

687

AUTHORIZES SUPERVISOR TO SIGN CONTRACT WITH UTILITY CHECK LTD. RE: RIVERHEAD WATER DISTRICT

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

RESOLVED, that the Supervisor be and is hereby authorized to execute a contract with Utility Check Ltd. to audit the utility bills of the Riverhead Water District; and be it further

RESOLVED, that the Town Clerk be directed to forward a certified copy of this resolution to Utility Check Ltd., 119 North Park Avenue, Rockville Centre, New York, 11570, and the Supervisor's Office.

- MONICE WASKI
- PAUL MUSKAVITCH
- WILLIAM CHASE
- BOB SMITH
- MICHAEL WOLLEY
- BERNARD BOBINSKI
- ANDREW STROSKI
- DANNY FULTON
- ERIC BROWN
- MICHAEL BROWN
- THOMAS CARVER
- PETER SEVINSKI

FURTHER, BE IT RESOLVED that the following individuals currently possess the certification to serve in this capacity and are, therefore, appointed effective December 18, 1991 at the hourly rate of compensation of \$19.30:

- WILHELM HULSE
- MICHAEL ROSATO
- WALTER CALON

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

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

688 APPOINTS SPECIAL POLICE OFFICERS

Councilperson Stark offered the following resolution, which was seconded by Councilperson Creighton.

WHEREAS, there is a need to place individuals in the position of Special Police Officer in the Riverhead Town Police Department; and

WHEREAS, the Suffolk Police Academy will begin its new session of certification;

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to the position of Special Police Officers effective January 2, 1992 at the hourly rate of compensation of \$10.50:

PATRICK WASKI
PAUL RUSCAVITCH
WILLIAM GRASSE
SCOTT SMITH
MICHAEL WOOLEY
BERNARD BOBINSKI
ANDREW STROMSKI
DARREN FULTON
ERIC BROWN
MICHAEL BROWN
THOMAS CARVER
PETER GEVINSKI

FURTHER, BE IT RESOLVED that the following individuals currently possess the certification to serve in this capacity and are, therefore, appointed effective December 18, 1991 at the hourly rate of compensation of \$10.50:

WILLIAM HULSE
MICHAEL ROSATO
WAYNE SAILOR

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

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

The resolution was thereupon duly declared adopted.

APPROVE SITE PLAN OF ECONOMIC AMBULANCE SERVICE, INC.

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

TOWN OF RIVERHEAD
RESOLUTION # 689

TRANSFER OF FUNDS

COUNCILPERSON Civiletti OFFERED THE FOLLOWING RESOLUTION WHICH WAS SECONDED BY COUNCILPERSON Creighton

RESOLVED, THAT THE SUPERVISOR BE AND IS HEREBY AUTHORIZED TO TRANSFER THE FOLLOWING FUNDS:

<u>APPROPRIATION</u>		<u>FROM</u>	<u>TO</u>
111.051400.541306	DRAINAGE	\$3,000.00	
111.051300.541400	EQUIP. REPAIR		\$3,000.00
111.051400.524407	TRAFFIC SAFETY	\$800.00	
111.051400.542400	UNIFORMS		\$700.00
111.051400.549000	MISCELLANEOUS		\$100.00

WHEREAS, this Town Board has reviewed the site plan submitted by Economic Ambulance Service, Inc., for the expansion of on-site parking facilities, located at the west side of Edgar Avenue, Aqueduct, New York, site plan dated last November 18, 1991, as prepared by Young & Young, 407 Gettysburg Avenue, Riverhead, New York, 11901, 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 those hereby contained in this resolution, in a form approved by the Town Board, be filed with the Town Clerk.

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

The resolution was thereupon duly declared adopted.

Handwritten signature

APPROVES SITE PLAN OF PECONIC AMBULANCE SERVICE, INC.

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

WHEREAS, a site plan was submitted by Sean McCabe, as agent for Peconic Ambulance Service, Inc. for the expansion of on-site parking facilities located at the west side of Edgar Avenue, Aquebogue, New York, known and designated as Suffolk County Tax Map Number 0600-86-1-38.1; and

WHEREAS, the Planning Department has reviewed the site plan dated last November 12, 1991, 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 I Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the site plan submitted by Sean McCabe, as agent for Peconic Ambulance Service, Inc., for the expansion of on-site parking facilities, located at the west side of Edgar Avenue, Aquebogue, New York, site plan dated last November 12, 1991, 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 requiring the enclosure of dumpsters, 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, PECONIC AMBULANCE SERVICE, INC. hereby authorizes and consents to the Town of Riverhead to enter premises at the west side of Edgar Avenue, Aquebogue, New York, to enforce said handicapped parking regulations;

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

10. Pursuant to Section 108-133I of the Code of the Town of Riverhead, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon

approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;

11. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to ph, organic content, and gradation;

12. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

13. That curb and a catch basin shall be provided where indicated on the site plan approved herein and initialled by a majority of this 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 Sean McCabe, as agent for Peconic Ambulance Service, Inc., Young & Young, the Riverhead Planning Department, Riverhead Building Department, Town Engineer, and Office of the Town Attorney.

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

The resolution was thereupon duly declared adopted.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1991, made by PECONIC AMBULANCE SERVICE, INC., residing at Main Road, Jamesport, New York, 11947, 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 Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;

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

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

7. 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;

8. 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;

9. Pursuant to Section 108-133I of the Code of the Town of Riverhead, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;

10. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to ph, organic content, and gradation;

11. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen.

APPROVES SITE PLAN OF ANTONINO MILITELLO

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

WHEREAS, a site plan and elevations were submitted by Antonino Militello for the conversion of a structure to the repair of electronic components of motor vehicles located at 721 East Main Street, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-127-7-20.1; and

WHEREAS, the Planning Department has reviewed the site plan dated last April 18, 1991, as prepared by Robert P. Orr, L.S., Manorville, New York, 11949, and elevations dated December 12, 1990, as prepared by Scott Accardo, 921 Route 25A, Setauket, New York, 11733, 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, a copy of the site plan has been marked and initialled by the Town Board to show changes that are further set forth in this resolution, which site plan shall be on record with the Town Clerk; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Antonino Militello, for the conversion of a structure to the repair of electronic components of motor vehicles, located at 721 East Main Street, Riverhead, New York, site plan dated last April 18, 1991, as prepared by Robert P. Orr, L.S., Manorville, New York, 11949, and elevations dated December 12, 1990, as prepared by Scott Accardo, 921 Route 25A, Setauket, New York, 11733, 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

3 yes
2 absent

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 requiring the enclosure of dumpsters, and agrees to abide by same;

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

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

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

9. That adequate parking for the handicapped, pursuant to State and Federal law, 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, 721 EAST MAIN STREET CORPORATION hereby authorizes and consents to the Town of Riverhead to enter premises at 721 East Main Street, Riverhead, New York, to enforce said handicapped parking regulations;

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

11. Pursuant to Section 108-133I of the Code of the Town of Riverhead, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;

12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to ph, organic content, and gradation;

13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

14. That the dumpster shall be relocated where indicated on the site plan approved herein and initialled by a majority of the Town Board, and that said dumpster shall be enclosed with chain link fence with slats or attached stockade and evergreen buffer plantings;

15. That the use permitted herein shall be limited to the repair of electronic components of motor vehicles. Any mechanical repair, washing, or painting of said vehicles shall be prohibited;

16. That this approval shall be subject to the requirements of Articles VII and XII of the Suffolk County Sanitary Code, and that the applicant shall obtain any necessary permits pursuant thereto;

17. That the per space sum of two thousand dollars (\$2,000) for eight (8) parking spaces for which a variance was granted pursuant to Zoning Board of Appeals Determination No. 91-11 shall be paid to the Town of Riverhead Public Off-Street Parking and Truck-Loading Space Trust Fund within 24 months from the date of this resolution; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Antonino Militello, Scott Accardo, Charles Cuddy, Esq., the Riverhead Planning Department, Riverhead Building Department, Town Engineer, and Office of the Town Attorney.

