. Any existing data that describes the stormwater runoff at the site.

2. Land development or redevelopment activities as defined in Section 2 of this Chapter and meeting Condition "A", "B" or "C" below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in sub-section 3 below as applicable;

Condition A - Stormwater runoff from land development or redevelopment activities discharging a pollutant of concern to either an impaired water identified on the Department's most current 303(d) list of impaired waters or a Total Maximum Daily

Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B - Stormwater runoff from land development or redevelopment activities disturbing five (5) or more acres.

Condition C - Stormwater runoff from land development or redevelopment activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

3. SWPPP Requirements for Condition A, B and C:

- a. All information in sub-section B. 1. of this section;
- b. Description of each post-construction stormwater management practice;
- c. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
- d. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
- e. Comparison of post-development stormwater runoff conditions with pre-development conditions;
- f. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
- g. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
- h. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
- i. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Section 9 of this Chapter; and
- j. For Condition A, the SWPPP shall be prepared by a registered landscape architect (RLA), certified professional in stormwater quality (CPSWQ), certified professional in erosion and sediment control (CPESC), or a professional engineer (PE) and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this chapter and all other applicable and relevant requirements.

C. Other Environmental Permits

The applicant shall ensure that all other applicable environmental permits have been or will be acquired for the land development or redevelopment activity prior to approval of the final SWPPP.

D. Contractor Certification

1. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development or redevelopment activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
2. The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
3. The certification statement(s) shall become part of the SWPPP for the land development activity.

E. A copy of the SWPPP shall be retained at the site of the land development or redevelopment activity during construction from the date of initiation of construction activities to the date of final stabilization.

§110-7. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control.

All land development or redevelopment activities shall be subject to the following performance and design criteria:

A. Technical Standards

For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater Management Practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:

1. The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)
2. New York State Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2005, most current version or its successor, hereafter referred to as the Erosion Control Manual).

B. Equivalence to Technical Standards

Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Section 7. A. of this chapter and the SWPPP shall be prepared by a licensed professional.

C. Water Quality Standards

Any land development or redevelopment activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of

New York.

§110-8. Maintenance, Inspection and Repair of Stormwater Facilities.

A. Maintenance and Inspection during Construction

1. The applicant or developer of the land development or redevelopment activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
2. For land development or redevelopment activities as defined in Section 6 of this chapter and meeting Condition A, B or C in section 6. B. 2. of this Chapter, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book. The site shall be subject to random inspections by the SMO or his/her representative, in order to ensure that the requirements of the approved SWPPP and/or this code are being satisfied.
3. The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and report/document any and all malfunctions of erosion and sediment control and pollution prevention practices.

B. Maintenance Easement(s)

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the Suffolk County Clerk after approval by the counsel for the Town.

C. Maintenance after Construction

The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes as a minimum, the following:

1. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.
2. Written procedures for operation and maintenance and training new maintenance

personnel.

3. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with section 7. C. of this chapter.

D. Maintenance Agreements

The Town shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the Suffolk County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this chapter entitled Sample Stormwater Control Facility Maintenance Agreement.

§110-9. Construction Inspection.

A. Erosion and Sediment Control Inspection

The Town's SMO may require such inspections as deemed necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the SWPPP as approved. To obtain inspections, the applicant shall notify the SMO at least 48 hours before any of the following actions are taken on any planned phase of the project:

1. Installation of sediment and erosion control measures prior to commencement of construction activities
2. Completion of site clearing
3. Completion of rough grading
4. Completion of final grading
5. Close of the construction season
6. Completion of final landscaping
7. Successful establishment of landscaping in public areas.

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the SMO.

B. Stormwater Management Practice Inspections

The SMO is responsible for conducting inspections of stormwater management practices (SMPs). Inspections may be performed by Town staff or the Town's SMO may designate a certified/licensed professional to act as the inspector. The designated inspector is required to submit copies of the weekly/storm event inspection reports to the SMO.

C. Inspection of Stormwater Facilities After Project Completion

Inspection programs shall be established on any reasonable basis, including but not limited

to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NYSDEC SPDES General Permit 02-02; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater facilities; and evaluating the condition of stormwater facilities and stormwater management practices.

D. Submission of Reports

The SMO may require monitoring and reporting from entities subject to this chapter as is necessary to determine compliance with this chapter.

All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plans must show the final construction layout for all stormwater management facilities. The plans must also clearly display any alterations made to the original approved construction details, sections, and/or plan layout. The as-built plans must be certified by a professional engineer.

E. Right-of-Entry for Inspection

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the MS4, the landowner shall grant to the Town the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in section 9. C.

§110-10. Performance Guarantee.

A. Construction Completion Guarantee

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town in its approval of the Stormwater Pollution Prevention Plan, the Town may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town as the beneficiary. The security shall be in an amount to be determined by the Town based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Town. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

B. Maintenance Guarantee

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities, both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

C. Recordkeeping

The Town may require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

§110-11. Enforcement and Penalties.

A. Notice of Violation

When the Town determines that a land development or redevelopment activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

1. the name and address of the landowner, developer or applicant;
2. the address when available or a description of the building, structure or land upon which the violation is occurring;
3. a statement specifying the nature of the violation;
4. a description of the remedial measures necessary to bring the land development or redevelopment activity into compliance with this chapter and a time schedule for the completion of such remedial action;
5. a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
6. a statement that the determination of violation may be appealed to the Town by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

B. Stop Work Orders

The SMO may issue a stop work order for violations of this chapter. Persons receiving a stop work order shall be required to halt all land development or redevelopment activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the SMO confirms that the land development or redevelopment activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local code.

C. Violations

Any land development or redevelopment activity that is commenced or is conducted contrary to this chapter, may be restrained by injunction or otherwise abated in a manner provided by law.

D. Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than one thousand dollars nor more than two thousand five hundred dollars (\$2,500) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than two thousand five hundred dollars nor more than five thousand dollars (\$5,000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each day's continued violation shall constitute a separate additional violation.

E. Appeal of Notice of Violation

Any person receiving a Notice of Violation may appeal within 15 calendar days of its issuance. The SMO shall hear the appeal within 30 days after the filing of the appeal, and within 5 days of making his/her decision, issue a decision by certified mail to the discharger. The SMO may conduct the hearing and take evidence or may designate any officer or employee of the Town to do so.

F. Corrective Measures After Appeal

1. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 business days of the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
2. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the property owner.

G. Injunctive Relief

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this code, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

H. Withholding of Certificate of Occupancy

If any building or land development or redevelopment activity is installed or conducted in violation of this chapter the SMO may prevent the occupancy of said building or land.

