

593 RESOLUTION RESCINDING RESOLUTION #505; AWARDS BID FOR EXTENSION 34C, FOX MEADOW

Councilperson Prusinowski offered the following resolution which was seconded by Councilperson Stark,

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for the installation of water mains and appurtenances for the Riverhead Water District known as Extension 34C to serve the subdivision known as Fox Meadow, and

WHEREAS, bids were received, opened and read aloud on July 16, 1990 at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the notice to bidders, and

WHEREAS, the bids have been reviewed by H2M, consulting engineers for the Riverhead Water District, who by letter dated July 23, 1990, recommended that the bid be awarded to Francis Brothers Sewer and Drainage, Inc., of East Patchogue, New York, in the amount of One Hundred Fourteen Thousand Three Hundred Thirty Three Dollars and 50/100 (\$114,333.50), and

WHEREAS, on the 7th day of August, 1990, a resolution was incorrectly adopted awarding said bid to Tom Francis Construction Corp.,

NOW, THEREFORE, BE IT

RESOLVED, that resolution #505 adopted on the 7th day of August, 1990, be and is hereby rescinded in its entirety, and be it further

RESOLVED, that the bid for the installation of water mains and appurtenances for the subdivision known as Fox Meadow, Extension 34C to the Riverhead Water District, be and is hereby awarded to Francis Brothers Sewer and Drainage, Inc. of East Patchogue, New York, in the amount of \$114,333.50, the lowest responsible bidder, and it is further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Francis Brothers Sewer and Drainage, Inc., the Riverhead Water District, H2M and Pierre G. Lundberg, Esq., and be it further

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

RESOLVED, that upon the 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.

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

594

LOCAL LAW ADOPTING ARTICLE 19-A OF GENERAL MUNICIPAL
LAW FOR THE ESTABLISHMENT OR EXTENSION OF A BUSINESS
IMPROVEMENT DISTRICT

COUNCILPERSON Stark offered the following resolution, which was seconded by COUNCILPERSON Prusinowski :

WHEREAS, the Town Board, on their own motion, wishes to adopt Article 19-A of the General Municipal Law for a Business Improvement District; and

WHEREAS, a local law was published and posted providing that the provisions of Article 19-A of the General Municipal Law shall be applicable in the Town of Riverhead; and

WHEREAS, a public hearing was held on August 28, 1990, wherein all interested persons wishing to be heard were heard; and

WHEREAS, said local law is subject to permissive referendum pursuant to Section 24 of the Municipal Home Rule Law.

NOW, THEREFORE,

BE IT ENACTED by the Town Board of the Town of Riverhead as follows:

Section I. The provisions of Article 19-A of the General Municipal Law are hereby applicable to the establishment or extension of Business Improvement District in the Town of Riverhead.

Section II. This law shall take effect immediately upon filing with the Secretary of State provided, however, that such local law is subject to a permissive referendum and the Town Clerk shall forthwith proceed to notice such fact and conduct such referendum if required by petition.

and be it

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution, in its entirety, in the Suffolk County Life and to post same on the signboard in Town Hall.

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

595 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE TO
BIDDERS RE: MAIN STREET LIGHTING IMPROVEMENT PROJECT

Councilperson Prusinowski offered the following resolution
which was seconded by Councilperson Stark.

RESOLVED, that the Town Clerk be and is hereby authorized to
publish and post the attached notice to bidders for the Main
Street Lighting Improvement Project; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby
authroized to forward a certified copy of this resolution to Ken
Testa.

DATED: September 4, 1990
Riverhead, New York

BY ORDER OF THE RIVERHEAD TOWN BOARD
Irene J. Pendzick, Town Clerk

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that SEALED BIDS for the installation of street lighting on Main Street, in the Town of Riverhead, will be received by the Town Clerk of the Town of Riverhead at the Town Hall, 200 Howell Avenue, Riverhead, New York, until 11:00 A.M. prevailing time, on Thursday, September 19, 1990 at which time and place they will be publicly opened and read for the following contract:

**MAIN STREET LIGHTING
IMPROVEMENT PROJECT
RIVERHEAD, NEW YORK**

Plans and specifications may be obtained on or after Wednesday, August 29, 1990, at the Town Hall at 200 Howell Avenue, Riverhead, New York, upon deposit of Fifty Dollars (\$50.00) for each set furnished. Deposits shall be made by cash, certified check or bank money order. No exceptions shall be made.

Deposits for plans and specifications will be refunded to bidders who return these within ten (10) days in good condition; other deposits will either be partially or not refunded if the plans and specifications have not been returned in good condition within thirty (30) days after bids have been opened.

Each proposal must be accompanied by a certified check or bid bond in the amount of five percent (5%) of the total bid, made payable to Joseph F. Janoski, Supervisor, Town of Riverhead, as set forth in the Information For Bidders.

The Town Board reserves the right to reject any or all bids, to waive any informalities and to accept such alternate bids which, in the opinion of the Town Board, will be in the best interests of the Town of Riverhead.

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

IRENE J. PENDZICK, TOWN CLERK
TOWN OF RIVERHEAD
RIVERHEAD, NEW YORK, 11901

DATED: August 29, 1990

596

ADOPTS AMENDMENT TO ARTICLE XXIII (RESIDENCE RDC DISTRICT) OF THE RIVERHEAD TOWN CODE

COUNCILPERSON Prusinowski offered the following resolution, which was seconded by COUNCILPERSON Stark:

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider an amendment to Article XXIII (Residence RDC District) of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 21st day of August, 1990, at 8:55 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board has issued its negative declaration regarding the amendment to the Riverhead Town Code and that this amendment will not have a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that an amendment to Article XXIII (Residence RDC District) of the Riverhead Town Code be and is hereby adopted as follows:

Section 108-117. Uses.

- A. Special permit uses. All special permit uses set forth herein shall be subject to the approval of the Town Board pursuant to the definition of special permits in Section 108-3 of this chapter: (1) Multiple residences designed to provide living and dining accommodations for aged persons over the age of ~~sixty-two (62)~~ fifty-five (55) years or handicapped, including social, health care and other supportive services and facilities, to be owned and operated for such purposes under the laws of the State of New York.

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution once in the Suffolk County Life and to post same on the signboard at Town Hall; and be it further

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

9/4/90
Dated: Riverhead, New York
September 5, 1990.

880

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

*overstrike represents deletion(s)
**underscore represents addition(s)

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

9/4/90
597

TABLED

ADOPTS AMENDMENT TO ARTICLE XI (INDUSTRIAL A DISTRICT)
OF THE RIVERHEAD TOWN CODE

881

COUNCILPERSON Prusinowski offered the following resolution, which was seconded by COUNCILPERSON Stark:

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider an amendment to Article XI (Industrial A District) of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 21st day of August, 1990, at 9:00 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board has issued its negative declaration regarding the amendment to the Riverhead Town Code and that this amendment will not have a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that an amendment to Article XI (Industrial A District) of the Riverhead Town Code be and is hereby adopted as follows:

Section 108-45. Uses.

A. Permitted uses.

~~(3) Automobile laundry.~~

B. Special exception and special permit uses. Except where Town Board approval is required herein for a special exception or special permit use, such use shall be subject to approval by the Board of Appeals pursuant to Sections 108-75, 108-76 and 108-77 of this chapter:

~~(4) Gasoline service station, by special permit of the Town Board.~~

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution once in the Suffolk County Life and to post same on the signboard at Town Hall; and be it further

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

Dated: Riverhead, New York
September 5, 1990.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

*overstrike represents deletion(s)
**underscore represents addition(s)

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared **TABLED**.

9/4/90

598

ADOPTS AMENDMENT TO SECTION 108-59(H) OF THE RIVERHEAD TOWN CODE ⁸⁸³

COUNCILPERSON Prusinowski offered the following resolution, which was seconded by COUNCILPERSON Stark :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider an amendment to Section 108-59(h) of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 21st day of August, 1990, at 8:15 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board has issued its negative declaration regarding the amendment to the Riverhead Town Code and that this amendment will not have a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that an amendment to Section 108-59(h) of the Riverhead Town Code be and is hereby adopted as follows:

108-59. Swimming Pools.