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

The resolution was thereupon duly declared adopted.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1991, made by 721 EAST MAIN STREET CORPORATION, residing at 721 East Main Street, 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;

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

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

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

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

8. That adequate parking for the handicapped, pursuant to State and Federal law, 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 any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

10. Pursuant to Section 108-133I of the Code of the Town of Riverhead, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;

11. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to ph, organic content, and gradation;

TOWN OF RIVERHEAD RESOLUTION # 692Declares Lead Agency and Determines Significance of Action
Vincent DellaSperanzo - Special Permit

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Creighton:

WHEREAS, the Riverhead Town Board is in receipt of a petition for a Special Permit for conversion of a single family dwelling into two family on a 1.4 acre parcel within an Agriculture 'A' Zone, known specifically as Suffolk County Tax Map Number 0600-67-2-21.1 from Vincent DellaSperanzo, and

WHEREAS, a survey and Environmental Assessment Form were submitted as part of the petition, and

WHEREAS, the Riverhead Planning Department has reviewed the Full Environmental Assessment Form and supporting documentation and recommends the petition be considered an Unlisted Action for which coordinated review is optional, and

WHEREAS, the Planning Department, by preparation and evaluation of its SEQR staff report, has further recommended that the action will not have a significant effect upon the environment;

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declare itself to be the Lead Agency in the Special Permit application of Vincent DellaSperanzo, and

BE IT FURTHER

RESOLVED, that the application be considered to be an Unlisted Action which will not have a significant effect upon the environment and that a draft Environmental Impact Statement need not be prepared, and

BE IT FURTHER

RESOLVED, that the Riverhead Planning Department be directed to publish and post those notices as required by 6 NYCRR Part 617, and

BE IT FURTHER

RESOLVED, that the Town Clerk be directed to refer the petition to the Riverhead Planning Board for their review and recommendation, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Planning Department and the applicant.

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

The resolution was thereupon duly declared adopted.

693APPROVES SPECIAL PERMIT OF ALL COUNTY AGGREGATES

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

WHEREAS, Riverhead Town is in receipt of a petition for a special permit for a non-nuisance industry in order to provide for storage and processing of gravel upon a six-acre parcel within the Industrial A Zoning Use District located on Kroemer Avenue, Riverhead, said parcel more particularly described as Suffolk County Tax Map #0600-119-01-028.5 and #0600-119-01-28.6; and

WHEREAS, the Riverhead Town Board had declared itself to be lead agency in this matter and has determined the action to be an Unlisted Action without a significant impact upon the environment; and

WHEREAS, the Petition was referred to the Riverhead Planning Board for its report and recommendation; and

WHEREAS, the Planning Board resolved to recommend approval of the special permit subject to certain conditions; and

WHEREAS, a public hearing was held on the subject Petition on the 1st day of October, 1991, where the comments of the public were heard; and

WHEREAS, the Planning Board has carefully considered the merits of the Petition, the SEQRA record created to date and the report of the Planning, as well as other relevant planning and zoning information.

NOW, THEREFORE, BE IT

RESOLVED, that the matter of the special permit petition of All County Aggregates, Inc., the Riverhead Town Board makes the following findings:

FIRST: That there exist no significant natural features upon the subject site;

SECOND: That the surrounding land uses within 500 feet of the subject property are industrial in nature and that the adjoining land to the south has a use similar to the proposed use;

THIRD: That there is to be no mining of the subject site as defined in the Riverhead Town Code and New York State Environmental Conservation Law;

FOURTH: That all activities are to be dry processes and that water to be used on the site is that

associated with the building trade shop exclusively;

FIFTH: That the site plan accompanying the special permit petition depicts a "storage and soil processing area: without the identification of any structures and that processing of material is to involve the transportation of said material through the use of vehicles exclusively;

SIXTH: That the project site is located within the regulated area of the New York State Wild, Scenic and Recreation Rivers Program and that a Rivers System Permit will be required for the proposed use;

SEVENTH: That the site is particularly suitable for the location of the use in the community;

EIGHTH: That the access facilities will be adequate for the estimated traffic from public streets;

NINTH: That adequate provisions will be made for the disposal from the site of sanitary sewage, refuse or other wastes;

TENTH: That the retention of existing vegetation, the improvement of site access and the landscaping of the public right-of-way will minimize the emission of noise and dust from adjacent properties and land uses;

ELEVENTH: That the use will not prevent or substantially impair the reasonable and orderly development of other properties in the neighborhood;

TWELFTH: That the hazards to the neighborhood associates with the location of such use upon the property are outweighed by the advantage to be gained by the Town;

THIRTEENTH: That the health, safety, welfare, comfort, convenience and order of the Town will not be affected by the authorized use;

FOURTEENTH: That the use will be in harmony with and promote the general purposes and intent of the Riverhead Zoning Ordinance;

FIFTEENTH: That the use, as conditioned by the Town Board, is not detrimental to the environment by reason of the emission of noise, smoke, odor, dust, gas, glare, heat, liquid or industrial waste.

RESOLVED, that the Riverhead Town Board hereby approves the special permit petition of All County Aggregates for a non-nuisance industry within the Industrial A Zoning Use District in order to allow the storage and processing of material, which said special permit shall be subject to the following conditions:

1. That the processing of materials shall involved the use of vehicles only;
2. That vehicles shall incorporate noise muffler systems in order to provide for a maximum of 85 dBA;
3. That water usage on the subject property be restricted to that required by the contemplated building trade shop and that water considered to be necessary to mitigate the impacts of dust;
4. That the access to the site shall be improved as shown in the attending site plan in order to mitigate against the accumulation of dirt upon public highways;
5. That the wooded areas existing along the northern and eastern property lines be maintained to mitigate against dust and noise affecting neighboring properties;
6. That those proposed improvements and landscaping to the Town of Riverhead right-of-way be completed in order to mitigate against dust and noise affecting the public right-of-way;
7. That a Rivers System Permit for Light Industry issued by the New York State Department of Environmental Conservation pursuant to the New York State Wild, Scenic and Recreational Rivers Program be secured and that said permit be submitted to the Riverhead Building Department prior to the issuance of a use permit by the Riverhead Building Department.

and be it further

RESOLVED that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Two Brothers Property Corp., the Riverhead Planning Department and the Riverhead Building Department.

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

The resolution was thereupon duly declared adopted.

694

AUTHORIZED THE SOLICITATION OF BIDS FOR
OFFICE SUPPLIES, FURNITURE AND EQUIPMENT

COUNCILPERSON Stark offered the following RESOLUTION, which was seconded by COUNCILPERSON Creighton.

RESOLVED, that the Town Clerk be and hereby is authorized to advertise for sealed bids for the purchase of OFFICE SUPPLIES
FURNITURE AND EQUIPMENT for use by the TOWN OF RIVERHEAD, and be it further

RESOLVED, that the Town Clerk be and hereby is authorized to open and publicly read allowed said bids at 11:00 A. M. on December 30, 1991, at Town Hall, 200 Howell Avenue, Riverhead New York: and to make a report of said bids to the Town Board at the next public meeting following the opening of the bids.

NOTICE TO BIDDERS ATTACHED

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

The resolution was thereupon duly declared adopted.

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Sealed bids for the purchase of OFFICE SUPPLIES
FURNITURE AND EQUIPMENT for use by
the TOWN OF RIVERHEAD will be received by the Town Clerk
of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead
New York, 11901, until 11:00 A.M. on December 30 1991.

Bid packets, including specifications, may be obtained at the Town Clerk's
Office at Town Hall Monday through Friday between the hours of 8:30 A.M.
and 4:30 P.M.

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

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

All bids are to be submitted in a sealed envelope bearing the designation
OFFICE SUPPLIES, FURNITURE AND EQUIPMENT

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Irene J. Pendick, Town Clerk

695

AUTHORIZED THE SOLICITATION OF BIDS FOR
COPY MACHINE PAPER

COUNCILPERSON Stark offered the following RESOLUTION, which
was seconded by COUNCILPERSON Creighton.

RESOLVED, that the Town Clerk be and hereby is authorized
to advertise for sealed bids for the purchase of COPY MACHINE PAPER
for use by the ALL TOWN DEPARTMENTS, and be it further

RESOLVED, that the Town Clerk be and hereby is authorized
to open and publicly read allowed said bids at 11:05 A. M. on
December 30, 1991, at Town Hall, 200 Howell Avenue, Riverhead
New York: and to make a report of said bids to the Town Board at the next
public meeting following the opening of the bids.

NOTICE TO BIDDERS ATTACHED

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

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
James J. Parlick, Town Clerk

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Sealed bids for the purchase of COPY MACHINE PAPER for use by the TOWN OF RIVERHEAD will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead New York, 11901, until 11:05 A.M. on December 30 1991.