I. Restoration of lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§110-12. Fees for Services.

The Town may require any person undertaking land development or redevelopment activities regulated by this chapter to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Town or performed by a third party at the direction of the Town.

§110-13. Severability and effective date.

A. Severability

If the provisions of any chapter, section, subsection, paragraph, subdivision or clause of this code shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any chapter, section, subsection, paragraph, subdivision or clause of this chapter.

B. Effective Date

This chapter shall be effective upon filing with the office of the Secretary of State.

* Underscore represents addition(s)

Schedule A

Stormwater Management Practices Acceptable for Water Quality <i>(From: New York State Stormwater Management Design Manual, Table 5.1)</i>		
Group	Practice	Description
Pond	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
Wetland	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Infiltration	Infiltration Trench (I-1)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
	Dry Well (I-3)	An infiltration practice similar in design to the infiltration trench and best suited for treatment of rooftop runoff.
Filtering Practices	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F-2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
Open Channels	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

Schedule B

SAMPLE STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT

Whereas, the Town of Riverhead ("Town") and the _____ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Town for the below named project, and

Whereas, the Town and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Town and the facility owner agree as follows:

1. This agreement binds the Town and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Town within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Town.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Town or in accordance with the recommendations of the inspecting engineer.
7. The facility owner shall provide to the Town within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit or escrow account).
8. This agreement shall be recorded in the Office of the Suffolk County Clerk, together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to _____.
9. If ever the Town determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Town or by the inspecting engineer, the Town is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.
10. This agreement is effective _____

12/18/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1174

**ADOPTS A LOCAL LAW FOR THE ADDITION OF CHAPTER 109 ENTITLED
"PROHIBITION OF ILLICIT DISCHARGES AND CONNECTIONS TO THE TOWN
OF RIVERHEAD MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)" OF
THE RIVERHEAD TOWN CODE**

COUNCILMAN DUNLEAVY

_____ 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 for the addition of Chapter 109 entitled, "Prohibition of Illicit Discharges and Connections to the Town of Riverhead Municipal Separate Storm Sewer System (MS4)" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 4th day of December, 2007 at 2:10 o'clock p.m. at 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the local law adding Chapter 109 entitled, " Prohibition of Illicit Discharges and Connections to the Town of Riverhead Municipal Separate Storm Sewer System (MS4)" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk 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, all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law adding Chapter 109 entitled, "Prohibition of Illicit Discharges and Connections to the Town of Riverhead Municipal Separate Storm Sewer System (MS4)" of the Riverhead Town Code at its regular meeting held on December 18, 2007. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

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

Dated: Riverhead, New York
December 18, 2007

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

BARBARA GRATTAN, Town Clerk

DUNLEAVY YES ___ NO BARTUNEK YES ___ NO
BLASS YES ___ NO DENSIESKI YES ___ NO
CARDINALE YES ___ NO
THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED

Chapter 109
Prohibition of Illicit Discharges and Connections to the Town of Riverhead Municipal
Separate Storm Sewer System (MS4)

REGULATIONS REGARDING THE USE OF THE TOWN OF RIVERHEAD MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4), THE DIRECT OR INDIRECT CONNECTION TO THE TOWN'S MS4, THE DISCHARGE OF WATER AND POLLUTANTS INTO THE TOWN'S MS4, THE TOWN'S DISCHARGE INTO OTHER MS4s AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

§109-1. Legislative Intent.

- A. The purpose of this chapter is to provide for the health, safety and general welfare of the residents of the Town of Riverhead through the regulation of connections to the Town's municipal separate storm sewer system (MS4) and the regulation of non-stormwater discharges to the (MS4) to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the New York State Department of Environmental Conservation's (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit (GP-02-02) for Municipal Separate Storm Sewer Systems. The objectives of this chapter are:
1. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02 or as amended or revised;
 2. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
 3. To prohibit unauthorized and illicit connections, activities and discharges to the MS4;
 4. To establish legal authority to implement all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter; and
 5. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

§109-2. Definitions.

Whenever used in this chapter, unless a different meaning is stated in a definition applicable to only a portion of this chapter, the following terms will have meanings set forth below:

BEST MANAGEMENT PRACTICES (BMPs) - Schedules of activities, prohibitions of practices,

general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT - The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CODE - Code of the Town of Riverhead, New York.

CONNECTION PERMIT - An authorization for connection as well as a discharge permitted under Section 13 of this chapter, as well as a discharge authorized under a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the NYSDEC. This permit is subject to special terms and conditions by the SMO. The permit will expire on or before the expiration of the NYSDEC SPDES permit, waiver or order or upon change of ownership or use of the property.

CONSTRUCTION ACTIVITY - Activities requiring authorization under a NYSDEC SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised, or activities covered by Erosion and Sediment Control or Pollution Prevention Plan laws, ordinances or regulations of the Town. These activities include construction projects resulting in land disturbance equal to or greater than the area stipulated in statutes or regulations of the State, County or the Town, whichever is most restrictive. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

COUNTY - The County of Suffolk.

GENERAL PERMIT - An authorization for the connection as well as the discharge of stormwater or authorized non-stormwater (per Section 6. A. of this Chapter), from properties occupied by private dwellings.

HAZARDOUS MATERIALS - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT ACTIVITY - Any action or condition, active or passive, that results in non-stormwater discharges entering the Town's MS4.

ILLICIT CONNECTION - Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4 including, but not limited to:

1. Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater and wash water to enter the MS4, and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by an authorized enforcement agency; or
2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency;
3. Any building or structure floor drain or trench drain; and
4. Any unauthorized connection as defined elsewhere in this section.

ILLCIT DISCHARGE - Any discharge through an unauthorized connection, and any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 6 of this chapter.

INDIVIDUAL SEWAGE TREATMENT SYSTEM - A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.

INDUSTRIAL ACTIVITY - Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

LICENSED/CERTIFIED PROFESSIONAL - New York State licensed professional engineer or licensed architect.

MS4 - Municipal Separate Storm Sewer System owned by the Town or another municipal entity.

MUNICIPAL SEPARATE STORM SEWER SYSTEM - A conveyance or system of conveyances and retention and infiltration facilities: (including roads with drainage systems, curbs and gutters on municipal streets, manholes, catch basins, ditches, man-made channels, or storm drains, stormwater basins, drainage reserve areas, drywells or any other component of a stormwater system) that is:

1. Owned or operated by the Town or another municipal entity;
2. Designed or used for collecting and/or conveying and/or storing and/or infiltrating and/or managing stormwater; and
3. Which is not a combined sewer; and

4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

MUNICIPALITY - A County, Town, Village or other unit of government.

NON-STORMWATER DISCHARGE - Any discharge to the MS4 that is not composed entirely of stormwater.

