



**Office of the Town Clerk**  
*Diane M. Wilhelm, Town Clerk*

Registrar of Vital Statistics

Records Management Officer

Marriage Officer

May 10, 2013

Suffolk County Planning Department  
L.I. State Park Commission  
Town of Southold  
Town of Southampton  
Town of Brookhaven

ENCLOSED HEREWITH please find the following resolution which was adopted by the Riverhead Town Board at a Regular Town Board meeting on May 7, 2013

**Resolution #382**-AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 62 ENTITLED "EXCAVATIONS" OF THE RIVERHEAD TOWN CODE

If you have any questions, please call Carol Del Vecchio at 631-727-3200, Ext 262, or Diane Wilhelm at Ext. 260

Sincerely,

Diane M. Wilhelm  
DMW:cd

05.07.13  
130382

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 382**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE  
TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 62 ENTITLED  
"EXCAVATIONS" OF THE RIVERHEAD TOWN CODE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a proposed local law to amend Chapter 62 entitled "Excavations" of the Riverhead Town Code once in the May 16, 2013 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and post same on the sign board at Town Hall; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 22<sup>nd</sup> day of May, 2013 at 7:10 o'clock p.m. to consider a local law amending Chapter 62 entitled "Excavations" of the Riverhead Town Code as follows:

**CHAPTER 62  
EXCAVATIONS**

**§ 62-3. Definitions.**

GRADE

The degree of rise or descent of a sloping surface.

MATERIAL

Topsoil, loam, earth, sand, and/or gravel, and such other material such as wood, stumps, timber in its natural or reprocessed state.

NATURAL DRAINAGE

The stormwater runoff resulting from topographical and geographical conditions prior to changing the grade by any method including but not limited to exportation, importation or grading of the land or portion thereof.

NATURAL GRADE

The elevation of the ground surface in its natural state before alteration.

NATURAL WATERSHED

An area of land which, in its natural state and prior to any change, including but not limited to exportation, importation or grading, and due to its topography and geography, drains to a particular location within that area.

**§ 62-5. Exempt premises and qualifications for Certificate of Exemption.**

A. The following uses and operations by an owner or lessee of premises or by his agent are exempt from the provisions of this chapter:

- (2)(1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to remove soil for the purpose of agricultural production shall be exempt from Chapter 62 or import material related to or incidental to the harvesting of crops or such other agricultural production provided that (1) the removal of soil shall be limited to that amount of material necessary to plant or harvest crops and (2) shall not change the

natural grade or slope and/or natural drainage existing on the subject property prior to the above described activity. An applicant may qualify for a certificate of exemption for importation or excavation of material as defined in this chapter, provided that such importation or excavation is necessary for the purpose of establishing an agricultural operation as defined in § 108-3. As provisions set forth in Chapter 108 and Chapter 44 of the Town Code make clear that preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, except as set forth above the exportation of material will not be exempt from the provisions of this chapter.

(2) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to import material shall be exempt from Chapter 62 provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilizer so as to enrich soils and restore the opportunity for improved plant growth (2) the importation of material shall not change the natural grade or slope and/or natural drainage existing on the subject property prior to the above described activity, (3) material imported shall not exceed 3000 cubic yards per year (4) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations Part 360(3) (5) the material be ground to a size less than 6" in length x 2: in width or chipped to size 2" (6) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, and (7) the material shall not be offered for sale but instead must be used on site.

(3) An owner or lessee of improved residential property seeking to import material shall be exempt from Chapter 62 provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilize lawn and planting (2) the importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above described activity is altered (2) material imported shall not exceed 1000 cubic yards per year (3) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations Part 360(3) (4) the material be ground to a size less than 3" in length x 2: in width or chipped to size 2" (5) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, and (6) the material shall not be offered for sale but instead must be used and incorporated into the lawn or planting areas.

A. B. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Town Board:

(1) An applicant may qualify for a certificate of exemption for excavation by dredging operations within existing navigable waters upon demonstration of approval by appropriate town, county, state or federal agencies or departments.

(2)An applicant may qualify for a certificate for exemption for importation of materials as defined in this chapter, provided that such importation is necessary for the purpose of operating, maintaining, or establishing an agricultural operation as defined in 108-3 and subject to the following conditions: (1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment pursuant to Article 25-AA of the Agriculture and Markets Law, (2) the importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above described activity is altered (3) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilizer so as to enrich soils and restore the opportunity for improved plant growth (4) material shall not exceed 10000 cubic yards per year (5) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations part 360 (6) the material be ground to a size less than 6" in length x 2" in width or chipped to a size 2" (7) the material shall not include materialcontaining wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, (8) a detailed statement of the proposed work and three-dimensional extent of the proposed importation and exact condition of the plot or premised before the work proposed to be accomplished under the requested permit is commenced and the proposed condition of said plot or premises when the work is completed (9) a detailed statement from NYS AG & Markets, Suffolk County Soil Conservation or NRCS and (10) the material, in its natural or reprocessed state, shall not be offered for sale but instead must be used onsite. Note, as set forth in 62-5 (A) (1) preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, the exportation of material will not be eligible for a certificate of exemption.

B.C. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Building Administrator:

(1)An applicant may qualify for a certificate of exemption for importation, excavation or exportation of material as defined in this chapter when such importation, excavation or exportation is necessary for the construction of a single-family residence and accessory uses related to single-family residences subject to an applicant obtaining permit approval, pursuant to Chapter 52 from the Building Department for such residence or accessory uses, upon submission of a copy of the building permit and survey indicating the amount of material imported, excavated or exported required for said construction.

(2) An applicant may qualify for a certificate of exemption for the excavation or exportation of material, as defined in this chapter, for soil borings, provided that the material excavated or exported is limited to the amount required to obtain the boring sample.

#### **§ 62-4. Application for Permit.**

A. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption prior to the excavation, exportation or importation of material as defined in

Chapter 62. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption pursuant to § 62-5 of this chapter from the Town Board of the Town of Riverhead, except applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with building permit and/or foundation permit prior to application for a permit under this chapter. Note: a permit or certificate of exemption shall not entitle the applicant to clear or grade without obtaining approvals required under § 108-129B and D, Chapter 52 and/or Chapter 63. For that purpose, such owner, lessee or agent shall file with the Building Department of the Town of Riverhead a verified application, in duplicate, for such permit or request for exemption containing a detailed statement of the proposed work, together with a plan prepared by a duly licensed engineer or land surveyor of the State of New York or a plot plan reviewed and approved by Natural Resources Conservation Service or Suffolk County Soil and Water Conservation for agricultural production as defined in § 108-3 or such other activities that may qualify for a certificate of exemption, setting forth in detail or including the following information:

- (12) An applicant for residential, commercial and/or industrial subdivision approval or site plan approval shall submit an estimate of the volume of materials to be excavated, exported or imported as certified by a professional engineer, to either the Planning Board or Town Board. The estimate of the volume of materials shall be noted on the approved site plan or subdivision map. Note, as stated above, applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with building permit and/or foundation permit prior to application for a permit under this chapter. In addition, the Town may limit a permit for projects to be constructed or improved in phases or capable of phased construction or improvement such that the Chapter 62 permitted activities run concurrent with the phased construction or improvement.

Underline represents addition(s)

Strikethrough represents deletion(s)

Dated: Riverhead, New York  
May 7, 2013

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

Sworn to before me this

21

day of

May

2013.

CHRISTINA VOLINSKI

NOTARY PUBLIC-STATE OF NEW YORK

No. 01VC6105050

Qualified In Suffolk County

Commission Expires February 28, 2016

Markets Law, seeking to remove soil for the purpose of agricultural production shall be exempt from Chapter 62 or import material related to or incidental to the harvesting of crops or such other agricultural production provided that (1) the removal of soil shall be limited to that amount of material necessary to plant or harvest crops and (2) shall not change the natural grade or slope and/or natural drainage existing on the subject property prior to the above described activity. An applicant may qualify for a certificate of exemption for importation or excavation of material as defined in this chapter, provided that such importation or excavation is necessary for the purpose of establishing an agricultural operation as defined in § 108-3. As provisions set forth in Chapter 108 and Chapter 44 of the Town Code make clear that preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, except as set forth above the exportation of material will not be exempt from the provisions of this chapter.

(2) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to import material shall be exempt from Chapter 62, provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilizer so as to enrich soils and restore the opportunity for improved plant growth (2) the importation of material shall not change the natural grade or slope and/or natural drainage existing on the subject property prior to the above described activity, (3) material imported shall not exceed 3000 cubic yards per year (4) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations Part 360(3) (5) the material be ground to a size less than 6" in length x 2" in width or chipped to size 2" (6) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, and (7) the material shall not be offered for sale but instead must be used on site.

(3) An owner or lessee of improved residential property seeking to import material shall be exempt from Chapter 62 provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilize lawn and planting (2) the importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above described activity is altered (2) material imported shall not exceed 1000 cubic yards per year (3) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations Part 360(3) (4) the material be ground to a size less than 2" in length x 2" in width or chipped to size 2" (5) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, and (6) the material shall not be offered for sale but instead must be used and incorporated into the lawn or planting areas.

A. B. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Town Board:

(1) An applicant may qualify for a certificate of exemption for excavation by dredging operations within existing navigable waters upon demonstration of approval by appropriate town, county, state or federal agencies or departments.

(2) An applicant may qualify for a certificate of exemption for importation of materials as defined in this chapter, provided that such importation is necessary for the purpose of operating, maintaining or establishing an agricultural operation as defined in 108-3 and subject to the following conditions: (1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to import material shall be exempt from Chapter 62, provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilizer so as to enrich soils and restore the opportunity for improved plant growth (2) the importation of material shall not change the natural grade or slope such that the natural drainage existing on the subject property prior to the above described activity is altered (3) the importation of material shall not exceed 10000 cubic yards per year (4) material shall not exceed 10000 cubic yards per year (5) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations part 360 (6) the material be ground to a size less than 6" in length x 2" in width or chipped to a size 2" (7) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, (8) a detailed statement of the proposed work and three-dimensional extent of the proposed importation and before the work proposed to be accomplished under the requested permit is commenced and the proposed condition of said plot or premises when the work is completed (9) a detailed statement from NYS AG & Markets, Suffolk County Soil Conservation or NRCS and (10) the material, in its natural or reprocessed state, shall not be offered for sale but instead must be used onsite. Note, as set forth in § 62-5 (A) (1) preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, the exportation of material will not be eligible for a certificate of exemption.

erly prior to the above described activity is altered (3) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilizer so as to enrich soils and restore the opportunity for improved plant growth (4) material shall not exceed 10000 cubic yards per year (5) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations part 360 (6) the material be ground to a size less than 6" in length x 2" in width or chipped to a size 2" (7) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, (8) a detailed statement of the proposed work and three-dimensional extent of the proposed importation and before the work proposed to be accomplished under the requested permit is commenced and the proposed condition of said plot or premises when the work is completed (9) a detailed statement from NYS AG & Markets, Suffolk County Soil Conservation or NRCS and (10) the material, in its natural or reprocessed state, shall not be offered for sale but instead must be used onsite. Note, as set forth in § 62-5 (A) (1) preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, the exportation of material will not be eligible for a certificate of exemption.