Bid packets, including specifications, may be obtained at the Town Clerk's Office at Town Hall Monday through Friday between the hours of 8:30 A.M. and 4:30 P.M.

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

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

All bids are to be submitted in a sealed envelope bearing the designation COPY MACHINE PAPER 1992.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Irene J. Pendick, Town Clerk

696

AUTHORIZED THE SOLICITATION OF BIDS FOR
HEAVY EQUIPMENT TIRES

COUNCILPERSON Stark offered the following RESOLUTION, which was seconded by COUNCILPERSON Creighton.

RESOLVED, that the Town Clerk be and hereby is authorized to advertise for sealed bids for the purchase of HEAVY EQUIPMENT TIRES for use by the TOWN OF RIVERHEAD, and be it further

RESOLVED, that the Town Clerk be and hereby is authorized to open and publicly read allowed said bids at 11:10 A. M. on December 30, 1991, at Town Hall, 200 Howell Avenue, Riverhead New York: and to make a report of said bids to the Town Board at the next public meeting following the opening of the bids.

NOTICE TO BIDDERS ATTACHED

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

Teresa J. Parsick, Town Clerk

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Sealed bids for the purchase of HEAVY EQUIPMENT TIRES for use by the TOWN OF RIVERHEAD will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead New York, 11901, until 11:10 A.M. on December 30 1991.

Bid packets, including specifications, may be obtained at the Town Clerk's Office at Town Hall Monday through Friday between the hours of 8:30 A.M. and 4:30 P.M.

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

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

All bids are to be submitted in a sealed envelope bearing the designation 1992 HEAVY EQUIPMENT TIRES.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Irene J. Pendick, Town Clerk

697

TOWN
NOTICE TO
1992 PICK-UP TRUCK

COUNCILPERSON Stark offered the following RESOLUTION, which was seconded by COUNCILPERSON Creighton.

RESOLVED, that the Town Clerk be and hereby is authorized to advertise for sealed bids for the purchase of 1992 PICK-UP TRUCK for use by the SANITATION DEPT. TOWN OF RIVERHEAD, and be it further

RESOLVED, that the Town Clerk be and hereby is authorized to open and publicly read allowed said bids at 11:15 A. M. on December 30, 1991, at Town Hall, 200 Howell Avenue, Riverhead New York: and to make a report of said bids to the Town Board at the next public meeting following the opening of the bids.

NOTICE TO BIDDERS ATTACHED

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

The resolution was thereupon duly declared adopted.

Irene J. Fenwick, Town Clerk

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Sealed bids for the purchase of 1992 PICK-UP TRUCK for use by
SANITATION DEPT.
the TOWN OF RIVERHEAD will be received by the Town Clerk
of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead
New York, 11901, until 11:15 A.M. on December 30 1991.

Bid packets, including specifications, may be obtained at the Town Clerk's
Office at Town Hall Monday through Friday between the hours of 8:30 A.M.
and 4:30 P.M.

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

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

All bids are to be submitted in a sealed envelope bearing the designation
1992 SANITATION PICK-UP TRUCK

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Irene J. Pendick, Town Clerk

RESOLUTION # 698 AUTHORIZES TRANSFER OF AFFORDABLE HOUSING LOTS
(OSBORNE MEADOWS)

COUNCILPERSON Civiletti offered the following resolution, which was seconded by COUNCILPERSON Creighton.

WHEREAS, the Town of Riverhead, pursuant to section 99-h of General Municipal Law, did participate in the U.S. Department of Housing and Urban Development Community Block Grant Program for the purposes of acquisition and development of land for the benefit of low to moderate income families; and

WHEREAS, the Town of Riverhead Community Development Agency, on behalf of the Town of Riverhead has developed a certain parcel of land known as "Map of Osborne Meadows" which was filed with the Suffolk Clerk's Office on June 24, 1991, as Map No. 9115; and

WHEREAS, the individual lots on said "Map of Osborne Meadows" have been improved with single-family residences by twenty-one low and moderate income families, at their own expenses;

WHEREAS, the Town of Riverhead wishes to convey the individual lots to the eligible persons listed, respective, on the attached **SCHEDULE "A"** pursuant to the Town of Riverhead's participation in the U.S. Department of Housing and Urban Development's Community Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED, that Lots #1 through #21 as shown on the "MAP OF OSBORNE MEADOWS" are authorized to be transferred to the eligible persons listed on **SCHEDULE "A"** annexed hereto and subject to change; and

BE IT FURTHER RESOLVED, that the Supervisor be and is hereby authorized to execute any and all documents necessary to effectuate the transfers of the individual lots to the eligible low to moderate income persons; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward 21 certified copies of this resolution to be forwarded to the Town Attorney's Office and one certified copy to Andrea Lohneiss, Community Development Director.

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

The resolution was thereupon duly declared adopted.

SCHEDULE "A"

<u>LOT NO.</u>	<u>NAME</u>	<u>ADDRESS</u>
1		70 Constable Drive
2	Stanislaw & Eurelia Szumczyk	86 Constable Drive
3	Grazyna Brozio	98 Constable Drive
4		104 Constable Drive
5	Joseph and Robin Walsh	112 Constable Drive
6	Mary Jane Stelmaschuk	120 Constable Drive
7	Quinton & Wendy Evans	122 Constable Drive
8	Judith Speizio	117 Constable Drive
9	Robert and Frances Inzalaco	113 Constable Drive
10	Charles Klein	107 Constable Drive
11	Michael & Kathleen Hughes	99 Constable Drive
12	Walclaw and Jolanta Wilcynska	91 Constable Drive
13	Charles & Louise Markert	81 Constable Drive or 8 Midfield Place
14	Brian Coleman	13 Midfield Place
15	Christopher Adler	73 Constable Drive or 5 Midfield Place
16	Diane Nugent	63 Constable Drive
17	Frederick & Wendy Mildner	55 Constable Drive
18	Thomas and Harriet Upton	1222 Middle Road
19	Reese Walters, Jr.	1228 Middle Road
20	Timothy McCabe & Kelli Langhorn	1230 Middle Road
21	Mary Ann Tague	1232 Middle Road

Resolution # 699 Authorizing Supervisor to Sign Sales Contract

COUNCILPERSON Creighton offered the following resolution which was seconded by COUNCILPERSON Stark.

WHEREAS, the Community Development Agency administers an ongoing affordable housing program utilizing HUD Community Development Block Grant funds; and

WHEREAS, the Farmer's Home Administration has agreed to sell to the Town of Riverhead a parcel of property located at 62 Lewis Street, Riverhead; and

WHEREAS, the Community Development Agency proposes to acquire, rehabilitate and resell as a single family affordable housing unit the subject property to a low to moderate income household.

THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Riverhead be authorized to enter into contract with the Farmer's Home Administration for acquisition of subject property for the purposes herein described and to execute any and all documents required for the acquisition and subsequent transfer of the parcel by the Town of Riverhead; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Andrea Lohneiss, Community Development Director, and Leroy Barnes, Board of Assessors.

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

The resolution was thereupon duly declared adopted.

12/17/91

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#700

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, in said Town, on December 17, 1991 at 7:30 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Janoski, and upon roll being called, the following were

PRESENT: Councilwoman Denise Civiletti
Councilman James Stark
Councilman Frank Creighton

ABSENT: Supervisor Joseph Janoski
Councilman Victor Prusinowski

The following resolution was offered by Councilman Stark, who moved **TO TABLE** - seconded by Councilman Creighton to-wit:

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$50,000 SERIAL BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY ADDITIONAL COSTS OF THE RECONSTRUCTION OF AND CONSTRUCTION OF ADDITIONS TO THE HIGHWAY GARAGE LOCATED ON OSBORNE AVENUE IN AND FOR SAID TOWN.

WHEREAS, by bond resolution dated October 15, 1991, the Town Board of the Town of Riverhead, Suffolk County, New York, authorized the issuance of \$325,000 serial bonds of said Town to pay the cost of the reconstruction of and construction of additions to the Highway Garage located on Osborne Avenue, in and for the Town of Riverhead, Suffolk County, New York; and

WHEREAS, it has now been determined that the maximum estimated cost of such project is \$375,000, an increase of \$50,000 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of an additional \$50,000 serial bonds of said Town to pay such costs; NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of paying part of the cost of the reconstruction of and construction of additions to the Highway Garage located on Osborne Avenue, in and for the Town of Riverhead, Suffolk County, New York, there are hereby authorized to be issued an additional \$50,000 serial bonds of the Town of Riverhead, Suffolk County, New York, pursuant to the provisions of the Local Finance Law.