NYSDEC - The New York State Department of Environmental Conservation

OFFICE OF THE TOWN ENGINEER - Office of the Town Engineer of the Town of Riverhead.

PERSON - Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to, dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, hazardous materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards. Also, paints, varnishes, and solvents; oil and other automotive fluids; hazardous or nonhazardous liquid and solid wastes, yard wastes including branches, grass clippings and leaves; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations so that same may cause or contribute to pollution; and discharges of soaps, detergents, or floatables; pesticides, herbicides, and fertilizers; sewage, fecal coliforms and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building, structure or site improvements; cement, gravel, sand, silt, mud, other soils, and noxious or offensive matter of any kind.

PREMISES - Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

SPECIAL CONDITIONS -

1. Discharge Compliance with Water Quality Standards. The condition that applies where an MS4 has been notified that the discharge of stormwater authorized under their MS4 SPDES permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the MS4 must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
2. Federal Clean Water Act section 303(d) Listed Waters. The condition in an MS4 SPDES permit that applies where the MS4 discharges to a NYSDEC 303(d) listed

water. Under this condition the MS4's stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

3. Total Maximum Daily Load (TMDL) Strategy. The condition in an MS4 SPDES permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the MS4 was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
4. The condition in an MS4 permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges. Under this condition the MS4 must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the MS4 must, within 6 months of the TMDLs approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

SPECIAL PERMIT - An authorization for the connection as well as the discharge of stormwater or authorized non-stormwater (per Section 6 of this chapter), from all properties occupied by other than private dwellings.

STATE - State of New York.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT - A permit issued by the NYSDEC that authorizes the discharge of pollutants to waters of the State.

STORMWATER - Rainwater, or surface runoff and/or subsurface drainage due to rain, snow, or other precipitation or a combination thereof.

STORMWATER MANAGEMENT OFFICER (SMO) - The Town Engineer of the Town of Riverhead (or the person serving in the capacity of the Town Engineer) or his/her authorized deputies, agents or representatives, including employees of other Town Departments, as appropriate.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)- SWPPPs formalize the design of stormwater management measures for each site. The SWPPP has two parts: an erosion and sediment control plan and a post-construction stormwater control plan. The erosion and sediment control plan, required for all regulated construction activities, lays out the nature, placement and capacity of runoff control measures to be used during construction. Where permanent measures are necessary to manage stormwater runoff after construction is completed, a post-construction stormwater control plan is also required, setting forth engineering details, construction schedules and responsibility for ongoing operation and maintenance of permanent

stormwater management measures.

303(D) LIST - A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the NYSDEC as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next 2 years.

TMDL - Total Maximum Daily Load.

TOTAL MAXIMUM DAILY LOAD - The maximum amount of a pollutant allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.

TOWN - The Town of Riverhead.

TOWN ENGINEER - The Town Engineer of the Town of Riverhead, or his/her authorized deputies, agents, or representatives.

UNAUTHORIZED CONNECTION - A permanent or temporary unapproved direct or indirect conveyance to the Town's MS4. Any connection, pipe, hose, swale, or other conveyance underground or above ground that is not documented on plans, maps, or equivalent records approved by the Town Engineer or other jurisdictionally appropriate agency, or that is not approved by a permit issued by the Town Engineer or other jurisdictionally appropriate agency, is considered unauthorized regardless of whether the discharge is otherwise allowed by this chapter.

UNCONTAMINATED - Means "free of pollutants" or containing pollutants within acceptable limits as defined by the governing regulatory code. (See definition of Pollutant).

WASTEWATER - Water that is not stormwater, and that is adversely affected in quality by anthropogenic influence. This includes, but is not limited to discharges resulting from residential, commercial, industrial, and agricultural water usage.

§109-3. Applicability.

This chapter shall apply to discharged connections to the Town's MS4. This includes activities that result in discharge, seepage or deposition into the Town's MS4, and all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency and allowed by a discharge or connection permit or other document approved by the jurisdictionally appropriate agency. This chapter shall also apply to discharges and connections entering via another MS4 that is tributary to the Town's MS4.

§109-4. Responsibility for Administration.

The Town Engineer of the Town of Riverhead, or duly authorized deputies, agents or representatives

is designated as the Stormwater Management Officer (SMO). The Town Engineer, duly authorized deputies, agents or representatives or employees of other Riverhead town departments, as appropriate, shall administer, implement, and enforce the provisions of this chapter.

§109-5. Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

§109-6. Discharge Prohibitions.

A. Prohibition of Illicit Discharges. No person shall discharge or cause to be discharged into the Town's MS4 any materials other than stormwater except as provided in subsection A. 1. The commencement, conduct or continuance of any illicit (illegal) discharge to the MS4 is prohibited except as described as follows:

- 1. The following discharges are exempt from discharge prohibitions established by this chapter, unless they are subsequently determined to be substantial contributors of pollutants: water line flushing or other potable water sources, uncontaminated landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, uncontaminated crawl space or basement sump pump discharges, air conditioning condensate, uncontaminated irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.**
- 2. Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws, codes and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this chapter.**
- 3. Dye testing in compliance with applicable state and local laws or codes is an allowable discharge, but requires a written notification to the SMO prior to the time of the test.**
- 4. The prohibition shall not apply to any discharge permitted under a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the NYSDEC, provided that the discharger is in full compliance with all**

requirements of the permit, waiver, or order and other applicable laws, codes and regulations, and provided that written approval has been granted for any discharge to the MS4 by the SMO.

§109-7. Prohibition of Unauthorized Connections.

A. Connections to the Town's MS4 without a permit are prohibited.

1. Any connection to the Town's MS4 is considered to be an unauthorized connection unless it has been approved by a permit issued by the SMO or documented on a plan, or map that has been approved by the SMO. This constraint applies to all connections, permanent or temporary, regardless of whether the discharge is otherwise permitted by this chapter.
2. The construction, use, maintenance or continued existence of unauthorized connections to the Town's MS4 is prohibited.
3. This prohibition expressly includes, without limitation, connections made in the past, regardless of whether the connection was permissible under law, code or practices applicable or prevailing at the time of connection.
4. A person is considered to be in violation if a connection is made from his/her property to the Town's MS4 that is not authorized, or allows such a connection to continue.
5. The connection of interior floor, trench, or roof drains to the MS4 at the entrances to buildings or other structures is prohibited.

B. Remedy Unauthorized Connections. Where the SMO has identified an unauthorized connection as defined in subsection A. 2. of this section, the SMO may require that a proper permit be obtained or that the connection be removed at the property owner's expense.

§109-8. Prohibition Against Failing Individual Sewage Treatment Systems.