~~(h) A building wall may be used as part of such enclosure. All gates or doors through such enclosure shall be equipped with a self-closing and self-latching device at least forty (40) inches above the surface immediately adjacent to the outside of the enclosure for keeping the gate or door securely closed at all times when the owner or occupant of the premises is not present. Windows in the building wall shall have a latching device at least forty (40) inches above the floor.~~

(h) A wall or a dwelling is permitted to serve as part of the enclosure under the following conditions:

(i) Windows in the wall shall have a latching device at least forty (40) inches above the floor.

(ii) A swinging door in the wall shall be self-closing and self-latching.

(iii) A sliding door in the wall shall have a self-latching device.

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution once in the Suffolk County Life and to post same on the signboard at Town Hall; and be it further

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

Dated: Riverhead, New York
September 5, 1990.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

*overstrike represents deletion(s)
**underscore represents addition(s)

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

599

APPROVES SITE PLAN OF CENTERPOINTE OFFICE CONDOMINIUM

Councilperson Lombardi offered the following resolution, which was seconded by Councilperson Prusinowski:

WHEREAS, a site plan and elevations were submitted by C. John Simon, as agent for Eagle Enterprises for the construction of a 7,032 sq. ft., one-story office building and attendant site improvements located at the Northwest corner of East Main Street (N.Y.S. Route 25) and Phillip Street, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-105-2-49; and

WHEREAS, the Planning Department has reviewed the site plan dated August 9, 1990, as prepared by Donald A. Denis, A.I.A., P. O. Box 565, Aquebogue, New York, and elevations dated July 11, 1990, as prepared by Donald A. Denis, A.I.A., P. O. Box 565, Aquebogue, New York, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a(n) Unlisted Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by C. John Simon, as agent for Eagle Enterprises, for the construction of a 7,032 sq. ft., one-story office building and attendant site improvements, located at the Northwest corner of East Main Street (N.Y.S. Route 25) and Phillip Street, Riverhead, New York, site plan dated August 9, 1990, as prepared by Donald A. Denis, A.I.A., P. O. Box 565, Aquebogue, New York, and elevations dated July 11, 1990, as prepared by Donald A. Denis, A.I.A., P. O. Box 565, Aquebogue, New York, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk

and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and Chapter 98, prohibiting the accumulation of litter, and agrees to abide by same;

6. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

8. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, Eagle Enterprises hereby authorizes and consents to the Town of Riverhead to enter premises at the Northwest corner of East Main Street (N.Y.S. Route 25) and Phillip Street, Riverhead, New York, to enforce said handicapped parking regulations;

9. That by execution and filing of this document, Eagle Enterprises hereby authorizes and consents to the Town of Riverhead to enter premises at the Northwest corner of East Main Street (N.Y.S. Route 25) and Phillip Street, Riverhead, New York, to enforce any and all codes, ordinances, and regulations of the Town of Riverhead;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

11. That all utilities shall be constructed underground; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to C. John Simon, as agent for Eagle Enterprises, the Riverhead Planning Department, Riverhead Building Department, Town Engineer, and Office of the Town Attorney.

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1990, made by Eagle Enterprises, with offices at C/o P. O. Box 1237, Riverhead, New York, 11901, Declarant.

W I T N E S S E T H:

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

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

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

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

600 AWARDS BID FOR EMERGENCY EQUIPMENT FOR USE BY THE
AMBULANCE CORPS

Councilperson Lombardi offered the following resolution, which was seconded by Councilperson Prusinowski:

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for emergency equipment for use by the Ambulance Corps; and

WHEREAS, bids were received, opened and read aloud on the 20th day of August, 1990, at 11:10 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the notice to bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for emergency equipment for use by the Ambulance Corps be and is hereby awarded to G.E. Pickering, Inc.; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to G.E. Pickering, Inc., Riverhead Volunteer Ambulance Corps and the Town Attorney's Office.

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

601 APPROVES SPECIAL PERMIT APPLICATION OF HENRY LEE (MALIBU ASSOCIATES)

COUNCILPERSON Prusinowski offered the following resolution, which was seconded by COUNCILPERSON Stark :

WHEREAS, by application dated March 10, 1988, Henry Lee, on behalf of Malibu Associates did apply to this Town Board for a special permit to construct and operate a one-hundred twenty unit residential condominium at premises located at on the North side of Sound Avenue, with frontage on the Long Island Sound, in Baiting Hollow, New York, near the intersection of Sound Avenue and Osborne Avenue, known and designated as Suffolk County Tax Map #0600-41-1-4.1. The applicant has approval for 80 units in two buildings and proposes 40 units in a third building and to dedicate 40+ acres of off-site farmland to the Suffolk County Farmland Preservation Program. The applicant has dedicated 18+ acres of off-site farmland to the Program as part of his approved permits, said application made pursuant to Section 108-69 of the Code of the Town of Riverhead; and

WHEREAS, this matter was referred to the Planning Board for its review and recommendation; and

WHEREAS, by letter dated April 23, 1990, the Planning Board recommended that the special permit of Henry Lee, on behalf of Malibu Associates be approved; and

WHEREAS, on the 21st of August, 1990, this Town Board held a public hearing wherein all persons wishing to be heard were heard; and

WHEREAS, the Environmental Quality Review Board has determined that the action is a(n) Type I action without significant impact upon the environment; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the special permit applied for will be a(n) Type I action without a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board determines as follows:

a. The use will not prevent or substantially impair either the reasonable and orderly use or development of other properties in the neighborhood;

b. The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town;

c. The health, safety, welfare, comfort, convenience and order of the Town will not be adversely affected by the authorized use;

d. Such use will be in harmony with and promote the general purposes and intent; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the special permit application of Henry Lee, on behalf of Malibu Associates for property located at on the North side of Sound Avenue, with frontage on the Long Island Sound, in Baiting Hollow, near the intersection of Sound Avenue and Osborne Avenue, known and designated as Suffolk County Tax Map #0600-41-1-4.1, pursuant to Section 108-69 of the Code of the Town of Riverhead; and be it further

RESOLVED, that the premises covered by this special permit shall be maintained in conformity with such plan which may, from time to time, be approved by the Riverhead Town Board; and be it further

RESOLVED, that no building permit shall be issued until the Town Board has approved the site plan, by resolution; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Henry Lee, on behalf of Malibu Associates, the Riverhead Planning Department, the Town Attorney's Office and the Riverhead Building Department.

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

9/4/90

NOT ADOPTED BY VOTE

602 APPROVES SPECIAL PERMIT APPLICATION OF JAMES WOODHULL

Councilperson Stark offered the following resolution, which was seconded by Councilperson Prusinowski:

WHEREAS, by application dated April 24, 1990, James Woodhull did apply to this Town Board for a special permit for the continuance and expansion of a preexisting, nonconforming use (multiple residential and prefabricated dwellings) at premises located at Dolores Avenue, Riverhead, New York, known and designated as Suffolk County Tax Map #0600-102-3-17, said application made pursuant to Section 108-69 of the Code of the Town of Riverhead; and

WHEREAS, this matter was referred to the Planning Board for its review and recommendation; and

WHEREAS, by letter dated July 5, 1990, the Planning Board recommended that the special permit of James Woodhull be approved; and

WHEREAS, on the 21st of August, 1990, this Town Board held a public hearing wherein all persons wishing to be heard were heard; and

WHEREAS, the Environmental Quality Review Board has determined that the action is a(n) Type II action without significant impact upon the environment; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the special permit applied for will be a(n) Type II action without a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board determines as follows:

a. The use will not prevent or substantially impair either the reasonable and orderly use or development of other properties in the neighborhood;

b. The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town;

c. The health, safety, welfare, comfort, convenience and order of the Town will not be adversely affected by the authorized use;

d. Such use will be in harmony with and promote the general purposes and intent; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the special permit application of James Woodhull for property located at Dolores Avenue, Riverhead, New York, known and designated as Suffolk County Tax Map #0600-102-3-17, pursuant to Section 108-69 of the **Code of the Town of Riverhead**; and be it further

RESOLVED, that the premises covered by this special permit shall be maintained in conformity with such plan which may, from time to time, be approved by the Riverhead Town Board; and be it further

RESOLVED, that no building permit shall be issued until the Town Board has approved the site plan, by resolution; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to James Woodhull, the Riverhead Planning Department, the Town Attorney's Office and the Riverhead Building Department.