B. C. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Building Administrator:

(1) An applicant may qualify for a certificate of exemption for importation, excavation or exportation of material as defined in this chapter when such importation, excavation or exportation is necessary for the construction of a single-family residence and accessory uses related to single-family residences subject to an applicant obtaining permit approval, pursuant to Chapter 52 from the Building Department for such residence or accessory uses, upon submission of a copy of the building permit and survey indicating the amount of material imported, excavated or exported required for said construction.

(2) An applicant may qualify for a certificate of exemption for the excavation or exportation of material, as defined in this chapter, for soil borings, provided that the material excavated or exported is limited to the amount required to obtain the boring sample.

§ 62-4. Application for Permit.

A. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption prior to the excavation, exportation or importation of material as defined in Chapter 62. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption pursuant to § 62-5 of this chapter from the Town Board of the Town of Riverhead, except applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with building permit and/or foundation permit prior to application for a permit under this chapter. Note: a permit or certificate of exemption shall not entitle the applicant to clear or grade without obtaining approvals required under § 108-129B and D, Chapter 52 and/or Chapter 63. For that purpose, such owner, lessee or agent shall file with the Building Department of the Town of Riverhead a verified application, in duplicate, for such permit or request for exemption containing a detailed statement of the proposed work, together with a plan prepared by a duly licensed engineer or land surveyor of the State of New York or a plot plan reviewed and approved by Natural Resources Conservation Service or Suffolk County Soil and Water Conservation for agricultural production as defined in § 108-3 or such other activities that may qualify for a certificate of exemption, setting forth in detail or including the following information:

(12) An applicant for residential, commercial and/or industrial subdivision approval or site plan approval shall submit an estimate of the volume of materials to be excavated, exported or imported as certified by a professional

engineer, to either the Planning Board or Town Board. The estimate of the volume of materials shall be noted on the approved site plan or subdivision map. Note, as stated above, applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with building permit and/or foundation permit prior to application for a permit under this chapter. In addition, the Town may limit a permit for projects to be constructed or improved in phases or capable of phased construction or improvement such that the Chapter 62 permitted activities run concurrent with the phased construction or improvement.

• Underline represents addition(s)  
• Overstrike represents deletion(s)  
Dated: Riverhead, New York  
May 7, 2013

BY ORDER OF  
THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD  
DIANE M. WILHELM,  
TOWN CLERK

9227-1T 5/16

PUBLIC NOTICE

TOWN OF RIVERHEAD

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 22nd day of May, 2013 at 7:10 o'clock p.m. to consider a local law amending Chapter 62 entitled "Excavations" of the Riverhead Town Code as follows:

CHAPTER 62

EXCAVATIONS

§ 62-3. Definitions.  
GRADE  
The degree of rise or descent of a sloping surface.

MATERIAL  
Topsoil, loam, earth, sand, end/or gravel and such other material such as wood, stumps, timber in its natural or reprocessed state.

NATURAL DRAINAGE  
The stormwater runoff resulting from topographical and geographical conditions prior to changing the grade by any method including but not limited to exportation, importation or grading of the land or portion thereof.

NATURAL GRADE  
The elevation of the ground surface in its natural state before alteration.

NATURAL WATERSHED  
An area of land which in its natural state and prior to any change, including but not limited to exportation, importation or grading, and due to its topography and geography, drains to a particular location within that area.

§ 62-5. Exempt premises and qualifications for Certificate of Exemption.

A. The following uses and operations by an owner or lessee of premises or by his agent are exempt from the provisions of this chapter:

(2) (1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and



Steven Bellone  
SUFFOLK COUNTY EXECUTIVE  
Department of  
Economic Development and Planning

FILED IN OFFICE OF  
DIANE M. WILHELM  
TOWN CLERK  
2013 JUN -6 A 11:20

L11110

Joanne Minieri  
Deputy County Executive and Commissioner

Division of Planning  
and Environment

May 29, 2013

Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11901  
Attn: Diane M. Wilhelm, Town Clerk

Applicant: Town of Riverhead  
Zoning Action: Amending Chapter 62 Entitled "Excavations"  
Resolution #382  
S.C.P.D. File No: RH-13-LD

Dear Ms. Wilhelm:

Pursuant to the requirements of Sections A 14-14 to A 14-25 of the Suffolk County Administrative Code, the above referenced application which has been submitted to the Suffolk County Planning Commission is considered to be a matter for local determination as there is no apparent significant county-wide or inter-community impact(s). A decision of local determination should not be construed as either an approval or disapproval.

Very truly yours,

Sarah Lansdale  
Director of Planning

A handwritten signature in black ink, appearing to read "Andrew P. Freleng".  
Andrew P. Freleng  
Chief Planner

APF:cd

Public Hearings for Riverhead Town Board Meeting  
 Wednesday May 22<sup>nd</sup>, 2013 at 7:00 P.M

7:10 P.M. The Consideration of a Proposed Local Law to Amend Chapter 62 of  
 the Riverhead Town Code Entitled "Excavations"

7:10pm Supervisor Halter  
 Town Attorney Robert Kozakiewicz  
 Peter Carowski  
 John Dunleavy  
 Dominique Pinedez  
 Joe Pergola  
 Steve Mezynieski  
 Peter Carowski  
 Jim Hooten  
 Town Attorney Robert Kozakiewicz  
 Peter Carowski

7:54 pm

Left open for written comment until  
 May 31, 2013

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 22<sup>nd</sup> day of May, 2013 at 7:10 o'clock p.m. to consider a local law amending Chapter 62 entitled "Excavations" of the Riverhead Town Code as follows:

**CHAPTER 62  
EXCAVATIONS**

**§ 62-3. Definitions.**

GRADE

The degree of rise or descent of a sloping surface.

MATERIAL

Topsoil, loam, earth, sand, and/or gravel, and such other material such as wood, stumps, timber in its natural or reprocessed state.

NATURAL DRAINAGE

The stormwater runoff resulting from topographical and geographical conditions prior to changing the grade by any method including but not limited to exportation, importation or grading of the land or portion thereof.

NATURAL GRADE

The elevation of the ground surface in its natural state before alteration.

NATURAL WATERSHED

An area of land which, in its natural state and prior to any change, including but not limited to exportation, importation or grading, and due to its topography and geography, drains to a particular location within that area.

**§ 62-5. Exempt premises and qualifications for Certificate of Exemption.**

A. The following uses and operations by an owner or lessee of premises or by his agent are exempt from the provisions of this chapter:

- ~~(2)~~(1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to remove soil for the purpose of agricultural production shall be exempt from Chapter 62 or import material related to or incidental to the harvesting of crops or such other agricultural production provided that (1) the removal of soil shall be limited to that amount of material necessary to plant or harvest crops and (2) shall not change the

natural grade or slope and/or natural drainage existing on the subject property prior to the above described activity. An applicant may qualify for a certificate of exemption for importation or excavation of material as defined in this chapter, provided that such importation or excavation is necessary for the purpose of establishing an agricultural operation as defined in § 108-3. As provisions set forth in Chapter 108 and Chapter 44 of the Town Code make clear that preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, except as set forth above the exportation of material will not be exempt from the provisions of this chapter.

(2) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to import material shall be exempt from Chapter 62 provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilizer so as to enrich soils and restore the opportunity for improved plant growth (2) the importation of material shall not change the natural grade or slope and/or natural drainage existing on the subject property prior to the above described activity, (3) material imported shall not exceed 3000 cubic yards per year (4) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations Part 360(3) (5) the material be ground to a size less than 6" in length x 2: in width or chipped to size 2" (6) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, and (7) the material shall not be offered for sale but instead must be used on site.

(3) An owner or lessee of improved residential property seeking to import material shall be exempt from Chapter 62 provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilize lawn and planting (2) the importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above described activity is altered (2) material imported shall not exceed 1000 cubic yards per year (3) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations Part 360(3) (4) the material be ground to a size less than 3" in length x 2: in width or chipped to size 2" (5) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, and (6) the material shall not be offered for sale but instead must be used and incorporated into the lawn or planting areas.

A. B. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Town Board:

(1) An applicant may qualify for a certificate of exemption for excavation by dredging operations within existing navigable waters upon demonstration of approval by appropriate town, county, state or federal agencies or departments.

(2)An applicant may qualify for a certificate for exemption for importation of materials as defined in this chapter, provided that such importation is necessary for the purpose of operating, maintaining, or establishing an agricultural operation as defined in 108-3 and subject to the following conditions: (1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment pursuant to Article 25-AA of the Agriculture and Markets Law, (2) the importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above described activity is altered (3) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilizer so as to enrich soils and restore the opportunity for improved plant growth (4) material shall not exceed 10000 cubic yards per year (5) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations part 360 (6) the material be ground to a size less than 6" in length x 2" in width or chipped to a size 2" (7) the material shall not include materialcontaining wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, (8) a detailed statement of the proposed work and three-dimensional extent of the proposed importation and exact condition of the plot or premised before the work proposed to be accomplished under the requested permit is commenced and the proposed condition of said plot or premises when the work is completed (9) a detailed statement from NYS AG & Markets, Suffolk County Soil Conservation or NRCS and (10) the material, in its natural or reprocessed state, shall not be offered for sale but instead must be used onsite. Note, as set forth in 62-5 (A) (1) preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, the exportation of material will not be eligible for a certificate of exemption.

B-C. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Building Administrator:

(1)An applicant may qualify for a certificate of exemption for importation, excavation or exportation of material as defined in this chapter when such importation, excavation or exportation is necessary for the construction of a single-family residence and accessory uses related to single-family residences subject to an applicant obtaining permit approval, pursuant to Chapter 52 from the Building Department for such residence or accessory uses, upon submission of a copy of the building permit and survey indicating the amount of material imported, excavated or exported required for said construction.

(2) An applicant may qualify for a certificate of exemption for the excavation or exportation of material, as defined in this chapter, for soil borings, provided that the material excavated or exported is limited to the amount required to obtain the boring sample.

#### **§ 62-4. Application for Permit.**

A. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption prior to the excavation, exportation or importation of material as defined in

Chapter 62. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption pursuant to § 62-5 of this chapter from the Town Board of the Town of Riverhead, except applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with building permit and/or foundation permit prior to application for a permit under this chapter. Note: a permit or certificate of exemption shall not entitle the applicant to clear or grade without obtaining approvals required under § 108-129B and D, Chapter 52 and/or Chapter 63. For that purpose, such owner, lessee or agent shall file with the Building Department of the Town of Riverhead a verified application, in duplicate, for such permit or request for exemption containing a detailed statement of the proposed work, together with a plan prepared by a duly licensed engineer or land surveyor of the State of New York or a plot plan reviewed and approved by Natural Resources Conservation Service or Suffolk County Soil and Water Conservation for agricultural production as defined in § 108-3 or such other activities that may qualify for a certificate of exemption, setting forth in detail or including the following information:

- (12) An applicant for residential, commercial and/or industrial subdivision approval or site plan approval shall submit an estimate of the volume of materials to be excavated, exported or imported as certified by a professional engineer, to either the Planning Board or Town Board. The estimate of the volume of materials shall be noted on the approved site plan or subdivision map. Note, as stated above, applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with building permit and/or foundation permit prior to application for a permit under this chapter. In addition, the Town may limit a permit for projects to be constructed or improved in phases or capable of phased construction or improvement such that the Chapter 62 permitted activities run concurrent with the phased construction or improvement.