No persons shall operate a failing individual sewage treatment system in areas tributary to the Town's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

- A. The backup of sewage into a structure.
- B. Discharges of treated or untreated sewage onto the ground surface.
- C. A connection or connections to the Town's MS4.
- D. Liquid level in the septic tank above the outlet invert.

- E. Structural failure of any components of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- F. Contamination of off-site groundwater.

§109-9. Prohibition Against Activities Contaminating Stormwater or Maintaining or Using an Unauthorized Connection to the Town's MS4.

- A. Activities that are subject to the requirements of this chapter are those types of activities that:
 - 1. Cause or contribute to a violation of the Town's MS4 SPDES permit.
 - 2. Cause or contribute to the Town being subject to the Special Conditions as defined in Section 2 of this chapter.
 - 3. Cause or contribute to the Town's MS4 receiving pollutants as defined in Section 2 of this chapter.
 - 4. Cause or contribute to the Town's MS4 receiving discharges from an undocumented or unauthorized connection (whether permanent or temporary).
- B. Such activities include failing individual sewage treatment systems as defined in Section 8 of this chapter, improper management of pet waste or any other activity that causes or contributes to violations of the Town's MS4 SPDES permit authorization.
- C. Upon notification to a person that he or she is engaging or has engaged in activities that cause or contribute to violations of the Town's MS4 SPDES permit authorization or cause or contribute to pollutants being discharged to the Town's MS4, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the Town's MS4 SPDES permit authorization, or causes or contributes to pollutants to be discharged or deposited into the Town's MS4.

§109-10. Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices.

- A. Best Management Practices. Where the SMO has identified illicit discharges as defined in Section 2 of this chapter or activities contaminating stormwater as defined in Section 9 of this chapter, the SMO may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.
 - 1. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials, pollutants or other wastes into the MS4 through the use of structural and non-structural BMPs.

2. Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in Section 2 of this chapter or an activity contaminating stormwater as defined in Section 9 of this chapter, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
3. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section.

B. Individual Sewage Treatment Systems. Response to Special Conditions Requiring No Increase of Pollutants or Requiring a Reduction of Pollutants:

Where individual sewage treatment systems are contributing to the Town's MS4 being subject to the Special Conditions as defined in Section 2 of this chapter, the owner or operator of such individual sewage treatment systems shall be required to:

1. Maintain and operate individual sewage treatment systems as follows:
 - a. Have the septic tank professionally inspected annually to determine scum and sludge accumulation. A copy of the inspection report(s) shall be submitted to the SMO for review and determination of appropriate maintenance or remediation actions to be performed. These actions include, at a minimum:
 - b. Septic tanks must be pumped out whenever the bottom of the scum layer is within 3 inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee.
 - c. Avoid the use of septic tank additives.
 - d. Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes and household chemicals into the septic system; and
 - e. Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items into the septic system.
2. Repair or replace individual sewage treatment systems as follows:
 - a. In accordance with 10 NYCRR Appendix 75A to the maximum extent practicable.
 - b. A design professional licensed and qualified to practice in New York State shall prepare design plans for any type of absorption field that involves:
 - i) Relocating or extending an absorption area to a location not

previously approved for such.

ii) Installation of a new subsurface treatment system at the same location.

iii) Use of alternate system or innovative system design or technology.

c. A written certificate of compliance shall be submitted by the design professional to the SMO at the completion of construction of the repair or replacement system.

§109-11. Suspension of Access to MS4.

A. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize hazardous conditions which may adversely affect the health, safety, welfare, and property of residents of the Town.

B. Suspension due to the detection of illicit discharge or unauthorized connection. Any person discharging to the Town's MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge or result in the remedy of an unauthorized connection. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefore. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence, or that the discharger has obtained proper permission for the connection. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur or the unauthorized connection has not been sufficiently remedied. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMO.

§109-12. Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the SMO prior to the allowing of discharges to the MS4.

§109-13. Connection Permits.

A. General. Any connection to the Town's MS4 requires a permit issued by the SMO.

Applications for permits shall be made on forms provided by the SMO. Permit applications shall be supplemented by any plans, specifications, analyses, calculations or other information considered pertinent by the SMO. The Town considers connection to its MS4 as a last resort to solve flooding problems. Before approving a connection, the Town will require that applicants use on-site best management practices to detain and remediate stormwater and other authorized non-stormwater discharges to the maximum extent practicable. The SMO will assess the adequacy of the applicant's on-site stormwater management practices.

B. Permit Types.

1. General Permit. An authorization for the connection as well as the discharge of stormwater or authorized non-stormwater discharge (per subsection 6. A. of this chapter), from properties occupied by private dwellings.
2. Connection Permit. An authorization for connection as well as discharge authorized under Section 13 of this chapter, as well as for a discharge permitted under a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the NYSDEC. This permit is subject to special terms and conditions by the Town Engineer. The permit will expire on or before the expiration of the NYSDEC SPDES permit, waiver or order or upon change of ownership or use of the property.
3. Special Permit. An authorization for the connection as well as the discharge of stormwater or authorized non-stormwater discharge (per subsection 6. A. of this chapter), from all properties occupied by other than private dwellings.

C. Permit Fees. The following fee schedule:

1. <u>General Permit:</u>	<u>Application and Filing Fee:</u>	<u>\$25.00</u>
	<u>Inspection Fee:</u>	<u>None</u>
2. <u>Connection Permit:</u>	<u>Application and Filing Fee:</u>	<u>\$250.00</u>
	<u>Inspection Fee:</u>	<u>\$500.00</u>
3. <u>Special Permit:</u>	<u>Application and Filing Fee:</u>	<u>\$250.00</u>
	<u>Inspection Fee:</u>	<u>\$500.00</u>

D. Inspection. All connections to the Town's MS4 shall be subject to the approval and inspection by the SMO and/or other appropriate agency as deemed necessary by the SMO. The applicant must notify the SMO at least 48 hours prior to commencing work and at least 48 hours prior to final restoration so that the inspection can be scheduled.

E. Indemnification. The property owner shall indemnify and save the Town harmless from any loss, damage or expense, claims or suits arising out of and in conjunction with the

installation and connection to the Town's MS4. In addition, the Town makes no guarantee that its MS4 will not become surcharged or otherwise overburdened and that water from the MS4 will not back-up through the connection onto the owner's property. By making a connection, the applicant/owner assumes all of the risk and liability that may arise from it.