The vote, Stark, no; Prusinowski, yes, Civiletti, absent, Lombardi, yes, Janoski, no.

The resolution was thereupon duly declared **NOT ADOPTED**.

603 APPROVES SPECIAL PERMIT APPLICATION OF NATIONAL SURVIVAL GAMES OF NEW YORK, INC.

Councilperson Prusinowski offered the following resolution, which was seconded by Councilperson Stark:

WHEREAS, by application dated May 26, 1990, National Survival Game of New York, Inc. did apply to this Town Board for a special permit for recreational use at premises located at Northeast corner of Route 25 and Fresh Pond Avenue, Calverton, New York, known and designated as Suffolk County Tax Map #0600-98-1-1, said application made pursuant to Section 108-69 of the Code of the Town of Riverhead; and

WHEREAS, this matter was referred to the Planning Board for its review and recommendation; and

WHEREAS, by letter dated August 18, 1990, the Planning Board recommended that the special permit of National Survival Game of New York, Inc. be approved; and

WHEREAS, on the 21st of August, 1990, this Town Board held a public hearing wherein all persons wishing to be heard were heard; and

WHEREAS, the Environmental Quality Review Board has determined that the action is a(n) Unlisted action without significant impact upon the environment; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the special permit applied for will be a(n) Unlisted action without a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board determines as follows:

a. The use will not prevent or substantially impair either the reasonable and orderly use or development of other properties in the neighborhood;

b. The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town;

c. The health, safety, welfare, comfort, convenience and order of the Town will not be adversely affected by the authorized use;

d. Such use will be in harmony with and promote the general purposes and intent; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the special permit application of National Survival Game of New York, Inc. for property located at Northeast corner of Route 25 and Fresh Pond Avenue, Calverton, New York, known and designated as Suffolk County Tax Map #0600-98-1-1, pursuant to Section 108-69 of the Code of the Town of Riverhead subject to the following terms and conditions:

1. Applicant will provide the Assessors of the Town of Riverhead with the most recent copy of any lease agreement, any addenda thereto and periodic amendments and renewals setting forth any and all consideration between the applicant and the owner of the premises;
2. Applicant will maintain liability insurance in the minimum amount of one million dollars (\$1,000,000.00) on the premises naming the Town of Riverhead as additional insured and shall forward a certificate of insurance to the Town of Riverhead upon each and every renewal of said policy;
3. This special permit shall be valid for a period of two (2) years wherein the applicant must apply to the Town Board of the Town of Riverhead for a renewal of the special permit for a period of one (1) year;
4. The property shall be left in its natural state. No permanent structures shall be constructed and no utilities shall be located on the premises;
5. Applicant shall maintain a 100-foot buffer from all property lines;
6. Only biodegradable pellets shall be used on the premises;
7. Hours of operation shall be from 9:00 a.m. until sun-down or 7:00 p.m., whichever first occurs;
8. Portable toilets shall be provided on premises;
9. No alcohol or drugs shall be permitted on the premises;
10. Parking shall be maintained on the premises; no parking shall be permitted on any street;
11. Applicant shall maintain adequate security of persons and property at all times and applicant shall maintain adequate traffic control;
12. Applicant hereby consents to reasonable inspections by the Town of Riverhead Ordinance Inspector or the Town Board of the Town of Riverhead;

13. Applicant shall provide a telephone on the premises for emergency purposes.

and be it further

RESOLVED, that this application be and is hereby approved subject to the conditions contained in the letter resolution of the Riverhead Planning Board dated August 18, 1990, and that the said letter be incorporated as part of this resolution as if the same were fully set forth herein; and be it further

RESOLVED, that the premises covered by this special permit shall be maintained in conformity with such plan which may, from time to time, be approved by the Riverhead Town Board; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to National Survival Game of New York, Inc., the Riverhead Planning Department, the Town Attorney's Office and the Riverhead Building Department.

The vote, Stark, yes, Prusinowski, no, Civiletti, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

604 APPROVES SPECIAL PERMIT APPLICATION OF MOHRING ENTERPRISES

Councilperson Prusinowski offered the following resolution, which was seconded by Councilperson Stark :

WHEREAS, by application dated January 8, 1990, Mohring Enterprises did apply to this Town Board for a special permit to operate a gas service station, car wash and convenience store at premises located at Warsaw Drive, Riverhead, New York, known and designated as Suffolk County Tax Map #xxx, said application made pursuant to Section 108-69 of the Code of the Town of Riverhead; and

WHEREAS, this matter was referred to the Planning Board for its review and recommendation; and

WHEREAS, by letter dated July 10, 1990, the Planning Board recommended that the special permit of Mohring Enterprises be approved; and

WHEREAS, on the 21st of August, 1990, this Town Board held a public hearing wherein all persons wishing to be heard were heard; and

WHEREAS, the Environmental Quality Review Board has determined that the action is a(n) Unlisted action without significant impact upon the environment; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the special permit applied for will be a(n) Unlisted action without a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board determines as follows:

a. The use will not prevent or substantially impair either the reasonable and orderly use or development of other properties in the neighborhood;

b. The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town;

c. The health, safety, welfare, comfort, convenience and order of the Town will not be adversely affected by the authorized use;

d. Such use will be in harmony with and promote the general purposes and intent; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the special permit application of Mohring Enterprises for property located at Warsaw Drive, Riverhead, New York, known and designated as Suffolk County Tax Map #xxx, pursuant to Section 108-69 of the Code of the Town of Riverhead; and be it further

RESOLVED, that the premises covered by this special permit shall be maintained in conformity with such plan which may, from time to time, be approved by the Riverhead Town Board; and be it further

RESOLVED, that no building permit shall be issued until the Town Board has approved the site plan, by resolution; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Mohring Enterprises, the Riverhead Planning Department, the Town Attorney's Office and the Riverhead Building Department.

The vote, Stark, yes, Prusinowksi, yes, Civiletti, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared **TABLED**.

9/4/90

605 APPOINTS PART-TIME DETENTION ATTENDANT

Councilperson Prusinowski offered the following resolution which was seconded by Councilperson Stark.

RESOLVED, that Chester Romanski be and is hereby appointed to the position of Part-time Detention Attendant with the Town of Riverhead Police Department at the hourly rate of compensation of \$11.20 effective September 4, 1990; and

BE IT FURTHER RESOLVED, the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Chester Romanski, Lt. Grattan and the Office of Accounting.

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

606 AUTHORIZES SUPERVISOR TO EXECUTE AGREEMENT RE:
MUNICIPAL AND PLANNING SERVICES FOR THE SOLID WASTE
DISTRICT

Councilperson Stark offered the following resolution which was seconded by Councilperson Prusinowski.

WHEREAS, the Town of Riverhead wishes to develop a solid waste collection system which is compatible with the Town's existing and future waste disposal and processing facilities; and

WHEREAS, Municipal and Planning Services, Inc. has the experience and expertise necessary to assist the Town to achieve its goals.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and is hereby authorized to execute an agreement with Municipal and Planning Services, Inc. to perform the services outlined in the attached agreement; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Supervisor, Municipal and Planning Services, Inc. and the Office of Accounting.

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent, Lombardi, no, Janoski, yes.

The resolution was thereupon duly declared adopted.



A G R E E M E N T

Made this _____ of _____, 1990
between the Town of Riverhead (hereinafter referred to as
the "Town") with principal offices at Town Hall, 200
Howell Avenue, Riverhead, New York 11901 and Municipal
and Planning Services, Inc. (hereinafter referred to as
"MAPS") located at 63 Pinedale Road, Hauppauge, New York
11788.

Under this agreement MAPS will perform the following
services for the Town in connection with solid-waste
collection activities within the Town:

1. Review existing collection districts, current costs, debt structure, and enabling legislation with the objective of creating one townwide solid waste collection and disposal district which will include a number of separate service/contract areas.
2. Brief a steering committee on the advantages and disadvantages of district collection, legal and fiscal considerations, contract specification options, and expected comments at hearings.
3. Meet biweekly with Town administrative staff (administrative steering committee) to report on progress and coordinate MAPS and Town responsibilities and tasks relating to the district formation project.
4. Structure an implementation schedule to complete all required steps for the formation of a district in time for a specific target date.