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Section 2. The maximum estimated cost of the aforesaid specific object or purpose is hereby determined to be \$375,000, and the plan for the financing thereof is as follows:

- a) By the issuance of the \$325,000 serial bonds of said Town previously authorized by bond resolution dated October 15, 1991; and
- b) By the issuance of the additional \$50,000 serial bonds of said Town authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

-3-

Section 5. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Riverhead, Suffolk County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted thereon and attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the

-4-

provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain

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substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes effect immediately pursuant to Section 35(b)(1)(4) of the Local Finance Law, shall be published in full in Suffolk County Life, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

<u>Supervisor Janoski</u>	<u>VOTING</u>	<u>absent</u>
<u>Councilwoman Civiletti</u>	<u>VOTING</u>	<u>Yes</u>
<u>Councilman Stark</u>	<u>VOTING</u>	<u>Yes</u>
<u>Councilman Prusinowski</u>	<u>VOTING</u>	<u>Absent</u>
<u>Councilman Creighton</u>	<u>VOTING</u>	<u>Yes</u>

The resolution was thereupon declared duly TABLED.

* * * * *

I HEREBY CERTIFY that all members of said Board had due notice of said meeting.

I HEREBY CERTIFY that, pursuant to Section 183 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I HEREBY CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given in the following newspaper and/or other news media as follows:

Newspaper: [blank] Date given: [blank]
Tabled

12/17/91

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

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on December 17, 1991, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

TABLED

Tabled

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of posted notice _____ Date of Posting _____

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on _____, 19__.

Town Clerk

(CORPORATE SEAL)

701

ADOPTS AMENDMENT TO CHAPTER 108 "ZONING" ARTICLE XXVI
"SITE PLAN" SECTION 108-131 OF THE RIVERHEAD TOWN CODE

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

WHEREAS, the Town Clerk was directed to publish and post a public notice to hear all interested persons to consider an amendment to Chapter 108 "Zoning" Article XXVI "Site Plan" at Section 108-131(B)(3) of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 3rd day of December, 1991, at 7:45 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT

RESOLVED, that an amendment to Chapter 108 "Zoning" Article XXVI "Site Plan" at Section 108-131(B)(3) of the Riverhead Town Code be and is hereby adopted as follows:

ARTICLE XXVI
 Site Plan Review

108-131. Application procedure; fees.

B. Formal Application.

- (3) For each application for site plan approval submitted to the Planning Department under the provisions of this chapter, the filing fee shall be one hundred dollars (\$100.), plus ~~one cent (\$0.01)~~ five cents (\$0.05) per square foot of site improvements and/or altered area, which total fee for site plan review shall not exceed five thousand dollars (\$5,000.). The fee to review an application to amend a previously approved site plan shall be fifty dollars (\$50.).

and be it further

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

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

The resolution was thereupon duly declared adopted.

702

ADOPTS AMENDMENT TO CHAPTER 52 "BUILDING CONSTRUCTION"
AT SECTION 52-10(C)(10) "BUILDING PERMIT FEES" OF THE
RIVERHEAD TOWN CODE

COUNCILPERSON Civiletti offered the following resolution, which was seconded by COUNCILPERSON Creighton :

WHEREAS, the Town Clerk was directed to publish and post a public notice to hear all interested persons to consider an amendment to Chapter 52 "Building Construction" at Section 52-10(C)(10) "Building Permit Fees" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 3rd day of December, 1991, at 7:55 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.

NOW, THEREFORE, BE IT

RESOLVED, that an amendment to Chapter 52 "Building Construction" at Section 52-10(C)(10) "Building Permit Fees" of the Riverhead Town Code be and is hereby adopted as follows:

52-10. Building permit fees.

C. For each building permit where the construction cost shall exceed one thousand dollars (\$1,000.), The basis for computing construction costs shall be the square feet of floor area of the proposed building in relation to the proposed use of said building and/or the cost thereof as follows:

(10) The fee for a duplicate certificate of occupancy shall be ~~twenty-five dollars (\$25.)~~ fifty dollars (\$50.), and letters of preexisting use and inspection above the maximum shall be ~~twenty-five dollars (\$25.)~~ fifty dollars (\$50.) each..

and be it further

RESOLVED, that the Town Clerk be and is hereby directed 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 directed to forward a certified copy of this resolution to the Riverhead Building Department.

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

The resolution was thereupon duly declared adopted.

703

ADOPTS LOCAL LAW AMENDING CHAPTER 61 "ENVIRONMENTAL
QUALITY REVIEW" AT SECTION 61-15 OF THE RIVERHEAD TOWN
CODE

COUNCILPERSON Civiletti offered the following resolution, which was seconded by COUNCILPERSON Creighton:

WHEREAS, the Town Clerk was directed to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 61 "Environmental Quality Review" at Section 61-15 "Fees for review of environmental impact statement" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 3rd day of December, 1991, at 7:50 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT

RESOLVED, that a local law amending Chapter 61 "Environmental Quality Review" at Section 61-15 "Fees for review of environmental impact statement" of the Riverhead Town Code be and is hereby adopted. The amendment will change the fee structure charged for review of environmental impact statements prepared pursuant to determinations made by the Town Board, Riverhead Planning Board or Riverhead Zoning Board of Appeals. A copy of this amendment is available for review, in its entirety, at the Town Clerk's Office, 200 Howell Avenue, Riverhead, New York, during normal business Monday through Friday, 8:30 a.m. to 4:30 p.m.

and be it further

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

Dated: Riverhead, New York
December 17, 1991.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

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

The resolution was thereupon duly declared adopted.

Chapter 61

ENVIRONMENTAL QUALITY REVIEW

61-6. Fee

Every application for determination under this chapter shall be accompanied by a reasonable fee set forth in this section to defray the expenses incurred in rendering such determination. [The fee shall be as follows: a waivable fee of fifty dollars (\$50.). In addition, the applicant must pay for all publication costs.]

The fee shall be based upon a percentage of total project costs as follows:

A. Residential Projects. The total project cost shall be calculated on the cost of the land plus the cost of all required site improvements, not including the cost of buildings and structures. In residential projects, the fee to be required by the Lead Agency shall not exceed two percent of the total project cost.

B. Non-Residential Projects. The total project cost shall be calculated on the cost of supplying utility service to the project, the cost of site preparation, and the cost of labor and material as determined by reference to current cost data publication in common usage. In the case of such projects, the fee charged by the Lead Agency may not exceed one half of one percent of the total project cost.

C. Extraction of Minerals. The total project cost shall be calculated on the cost of site preparation for mining. Site preparation cost shall include the cost of clearing, grubbing, and removal of over-burden for the entire area to be mined plus the cost of utility services and the construction of access roads. The fee charged by the Lead Agency may not exceed one half of one percent of the total project cost. For those costs to be incurred for phases occurring three or more years after issuance of the permit, the value of project cost shall be determined using a present value calculation.

D. Appeals. When a dispute arises concerning fees charged to an applicant by a Lead Agency, the applicant may make a written request to the Lead Agency setting forth reasons why such fees are inequitable. Upon receipt of a request, the chief fiscal officer of the Town of Riverhead or his designee shall examine the agency record and prepare a written response to the applicant setting forth those reasons why the applicant's appeal is valid or invalid. Such appeal procedure shall not interfere with or cause delay in the environmental review process or prohibit an action from being undertaken.

704 AUTHORIZES ATTENDANCE OF POLICE OFFICER AT SEMINAR

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

WHEREAS, the F.B.I. National Academy in Quantico, Virginia have chosen and officer from the Town of Riverhead Police Department as a candidate for the F.B.I. Academy commencing March 29, 1992 and graduating June 12, 1992; and

WHEREAS, it is the recommendation of the Superiors of this officer that he be authorized to attend said academy.