- F. Permit Transfers. General permits may be transferred with the sale of a residential property, provided the use does not change. The new property owner shall comply with the terms and conditions of the transferred permit. Special permits are not transferable without approval of the SMO.
- G. Work within Public Roads. Any connection made within or involving work within a public road will also comply and be subject to any and all applicable codes and regulations pertaining to permits for work on and within public streets and roads. A permit under this chapter does not relieve the applicant from the permits under the foregoing codes and regulations.
- H. Other Permits Required. A connection permit issued pursuant to this chapter does not relieve the applicant from any and all other permits, permissions, or compliance with rules and regulations that may be required by Federal, State, County, Town, and Village government agencies or other public or private parties. This permit does not supersede any of the above.
- I. Permit Rules and Regulations. The SMO may promulgate rules and regulations for the permitting process within the constraints of this chapter.

§109-14. Access and Monitoring of Discharges.

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this chapter, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition that constitutes a violation of this chapter.
- B. Access to Facilities.
 - 1. The SMO shall be permitted to enter and inspect facilities public and private subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
 - 2. Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this chapter.
 - 3. The Town shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the Town Engineer to conduct monitoring

and/or sampling of the facility's stormwater or non-stormwater discharge.

4. The Town Engineer has the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater and non-stormwater flow and quality shall be calibrated to ensure their accuracy.
5. Unreasonable delays in allowing the Town access to a facility subject to this chapter are a violation of this chapter. A person who is the operator of a facility subject to this chapter commits an offense if the person denies the Town reasonable access to the facility for the purpose of conducting any activity authorized or required by this chapter.
6. If the SMO has been refused access to any part of the premises from which there exists a non-permitted stormwater or non-stormwater discharge to the MS4, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§109-15. Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the recovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the SMO in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the SMO within 3 business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained by the owner for at least 3 years.

§109-16. Enforcement.

A. Notice of Violation.

When the SMO finds that a person has violated a prohibition or failed to meet a requirement of this chapter or a permit issued pursuant to this chapter, he/she may order compliance by

written notice of violation to the responsible person. Such notice may require without limitation any or all of the actions listed below:

1. The elimination of illicit or unauthorized connections or discharges;
2. That violating discharges, practices, operations, activities, or connections shall cease and desist;
3. The abatement or remediation of stormwater pollution or contamination hazards and the restoration and/or remediation of any affected property;
4. The performance of monitoring, analyses, and reporting by a qualified professional;
5. Payment of a fine; and
6. The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

B. Penalties.

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding one-thousand dollars (\$1,000) or imprisonment for a period not to exceed 2 months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of 5 years, punishable by a fine not less than one-thousand dollars (\$1,000) nor more than two-thousand five-hundred dollars (\$2,500) or imprisonment for a period not to exceed 2 months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of 5 years, punishable by a fine not less than two-thousand five-hundred dollars (\$2,500) nor more than five thousand dollars (\$5,000) or imprisonment for a period not to exceed 2 months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each day's continued violation shall constitute a separate additional violation.

§109-17. Appeal of Notice of Violation.

Any person receiving a Notice of Violation may appeal within 15 calendar days of its issuance. The SMO shall hear the appeal within 30 days after the filing of the appeal, and within 5 days of making his/her decision, issue a decision by certified mail to the discharger. The SMO may conduct the hearing and take evidence or may designate any officer or employee of the Town to do so.

§109-18. Corrective Measures After Appeal.

- A.** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 business days of the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B.** If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the property owner.

§109-19. Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

§109-20. Alternative Remedies.

- A.** Where a person has violated a provision of this chapter, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Town Attorney and concurrence of the SMO, where:
1. The violation was unintentional.
 2. The violator has no history of previous violations of this chapter.
 3. Environmental damage was minimal.
 4. Violator acted quickly to remedy violation.
 5. Violator cooperated in investigation and resolution.
- B.** Alternative remedies may consist of one or more of the following:
1. Attendance at compliance workshops.
 2. Storm drain stenciling or storm drain marking.

3. River, stream or creek cleanup activities.
4. Other public service which is consistent with the objectives of the Town's Stormwater Management Program.

§109-21. Violations Deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§109-22. Remedies Not Exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

§109-23. Multiple Jurisdiction.

In the event that a discharge or connection constitutes a violation that is the responsibility of multiple MS4s, the violator may be subject to enforcement pursuant to any/all of the responsible MS4's illicit discharge code or other relevant rules and regulations.

§109-24. Adoption of Code.

This chapter shall be in full force and effect immediately upon adoption. All prior chapters and parts of chapters in conflict with this chapter are hereby repealed.

December 18th, 2007

Adopted

TOWN OF RIVERHEAD

Resolution # 1175

AMENDS RESOLUTION #854 OF 9/5/07 APPROVING THE SITE PLAN OF ISLAND INTERNATIONAL

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

WHEREAS, Town Board resolution #854 dated September 5th, 2007 approved the site plan of Island International for the construction of a 59,533.5 sq. ft. metal building for manufacturing and storage use, other related improvements, and restoration of cleared areas to meet the required 500,000 sq. ft. of area to remain natural in Calverton, New York, known and designated as Suffolk County Tax Map Number 0600-135-1-7.18 and lot #25 in the Calverton Camelot II subdivision; and

WHEREAS, the site plan approval was subject to conditions 1 to 26 including condition 22 which reads:

That a maintenance and monitoring plan addressing the weeding of invasive species, frequency and time of year of mowing of areas to be restored with native grasses if needed, minimum mowing height, two year survivability, and reseeding/replanting, deemed acceptable by the Riverhead Planning Department will be on file for the areas to be restored prior to the issuance of a clearing or building permit;

WHEREAS, the Town Board desires to predicate the issuance of the contemplated certificate of occupancy upon an acceptable maintenance and monitoring plan, now

THEREFORE BE IT

RESOLVED, that condition Number 22 of the site plan approval of Island International (Number 854 of 2007) be changed to read as follows:

That a maintenance and monitoring plan addressing the weeding of invasive species, frequency and time of year of mowing of areas to be restored with native grasses if needed, ~~minimum mowing height, two year survivability, and reseeding/replanting,~~ deemed acceptable by the Riverhead Planning Department will be on file for the areas to be restored prior to the issuance of a certificate of occupancy; and

BE IT FURTHER

RESOLVED, that the balance of Town Board resolution Number 854 of 2007 remain in full force and effect, and

BE IT FURTHER

RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to Tim Stevens, Island International, 4062 Grumman Blvd., Building #81, Calverton, NY 11933; the Riverhead Building Department; the Town's consulting engineer, the Town Attorney; the Town Clerk; the Water District; the Sewer District; the Fire Marshall; the Tax Assessor; and the Town's Consulting Engineer.