Town of Riverhead - Municipal and Planning Services
Agreement - Page 2

5. Delineate implementation responsibilities among Town departments including the Town Attorney, Environmental Control, Comptroller, Data Processing, Public Information, Building Department, and Assessor.

6. Prepare and lay out a service/contract area map on a Town base map, and quantify (through Data Processing) the number of dwelling units within each service/contract area by property type.

7. Assign each tax map number (section, block and lot) to the appropriate service/contract area for computer entry by Data Processing (required for billing).

8. Prepare the report establishing the district pursuant to New York State law for filing with the Town Clerk.

9. Present the townwide collection proposal at a public hearing to establish same and answer questions as required.

10. Write the solid waste collection specifications (bid document) to suit the Town's overall disposal system requirements.

11. Prepare public notices advertising bid for collection service and conduct a bidders' conference.

12. Write any required addendum to the specifications (bid document) following bidders' conference.

13. Compile and review all bids for cost, completeness, and any irregularities.

Town of Riverhead - Municipal and Planning Services
Agreement - Page 3

14. Prepare a financial comparison of bids over the term of the service contract and recommend bid awards or rebid if and where necessary.

15. Suggest a plan for contract management staff and operating budget for the new townwide district, an administrative support budget, and a townwide average household cost.

16. Prepare texts for both a short and long public information brochure for mailing to residents explaining new district facts.

17. Coordinate solid waste collection schedules with successful bidders.

To assist MAPS in performing its services under this agreement the Town will:

A. Appoint, at its option, representatives from affected Town departments to serve on an administrative steering committee, i.e. Office of The Supervisor, Town Attorney, Environmental Services, Data Processing, Public Information, Building Department, and Assessors.

B. Review all public notices, Town Board resolutions, legal documents, bid specifications and contracts prepared by MAPS, and prepare legislation as may be necessary for New York State Legislative action to establish the townwide collection system.

C. Undertake any lobbying effort with State Legislators in order to pass legislation necessary in connection with solid waste collection initiatives.



Town of Riverhead - Municipal and Planning Services Agreement - Page 4

D. Make available Data Processing staff to assemble property assessment information by Tax Map designation and Tax Code and, if necessary, to write programs to retrieve such information from its data base.

E. Make available to MAPS all reports, data and documents relating to solid waste collection (existing private districts, private carting firms, and related solid waste and recycling data) within the Town.

Compensation

The Town will compensate MAPS seventy-five dollars (\$75) per hour within thirty (30) days of receiving a claim under this agreement. Furthermore, compensation for the work performed by MAPS as described herein shall be not less than twenty-thousand dollars (\$20,000) nor more than thirty-five-thousand dollars (\$35,000).

Agreed to this _____ day of _____, 1990

Michael A. LoGrande, President
Municipal and Planning Services, Inc.

Agreed to this _____ day of _____, 1989

Joseph Janoski, Supervisor
Town of Riverhead

607 APPROVES SITE PLAN FOR THE BIRCHWOOD RESTAURANT

Councilperson Prusinowski offered the following resolution, which was seconded by Councilperson Stark:

WHEREAS, by Resolution #550, dated August 7, 1990, the Town Board of the Town of Riverhead did conditionally approve a site plan for The Birchwood Restaurant, and

WHEREAS, the covenants associated with said site plan were filed with the County Clerk and a building permit application was made and approved, and

WHEREAS, a condition of said resolution was the provision of drawings for subsequent phases within a given period of time, and

WHEREAS, elevation drawings were submitted by Michael Jacobchek, as agent for Wood Birch Realty Corporation, for the renovation of the entirety of the front (south) facade of The Birchwood Restaurant, 512 Pulaski Street, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-123-4-71, and

WHEREAS, the Planning Department has reviewed the elevations, dated last August 17, 1990, as prepared by Martin F. Sendlewski, AIA, Miller Associates, 931 Hallock Avenue, Port Jefferson, New York, 11776, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved, and

WHEREAS, based on the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan application will be an Exempt Action pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617, and

WHEREAS, the Town Board has reviewed the site plan application aforementioned;

NOW, THEREFORE, BE IT

RESOLVED, that the site plan application of Michael Jacobchek, as agent for Wood Birch Realty Corporation, for the renovation of the entirety of the front (south) facade of The Birchwood Restaurant, 512 Pulaski Street, Riverhead, New York, 11901, per elevations, dated last August 17, 1990, as prepared by Martin F. Sendlewski, AIA, Miller Associates, 931 Hallock Avenue, Port Jefferson, New York, 11776, be and is hereby approved by the Town Board of the Town of Riverhead, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Michael Jacobchek, Martin F. Sendlewski, the Riverhead Planning Department, Building Department, and Office of the Town Attorney.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

608 APPOINTS PART-TIME DETENTION ATTENDANT

Councilperson Stark offered the following resolution which was seconded by Councilperson Prusinowski.

RESOLVED, that Joan Nethercott be and is hereby appointed to the position of Part-time Detention Attendant with the Town of Riverhead Police Department at the hourly rate of compensation of \$11.20 effective September 4, 1990; and

BE IT FURTHER RESOLVED, the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Joan Nethercott, Lt. Grattan and the Office of Accounting.

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

9/4/90

908

609 AWARDS BID FOR TOWN-WIDE DRAINAGE CONTRACT

Councilperson Prusinowski offered the following resolution, which was seconded by Councilperson Stark:

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for town-wide drainage contract; and

WHEREAS, bids were received, opened and read aloud on the 30th day of August, 1990, at 11:00 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the notice to bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for town-wide drainage contract be and is hereby awarded to Patrick Bistran, Jr., Inc. in the amount of one hundred seventy-five thousand two hundred twenty-five and 00/100 (\$175,225.00) dollars; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Patrick Bistran, Jr., Inc., Kenneth Testa, Town Engineer and the Town Attorney's Office.

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent, Lombardi, yes, Janoski, yes,

The resolution was thereupon duly declared adopted.

610 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF
PUBLIC HEARING RE: LAND USE PLAN FOR THE WADING
RIVER HAMLET

Councilperson Stark offered the following resolution
which was seconded by Councilperson Prusinowski

WHEREAS, the Riverhead Town Board has completed a land use
plan for the Wading River Hamlet; and

WHEREAS, the Riverhead Town Board has implemented certain
amendments to the Zoning Code and the Zoning Use District Map as
a result of this Land Use Study; and

WHEREAS, a portion of the Wading River Study was not
implemented; such land involving a change from Industrial A and
Residence B to Residential use with a minimum lot size of 80,000
square feet; and

WHEREAS, the Riverhead Town Board desires to reconsider the
subject zoning amendment; and

WHEREAS, the proposed zoning change requires a second public
hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be and
is hereby authorized to publish and post the following notice in
the September 5, 1990 issue of the Official Newspaper of the Town
of Riverhead; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby
authorized to forward a certified copy of this resolution to
Richard Hanley, Planning Director.

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

611 APPROVES SITE PLAN OF JAMES VAN DE WETERING/IVY ACRES FOR
A TEMPORARY GREENHOUSE

Councilperson Prusinowski offered the following resolution, which was seconded by Councilperson Stark:

WHEREAS, a site plan and elevations were submitted by James Van de Wetering for construction of a temporary greenhouse located at north side of Sound Avenue, east of Twomey Avenue, Baiting Hollow, New York, known and designated as Suffolk County Tax Map Number 0600-40-1-3.1 and 4.2; and

WHEREAS, the Planning Department has reviewed the site plan dated last July 17, 1990, as prepared by Peconic Surveyors, P.C., 54655 Main Road, Southold, New York, and elevations dated November 11, 1986, as prepared by Van Wingerden Greenhouse Company, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a(n) Type II Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by James Van de Wetering, for construction of a temporary greenhouse, located at north side of Sound Avenue, east of Twomey Avenue, Baiting Hollow, New York, site plan dated last July 17, 1990, as prepared by Peconic Surveyors, P.C., 54655 Main Road, Southold, New York, and elevations dated November 11, 1986, as prepared by Van Wingerden Greenhouse Company, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

9/4/90

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and Chapter 98, prohibiting the accumulation of litter, and agrees to abide by same;

6. That by execution and filing of this document, James Van de Wetering hereby authorizes and consents to the Town of Riverhead to enter premises at north side of Sound Avenue, east of Twomey Avenue, Baiting Hollow, New York, to enforce any and all codes, ordinances, and regulations of the Town of Riverhead;

7. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

8. That the use of the structure(s) approved herein shall be limited solely to agricultural production and that there shall be no retail use therein; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to James Van de Wetering, the Riverhead Planning Department, Riverhead Building Department, and Office of the Town Attorney.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1990, made by James Van de Wetering, residing at Sound Avenue, Baiting Hollow, New York, Declarant.