Underline represents addition(s)

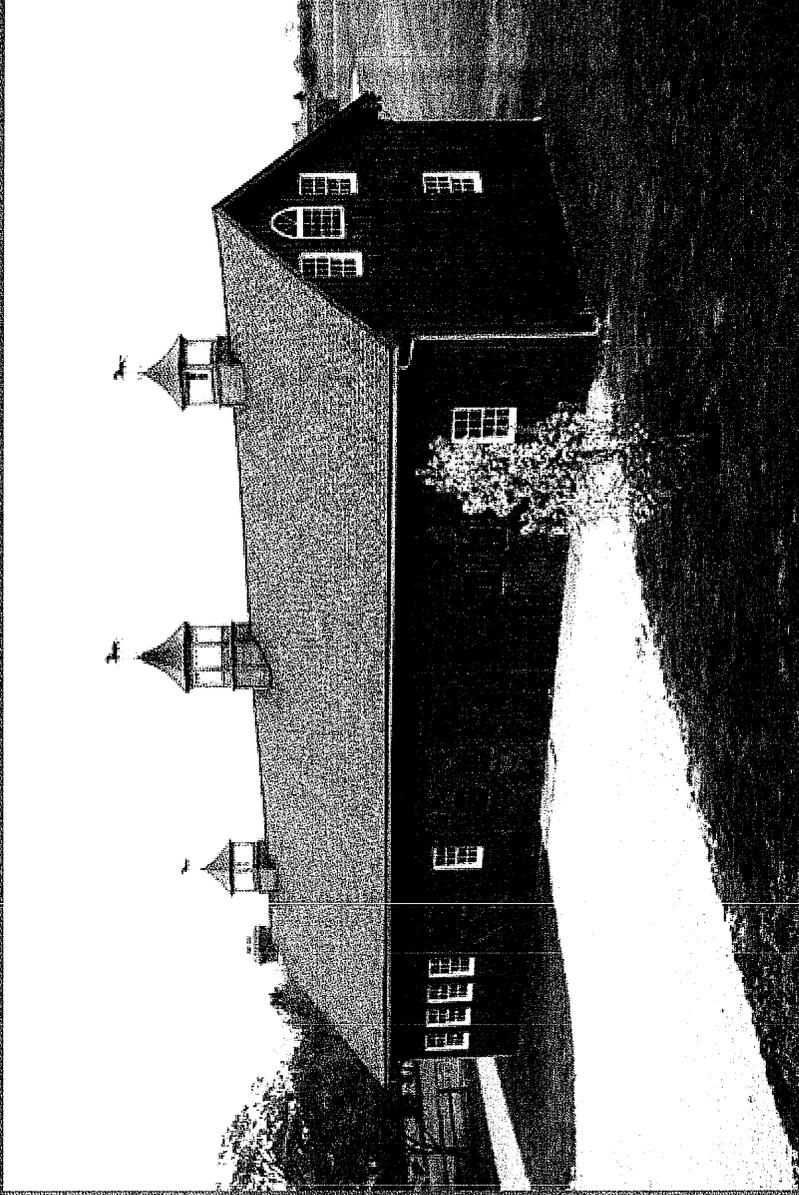
Strikethrough represents deletion(s)

Dated: Riverhead, New York  
May 7, 2013

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

# Driftwood Farms



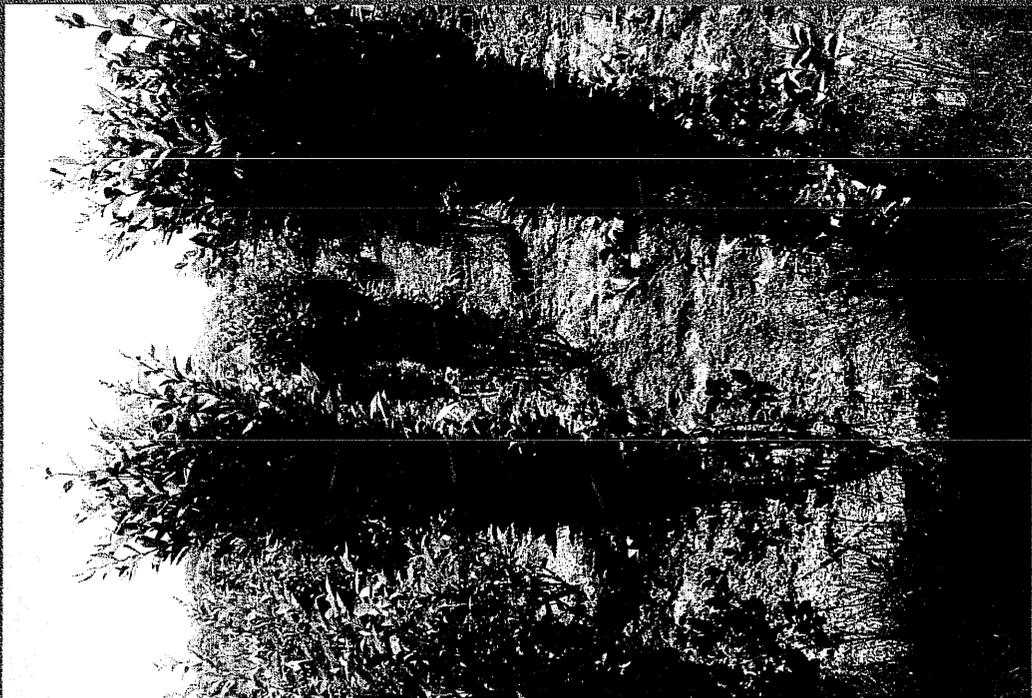
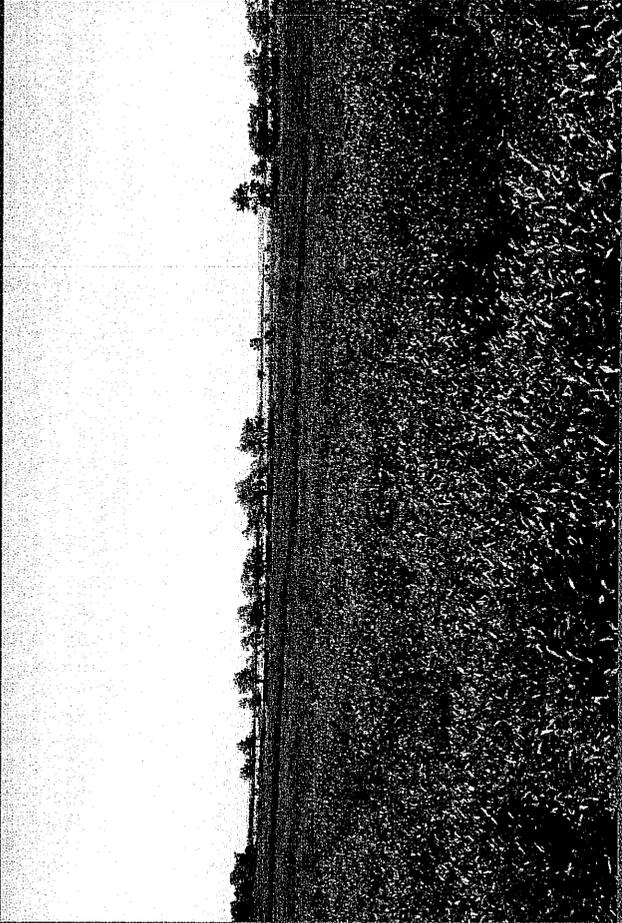
Orient, NY

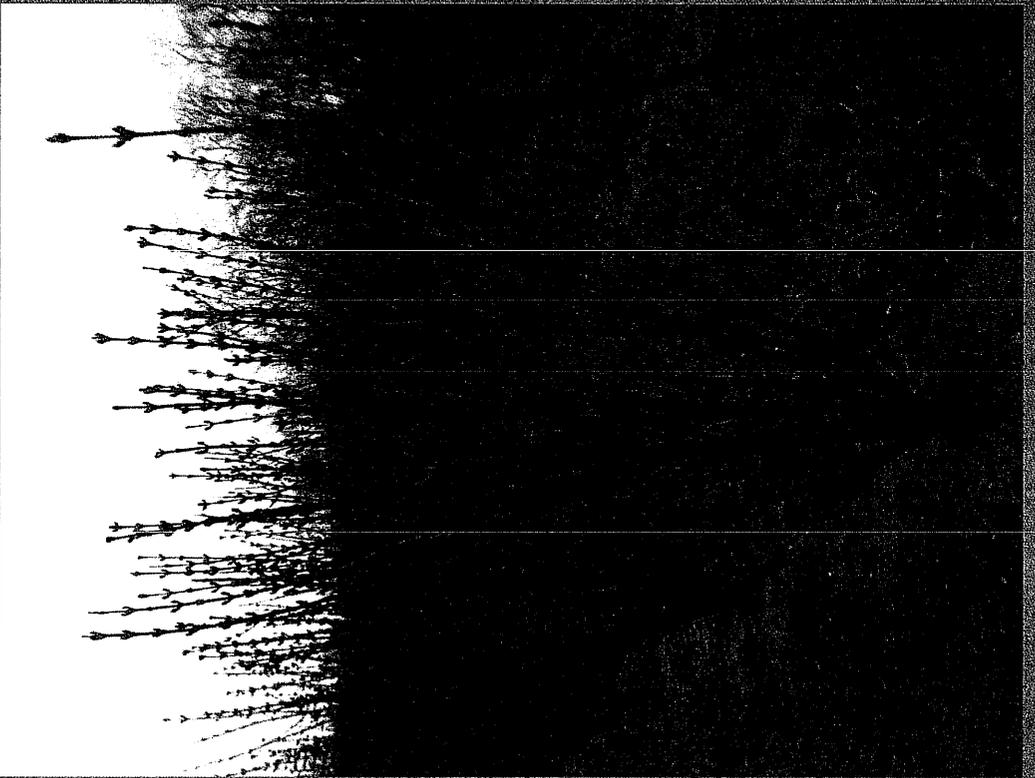
# Services

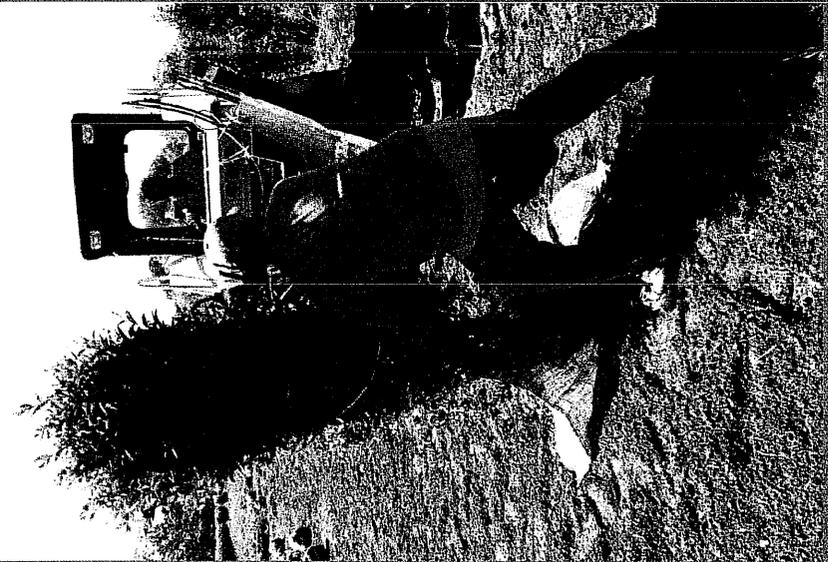
- Privet production
- Horse boarding
- Cattle operations
- Hay and straw production