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**

12/18/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1176

AUTHORIZES THE RELEASE OF A BOND OF ELIZABETH STREBEL

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

WHEREAS, Elizabeth Strebel posted a security bond (Hartford Fire Insurance Company #12SBCW6461) in the amount of Six Thousand Six Hundred Twenty Nine Dollars (\$6,629) as noted in the approved site plan approval Resolution #676, dated June 3, 2003, for construction at East Main Street, Riverhead, New York, further described as Suffolk County Tax Map Number 0600 / 128.-6-78, pursuant to Section 108-133(I) of the Riverhead Town Code; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction and the satisfaction of the Planning Department, as per the approved site plan and a Certificate of Occupancy has been issued.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the security bond (#12SBCW6461) in the sum of Six Thousand Six Hundred Twenty Nine Dollars (\$6,629); and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Elizabeth Strebel, 264 Walden Court, East Moriches, New York 11940, and copies to the Building Department; the Accounting Department, the Town Clerk 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

12/18/07

Adopted

**AWARDS BID
CALVERTON ENTERPRISE PARK
RIVERHEAD WATER DISTRICT**

Resolution # 1177

Adopted _____

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

WHEREAS, this Town Board did authorize the advertisement for bids for the installation of water mains and appurtenances for the Calverton Enterprise Park, and

WHEREAS, the Town Clerk was authorized to advertise for such bids, and

WHEREAS, all bids received were opened and read aloud on the date and time advertised in the notice, and

WHEREAS, by letter dated December 12, 2007, H2M, consulting engineers to the Riverhead Water District did recommend that the bid be awarded to Roy Wanser, Inc. at a total bid price of \$655,400.00,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the installation of water mains and appurtenances at the Calverton Enterprise Park be and is hereby awarded to Roy Wanser, Inc. in the amount of \$655,400.00, and be it further

RESOLVED, that the town clerk forward certified copies of this

resolution to the above named contractor, Frank A. Isler, Esq., Riverhead Water District and the Accounting Department, and be it further

RESOLVED, that the Town Clerk is hereby authorized to return to all the unsuccessful original bidders their respective bid security, and be it further

RESOLVED, that upon completion of fully executed contracts and the filing of said contract with the town Clerk, the town clerk is hereby authorized to release to the successful bidder the bidder's bid security.

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

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

12/18/07

**AWARDS BID
ROUTE 58 HOTEL PLAZA SEWER CONNECTION
RIVERHEAD SEWER DISTRICT**

Resolutyion # 1178

Adopted _____

COUNCILMAN DUNLEAVY
Councilperson _____ offered the following
resolution which was seconded by Councilperson COUNCILMAN DENSIESKI

WHEREAS, this Town Board did authorize the advertisement for bids for the Route 58 Hotel Plaza Sewer connection, and

WHEREAS, the Town Clerk was authorized to advertise for such bids, and

WHEREAS, all bids received were opened and read aloud on the date and time advertised in the notice, and

WHEREAS, by letter dated December 10, 2007, H2M, consulting engineers to the Riverhead Sewer District did recommend that the bid be awarded to Adjo Construction Corp. in the amount of \$368,953.40, and

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Route 58 Hotel Plaza Sewer connection be and is hereby awarded to Adjo Construction Corp. in the amount of \$368,953.40, and be it further

RESOLVED, that the town clerk forward certified copies of this resolution to the above named contractor, Frank A. Isler, Esq.,

Riverhead Sewer District and the Accounting Department, and be it further

RESOLVED, that the Town Clerk is hereby authorized to return to all the unsuccessful original bidders their respective bid security, and be it further

RESOLVED, that upon completion of fully executed contracts and the filing of said contract with the town Clerk, the town clerk is hereby authorized to release to the successful bidder the bidder's bid security.

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

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

December 18, 2007

Adopted

TOWN OF RIVERHEAD

Resolution # 1179

APPOINTS FIRE MARSHAL I

COUNCILMAN DENSIESKI

offered the following

resolution, which was seconded by

COUNCILMAN BARTUNEK

WHEREAS, a vacancy exists for the position of Fire Marshal I, and

WHEREAS, the Suffolk County Department of Civil Service has established a certified List of Eligibles, List #03-5125-497, for the position of Fire Marshal I, the position was duly posted for, job posting # 27, and

WHEREAS, pursuant to a completed background check, the recommendation of the Personnel Committee has been received.

NOW, THEREFORE, BE IT RESOLVED, that effective January 7, 2008 Craig Zitek is hereby promoted to the appointment of Fire Marshal I as found on Group 6, Step 5 of the Administrative Salary Schedule.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Craig Zitek, the Office of the Town Supervisor, the Accounting Office, and the Personnel Officer.

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

12/18/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1180

AUTHORIZES LEGAL ACTION AGAINST THE OWNERS, OCCUPANTS AND AGENTS OF THE PROPERTY LOCATED AT 230 DEEP HOLE ROAD, CALVERTON, NEW YORK (Tax Map No. 0600-080.00-01.00-006.000)

COUNCILMAN BARTUNEK

_____ offered the following resolution, which was seconded

by COUNCILWOMAN BLASS :

WHEREAS, the Town Board has determined that the property situated at 230 Deep Hole Road, Calverton, New York (Tax Map No. 0600-080.00-01.00-006.000) is being used and occupied in violation of various sections of the Code of the Town of Riverhead;

NOW, THEREFORE

BE IT HEREBY RESOLVED, that Dawn C. Thomas, Town Attorney for the Town of Riverhead is authorized to institute legal action and settle and/or dispose of same subject to Town Board approval in the name of the Town of Riverhead against the owners, occupants and agents of the property at 230 Deep Hole Road, Calverton, New York (Tax Map No. 0600-080.00-01.00-006.000) in the Supreme Court of the State of New York to enjoin the illegal use, occupancy and/or maintenance of said property; and be it further

RESOLVED, that Dawn C. Thomas, as Town Attorney for the Town of Riverhead is hereby authorized to prosecute this matter to the fullest extent of the law.

THE VOTE

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

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

Adopted

12/4/07

**AUTHORIZES PUBLIC HEARING FOR A LOCAL
LAW SETTING SERVICE CONNECTION FEES
RIVERHEAD WATER DISTRICT**

Adopted _____

COUNCILWOMAN BLASS Resolution # 1181
offered the following resolution, which was seconded
by COUNCILMAN DUNLEAVY.