W I T N E S S E T H:

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

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

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

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

5. That by execution and filing of this document, James Van de Wetering hereby authorizes and consents to the Town of Riverhead to enter premises at north side of Sound Avenue, east of Twomey Avenue, Baiting Hollow, New York, to enforce any and all codes, ordinances, and regulations of the Town of Riverhead;

6. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis.

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

James Van de Wetering

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

On the _____ day of _____, 1990, before me personally came James Van de Wetering, to me known and known to be the individual who executed the foregoing instrument; that (s)he is the owner of certain real property located at north side of Sound Avenue, east of Twomey Avenue, Baiting Hollow, New York, the subject property of this Declaration and Covenant, and understands the content thereof; and that (s)he did swear to me that (s)he executed the same.

NOTARY PUBLIC

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

612 APPROVES SITE PLAN OF AUSTIN T. AND RITA FUNFGELD FOR
TEMPORARY GREENHOUSES

Councilperson Lombardi offered the following resolution, which was seconded by Councilperson Prusinowski :

WHEREAS, a site plan was submitted by Austin T. and Rita Funfgeld for construction of seven (7) temporary greenhouses located at south side of Middle Road, Calverton, New York, known and designated as Suffolk County Tax Map Number 0600-100-3-10.2; and

WHEREAS, the Planning Department has reviewed the site plan dated April 4, 1990, as prepared by Young & Young, 400 Ostrander Avenue, Riverhead, New York, 11901, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a(n) Type II Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the site plan submitted by Austin T. and Rita Funfgeld, for construction of seven (7) temporary greenhouses, located at south side of Middle Road, Calverton, New York, site plan dated April 4, 1990, as prepared by Young & Young, 400 Ostrander Avenue, Riverhead, New York, 11901, be and is hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and Chapter 98, prohibiting the accumulation of litter, and agrees to abide by same;

6. That by execution and filing of this document, Austin T. and Rita Funfgeld hereby authorizes and consents to the Town of Riverhead to enter premises at south side of Middle Road, Calverton, New York, to enforce any and all codes, ordinances, and regulations of the Town of Riverhead;

7. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

8. That the use of the structure(s) approved herein shall be limited solely to agricultural production and that there shall be no retail use therein; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Austin T. and Rita Funfgeld, the Riverhead Planning Department, Riverhead Building Department, and Office of the Town Attorney.

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1990, made by Austin T. and Rita Funfgeld, residing at Middle Road, Calverton, New York, 11933, Declarant.

W I T N E S S E T H:

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

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

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

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

613 ADOPTS FINDINGS STATEMENT OF CHANGE OF ZONE PETITION OF M.H. OF L.I.

Councilperson Prusinowski offered the following resolution, which was seconded by Councilperson Stark:

WHEREAS, the Riverhead Town Board is in receipt of a Change of Zone petition from M.H. of L.I., Inc. to provide for the overlay of the Retirement Community District upon a tract of land presently zoned Industrial A and Residence B; such tract located on the south side of Sound Avenue, approximately 700 feet west of Fresh Pond Avenue, Baiting Hollow, New York (Suffolk County Tax Map Number Q600-59-1-3.1), and

WHEREAS, the Riverhead Town Board declared itself to be the Lead Agency in this matter, and

WHEREAS, the petition was considered to be an Unlisted Action with a potential for a significant impact upon the environment and required the preparation of an Environmental Impact Statement, and

WHEREAS, the Riverhead Town Board accepted a Draft Environmental Impact Statement and Response to Commentary which together with the SEQR record already formed was accepted by the Town Board as a Final Environmental Impact Statement by resolution # 439 on July 2, 1990, and

WHEREAS, the appropriate time period has elapsed for the review of the Final Environmental Impact Statement, and

WHEREAS, the Planning Director has submitted to the Town Board a Draft Statement making those findings required of the Lead Agency as per the State Environmental Conservation Law, and

WHEREAS, the Town Board, as Lead Agency, has reviewed the Draft Findings Statement together with the subject petition's SEQR record made to date;

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board hereby makes the attached Statement as the Lead Agency's Findings in the matter of the Change of Zone petition of M.H. of L.I., Inc., and

BE IT FURTHER

RESOLVED, that the Planning Director be authorized to notice the subject Findings pursuant to 6 NYCRR Part 617, and

BE IT FURTHER

RESOLVED, that the Town Clerk forward a certified copy of this Resolution to the Planning Director and Allen M. Smith, Esq. as attorney for the applicant.

FINDINGS STATEMENT
CHANGE OF ZONE PETITION OF M.H. OF L.I.

The Riverhead Town Board hereby makes the following Findings with respect to the Change of Zone petition of M.H. of L.I.:

That the Draft Environmental Impact Statement, together with the applicant's Response to Commentary, forms a description of an action which, to the greatest extent practical, minimizes adverse impacts upon the environment. The basis for this Finding is centered in the judgment that the Final Environmental Impact Statement has addressed each of the major environmental issues, impacts relating to geology, water resources, terrestrial ecology, transportation (vehicular traffic generation), land use and zoning, community services and facilities, cultural resources and community character. In its consideration of the subject change of zone, the Riverhead Town Board specifically finds the following:

First, that the residential use for Retirement Community of the subject site is considered appropriate in that:

- (i) There exists a need for this type of housing within the Town of Riverhead and the region;
- (ii) The project site is in conformance with the criteria of the Retirement Community District with respect to the proximity of the site to community services and designated hamlet areas;
- (iii) The intensity of the proposed project is considered to have less of an impact upon the natural and social environment than development currently achievable under the applicable Zoning Use District;
- (iv) The project site is contiguous with an existing high density residential use;

Second, that though the residential use is considered appropriate, the development of this use is predicated upon the approval of a Special Permit by the Riverhead Town Board. In the consideration of the Special Permit, the Riverhead Town Board will require an engineered site plan which shall, at a minimum, demonstrate the following:

- (i) The engineering management of the proposed sewage treatment plant in conformance with Article VI of the Suffolk County Sanitary Code. The plant shall have the capacity to treat the existing wastewater of the Thurms Mobile Home Park and shall be designed in such a way as to ensure no contamination of the existing Riverhead Water District supply well contiguous with the subject parcel;
- (ii) The engineering of the required water supply service and evidence of public water supply availability as well as the provision of open space for appropriate well head protection;

- (iii) The engineering of stormwater recharge systems designed in conformance with the Town Code and located a sufficient distance from the proposed sewage;
- (iv) The offering of mitigation measures to maintain existing levels of service at area intersections and roadways; with particular attention given to the signalization or improvement of the intersection of Sound Avenue and New York State Route 25A;
- (v) The depiction of open space areas to conserve existing natural features; i.e., kettle hole depression, agricultural areas, Sound Avenue Corridor;
- (vi) The provision of a management plan for areas to remain as open space. If a horse farm is to be considered, a management plan for mitigation of effects of total nitrogen loading is critical.