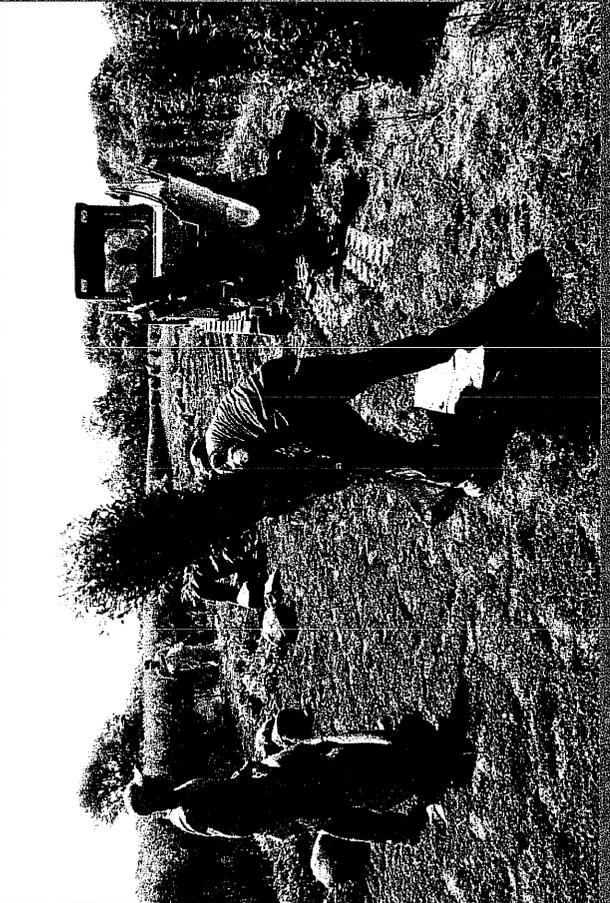
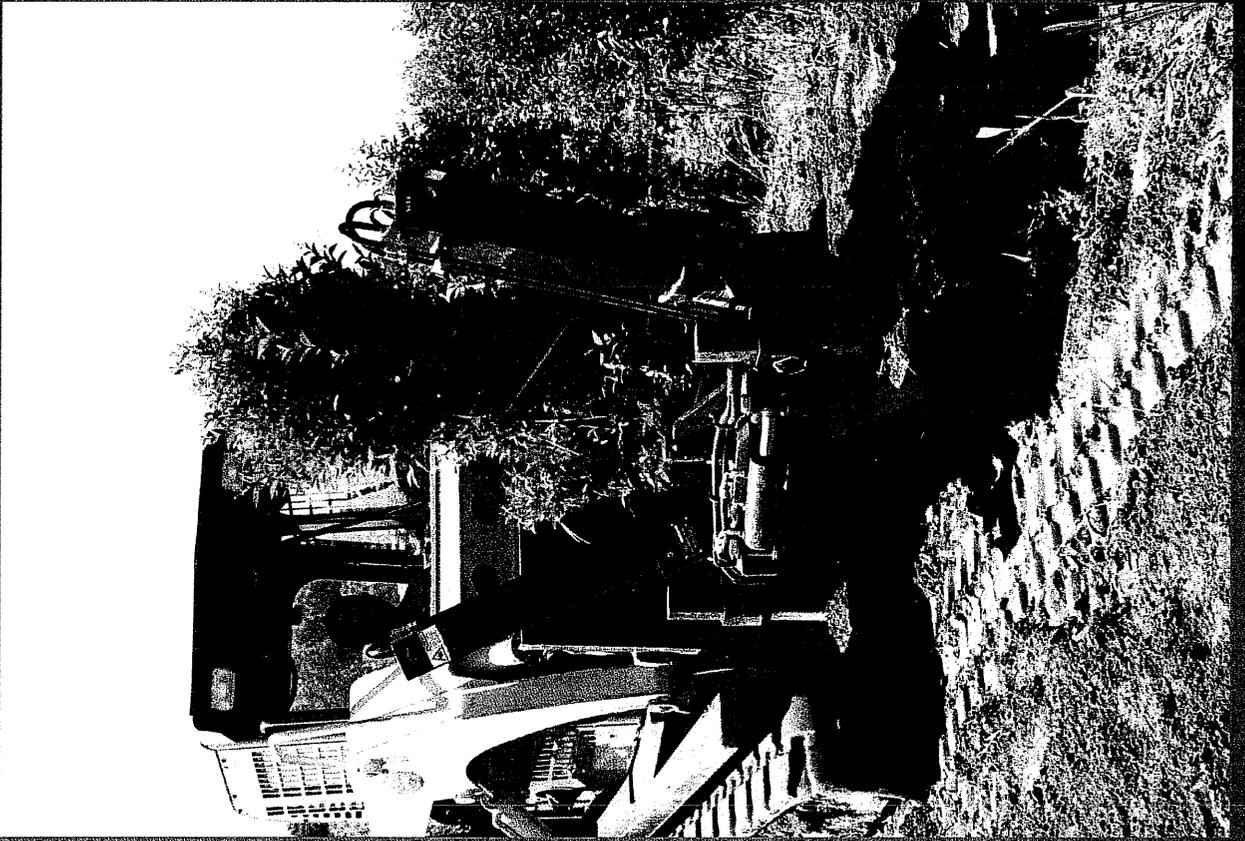


PAVILION

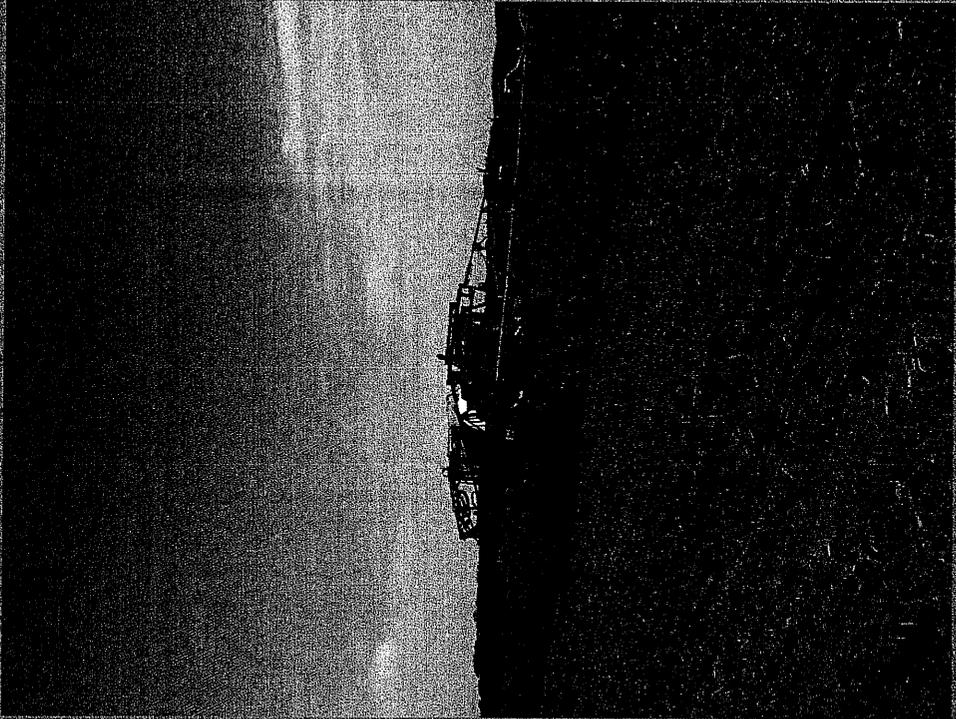


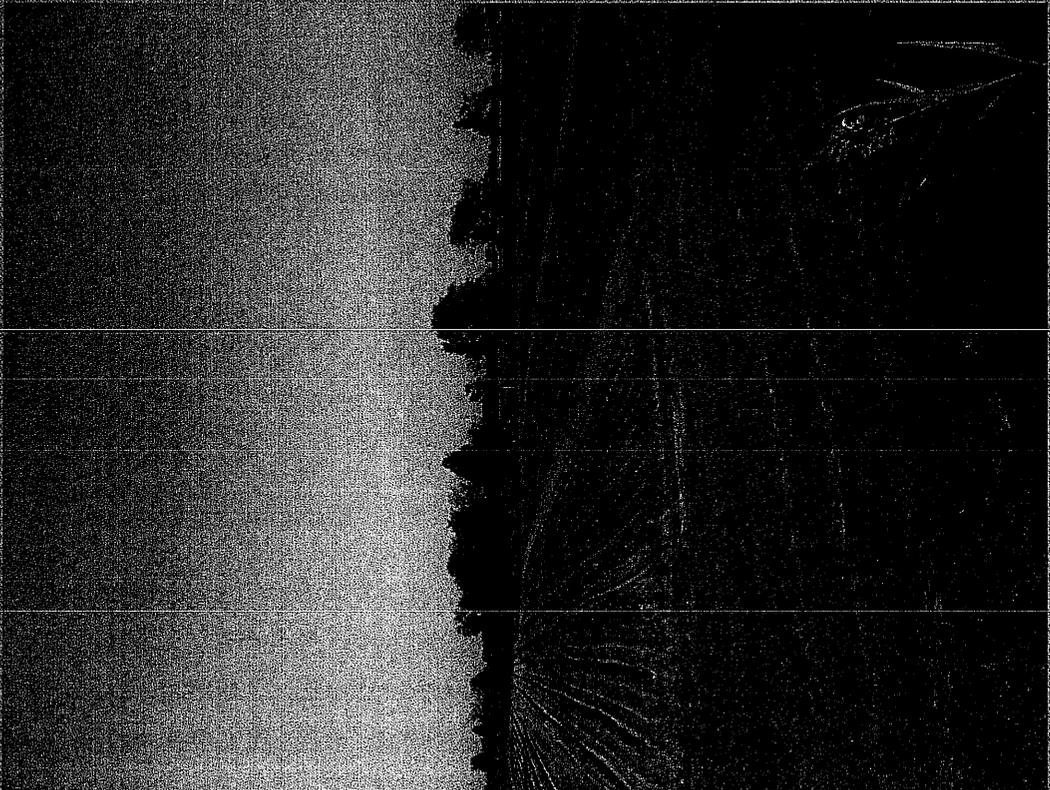
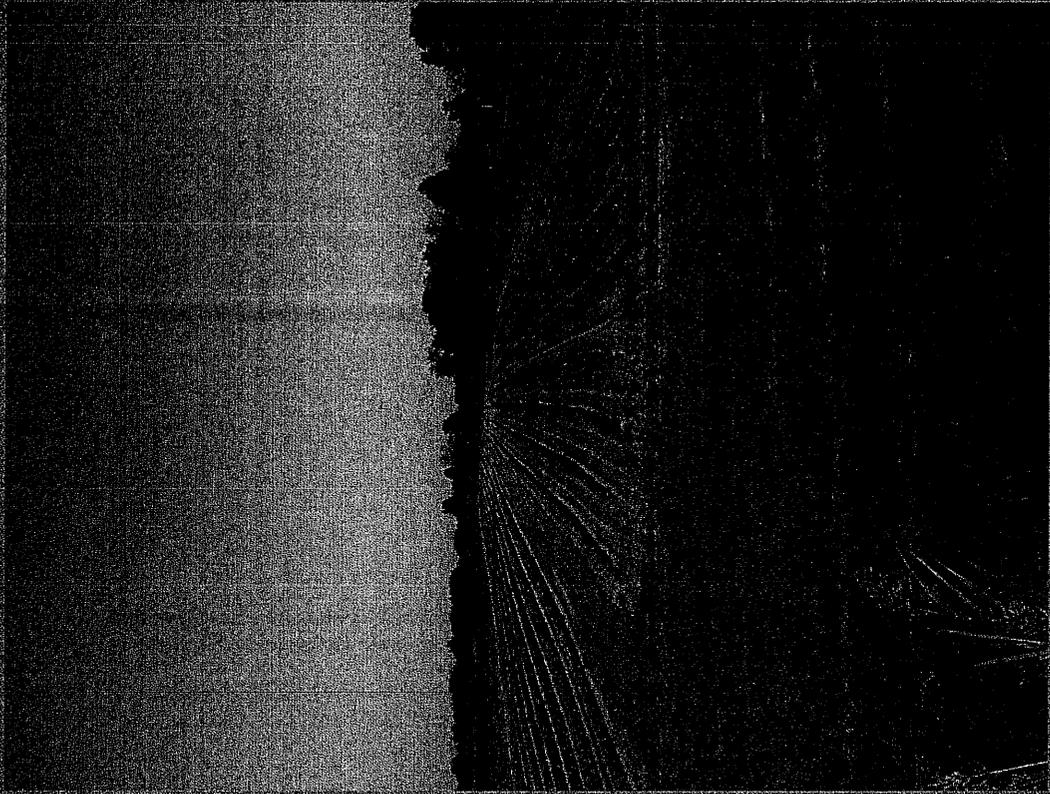