NOW, THEREFORE, BE IT RESOLVED, that said police officer be and is hereby authorized to attend the F.B.I. National Academy from March 29, 1992 to June 12, 1992; and

BE IT FURTHER RESOLVED, that all related expenses incurred by this officer with regard to the Academy will be fully receipted upon his return and thereafter reimbursed by the Office of Accounting; and

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

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

The resolution was thereupon duly declared adopted.

705 ACCEPTS SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT AND AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF HEARING REGARDING APPLICATION OF WILLIAM SCHULMAN (FORMERLY CALVERTON LIFECARE)

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

WHEREAS, Frederick Moore did in 1987 apply for a change in zone from Industrial 'A' to Residence 'RC' in order to construct a senior citizen retirement and congregate care facility on a 87.7 acre parcel known as Suffolk County Tax Map Number 0600-137-1-2, and

WHEREAS, the Riverhead Town Board did by Resolution #164 dated March 17, 1987, declare itself to be Lead Agency for purpose of State Environmental Quality Review, and

WHEREAS, the Riverhead Town Board issued a Positive Declaration of Significance indicating that a Draft Environmental Impact Statement would be prepared and by Resolution #508 dated August 2, 1988, accepted that Draft Environmental Impact Statement, noticed, and distributed it and held a public hearing on its content, and

WHEREAS, involved agency input and other commentary have caused change in project design so that it consists only of a 9 hole golf course and accessory structures, which alternative was not adequately addressed by the Draft Environmental Impact Statement, and

WHEREAS, the revised alternative, its impact and mitigation measures, have been described in a document entitled "Golf Course Alternative for Calverton Lifecare Center Project" by Design Properties, dated November 1991, which document has been reviewed by the Riverhead Planning Department and found to be acceptable for SEQOR review within the framework of Part 617.14 and in consideration of the work done by the previous document;

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board does hereby under the provisions of 617.8(g) accept the above titled document as a Supplementary Draft Environmental Impact Statement, and

BE IT FURTHER

RESOLVED, that the Riverhead Planning Department be directed to file the document along with its required Notice of Completion as set out in 617.10, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized to publish and post the attached Notice of Completion of the Draft Environmental Impact Statement and notice of SEQOR hearing and to forward a certified copy of this resolution to the Planning Department and the applicant.

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

The resolution was thereupon duly declared adopted.

State Environmental Quality Review

Notice of Completion of Draft Environmental Impact Statement
and
Notice of SEQR Hearing

Lead Agency: Riverhead Town Board

Address: 200 Howell Avenue, Riverhead, New York, 11901

Date: December 13, 1991

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

A Supplementary Draft Environmental Impact Statement has been completed and accepted for the proposed action described below. Comments on the Draft Environmental Impact Statement are requested and will be accepted by the contact person until January 18, 1992. A public hearing on the Draft Environmental Impact Statement will be held on January 7, 1992, at 7:45 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, 11901.

Name of Action: Calverton Lifecare (Golf Course Alternative)

Description of Action: Applicant proposes to construct a nine hole golf course with practice range, clubhouse, and maintenance area on a 87.7 acre parcel zoned Industrial 'A.' Project is one reduced in scope and altered in character from applicant's original intent which featured a congregate care facility, residential and recreational structures, and a pitch and putt golf course.

Location: West side Edwards Avenue, approximately 500' north of Railroad Avenue, Calverton, Riverhead Township; Suffolk County Tax Map Number 0600-137-1-2

Potential Environmental Impacts: Discussion will center on potential impacts to the following resources: surface water and wetlands; groundwater; vegetation; wildlife; archeological; and impacts of trip generation on area roadways.

A copy of the Draft Environmental Impact Statement may be obtained from:

Contact: Planning Department
Address: 200 Howell Avenue
Riverhead, New York, 11901

Telephone Number: (516) 727-3200

706

REJECTS BIDS FOR MECHANICAL WORK FOR HIGHWAY BARN

COUNCILPERSON Civiletti offered the following resolution, which was seconded by COUNCILPERSON Creighton :

RESOLVED, that the Town Board of the Town of Riverhead hereby rejects the bids received on November 1, 1991, for the mechanical contract for work to be done on the Highway barn; and be it further

RESOVLED, that the Town Clerk be and is hereby authorized to return the bid bonds received; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the bidders with the return of their bid bonds, Charles B. Bloss and Ken Testa.

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

The resolution was thereupon duly declared adopted.

707

APPROVES SPECIAL PERMIT OF 25 EAST REALTY CORP.

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

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from 25 East Realty Corp. for the expansion of a pre-existing, non-conforming use to allow for fender and auto body repair upon a parcel within the Agriculture A Zoning Use District, said parcel being more particularly described as Suffolk County Tax Map #0600-85-1-5; and

WHEREAS, the Riverhead Town Board has declared itself to be the lead agency in this matter and has determined the application to be an Unlisted Action without a significant impact upon the environment; and

WHEREAS, the Town Board referred the petition to the Suffolk County Planning Commission as required by the Charter, and said commission recommended the application to be a matter for local determination; and

WHEREAS, the Town Board referred the petition to the Riverhead Planning Board as required by the Riverhead Town Code, and the Planning Board recommended that the application be approved, with conditions; and

WHEREAS, the Riverhead Town Board hereby waives the public in this matter pursuant to Section 108-51 of the Riverhead Town Code; and

WHEREAS, the Riverhead Town Board has carefully considered the merits of the petition, the SEQRA record created to date and the report of the Planning Board, as well as all other relevant planning and zoning information.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board makes the following findings in the matter of the special permit petition of 25 East Realty Corp.:

FIRST: That the pre-existing, non-conforming use of the site is an automobile sales and repair facility and that body and fender repair is considered to be a reasonable attendant use;

SECOND: That the potentially large environmental impacts to water and air resources resulting from the storage and release of chemicals will be mitigated by conformance to Articles VII and XII of the Suffolk County Sanitary Code;

- THIRD:** That the site is particularly suitable for the location of the use in the community;
- FOURTH:** That access facilities are adequate for the estimated traffic from public street;
- FIFTH:** That adequate provisions will be made for the disposal from the site of sanitary sewage, refuse and other wastes;
- SIXTH:** That it is important that adequate buffer yards and landscaping be provided to protect adjacent properties and land uses;
- SEVENTH:** That the use will not prevent the reasonable and orderly use or development of other properties within the neighborhood;
- EIGHTH:** That the disadvantages to the neighborhood from the location of such use upon the property are outweighed by the advantages to be gained by the Town;
- NINTH:** That the health, safety and welfare and order of the Town will not be adversely affected by the authorized use;
- TENTH:** That the use will be in harmony with and will promote the general purposes of the Riverhead Zoning Code.

and be it further

RESOLVED, that based upon its findings, the Riverhead Town Board hereby approves the special permit petition of 25 East Realty Corp. subject to the following conditions:

- i. That those spray booths typical for the proposed use be employed;
- ii. That those permits required by Article VII and XII of the Suffolk County Sanitary Code be in place prior to the issuance of a building permit;
- iii. That there be no storage of vehicles to be repaired in either the front or side yards of the subject parcel;
- iv. That work hours for the special permit use be limited to those hours between 8:00 a.m. and 6:00 p.m., Monday through Saturday;
- v. That all body and fender repair is to occur within the existing building;

- vi. That the side and rear yard shall be fenced with an opaque material;
- vii. That the area of the existing parking lot to be used for the storage of vehicles shall not exceed that area required by the repair facility itself;
- viii. That the term of the special permit shall be for one (1) year and shall be automatically renewed only if the original pre-existing, non-conforming primary car dealership use is still in operation.

and be it further

RESOLVED, that the Town Clerk is directed to forward a certified copy of this resolution to 25 East Realty Corp., the Riverhead Planning Department and the Riverhead Building Department.

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

RESOLUTION NUMBER DATED DEC 17, 1991 ABSTRACT #46 COUNCILPERSON
 offered the following resolution, which was seconded by COUNCILPERSON
 RESOLVED, that the SUPERVISOR be, and is hereby authorized to pay the following.....