Fifth, that having considered the Supplemental Draft Environmental Impact Statement and the Supplementary Final Environmental Impact Statement, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR Part 617.9, this Statement of Findings certifies that:

- (i) The requirements of 6 NYCRR Part 617 have been met;
- (ii) Consistent with the social, economic, and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the Environmental Impact Statement; and
- (iii) Consistent with social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the Environmental Impact Statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable; and
- (iv) (If applicable) consistent with the applicable policies of Article 42 of the Executive law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

The vote, Stark, yes, Prusinowksi, yes, Civiletti, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

614 DECLARES DEFAULT OF DECANIO RESIDENTIAL COMMUNITIES, INC., AND VINCENT DECANIO; CALLS UPON THE INTERNATIONAL FIDELITY INSURANCE COMPANY TO PERFORM EXTENSION #28 OF THE RIVERHEAD WATER DISTRICT

Councilperson Stark offered the following resolution which was seconded by Councilperson Prusinowski

WHEREAS, DeCanio Residential Communities, Inc. and Vincent DeCanio, as co-principals, have filed with the Town of Riverhead a Performance Bond, #819061-88, in the principal sum of \$645,000 to assure their payment for the cost of construction and all related costs incurred by the Riverhead Water District within Extension #28, and

WHEREAS, bond #819061-88 issued by the International Fidelity Insurance Company was accepted by Town Board resolution #466 adopted July 19, 1988, copy attached, and

WHEREAS, in reliance upon the bond the Town of Riverhead caused a public bid to be prepared and received and the construction awarded to Grimes Contracting, Inc., and

WHEREAS, from time to time payments have been made in respect to said Extension #28 by or on behalf of DeCanio Residential Communities, Inc and/or Vincent DeCanio in the sum of \$217,585.15, and

WHEREAS, further written demand of payment was made by the Town upon the principals for \$138,548.36 which demand was delivered by Federal Express on or about May 5, 1990, and

WHEREAS, a telephone FAX copy of this demand was transmitted July 5, 1990, and

WHEREAS, since July 5, 1990, additional claims totalling \$400 have been presented to the Town of Riverhead, bringing the current total of monies paid by the Town of Riverhead in excess of funds received from DeCanio to \$138,948.36, and

WHEREAS, due to the requirements of the contract between the Town and the contractor, the Town in good faith reliance upon the surety has paid this sum and thereby has incurred interest and other incidental costs, and

WHEREAS, payment has not been made to date, and

WHEREAS, the said Water District has incurred unpaid engineering fees and will incur additional construction and incidental costs,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead, as governing body of the Riverhead Water District, does hereby declare DeCanio Residential Communities, Inc. and Vincent DeCanio, to be in default of their obligations to pay all costs associated with Extension #28 of the Riverhead Water District, and be it further

RESOLVED, that the Town Board calls upon the International Fidelity Insurance Company to perform the obligations of DeCanio Residential Communities, Inc. and Vincent DeCanio to pay to the Town of Riverhead the sum of \$427,415 out of said principal sum of \$645,000, and be it further

RESOLVED, that said sum of \$427,415 shall be applied to the capital project of the Riverhead Water District known as Extension #28 and that upon the completion thereof any unused funds be returned to the surety, and be it further

RESOLVED, that the Town Clerk shall serve by certified mail, return receipt requested, certified copies of this resolution upon DeCanio Residential Communities, Inc.; Vincent DeCanio; and International Fidelity Insurance Company; and by regular mail upon John J. Hansen, H2M, and Gary Pendzick.

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

~~Councilman Prusinowski offered the following resolution,~~

which was seconded by Councilman Stark.

RESOLVED, By the Town Board of the Town of Riverhead, that,
Irene J. Pendzick, Town Clerk, be and hereby is authorized to
dispose of record item number

6A - Montly Reports On Dogs

6A - Purebreed Dog Licenses

6C - Redemption, Adoption or Euthansia or Seized Dogs

FURTHER RESOLVED, that the Clerk of this Board is hereby
directed to furnish a Certified Copu of this Resolution to
be forwarded to the Commissioner of Education.

CERTIFICATION

I CERTIFY, that the above is a true copy of the
Resolution adopted by the Town Board of the Town of Riverhead
at a regular meeting held on

Dated

IRENE J. PENDZICK, TOWN CLERK

TOWN OF RIVERHEAD, NEW YORK

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

9/4/90

AUTHORIZE TRANSFER OF FUNDS# 616

Councilperson Lombardi offered the following resolution which was seconded by Councilperson Prusinowski.

RESOLVED, that the Supervisor be and hereby is authorized to transfer the following General Town Funds

FROM:	001.53620.430 Building Department, Car Expenses	\$ 400.00
TO:	001.53620.410 Building Department, Conferences	\$ 400.00

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

617APPROVES SITE PLAN OF SPLISH SPLASH AT ADVENTURELAND,
INC.

Councilperson Prusinowski offered the following resolution, which was seconded by Councilperson Stark:

WHEREAS, a site plan and elevations were submitted by Chip Cleary, as agent for Splish Splash at Adventureland, Inc. for construction of a water theme park located at Middle Country Road (New York State Route 25), Calverton, New York, known and designated as Suffolk County Tax Map Number 0600-118-1-3.1; and

WHEREAS, the Planning Department has reviewed the site plan dated August 17, 1990, consisting of two (2) sheets, as prepared by H2M Group, 575 Broad Hollow Road, Melville, New York, 11747, and elevations dated February 21, 1990, and last revised August, 1990, consisting of three (3) sheets, as prepared by H2M Group, 575 Broad Hollow Road, Melville, New York, 11747, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, an Environmental Impact Statement was caused to be prepared and which resulted in a Findings Statement which was adopted by this Town Board and noticed pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the resolution adopted by this Board on August 7, 1990, which approved the Special Permit petition of Splish-Splash at Adventure Island, Inc., is hereby reaffirmed; and be it further

RESOLVED, that the site plan and elevations submitted by Chip Cleary, as agent for Splish Splash at Adventureland, Inc., for construction of a water theme park, located at Middle Country Road (New York State Route 25), Calverton, New York, site plan dated August 17, 1990, consisting of two (2) sheets, as prepared by H2M Group, 575 Broad Hollow Road, Melville, New York, 11747, and elevations dated February 21, 1990, and last revised August, 1990, consisting of three (3) sheets, as prepared by H2M Group, 575 Broad Hollow Road, Melville, New York, 11747, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a

form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein; 923

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and Chapter 98, prohibiting the accumulation of litter, and agrees to abide by same;

6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;

7. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

8. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

9. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, Splish Splash at Adventureland, Inc. hereby authorizes and consents to the Town of Riverhead to enter premises at Middle Country Road (New York State Route 25), Calverton, New York, to enforce said handicapped parking regulations;

10. That by execution and filing of this document, Splish Splash at Adventureland, Inc. hereby authorizes and consents to the Town of Riverhead to enter premises at Middle Country Road (New York State Route 25), Calverton, New York, to enforce any and all codes, ordinances, and regulations of the Town of Riverhead;

11. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and

9/4/90

kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

12. That all utilities shall be constructed underground;

13. That this approval shall constitute the Town Board decision to allow for the issuance of a foundation permit and shall be subject to future consideration and approval by the Riverhead Town Board of the following information prior to the issuance of a Building Permit:

- (i) The provision of a drainage calculation and specification for all parking areas in conformance with the Riverhead Town Code; such drainage facilities to be located in existing cleared areas or areas to be cleared;
- (ii) The provision of a landscape schedule and planting plan designed to adequately screen parking areas; specifically the provision of landscaped frontage within existing slope easement, landscaped islands within parking areas, landscaped western property line, and landscaped entrance boulevard;
- (iii) The provision of an inventory of existing trees with an eight inch (8") diameter or larger within areas to be cleared in order to maintain existing vegetation to the greatest extent practical;
- (iv) The provision of a plan for off-site improvements to mitigate traffic impacts; such plan showing the re-striping of the west bound lane of New York State Route 25 to Manor Road and the installation of a two-phase, semi-activated traffic signal at the intersection of New York State Route 25 and Manor Road;
- (v) The provision of color and material samples with respect to buildings, walkways, and plaza areas to exist on site;
- (vi) The provision of the site plan review and SEQOR fee in accordance with the Town Code of the Town of Riverhead; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Chip Cleary, as agent for Splish Splash at Adventureland, Inc., The H2M Group, Allen M. Smith, Esq., the Riverhead Planning Department, Riverhead Building Department, Town Engineer, and Office of the Town Attorney.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1990, made by Splish Splash at Adventureland, Inc. by: _____, residing at 2245 Broad Hollow Road, East Farmingdale, New York, 11735, Declarant.