Of the 140 acres of property, 75% is dedicated to growing privet hedge. The soil conditions, temperature and climate of the North Shore of Long Island provide the perfect conditions to grow the absolute finest ligustrum ovalifolium privets.

We provide our customers with the highest quality "Balled and Burlapped" ligustrum ovalifolium plants. Our B & B plants are 2' 0" to over 6' feet in height, grown in field nursery rows, dug with soil intact, wrapped with burlap and tied with twine. This insures that the re-planted root system absorbs enough water to meet the plants needs and enjoys uninterrupted growth rate when placed in its new environment.

# Privet Volume 2009-2012

2009 Qty= 10,343

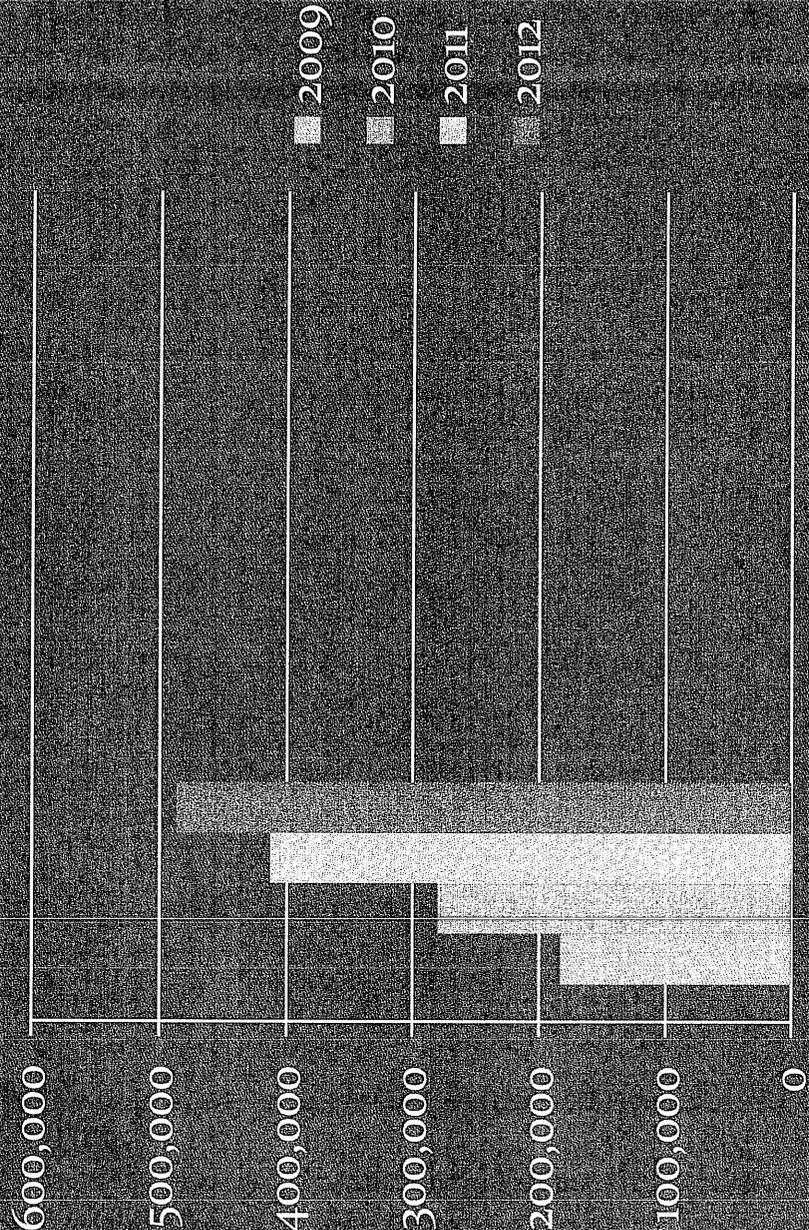
2010 Qty= 17,795

2011 Qty= 21,830

2012 Qty= 26,814



# Privet sales chart



# Horse boarding

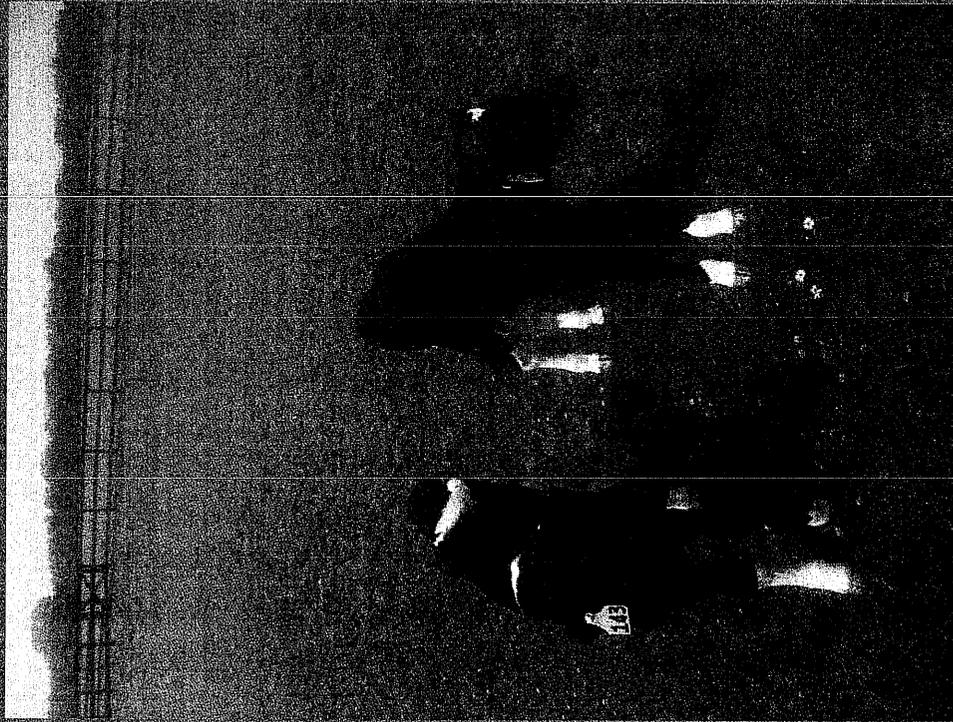


## Standard Board Services Include:

- Feeding
- Mucking
- Turnout 7 days a week, weather permitting.
- Blanketing
- Access to Veterinarians, Farriers and Horse Transportation

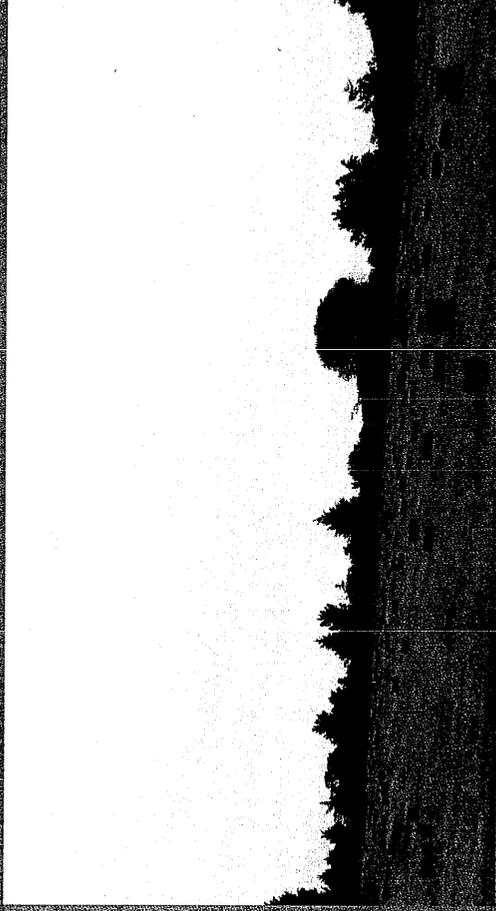
Driftwood Farms provides a highly flexible environment, designed to meet the individual needs of every horse and rider. Our facility consists of 140 acres, 2 Boarding Barns, Riding Arena, and trail riding.

# Cattle



- Driftwood Farms raises cattle for auction.

# Hay Production



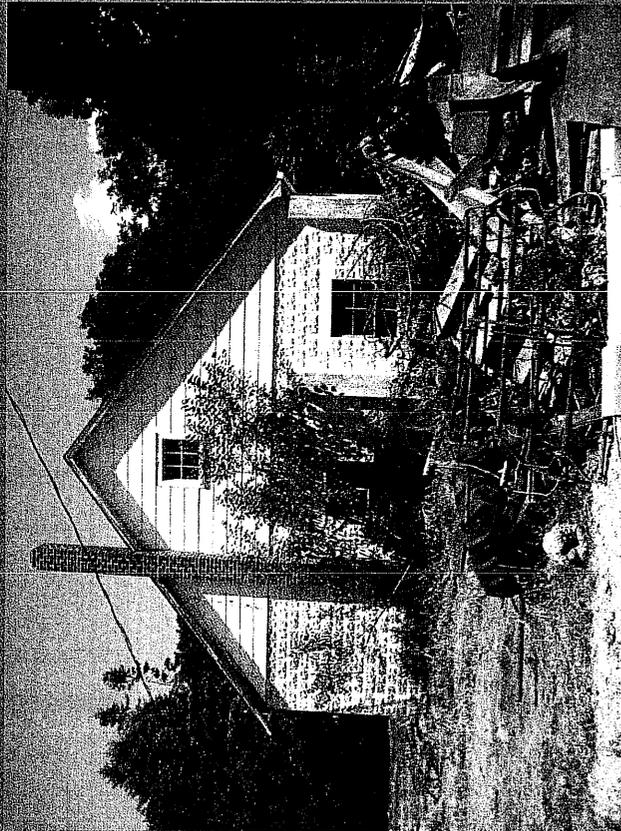
- Driftwood Farms prefers to make our own feed rather than purchase it. Feed for our livestock must be seeded and harvested on time, neither too late or too soon.
- Hay must be done properly to ensure no spoilage occurs, nor potential for combustion.
- Machinery is maintained in order to keep working smoothly and efficiently.

