

Adopted

9/12/96

TOWN OF RIVERHEAD

Resolution # 697

APPROVES SITE PLAN OF CALVERTON OFFICE PARK - PHASE I

Supervisor James Stark offered the following resolution, which was seconded by Councilman Jim Lull:

WHEREAS, a site plan and elevations were submitted by Paul Elliott, as agent for Calverton Office Park, LLC, for the construction of a 20,184 square foot office building, and attendant site improvements, located at the south side of Middle Country Road (NYS Route 25), and the east side of Edwards Avenue, Calverton, New York, known and designated as Suffolk County Tax Map Number 0600-117-2-2.5; and

WHEREAS, the Planning Department has reviewed the site plan dated last August 29, 1996, as prepared by Martin F. Sendlewski, AIA, 43 Southfield Road, Calverton NY 11933, planting plan dated last August 19, 1996, as prepared by Landtech Design, 35 Manor Road, Smithtown NY 11735, and elevations dated last August 29, 1995, as prepared by Martin F. Sendlewski, AIA, 43 Southfield Road, Calverton NY 11933, 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, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 96-25005 of the Office of the Supervisor of the Town of Riverhead; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Paul Elliott, as agent for Calverton Office Park, LLC, for the construction of a 20,184 square foot office building, and attendant site improvements, located at the south side of Middle Country Road (NYS Route 25), and the east side of Edwards Avenue, Calverton, New York, site plan dated last August 29, 1996, as prepared by Martin F. Sendlewski, AIA, 43 Southfield Road, Calverton NY 11933, planting plan dated last August 19, 1996, as prepared by Landtech Desigs, 35 Manor Road, Smithtown NY 11735, and elevations dated last August 29, 1995, as prepared by Martin F. Sendlewski, AIA, 43 Southfield Road, Calverton NY 11933, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

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

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

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements 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, Charles Rogers hereby authorizes and consents to the Town of Riverhead to enter premises at the south side of Middle Country Road (NYS Route 25), and the east side of Edwards Avenue, Calverton, New York, to enforce said handicapped parking regulations;

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

10. That all utilities shall be constructed underground;

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 this approval is specific to Phase 1 of the proposed site development, and that any subsequent phases shall be subject to future review and approval; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Paul Elliott, as agent for Calverton Office Park, LLC, Martin F. Sendlewski, AIA, the Riverhead Planning Department, Riverhead Building Department and the Town Engineer.

THE VOTE

Wittmeier	<u>Aye</u>	Nay
Kwasna	<u>Aye</u>	Nay
Lull	<u>Aye</u>	Nay
Prusinowski	Aye	Nay absent
Stark	<u>Aye</u>	Nay

The Resolution was thereupon duly adopted.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1996 made by Calverton Associates, Inc., residing at 193-25 Keno Avenue, Hollis NY 11423, Declarant.

WITNESSETH:

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

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

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

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

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

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements 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. That all utilities shall be constructed underground;

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;

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

CALVERTON ASSOCIATES, INC.

By: _____

STATE OF NEW YORK)

)ss.:

COUNTY OF SUFFOLK)

On the _____ day of _____, 1996, before me personally came _____, who, being sworn by me, did depose and say: that (s)he is the _____ of _____; that (s)he knows the seal of the corporation; that the seal affixed to this instrument is said seal; and that it was affixed by order of the Board of Directors of the Corporation.

NOTARY PUBLIC

Adopted

9/12/96

TOWN OF RIVERHEAD

Resolution # 698

APPROVES FIREWORKS APPLICATION OF FIREWORKS BY GRUCCI, INC.

Supervisor James Stark offered the following resolution, which was seconded by Councilman Jim Lull:

WHEREAS, Fireworks by Grucci, Inc. submitted a letter for the purpose of conducting a fireworks display for themselves (Fireworks by Grucci, Inc.) to be held at Fox Hills Country Club, Baiting Hollow, New York, on September 16, 1996 at approximately 9:00 p.m.; and

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead as Additional Insured; and

WHEREAS, a Town of Riverhead Application for Fireworks Permit has been submitted to the Town Clerk; and

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

NOW THEREFORE BE IT RESOLVED, that the application of Fireworks by Grucci, Inc. submitted an application for the purpose of conducting a fireworks display for themselves (Fireworks by Grucci, Inc.) to be held at Fox Hills Country Club, Baiting Hollow, New York, on September 16, 1996 at approximately 9:00 p.m., be and is hereby approved; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Fireworks by Grucci, Inc., One Grucci Lane, Brookhaven, New York, 11719 and the Riverhead Police Department.

THE VOTE

Wittmeier	(Aye)	Nay
Kwasna	(Aye)	Nay
Lull	(Aye)	Nay
Prusinowski	Aye	Nay Absent
Stark	(Aye)	Nay

The Resolution was thereupon duly adopted.