WHEREAS, H2M, consulting engineers to the Riverhead Water District, has submitted their written report "Evaluation of Key Money Fees" dated November, 2007, and

WHEREAS, the Riverhead Town Board, as governing body of the Riverhead Water District, wishes to call a public hearing to consider a local law to amend the Town Code to implement the recommendations of the H2M study, as follows:

New language:

105-2C. No service shall be activated until the owner of the property to be served has paid in full the fee required as set forth in Table No. 11 as set forth below:

Table No. 11

Section 105-2.2C shall remain in its entirety, except the words "of \$2,500" shall be replaced with the following language: as required by Section 105-2C.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board will hold a public hearing on the 15th day of January, 2008, at 7:25 p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to amending the Riverhead Town Code to implement the recommendations of the H2M study dated November, 2007, and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a copy of this resolution in full in the January 3rd, 2008 edition of The News Review, and be it further

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

BY ORDER OF THE RIVERHEAD
TOWN BOARD
BARBARA GRATTAN
TOWN CLERK

Dated: December 18, 2007
Riverhead, NY

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

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

TABLE NO. 11

RIVERHEAD WATER DISTRICT
EVALUATION OF KEY MONEY FEES

PROPOSED DEVELOPMENT CATEGORIES FOR KEY MONEY ASSESSMENTS

PROPERTY LANDUSE/DEVELOPMENT CATEGORY	TO BE ASSESSED KEY MONEY FEE	ASSESSMENT METHOD
A. Outside of District Boundaries		
1. Single Lot - Residential Existing or Proposed	Yes	\$7,120/unit
2. All Residential Developments	Yes	\$7,120/unit
3. All Commerical and Retail	Yes	\$10.70/gallon water use est. ⁽¹⁾
B. Inside District Boundaries		
1. Existing Single Lot Residential (private well to public water)	No	---
2. Existing Vacant Single Lot Residential	No	---
3. Vacant to Minor Subdivision - Residential	No	---
4. Vacant to Major Subdivision Residential	Yes	\$6,052/unit
5. Vacant to Commercial	Yes	\$9.10/gallon water use est. ⁽¹⁾
6. Existing Commerical - Change In Use (no change in water service size)	No	---
7. Existing Commerical - Change In Use (requiring change in water service size)	Yes	\$9.10/gallon water use est. minus credit for existing water use ⁽¹⁾

NOTES:

⁽¹⁾ - Water Use estimate to be based on SCDHS standards for on-site septic system design plus an irrigation factor based on square footage of landscaping times a 1" per week irrigation rate as per Cornell Cooperative Extension recommendations.

December 18, 2007

Adopted

TOWN OF RIVERHEAD

Resolution #1182

Authorizes Town Clerk to Publish and Post Notice of Public Hearing -
Special Permit of the Historic Village of Jamesport
(Professional Office)

COUNCILMAN DUNLEAVY

COUNCILMAN DENSIESKI

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Robert Stromski, RA as authorized representative of Jul-Bet Enterprises, LLC pursuant to Article XXVIA and Article LII, Section 108-282B (1) and (4) of the Riverhead Town Code to allow the construction of two (2) professional offices within a proposed commercial center upon real property located at the Main Road, Jamesport, New York; such real property more particularly described as Suffolk County Tax Map Number 0600-68-1-35, and

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

WHEREAS, the Riverhead Planning Department has reviewed these materials and has determined the petition to be an Unlisted action pursuant to 6NYCRR Part 617 for which coordinated review is optional and in this case unnecessary, and

WHEREAS, by resolution dated October 4, 2007, the Riverhead Planning Board did issue its report and recommendation to the Riverhead Town Board, and

WHEREAS, the Town Board desires to hold a public hearing at this time, now

THEREFORE BE IT

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

THE VOTE

DUNLEAVY YES ___ NO BARTUNEK YES ___ NO

BLASS YES ___ NO DENSIESKI YES ___ NO

CARDINALE YES ___ NO

THIS RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at the Riverhead Town Hall Meeting Room at 200 Howell Avenue, Riverhead, New York, on the 15th day of January 2008 at 7:05 o'clock pm, to consider the special permit petition of Jul-Bet Enterprises, LLC to allow professional offices as a use upon the premises on real property located at the Main Road, Jamesport, New York; such real property more particularly described as SCTM No. 0600-68-1-35.

Dated: Riverhead, New York
December 18, 2007

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

Adopted

RESOLUTION # 1183 ABSTRACT #07-46 December 6, 2007 (TBM 12/18/07)				
COUNCILMAN DENSIESKI offered the following Resolution which was seconded by				
COUNCILMAN BARTUNEK				
FUND NAME		CD-11/30/07	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1	3,100,000.00	3,925,478.62	7,025,478.62
POLICE ATHLETIC LEAGUE	4	34,000.00	251.35	34,251.35
TEEN CENTER	5	8,000.00		8,000.00
RECREATION PROGRAM FUND	6	12,000.00	403.42	12,403.42
CHILD CARE CENTER BUILDING FUN	9	21,000.00	123.57	21,123.57
YOUTH COURT SCHOLARSHIP	25	1,500.00		1,500.00
SENIORS DAYCARE	27	4,500.00		4,500.00
ANIMAL SPAY & NEUTER FUND	29	1,000.00		1,000.00
ECONOMIC DEVELOPMENT ZONE FUND	30	9,000.00	3,349.53	12,349.53
RECREATION YOUTH FUND	31	2,000.00		2,000.00
HIGHWAY FUND	111	175,000.00	129,417.93	304,417.93
WATER DISTRICT	112		191,484.24	191,484.24
REPAIR & MAINTENANCE RESERVE F	113	290,000.00	493,000.00	783,000.00
RIVERHEAD SEWER DISTRICT	114	2,235,000.00	124,934.68	2,359,934.68
REFUSE & GARBAGE COLLECTION DI	115	300,000.00	7,710.75	307,710.75
STREET LIGHTING DISTRICT	116	80,000.00	14,494.23	94,494.23
PUBLIC PARKING DISTRICT	117	140,000.00		140,000.00
BUSINESS IMPROVEMENT DISTRICT	118	95,000.00	25,494.22	120,494.22
AMBULANCE DISTRICT	120	45,000.00	2,298.77	47,298.77
CALVERTON SEWER DISTRICT	124	90,000.00	701.22	90,701.22
RIVERHEAD SCAVANGER WASTE DIST	128		16,312.16	16,312.16
SEWER DISTRICT	130	240,000.00		240,000.00
WORKERS' COMPENSATION FUND	173	1,150,000.00	9,124.74	1,159,124.74
RISK RETENTION FUND	175	1,000,000.00	729.61	1,000,729.61
UNEMPLOYMENT	176	51,000.00		51,000.00
REVOLVING LOAN PROGRAM	178	61,000.00		61,000.00
RESIDENTAL REHAB PROGRAM	179	18,000.00		18,000.00
CDBG	181	173,000.00	668.02	173,668.02
UDC WORKING	182	5,800.00		5,800.00
RESTORE GRANT PROGRAM	184	9,500.00	3,391.56	12,891.56
PUBLIC PARKING DEBT SERVICE	381	18,000.00		18,000.00
SEWER DEBT SERVICE	382	83,000.00		83,000.00
WATER DEBT SERVICE	383	483,000.00		483,000.00
GENERAL FUND DEBT SERVICE	384	8,000,000.00		8,000,000.00
SCAVENGER WASTE DEBT SERVICE	385	150,000.00		150,000.00
SUFFOLK THEATER DEBT SERVICE	386	60,000.00		60,000.00
TOWN HALL CAPITAL PROJECTS	406		464,413.18	464,413.18
800 SERIES CAPITAL PROJECTS	408	20,000.00		20,000.00
TWO BEARS CAPITAL PROJECT	440	39,000.00		39,000.00
YOUTH SERVICES CAP PROJECT	452		5,373.52	5,373.52
SENIORS HELP SENIORS CAP PROJE	453	30,000.00	2,295.57	32,295.57
EISEP	454	135,000.00		135,000.00
MUNICIPAL FUEL FUND	625		6,289.03	6,289.03
MUNICIPAL GARAGE FUND	626		16,882.09	16,882.09
TRUST & AGENCY	735		1,553,086.75	1,553,086.75
SPECIAL TRUST	736	950,000.00		950,000.00
COMMUNITY PRESERVATION FUND	737	5,450,000.00	625.82	5,450,625.82
CDA CALVERTON	914	450,000.00		450,000.00
TOTAL ALL FUNDS		25,219,300.00	6,998,334.58	32,217,634.58