# Driftwood Family Farm



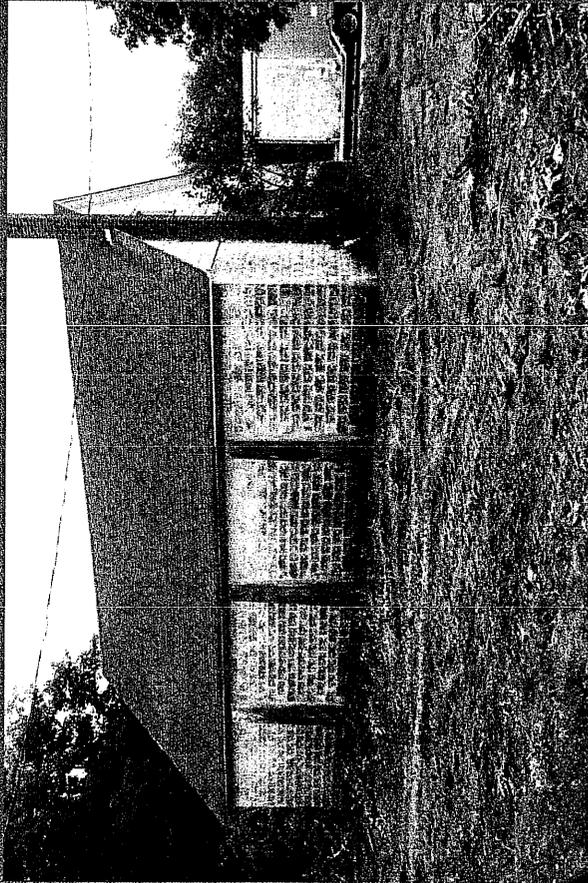
Calverton, NY

Before

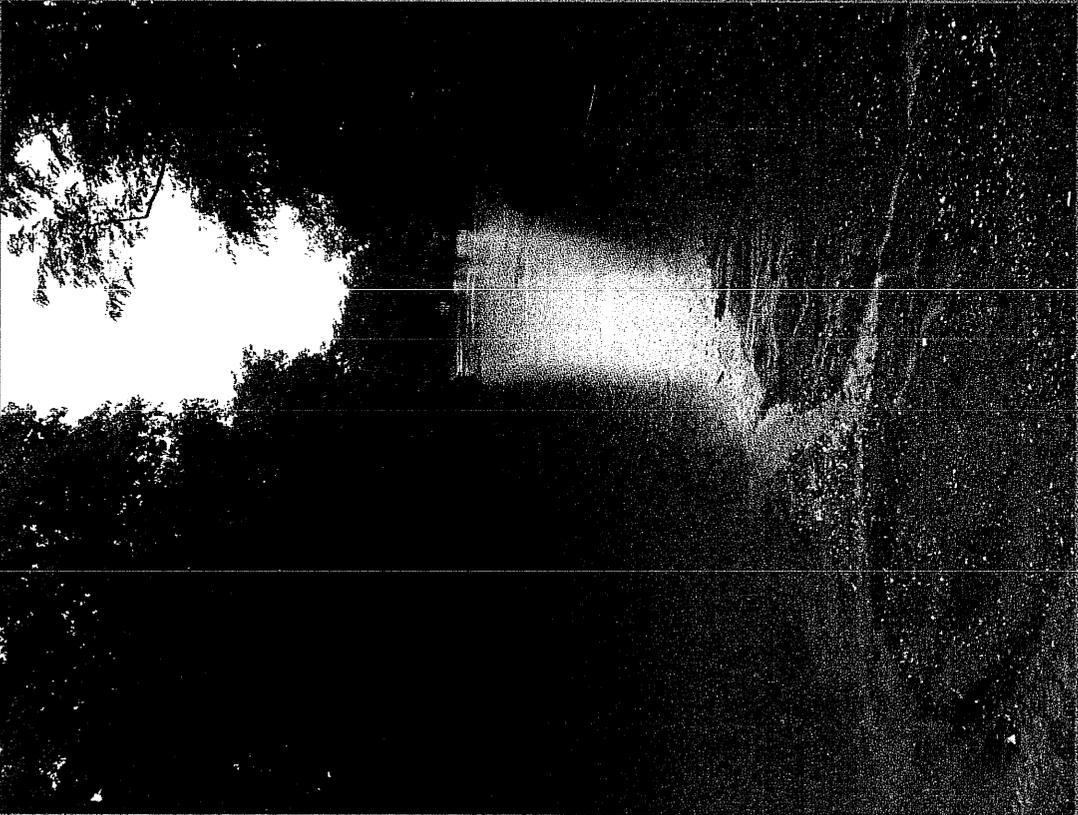


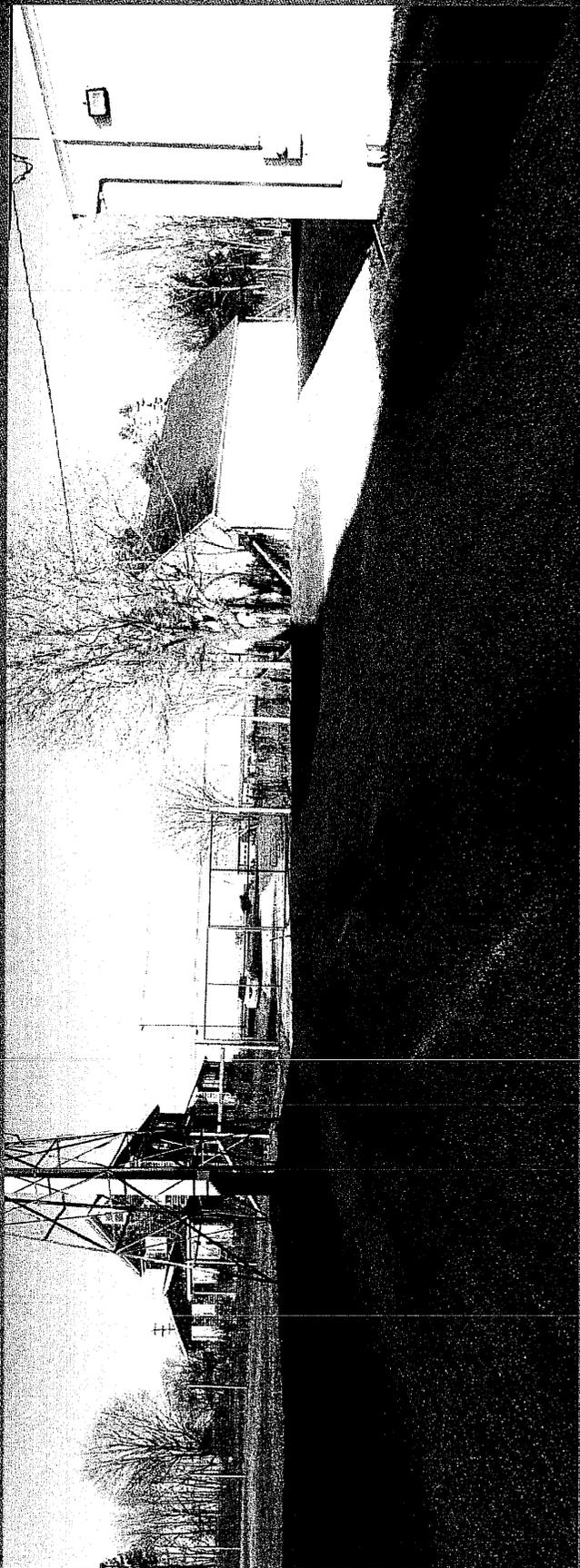
After

Before



After



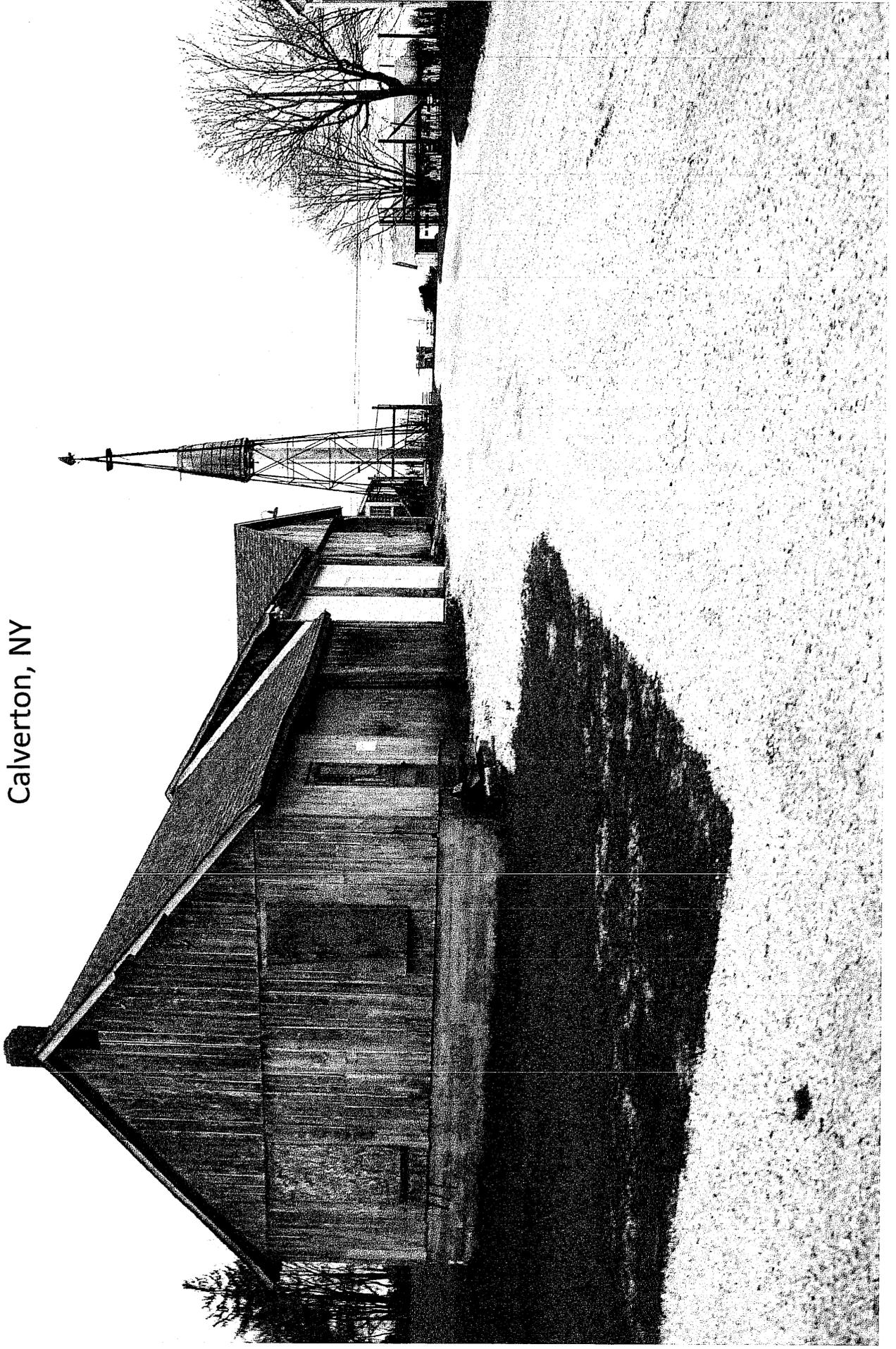


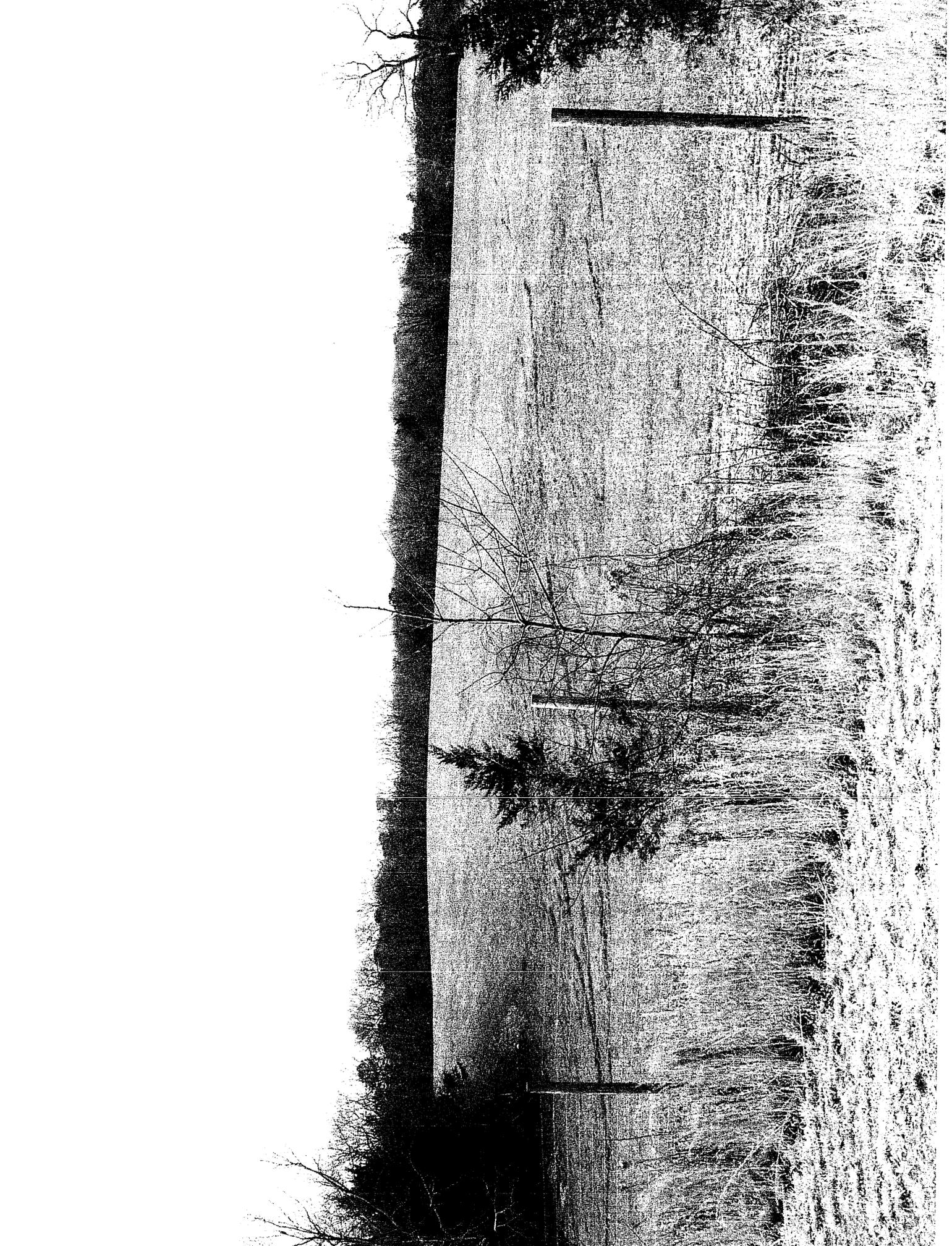
# Conclusion

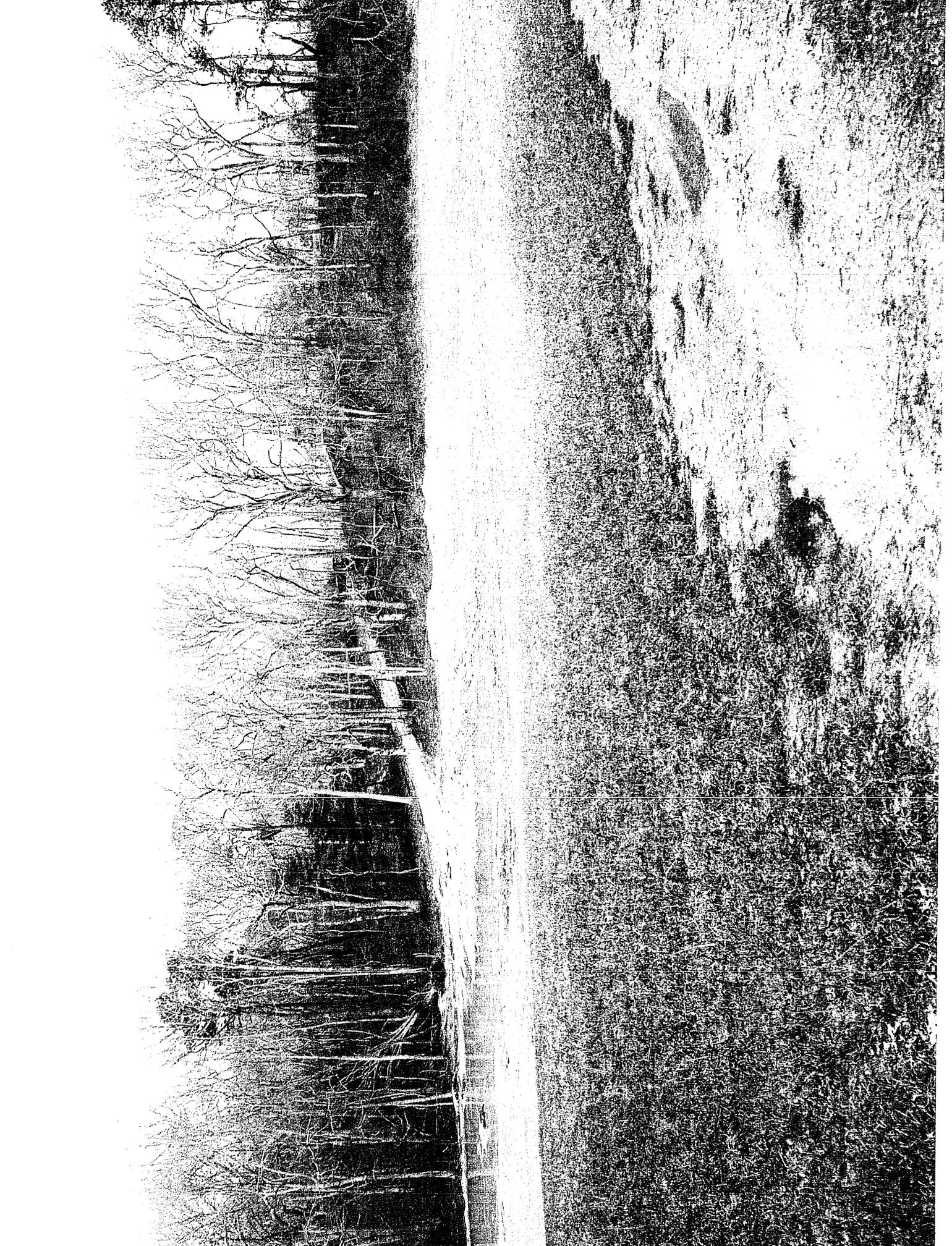
- Originating from Poland, the Mezynieski family has been in the farming industry for over 130 years. The family initially settled in Wainscott, NY in 1917 as potato farmers. After the previous generations sold off all of the farm land, Steven Mezynieski reestablished the Mezynieski family with working farms.
- In 2003 the Mezynieski family purchased a cattle farm in Punta Gorda, Florida, and established it as a working cattle and hay farm. The farm is currently in active production.
- Between 2006-2008 the Mezynieski's purchased three separate non working farms in Orient Point, NY and turned these properties into Driftwood Farms. Driftwood Farms is a fully operational, 140 acre working farming facility which includes: privet hedge, horse boarding and cattle.
- In 2012 the Mezynieski's purchased Driftwood Family Farms in Calverton, NY from the Zeh Family. The Mezynieski's are working towards turning this dilapidated, garbage filled land, into a fresh, updated, functional working farm facility.