*****ACCOUNTS*****		*****TOTALS*****	
GENERAL TOWN	001		\$1,195,030.90
PARKING METER	002		\$0.00
AMBULANCE	003		\$0.00
POLICE ATHLETIC LEAGUE	004		\$360.00
TEEN CENTER	005		\$300.00
RECREATION PROGRAM	006		\$600.00
HIGHWAY	111		\$42,773.49
WATER	112		\$26,532.62
REPAIR & MAINTENANCE	113		\$2,919.00
SEWER	114		\$15,266.96
STREET LIGHTING	116		\$3,395.10
PUBLIC PARKING	117		\$3,271.02
BUSINESS IMPROVEMENTS DISTRICT	118		\$0.00
HOSPITALIZATION SELF INSURANCE	174		\$13,564.41
RISK RETENTION	175		\$0.00
UNEMPLOYMENT INSURANCE RESERVE	176		\$0.00
ECONOMIC REVOLVING LOAN	178		\$2,734.53
RESIDENTIAL REHAB	179		\$0.00
DISCRETIONARY/SMALL CITIES	180		\$0.00
CDBG CONSORTIUM ACCOUNT	181		\$7,700.00
IDDP CONSWORTIUM ACCOUNT	183		\$59,430.00
SEWER DISTRICT DEBT	382		\$0.00
WATER DEBT	383		\$0.00
GENERAL TOWN DEBT	384		\$0.00
SCAVENGER WASTE DEBT	385		\$0.00
TOWN HALL CAPITAL PROJECTS	406		\$103,178.72
EIGHT HUNDRED SERIES	408		\$17,088.72
TWO BEARS	440		\$0.00
SCAV WASTE CAP PROJECTS	470		\$16,942.51
YOUTH SERVICE	452		\$1,297.72
SENIORS HELPING SENIORS	453		\$1,508.97
EISEP	454		\$954.02
JOINT SCAVENGER WASTE	918		\$7,369.36
SPECIAL TRUST	736		\$40,000.00
MUNICIPAL GARAGE	626		\$4,080.18
TRUST & AGENCY	735		\$630,265.76
*****GRAND TOTAL*****			\$2,196,563.99

Councilman Creighton offered the above resolution which was seconded by Councilwoman Civiletti.

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

The resolution was thereupon duly declared adopted.

709 ADOPTS LOCAL LAW ENTITLED "NOISE CONTROL"

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

WHEREAS, the proposed noise ordinance has been the combined efforts of dedicated Riverhead residents, civic groups and the Town Board; and

WHEREAS, the proposed noise ordinance will insure the comfortable enjoyment of life and property for the residents of the Town of Riverhead by regulating loud noise or sound which disturbs the comfort, repose or peace of a reasonable person or which causes injury to animal life or damage to property or business; and

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to establish a noise ordinance in the Town of Riverhead; and

WHEREAS, a public hearing was held on the 17th day of December, 1991, at 7:45 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 a local law to establish a noise ordinance in the Town of Riverhead be and is hereby adopted; and be it further

RESOLVED, that the Town Clerk be directed to publish and post the attached Notice of Adoption once in the Suffolk County Life; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Police Department and the Ordinance Inspector.

Dated: Riverhead, New York
December 17, 1991.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

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

TOWN OF RIVERHEAD
PUBLIC NOTICE

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead has adopted a local law entitled "Noise Control". This local law will insure the comfortable enjoyment of life and property for the residents of the Town of Riverhead by regulating excessive or unusually loud noise or sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person or which causes injury to animal life or damage to property or business. An entire copy of the local law is available at the Town Clerk's Office, 200 Howell Avenue, Riverhead, New York, during normal business hours, Monday through Friday, from 8:30 a.m. to 4:30 p.m.

Dated: Riverhead, New York
December 17, 1991.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

NOISE CONTROL

1. Definitions; word usage.
2. Enforcement; powers and duties of Ordinance Inspector.
3. Responsibility of departments.
4. Maximum permissible sound pressure levels.
5. Prohibited acts.
6. Exceptions.
7. Variances.
8. Penalties for offenses.
9. Abatement.
10. Construal.
11. Effective date.

1. Definitions; word usage.

All terminology defined herein which relates to the nature of sound and the mechanical detection and recordation of sound is in conformance with the terminology of the American National Standards Institute or its successor body.

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

A-WEIGHTED SOUND PRESSURE LEVEL - The sound pressure level measured in decibels with a sound level meter set for A-weighting, abbreviated "dBA".

ABATEMENT - An official warning to remove, stop and/or cease that which causes an unreasonable noise.

COMMERCIAL AREA - A group of commercial properties and the abutting public rights-of-way and public spaces.

COMMERCIAL PROPERTY - Any property currently or hereinafter zoned for any classification of business or commercial zoning according to the Zoning Map of the Town of Riverhead or any facility or property used for activities involving the furnishing or handling of goods or services, including but not limited to:

- (1) Commercial dining;
- (2) Community services;
- (3) Public services;
- (4) Other commercial activities.

CONSTRUCTION - Any site preparation, assembly, erection, repair, alteration or similar action, but excluding demolition, of buildings or structures.

CONSTRUCTION DEVICE - Any power device or equipment designed and intended for use in construction, including but not limited to air compressors, bulldozers, backhoes, trucks, shovels, derricks and cranes.

DECIBEL (dB) - The practical unit of measurement for sound pressure level. The number of "decibels" of a measured sound is equal to twenty (20) times the logarithm of the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (twenty [20] micropascals), abbreviated "dB".

DEMOLITION - Any dismantling, intentional destruction or removal of buildings or structures.

EMERGENCY WORK - Any work or action necessary to deliver essential services, including but not limited to repairing water, gas, electricity, telephone and sewer facilities and public transportation, removing fallen trees on public rights-of-way and abating life-threatening conditions.

dba - The A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standards Institute Specifications for Sound Level Meters (ANSI SI.4 1971), properly calibrated and operated on the A-weighting network.

GROSS VEHICLE WEIGHT RATING (GVWR) - The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, should be used.

HOMEOWNERS' LIGHT RESIDENTIAL OUTDOOR EQUIPMENT - All engine- or motor-powered equipment intended for repetitive use in residential areas typically capable of being used by a homeowner. Examples of "homeowners' light residential outdoor equipment" are lawn mowers, garden tools, riding tractors, snowblowers, hedge clippers, etc.

IMPULSIVE SOUND - A sound of short duration usually less than one (1) second and of high intensity with an abrupt onset and rapid delay. Examples of "impulsive sound" would be explosions, drop forge impacts, discharge of firearms, etc.

INDUSTRIAL AREAS - Those areas zoned as such by the Code of the Town of Riverhead.

INDUSTRIAL PROPERTY - Any facility or property used for activities involving the production, fabrication, packaging, storage, warehousing, shipping or distribution of goods, including any property currently or hereinafter zoned for any classification of industrial zoning according to the Zoning Map of the Town of Riverhead.

MOTOR VEHICLE - Any vehicle which is propelled or drawn on land by an engine or motor.

MULTI-DWELLING BUILDING - Any building wherein there are two (2) or more dwelling units.

NOISE - Any airborne sound of such level and duration as to be or tend to be injurious to human health or welfare or that would unreasonably interfere with the enjoyment of life or property.

NOISE POLLUTION - The presence of that amount of acoustic energy for that amount of time necessary to:

- A. Cause temporary or permanent hearing loss in persons exposed;
- B. Be otherwise injurious, or tend to be, on the basis of current information, injurious to the public health or welfare;
- C. Cause a nuisance;
- D. Exceed standards or restrictions established herein; or
- E. Interfere with the comfortable enjoyment of life and property or the conduct of business. The following are deemed to interfere with the comfortable enjoyment of life and property or the conduct of business:
 - (1) Yelling, shouting, hooting, whistling or singing on the public streets or from private property at any time that annoys or disturbs the quiet comfort or repose of person or persons in the vicinity and that such noise is plainly audible at a distance of fifty (50) feet from the area, building, structure or vehicle from which such noise emanates;
 - (2) The using or operating of or permitting to be played, used or operated, any sound reproductive device, including but not limited to any radio, receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace quiet and comfort of the

neighboring inhabitants and in such a manner as to be plainly audible at a distance of fifty (50) feet from the area, building, structure of vehicle in which it is located.

NOISE CONTROL OFFICER - Any employee of the Town of Riverhead trained in the measurement of sound and empowered to issue a summons for violations of this chapter.

NOISE SENSITIVE ZONE - Any area designated pursuant to this chapter for the purpose of ensuring exceptional quiet.

OFF-ROAD RECREATIONAL VEHICLE - Any vehicle which is propelled by any power other than muscular power.