RESOLUTION # 1183 ABSTRACT #07-47 December 13, 2007 (TBM 12/13/07)			
COUNCILMAN DENSIESKI offered the following Resolution which was seconded by			
COUNCILMAN BARTUNEK			
FUND NAME	No CD	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1	\$ 183,894.98	\$ 183,894.98
RECREATION PROGRAM FUND	6	\$ 2,108.20	\$ 2,108.20
CHILD CARE CENTER BUILDING FUN	9	\$ 48.86	\$ 48.86
ECONOMIC DEVELOPMENT ZONE FUND	30	\$ 50.50	\$ 50.50
HIGHWAY FUND	111	\$ 6,008.75	\$ 6,008.75
WATER DISTRICT	112	\$ 40,390.73	\$ 40,390.73
RIVERHEAD SEWER DISTRICT	114	\$ 34,988.21	\$ 34,988.21
REFUSE & GARBAGE COLLECTION DI	115	\$ 323,702.05	\$ 323,702.05
STREET LIGHTING DISTRICT	116	\$ 3,646.23	\$ 3,646.23
PUBLIC PARKING DISTRICT	117	\$ 3,010.13	\$ 3,010.13
BUSINESS IMPROVEMENT DISTRICT	118	\$ 4,121.24	\$ 4,121.24
AMBULANCE DISTRICT	120	\$ 772.38	\$ 772.38
EAST CREEK DOCKING FACILITY FU	122	\$ 400.37	\$ 400.37
CALVERTON SEWER DISTRICT	124	\$ 7,856.95	\$ 7,856.95
RIVERHEAD SCAVANGER WASTE DIST	128	\$ 16,383.71	\$ 16,383.71
WORKERS' COMPENSATION FUND	173	\$ 9,349.25	\$ 9,349.25
RISK RETENTION FUND	175	\$ 4,973.26	\$ 4,973.26
REVOLVING LOAN PROGRAM	178	\$ 30,000.00	\$ 30,000.00
CDBG CONSORTIUM ACOUNT	181	\$ 360.00	\$ 360.00
RESTORE GRANT PROGRAM	184	\$ 5,000.00	\$ 5,000.00
SEWER DISTRICTS DEBT SERVICE	382	\$ 1,194.38	\$ 1,194.38
WATER DISTRICT DEBT SERVICE	383	\$ 61,921.22	\$ 61,921.22
GENERAL FUND DEBT SERVICE	384	\$ 39,878.15	\$ 39,878.15
COMMUNITY DEVELOPMENT AGENCY C	405	\$ 21,162.00	\$ 21,162.00
TOWN HALL CAPITAL PROJECTS	406	\$ 301,434.45	\$ 301,434.45
LOCAL ST & HIGHWAY CAP PROJECT	451	\$ 128,493.14	\$ 128,493.14
EISEP CAP PROJECT	454	\$ 115.43	\$ 115.43
MUNICIPAL FUEL FUND	625	\$ 23,687.97	\$ 23,687.97
MUNICIPAL GARAGE FUND	626	\$ 10,944.75	\$ 10,944.75
TRUST & AGENCY	735	\$ 100.00	\$ 100.00
COMMUNITY PRESERVATION FUND	737	\$ 6,400.00	\$ 6,400.00
CALVERTON PARK - C.D.A.	914	\$ 3,598.28	\$ 3,598.28
TOTAL ALL FUNDS		\$ 1,277,995.57	\$ 1,277,995.57

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

12/18/07

Adopted

TOWN OF RIVERHEAD
AND TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY

Resolution # 1384

AUTHORIZES LEGAL ACTION AGAINST THE NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

~~COUNCILWOMAN BLOSS~~

_____ offered the following resolution was seconded

by COUNCILMAN DENSIESKI:

WHEREAS, the Town Board and the New York State Department of Environmental Conservation (DEC) have been engaged in a dispute regarding establishing State Environmental Quality Review Act (SEQRA) "lead agency" status in connection with the application of Island Water Park Inc., to amend their site plan approval, and

WHEREAS SEQRA requires that such disputes be submitted to the Commissioner of the DEC for a determination pursuant to 6 NYCRR Part 617.6(b)(5), and

WHEREAS, the dispute was submitted to the DEC Commissioner as required on June 28, 2007. The matter was fully submitted for consideration as of July 9, 2007, and

WHEREAS, the matter was decided by the DEC Commissioner on December 13, 2007 in favor of the DEC,

NOW, THEREFORE

BE IT HEREBY RESOLVED, that Dawn C. Thomas, Town Attorney for the Town of Riverhead is authorized to institute legal action in the name of the Town of Riverhead and the Town of Riverhead Community Development Agency regarding the aforementioned December 13, 2007 determination of the DEC Commissioner regarding the Matter of Island Water Park, Inc.; and be it further

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Bloss yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT

THEREFORE DULY ADOPTED

RESOLVED, that a copy of this resolution be forwarded to the Town Clerk, Office of the Town Attorney, Community Development Agency and the Office of Accounting.

Z:\Harold Steuerwald\Litigation\TOR v. White\Resolution Authorizing Legal Action.doc