W I T N E S S E T H:

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

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

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

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;

6. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

8. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto;

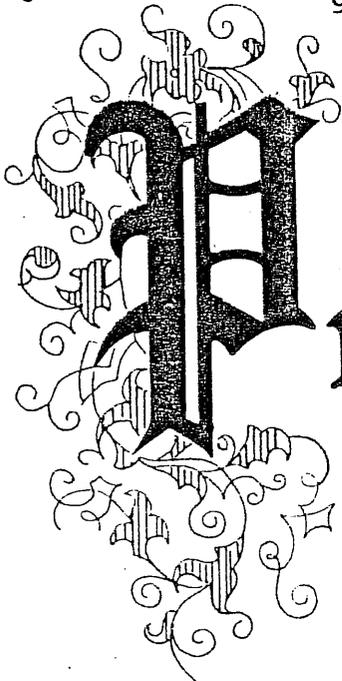
9. That by execution and filing of this document, Splish Splash at Adventureland, Inc. hereby authorizes and consents to the Town of Riverhead to enter premises at Middle Country Road (New York State Route 25), Calverton, New York, to enforce any and all codes, ordinances, and regulations of the Town of Riverhead;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

11. That all utilities shall be constructed underground;

13. That this approval shall constitute the Town Board decision to allow for the issuance of a foundation permit and shall be subject to future consideration and approval by the Riverhead Town Board of the following information prior to the issuance of a Building Permit:

- (i) The provision of a drainage calculation and specification for all parking areas in conformance with the Riverhead Town Code; such drainage facilities to be located in existing cleared areas or areas to be cleared;
- (ii) The provision of a landscape schedule and planting plan designed to adequately screen parking areas; specifically the provision of landscaped frontage within existing slope easement, landscaped islands within parking areas, landscaped western property line, and landscaped entrance boulevard;



Proclamation



hereas : 40,000 children die

worldwide every day from malnutrition and disease, and over 50 million of the deaths during the decade of the 1990's are easily preventable with today's technology; and

WHEREAS, U.S. child poverty, infant mortality and school achievement are among the worst of all industrialized countries, with 40,000 children dying in the country every year; and

WHEREAS, leaders of six countries have called for a World Summit for Children in New York City on September 29-30, 1990, to address the pressing needs of children; and

WHEREAS, our citizens are concerned about the health, education and welfare of children everywhere; and

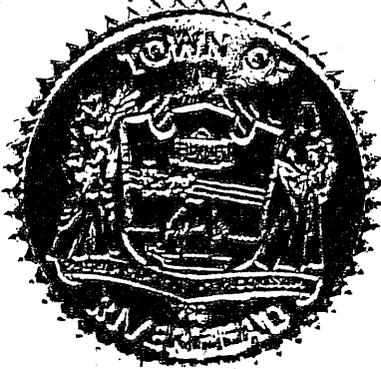
WHEREAS, adults and children of this community are holding a Candlelight Vigil on Sunday, September 23, 1990, to mobilize our leaders to participate fully in the World Summit for Children.

FURTHERMORE, I, Joseph F. Janoski, as Supervisor of the Town of Riverhead do proclaim September 23, 1990 to be

WORLD SUMMIT FOR CHILDREN WEEK

in the Town of Riverhead, and I urge the people of Riverhead to participate in this special event.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Town of Riverhead to be affixed this 4th day of September, in the Year of Our Lord, Nineteen Hundred and Ninety.



Joseph Janoski
Joseph Janoski, Supervisor
Town of Riverhead

#619 AUTHORIZES PAYMENT OF BILLS.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

RESOLVED, that the Supervisor be and is hereby authorized to pay the following:

VOUCHER #90000001-#9000076	ABSTRACT #15
<u>GENERAL TOWN</u>	<u>TOTAL</u> \$ 93,738.82
<u>AMBULANCE</u>	2,391.60
<u>TEEN CENTER</u>	143.59
<u>RECREATION PROGRAM</u>	3,588.15
<u>HIGHWAY</u>	56,848.00
<u>STREET LIGHTING</u>	14,617.75
<u>PUBLIC PARKING</u>	1,776.68
<u>MUNICIPAL GARAGE</u>	5,291.38
<u>DISCRETIONARY</u>	709.75
<u>TOWN HALL CAPITAL PROJECTS</u>	9,520.00
<u>RISK RETENTION</u>	10,360.50
<u>EIGHT HUNDRED SERIES</u>	59,533.62
<u>PUBLIC PARKING DEBT SERVICE</u>	41,366.00
<u>GENERAL TOWN DEBT SERVICE</u>	155,894.72
<u>YOUTH SERVICES</u>	58.77
<u>SENIORS HELPING SENIORS</u>	218.12
<u>EISEP</u>	130.28

The vote, Stark, yes, Prusinowski, yes, Civiletti, absent, Lombardi, yes, Janoski, yes,

The resolution was theruepon duly declared adopted.

PLEASE PUBLISH ONE TIME IN ISSUE OF 9/12/90 - THREE (3) COPIES OF AFFIDAVIT OF PUBLICATION. #90-168

9/7/90

TOWN OF RIVERHEAD

#620 LEGAL NOTICE A RESOLUTION MAKING CERTAIN DETERMINATIONS IN RELATION TO AND APPROVING THE ESTABLISHMENT OF THE PROPOSED EXTENSION NO. 34 - CENTRAL AQUEBOGUE TO THE RIVERHEAD WATER DISTRICT IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, PURSUANT TO ARTICLE 12-A OF THE TOWN LAW, AMENDING RESOLUTION ADOPTED OCTOBER 4, 1988.

Councilman Boschelli offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, the Town Board by Resolution dated October 4, 1988 made certain determinations in relation to the approving the establishment of the proposed Extension No. 34 to the Riverhead Water District pursuant to Article 12a of Town Law;

and WHEREAS, said resolution had attached thereto an exhibit detailing the description of the proposed extension which description contained an error;

and WHEREAS, the Town Board of the Town of Riverhead wishes to re-adopt said order establishing Extension No. 34 of the Riverhead Water District with the correct description identical to the one stated in the resolution calling the public hearing on said Extension No. 34;

and WHEREAS, a map, plan and report, as amended, have been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Riverhead, Suffolk County, New York, relating to the establishment of a proposed extension to the Riverhead Water District in said Town, such extension to

Cont. from previous page

be known as Extension No. 34 - Central Aqueogue to the Riverhead Water District of the Town of Riverhead;

WHEREAS, said map, plan and report dated February, 1988, as amended on April 30, 1987, were prepared by Holzmacher, McLendon & Murrell, P.C., competent engineers, duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof;

WHEREAS, said Extension No. 34 - Central Aqueogue shall be bounded and described as hereinafter set forth;

WHEREAS, the Improvements proposed for said Extension will be constructed in conjunction with an overall plan to increase and improve the water distribution facilities of the Riverhead Water District, whereby water distribution mains will be constructed in such Extension of a size and capacity greater than that required to serve only said Extension, and said additional size and capacity is to be constructed for the purpose of serving other areas of said Water District and future areas to be served by said Water District;

WHEREAS, in furtherance of said overall plan, only a proportionate amount of said Improvements will be charged as the capital cost of said Extension, the remaining amount to be charged to the Riverhead Water District, including the proposed Extension herein;

WHEREAS, said Improvements consist of the acquisition and installation of approximately 27,000 feet of water mains ranging from 8 inches to 12 inches in diameter, together with valves, hydrants and necessary appurtenances, as more fully described in the aforesaid map, plan and report, as amended;

WHEREAS, the maximum amount proposed to be expended for said overall Improvements of \$1,020,000, of which amount approximately 78.5% or \$800,000, shall be allocated and charged as the capital cost of said Extension, and of which amount approximately 21.5% or \$220,000, shall be allocated and charged as the cost of increasing and improving the facilities of the Riverhead Water District and shall be borne by the entire District, as extended, including the proposed Extension; and

WHEREAS, an order was duly adopted by said Town Board on September 22, 1987, reciting a description of the boundaries of said proposed Extension, the Improvements proposed, as amended, the maximum amount proposed to be expended for said Improvements, as amended, the fact that said map, plan and report, as amended, were on file in the Town Clerk's office for public inspection and specifying the 6th day of October, 1987 at 8:35 o'clock P.M., Prevailing Time, and the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to consider the establishment of said Extension No. 34 - Central Aqueogue to the Riverhead Water District and said amended map, plan and report filed in relation thereto and to hear all persons interested in the subject thereof concerning the same; WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of publication and posting has been duly presented to said Town Board;

and WHEREAS, said public hearing was duly held at the time and place in said order, as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said map, plan and report, as amended, and the evidence given at said public hearing; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

- a) The notice of hearing was published and posted as required by law and is otherwise sufficient;
b) All the property and property owners within said proposed Extension are benefited thereby;
c) All the property and property owners benefited are included within the limits of said proposed Extension; and
d) The establishment of said proposed Extension is in the public interest.