OCTAVE BAND SOUND PRESSURE LEVEL - Sound pressure level measured in standard octave bands with sound level meter and octave band analyzer that meet ANSI SI.4 and SI.11, or the latest revision thereof.

PERSON - An individual, association, firm, syndicate, company, trust, corporation, department, bureau or agency, or any other entity recognized by law as the subject of rights and duties.

PUBLIC RIGHT-OF-WAY - Any street, avenue, boulevard, road, highway, sidewalk, alley or similar place that is owned or controlled by a governmental entity.

PUBLIC SPACE - Any real property or structures thereon that are owned or controlled by a governmental entity.

REAL PROPERTY LINE - (1) The imaginary line, including its vertical extension, that separates one parcel of real property from another; or (2) The vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling unit building.

RESIDENTIAL AREA - A group of residential properties and the abutting public rights-of-way and public spaces.

RESIDENTIAL PROPERTY - Any property used for human habitation.

SOUND - Any variation in ambient barometric pressure.

SOUND LEVEL METER - An instrument, including a microphone, an amplifier and output meter and frequency-weighting networks, for the measurement of sound levels.

SOUND PRESSURE LEVEL - The weighted sound pressure level in decibels obtained by the use of a sound level meter and frequency-weighting network, such as A, B or C. If the frequency weighting employed is not indicated, the A-weighting slow response shall apply.

SOUND REPRODUCTION DEVICE - Any device that is designed to be used or is actually used for the production or reproduction of sound, including but not limited to any musical instrument, radio, television, tape recorder, phonograph, loudspeaker, public address system or any other sound-amplifying device.

SOUND SIGNAL DEVICE - Any device that is designed to be used or is actually used to produce a sound signal, but not spoken language, including but not limited to any horn, whistle, bell, gong, siren, rattle, clapper, hammer, drum or air horn.

SOUND SOURCE - Any activity or device whatsoever that produces sound.

SOUND SOURCE SITE - Any one (1) parcel of land or a tract of land consisting of two (2) or more parcels, which includes all contiguous land and water areas under the ownership or control of a person in or upon which one (1) or more sound sources are located. The "sound source site" includes all individual sound sources that are located on such site, whether stationary, movable or mobile. A "sound source site" is created by the installation of one (1) or more sound sources thereon.

UNREASONABLE NOISE - Any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities or which causes injury to animal life or damage to property or business, except the sound from raceways pursuant to Chapter 85 and to agricultural operations. Standards to be considered in determining whether "unreasonable noise" exists in a given situation include, but are not limited to, the following:

- (1) The volume of the noise;
- (2) The intensity of the noise;
- (3) Whether the nature of the noise is usual or unusual;
- (4) Whether the origin of the noise is usual or unusual;
- (5) The volume and intensity of the background noise, if any;
- (6) The proximity of the noise to residential sleeping facilities;
- (7) The nature and zoning district of the areas within which the noise emanates;
- (8) The time of day or night the noise occurs;
- (9) The time duration of the noise;

- (10) Whether the sound source is temporary;
- (11) Whether the noise is continuous or impulsive.

2. **Enforcement; powers and duties of noise control officer.**

The provisions of this chapter shall be enforced by noise control officers and/or police officers of the Town of Riverhead.

The noise control officers shall have the power to:

- (1) Issue a summons or warning (pursuant to Section 10 to immediately cease and desist the subject noise);
- (2) Coordinate the noise control activities of all municipal departments and cooperate with all other public bodies and agencies to the extent practicable;
- (3) Review the action of other municipal departments and advise such departments of the effect, if any, of such actions on noise control;
- (4) Review and inspect public projects and, upon consent by the owner or designated agent, review and inspect private projects for compliance with this chapter.

The noise control officer shall not use this chapter in situations within the jurisdiction of the Federal Occupational Safety and Health Act.

3. **Responsibility of departments.**

- A. All departments and agencies of the Town of Riverhead shall, to the fullest extent consistent with other law, carry out their programs in such a manner as to further the policy of this chapter and shall cooperate with the noise control officer in the implementation and enforcement of this chapter.
- B. All departments charged with new projects or changes to existing projects that may result in the production of noise shall consult with the noise control officer prior to the approval of such projects to ensure that such activities comply with the provisions of this chapter.

4. **Maximum permissible sound pressure levels.**

- A. No person shall cause, suffer, allow or permit the operation of any source of sound on a particular category of property or any public land or right-of-way in such a manner as to create a sound level that exceeds the particular level limits set forth in Table I when measured at or within the real property line of the receiving property, except those acts specifically prohibited in this chapter for which no measurement of sound is required.

- B. When measuring noise within a multi-dwelling unit, all doors and windows shall be closed and the measurements shall be taken in the center of the room.
- C. The following are exempt from the A-weighted sound pressure level limits of Table I:
- (1) Noise from the intermittent or occasional use of homeowner's light residential outdoor equipment, including but not limited to domestic power tools, lawn mowers and equipment, when operated with a muffler, between the hours of 8:00 a.m. and 8:00 p.m. on weekdays and 9:00 a.m. and 8:00 p.m. on weekends and legal holidays.
 - (2) Sound from church bells and church chimes when part of a religious observance or service.
 - (3) Noise from construction activity, except as provided in Section 5(L).
 - (4) Noise from snowblowers, snow throwers and snow plows, when operated with a muffler, for the purpose of snow removal.
 - (5) Noise from stationary emergency signaling devices owned and operated by any public utility, municipal subdivision, fire department or ambulance corps when used in connection with an emergency or for testing purposes, including but not limited to train switching.
 - (6) Noise from a burglar alarm of any building or motor vehicle, provided that such burglar alarm shall terminate its operation within fifteen (15) minutes after it has been activated and shall not be operated more than fifteen (15) minutes in any one-hour period.
 - (7) Sound from chimes or bells from municipal buildings, including but not limited to fire district buildings.
 - (8) Noise from generators used for emergency purposes.
 - (9) Noise from licensed or permitted fireworks displays, outdoor concerts, musical entertainment, parades or assemblies.

5. Prohibitions.

No person shall make, continue or cause or suffer to be made or continued any unreasonable noise as defined in Section 2 hereof. In particular, without limitations of the foregoing provision of this section, the following enumerated acts are declared to be in violation of this section:

A. Sound reproduction devices.

- (1) No person shall operate or cause to be operated a sound reproduction device that produces unreasonable noise. The operation of any such device in such a manner as to create unreasonable noise across a real property boundary or the operation of such device by a passenger of a vehicle in such a way as to disturb any other person is prohibited.
- (2) No person shall operate, use or cause to be operated or used any sound reproduction device for commercial or business advertising purposes or for the purposes of attracting attention to any performance, show or sale or display of merchandise in connection with any commercial operation, including but not limited to the sale of radios, televisions, phonographs, tape recorders, phonograph records or tapes; in front or outside of any building, place or premises abutting or adjacent to a public street, park or place, where the sound therefrom may be heard upon any public street, park or place or from any stand, platform or other structure; or on a boat or on the waters within the jurisdiction of the Town of Riverhead; or anywhere on public streets, parks or places. Nothing in this subsection is intended to prohibit sounds emanating from sporting, entertainment or other public events held on property of the Town of Riverhead or School District so suited for such activities, provided proper authorization from the Town of Riverhead has been obtained.
- (3) No person shall operate or use or cause to be operated or used any sound reproduction device in any public place in such a manner that the sound emanating therefrom creates unreasonable noise across a real property boundary.

B. Shouting and peddling.

- (1) No person shall shout, yell, call, hoot, whistle or sing on public streets or in public places so as to cause unreasonable noise.
- (2) No person shall call for the purpose of advertising goods, services, wares or merchandise within any area zoned for residential use so as to cause unreasonable noise. The provisions of this subsection shall not apply to the sale of merchandise, food and beverages at Town of Riverhead authorized entertainment events such as parades, fairs and sporting events.