Section 2. The establishment of Extension No. 34 - Central Aqueogue to the Riverhead Water District in the Town of Riverhead, Suffolk County, New York, to be bounded and described as hereafter set forth, and the Improvements therein consisting of the acquisition and installation of approximately 27,000 feet of water mains ranging from 8 inches to 12 inches in diameter, together with valves, hydrants and necessary appurtenances, as more fully described in the aforesaid map, plan and report, as amended, at a maximum estimated cost to the Extension of \$800,000, to be constructed in conjunction with an overall plan to increase and improve the water distribution facilities of the Riverhead Water District, whereby water distribution mains will be constructed in such Extension of a size and capacity greater than that required to serve only said Extension, and said additional size and capacity is to be constructed for the purpose of serving other areas of said Water District and future areas to be served by said Water District, are hereby approved.

Section 3. Said Extension shall be bounded and described as follows: RIVERHEAD WATER DISTRICT DESCRIPTION OF PROPOSED EXTENSION NO. 34 - CENTRAL AQUEBOGUE

BEGINNING at a point on the East line of Extension 18A (West line of Union Avenue) 500 feet North of Main Road (NYS 25).

Running Thence easterly along a line 500 feet North of and parallel to NYS 25 (Main Road) to the East line of Section 68 Block 2 Lot 17 (also West line of Lot 15).

Thence northerly along the west side of lots 15 and 14 to the northwest corner of lot 14 (northwest corner of lot 17).

Thence westerly along the north line of lots 17 and 20.1 to the northwest corner of Section 68, Block 2, lot 2.1.

Thence northerly, easterly, southerly, easterly, northerly and easterly around the north side of lot 2.1 to the west side of West Lane (also, southeast corner of Section 45, Block 1, lot 8.2).

Thence easterly across West Lane and through lot 11.1 to the east line of Section 45, Block 1, lot 11.1.

Thence southerly along the east line of lot 11.1 to the southeast corner of lot 11.1 (southwest corner of Section 20, Block 2, lot 6).

Thence easterly along the southerly side of lot 6 to the southeast corner of lot 8.

Thence northerly along the east side of lot 6 to the northwest corner of Section 45, Block 1, lot 14.4; thence easterly along the north side of lot 14.4 to the west line of Section 45, Block 1, lot 15.

Thence northerly along the west line of lot 15 to the northwest corner of lot 15.

Thence easterly along the north line of lots 15 and 16 to the west side of Phillips Lane.

Thence diagonally across Phillips Lane to the east side of Phillips Lane at the northwest corner of Section 45, Block 2, lot 3.2.

Thence easterly along the north side of lot 3.2 to the northeast corner of lot 3.2 (westerly line Section 20, Block 4, lot 1).

Thence southerly along the westerly line of Section 20, Block 4, lot 1 to a point 500 feet northwest of Church Lane.

Thence northerly easterly along a line parallel to and 500 feet northwest of Church Lane to a point intersected by an extension of the east line of Section 48, Block 1, lot 36.2.

Thence southeasterly along said line to and across Church Lane and along the northeast side of lot 36.2 to the northwest side of lot 36.3.

Thence northeasterly along the northwest side of lot 36.3 to the southwest line of lot 37.1.

Thence southeasterly along the southwest line of lot 37.1 (southeast line of lots 36.3 - 36.15) to the southeast corner of lot 36.15.

Thence southeasterly along the south side of lots 36.15, 36.18 and 37.17 to the southwest corner of lot 37.17.

Thence westerly through lot 33.1 to the southwest line of lot 33.1, also the southeast corner of lot 21 and the northeast corner of lot 20.2.

Thence southerly and westerly along the easterly and southerly sides of lot 20.2 to the southwest corner of lot 20.2.

Thence northerly along the west side of lot 20.2 to the southeast corner of Section 67, Block 2, lot 2.

Thence westerly along the south side of lot 2 to the northeast corner of lot 3.

Thence southerly along the east side of lots 3, 4, 5, 6 and 7 to the southeast corner of lot 7.

Thence westerly along the south side of lot 7 to the northeast corner of lot 8.

Thence southerly along the east side of lots 8, 10, 11, 12, 13.2 and 13.1 to the southeast corner of lot 13.1.

Thence westerly along the south side of lot 13.1 to the northeast corner of lot 14.

Thence southerly along the east side of lots 14 and 15 to the southeast corner of lot 15.

Thence southwestly through lot 16.1 to the northeast corner of lot 17; Thence southerly along the east side of lots 17, 18, 19, 20 and 21.1 to the southeast corner of lot 21.1.

Thence westerly along the south side of lot 21.1 to the northeast corner of lot 24.

Thence southerly along the east side of lot 24 to the north side of Main Road, (NYS Route 25).

Thence southeasterly diagonally across Main Road to the northwest corner of Section 67, Block 2, lot 27.

Thence southerly along the west side of lot 27 to the southwest corner of lot 27.

Thence easterly along the southerly lines of lots 27 and 28 to the southeast corner of lot 28 (also northeast corner of lot 26).

Thence southerly along the west side of lot 26 to the southeast corner of lot 26.

Thence westerly along the southerly side of lot 26 to the southwest corner of Section 66, Block 1, lot 4.

Thence southwesterly and southerly along the lot lines between Section 66, Block 1, lot 4 and Section 66, Block 1, lot 5 on the west and Section 66, Block 2, lot 1 on the east to a point which is 500 feet north of Mealinghouse Creek Road (also the northerly boundary line of Extension 27).

Thence westerly and northerly along the Riverhead Water District boundary (Extensions No. 27, 20 and 18A) to the point of BEGINNING.

Section 4. The Town Clerk shall, within ten (10) days after the effective date of this resolution, file certified copies of this resolution in duplicate in the Office of the State Department of Audit and Control at Albany, New York, together with an application by this Board in duplicate for permission to establish such Extension as provided for by subdivision 3 of Section 209-d of the Town Law of the State of New York. Such application shall be executed and verified on behalf of the Town Board by the Supervisor of the Town.

Section 5. This resolution is adopted subject to permissive referendum.

Dated: September 7, 1990

By Order of the Town Board Town of Riverhead, New York Irene J. Pendzick, Town Clerk

Councilman Prusinowski offered resolution #620 which was seconded by Councilman Stark.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Avenue, in Riverhead, New York, in said Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to consider the establishment of said Extension No. 34 - Central Aqueogue to the Riverhead Water District and said amended map, plan and report filed in relation thereto and to hear all persons interested in the subject thereof concerning the same; WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of publication and posting has been duly presented to said Town Board;

Thence westerly along the north line of lots 17 and 20.1 to the northwest corner of lot 20.1 (southwest corner of Section 68, Block 2, lot 2.1)

Thence northerly, easterly, southerly, easterly, northerly and easterly around the north side of lot 2.1 to the west side of West Lane (also, southeast corner of Section 45, Block 1, lot 8.2).

Thence easterly across West Lane and through lot 11.1 to the east line of Section 45, Block 1, lot 11.1.

Thence southerly along the east line of lot 11.1 to the southeast corner of lot 11.1 (southwest corner of Section 20, Block 2, lot 6).

Thence southerly along the west side of lot 26 to the southeast corner of lot 26.

Thence westerly along the south side of lot 26 to the southwest corner of Section 66, Block 1, lot 4.

Thence southwesterly and southerly along the lot lines between Section 66, Block 1, lot 4 and Section 66, Block 1, lot 5 on the west and Section 66, Block 2, lot 1 on the east to a point which is 500 feet north of Mealinghouse Creek Road (also the northerly boundary line of Extension 27).

Thence westerly and northerly along the Riverhead Water District boundary (Extensions No. 27, 20 and 18A) to the point of BEGINNING.

Section 4. The Town Clerk shall, within ten (10) days after the effective date of this resolution, file certified copies of this resolution in duplicate in the Office of the State Department of Audit and Control at Albany, New York, together with an application by this Board in duplicate for permission to establish such Extension as provided for by subdivision 3 of Section 209-d of the Town Law of the State of New York. Such application shall be executed and verified on behalf of the Town Board by the Supervisor of the Town.