- C. Places of public entertainment. No person shall operate or permit to be operated a place of public entertainment, including but not limited to a restaurant, bar, cafe, discotheque or dance hall, in which the playing of any sound reproduction device or similar device creates a sound level in excess of ninety-five (95) dBA sustained for more than thirty (30) seconds at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place, near each public entrance, stating "Sound levels within may cause permanent hearing impairment".
- D. Animals and birds. No person shall keep permit or maintain any animal, including a bird, under his control which frequently or for continued duration of fifteen (15) minutes makes sounds which create unreasonable noise across a residential real property boundary.
- E. Noise-sensitive zones. No person shall cause or permit the creation of any sound by means of any device or otherwise on any sidewalk, street or public place adjacent to any school, court, house of worship or public library while such facility is in use or adjacent to any hospital or nursing home at any time, so that such sound disrupts the normal activities conducted at such facilities or disturbs or annoys persons making use of such facilities.
- F. Loading and unloading.
- (1) No person shall engage in, cause or permit the loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 8:00 p.m. and 7:00 a.m. the following day in such a manner as to cause unreasonable noise across a residential real property boundary.
 - (2) This provision shall not apply to the operation of any business as to which specific Town Code regulations set forth different times or covenants were recorded prior to the enactment of this chapter by direction of any agency of the Town of Riverhead setting forth a limitation for conducting of the activities set forth in Subsection F(1) above during the hours other than those set forth in said subsection. In such case, the hours set forth in the covenant or Town Code regulations shall control.
- G. Horns and signaling devices. No person shall cause or permit to be caused the sounding of any horn or other

auditory signaling device on or in any motor vehicle except to serve as a danger warning.

H. Squealing tires. No person shall operate a vehicle in such a manner as to cause unnecessary noise by spinning or squealing the tires of such vehicle.

I. Standing motor vehicles.

(1) No person shall operate or permit to be operated the engine of any motor vehicle or any auxiliary equipment attached to such vehicle, for a period longer than ten (10) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on any private property or public right-of-way or public space so that the sound therefrom is audible within 300 feet of a residential property boundary between the hours of 8:00 p.m. and 7:00 a.m. the following day.

(2) This subsection shall not apply to authorized emergency vehicles or to public utility vehicles actually engaged in any emergency repair activity.

K. Street cleaning and/or parking lot sweeper equipment. No person shall engage in or permit to be operated any street sweepers, industrial vacuums or other like equipment between the hours of 8:00 p.m. and 7:00 a.m. the following day. The provisions of this subsection shall not apply to emergency work or municipal street cleaning.

L. Construction.

(1) No person shall operate or permit to be operated any construction device, including but not limited to construction and demolition work, excavating or earthmoving equipment:

(a) Between the hours of 8:00 p.m. and 7:00 a.m. the following day on weekdays or at any time on Sundays or legal holidays, such that the sound therefrom creates unreasonable noise across a residential real property boundary.

(b) At any other time such that the continuous sound-in-air level at or across a real property boundary exceeds an L_{10} of eighty (80) dBA.

(c) At any other time such that the impulsive sound-in-air has a peak sound pressure level at or across a real property boundary in excess of one hundred thirty (130) dBA.

- (2) The provisions of this subsection shall not apply to emergency work.

M. Commercial, business and industrial operation.

- (1) No person shall operate or permit to be operated on a sound source site a commercial business or industrial operation that produces a sound level exceeding the limitations as provided in this subsection.
- (2) Continuous sound-in-air which has crossed the property line of such sound source site and enters property zoned for residential use or property within a noise-sensitive zone shall not exceed either of the following levels:
- (a) During the hours of 7:00 a.m. and 8:00 p.m.:
- (i) A sound level in excess of sixty-five (65) dBA measures with the slow response of sound-level meter.
- (ii) An L_{10} in excess of sixty (60) dBA.
- (b) During the hours of 8:00 p.m. and 7:00 a.m. the following day:
- (i) A sound level in excess of fifty (50) dBA measured with the slow response of a sound-level meter.
- (ii) An L_{10} in excess of forty-five (45) dBA.
- (c) The sound levels contained herein shall not apply to noise-sensitive zones when the facilities in such zones are not in use.
- (3) Continuous sound-in-air which has crossed the property line of a sound source site and enters property which is zoned for business or property where the public in general congregates, except property zoned for industrial use, shall not exceed either of the following levels:
- (a) A sound level in excess of sixty-five (65) dBA measured with the slow response of a sound-level meter.
- (b) An L_{10} in excess of sixty (60) dBA.
- (4) The sound levels specified in Subsection M(2) and (3) shall be decreased by five (5) decibels if the sound contains impulsive sound characteristics.

- (5) Exposure to sound that has crossed the property line of a sound source site and enters property zoned for industrial use shall not exceed any of the following levels:

- (a) Continuous sound-in-air.

Duration per Day (24 hours)	Sound Level 80 dBA (slow response)
16	82
8	85
4	88
2	91
1	94
1/2	97
1/4	100

- (b) Impulsive sound-in-air which has a peak pressure level in excess of one hundred 100 decibels.

- N. Noise mufflers. No person shall operate a motor vehicle which shall fail to contain a muffler or other sound-suppression equipment in operable condition which shall prevent said vehicle from causing unnecessary noise. In addition to other standards contained herein in the definition of "unreasonable noise" under Section 2, a motor vehicle shall be deemed to cause unreasonable noise if it produces a sound level of eighty (80) dBA's or more.

6. Exceptions.

The provisions of this chapter shall not apply to:

- A. Agricultural operations.
- B. The emission of sound for the purpose of alerting persons to the existence of an emergency.
- C. The emission of sound in the performance of emergency work.
- D. The noise generated in agricultural production and operating, including but not limited to farm irrigation equipment, animal training or air cannons used to prevent animal damage.
- E. Raceway operations regulated by Chapter 85 of the Town Code.

7. Variances.

- A. The Town Board of the Town of Riverhead shall have the authority, consistent with this section, to grant variances to this chapter.
- B. Any person seeking a variance pursuant to this section shall file an application with the Town Board. The application shall consist of a letter signed by the applicant and contain a legal form of verification. Such letter shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons. In addition, the following information shall be provided:
- (1) The plan, specifications and other information pertinent to such sources.
 - (2) The characteristics of the sound emitted by the source, including but not limited to the sound levels, the presence of impulsive sounds and the hours during which such sound is generated.
 - (3) The noise abatement and control methods used to restrict the emission of sound.
- C. The Town Board, upon receipt of such application and upon payment of any fee which shall be required by resolution of the Town Board, shall set the matter down for a public hearing to be held within thirty (30) days from the date the application was submitted. The Town Board shall cause publication of such public hearing to be given in the official newspaper of the Town in the same manner as an application for a special permit is published. The applicant, in like manner, shall give notice of the application by certified mail, return receipt, to all property owners surrounding the sound source site within a radius of two hundred (200) feet from the borders of said site.
- D. In determining whether to grant or deny the application, the Town Board shall balance the hardship to the applicant, the community and other persons -against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on the property affected and any other adverse impacts deemed appropriate.
- E. The Town Board shall cause the taking of sound level readings by an agency to be designated by the Town Board in the event that there shall be any dispute as

to the sound levels prevailing or to prevail at the sound source site.

- F. The Town Board shall have the power to impose restrictions, conditions and the recording of covenants upon any sound source site, including time limits of permitted activity in the event that it shall grant any variance hereunder.

8. Penalties for offenses.

- A. Any person who violates any provision of this chapter shall be guilty of a violation and shall be subject to a fine not to exceed two hundred fifty dollars (\$250.) for each offense.
- B. Each day (twenty-four-hour period) of violation of any provision of this chapter shall constitute a separate offense.

9. Abatement.

- A. Except as provided in Subsection B, in lieu of issuing a summons, the noise control officer may issue a warning requiring abatement of any source of sound alleged to be in violation of this chapter.
- B. A warning shall not be issued when the noise control officer has reason to believe that there will not be compliance with the warning, when the alleged violator has been served with a previous warning or had previously been convicted for a violation of this chapter.

10. Construal.

No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.

11. Effective date.

This local law shall become effective immediately.

NOISE CONTROL

Town of Riverhead

Maximum Permissible A-Weighted Pressure Levels by Receiving Property Category,
in dBA

Sound Source Property Category	Another Apartment Within Multi- dwelling Building		Receiving Property Category Residential		Commercial All Times	Industrial All Times
	7:00 a.m. to 8:00 p.m.	8:00 p.m. to 7:00 a.m.	7:00 a.m. to 8:00 p.m.	8:00 p.m. to 7:00 a.m.		
Apartment within Multi- dwelling building	50	45	65	50	65	75
Residential	--	--	65	50	65	75
Commercial or public lands or rights-of-way	--	--	65	50	65	75
Industrial	--	--	65	50	65	75