# Driftwood Family Farms

Calverton, NY











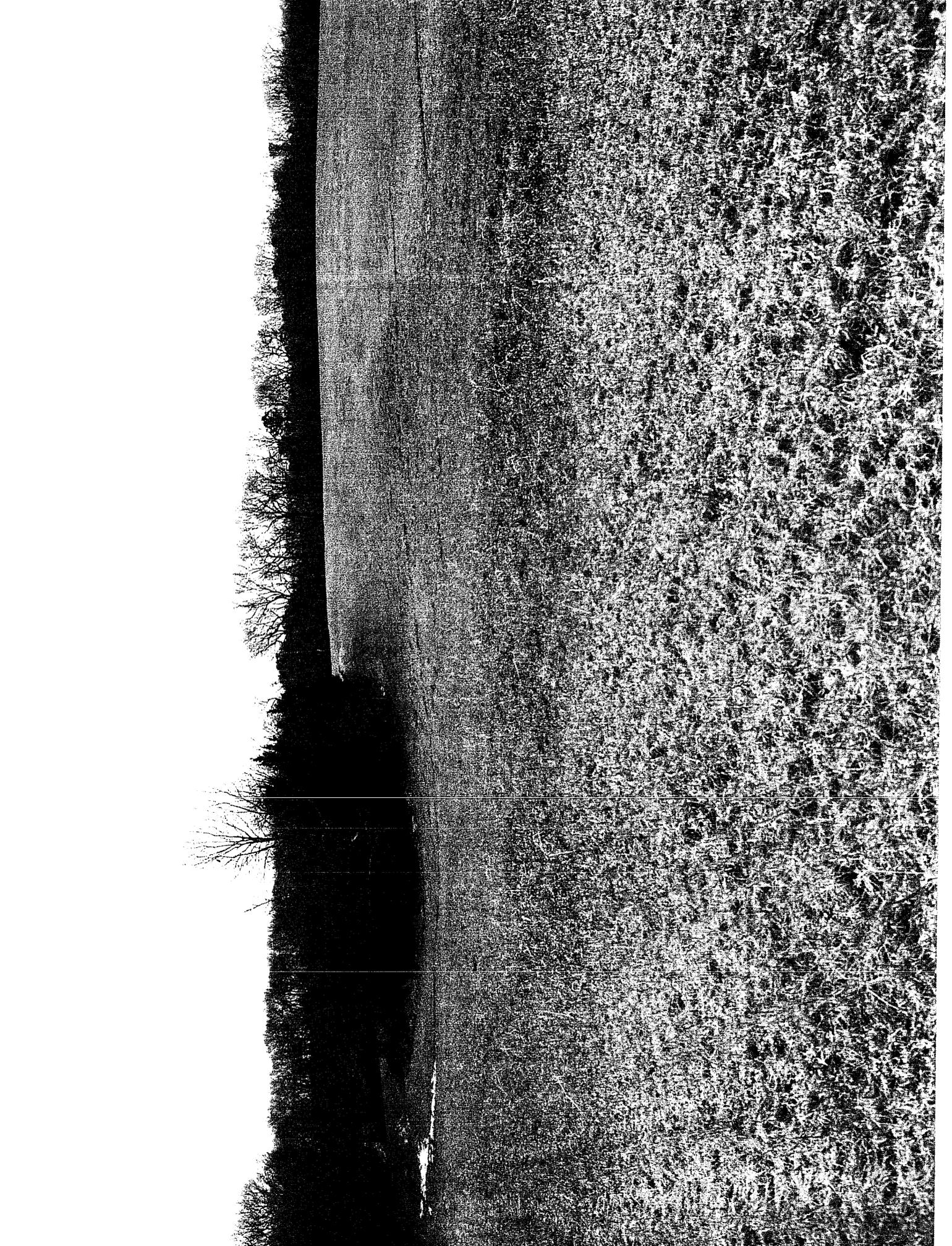




















Submitted by Peter Danowski  
at the 5/22/13 Town Board Meeting

LAW OFFICES  
**PETER S. DANOWSKI, JR.**

616 ROANOKE AVENUE  
RIVERHEAD, NY 11901

(631) 727-4900

FAX (631) 727-7451

E-Mail: pdanowski@danowskilaw.com  
jtaggart@danowskilaw.com

JOHN P. TAGGART, ESQ.

HAND DELIVERED

May 8, 2013

Riverhead Town Board  
200 Howell Avenue  
Riverhead, New York 11901

**Re: Clearing Permit -Knightland, Inc.**  
**SCTM No. 0600-75.00-02.00-013.003**

Dear Members of the Board:

I write this letter requesting that the Town Board, or a majority of them, authorize a resolution for adoption at a Town Board Meeting of an excavation/clearing permit for the Knightland project located at Route 25A in Wading River. I have been waiting for the adoption resolution since I hand delivered the application per Town requirements to the Riverhead Town Building Department. That hand delivering took place on March 21. Additional documents were hand delivered on April 5. See enclosed. As you know, this project gained a site plan approval from the Town's Planning Board and all necessary highway permits from both the Town and the State have issued. The delay in issuing the clearing permit continues to damage my client. After the original submission to the Building Department, I supplied additional information as requested. I was then advised that the Town Board would need to discuss the clearing permit at a Work Session before formally voting on the resolution at a Town Board Meeting. Several Work Sessions and Town Board Meetings have passed without Town Board action. I would ask that since the Town Board refused to adopt a resolution at yesterday's Town Board Meeting, that they discuss this matter, if necessary, at tomorrow's Work Session and, thereafter, adopt a resolution of approval.

As suggested in my original letter to the Building Department, the purpose for amendment to the Code, which called for the Town Board approving all clearing permits, appeared to be a method by which the Town would collect extra monies for the importing and exporting of material. With that said, there appeared to be no purpose for having a Town Code provision calling for Town Board resolutions when

there is a balanced cut an fill plan. I believe the Town Board Members clearly recognize that the Planning Board has jurisdiction over the site plan process, including the grading as well as drainage plan. After the thorough review by the Planning Board, it would appear to be a waste of the Town Board's time to further require its resolution to begin clearing the land.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter S. Danowski, Jr.", written in a cursive style.

Peter S. Danowski, Jr., Esq.

PSD:mmc

Enclosures

cc/Kenney Barra

Robert Kozakiewicz, Esq. - Riverhead Town Attorney  
Riverhead Town Building Department

LAW OFFICES  
**PETER S. DANOWSKI, JR.**  
616 ROANOKE AVENUE  
RIVERHEAD, NY 11901

(631) 727-4900  
FAX (631) 727-7451  
E-Mail: pdanowski@danowskilaw.com  
jtaggart@danowskilaw.com

JOHN P. TAGGART, ESQ.

March 21, 2013

Riverhead Town Building Department  
200 Howell Avenue  
Riverhead, New York 11901

**Re: Clearing Permit -Knightland, Inc.**  
**SCTM No. 0600-75.00-02.00-013.003**

Dear Sir/Madam:

I enclose the following with regard to the above referenced premises:

1. Clearing Permit application;
2. Disclosure Affidavit;
3. Check in the amount of \$100.00 to cover fee;
4. Site plans (3)

This project is a balanced cut and fill plan and there will not be the importing and exporting of materials. Much of the information contained in the Town Code provisions should not apply and the Town Board should not need to be bothered.

Very truly yours,

Peter S. Danowski, Jr., Esq.

PSD:mmc  
cc/Kenney Barra



## Town of Riverhead Building Department

201 Howell Avenue, Riverhead, New York 11901

[www.townofriverheadny.gov](http://www.townofriverheadny.gov)

Sharon Klos, Building Permits Coordinator

Any questions, please feel free to call at (631) 727-3200 Ext. 265

Fax: 631-208-8039

### Chapter 62 Permit/Exemption Application

*Before any excavation, exportation or importation is commenced for any purpose other than those exempted in § 62-5(A) and (B) of this chapter, the owner, lessee or agent of the premises shall obtain a written permit therefore from the Town Board of the Town of Riverhead. For that purpose, such owner, lessee or agent shall file this application with the Building Inspector of the Town of Riverhead pursuant to Chapter 62 of the Riverhead Town Code (attached).*

§ 62-4 (A) Town Board Permit

§ 62-5 (A) (1) (2) Exemption from Town Board  
Dredging Navigable Waterways or  
Agricultural Production Pursuant to 108-3TC

§ 62-5 (B) (1) (2) Exemption from Building Administrator  
Construction of Single Family Dwelling/Accessory  
Uses or Soil Boring Samples

### ***REQUIREMENTS FOR EXCAVATION / EXPORTATION / IMPORTATION / LAND CLEARING PERMITS***

Please note that most of the following forms must be ***signed and notarized***:

Building Excavation/Land Clearing Application (sign and notarize);

Disclosure Affidavit (sign and notarize);

Engineers report for approximate cubic yards to be exported/imported pursuant to § 62-5 (A) (1) (2);

Three (3) surveys showing the proposed project;

Fee of \$100.00 for the land clearing permit PLUS the excavation fee for the exportation / importation of said materials at the rate of \$2.00 per cubic yard pursuant to § 62-5 (A) (1) (2). Fees are nonrefundable per Town of Riverhead Code 52-10 D(16).

Proof of insurance for contractor; liability, worker's comp and NYS Disability.

Copy of covenant and restrictions when required;

Copy of the Signed Site Plan as approved by the Planning Board (when required);

Town Attorney is required to review and approve letter of credit as security and accepted by the Town Board by Resolution;

The final approval is a Resolution of the Town Board granting the permit/exemption.



APPLICATION FOR BUILDING & ZONING PERMIT (CLEARING PERM

201 Howell Avenue, Riverhead, New York 11901
631-727-3200 ext. 213, 268 and 283 Fax: 208-8039
www.townofriverheadny.gov

Application No. Date Permit No. Receipt
Approved by Zoning District Building Fee \$ Electrical Fee \$
Tax Map # 075.00 - 02.00 - 013.003

All information below to be filled out by applicant. A PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK. This application is to be submitted accompanied by building plans drawn to scale in duplicate, showing elevations, floor plans, run and size of joists, rafters, girders, details of footings and foundation, schematic of plumbing and electrical layouts and grade and species of lumber and quality of all material where applicable.

THE OWNER OF THE PROPERTY IS: (PLEASE PRINT CLEARLY)

First Name Last Name Business Name Knightland, Inc.
Mailing Address 5720 Route 25A Wading River New York 11792
Phone Contact 631-929-6585 631-929-4975
Property Location of Proposed Work South side of Sound Ave. and North side of NYS Route 25A, east of both intersections of both roads, Wading River, New York

CONTACT PERSON (if different from owner) The person responsible for the supervision of the work insofar as the Building Code and the Zoning Ordinance apply is:

First Name Last Name Kenney Barra
Mailing Address 5720 Route 25A Wading River New York 11792
Phone Contact 631-846-2331 631-929-4975 kbarra@eastwindlongisland.com

- Residential - Estimated value of proposed construction \$
Commercial - Estimated value of proposed construction \$
Single Family Residence
Manufactured/Modular Home
Excavation/Land clearing: approx 0 cu.yds. removed
Addition
Alteration
Accessory Structure
Swimming Pool
Specifications (if applicable)
In ground Above ground Hot tub/spa
Deck
Car Attached/Detached Garage
New Commercial Structure
Bulkhead/ Dock
Demolition
Agricultural Worker Housing
Condominium
Use Permit
Miscellaneous
Heater

APPLICATION FOR BUILDING & ZONING PERMIT

Please describe project and/or special conditions:

Site Improvements - Clearing Permit (See Plan)

ZONING SPECIFICATIONS: Fill in for new building, or addition to existing building or a change of occupancy. Indicate on the plot plan in triplicate, street names, the location and size of property, the location and setbacks of proposed buildings and existing buildings. Show proposed buildings in dotted lines and existing buildings in a solid line. All distances are measured from property line to nearest part of building. All work must be in compliance with the New York State Building Code and Fire Prevention Code.

Proposed building \_\_\_\_\_ sq. ft. Second floor \_\_\_\_\_ sq. ft.
Proposed addition \_\_\_\_\_ sq. ft. Garage \_\_\_\_\_ sq. ft.
Ground floor \_\_\_\_\_ sq. ft. Height (from grade to ridge) \_\_\_\_\_ ft.
Number of bedrooms \_\_\_\_\_ Impervious surface \_\_\_\_\_ %

Electrician: n/a License# \_\_\_\_\_

Mailing Address Town State Zip
Number: n/a License# \_\_\_\_\_

Mailing Address Town State Zip
Contractor: n/a License# \_\_\_\_\_

Mailing Address Town State Zip

AFFIDAVIT

town of Riverhead)
County of Suffolk) s.s.
State of New York)

I swear that to the best of my knowledge and belief the statements contained in this application, together with the plans and specifications submitted, are true and complete statements of proposed work to be done on the described premises and that the provisions of the Building Code, Zoning Ordinance, and all other laws pertaining to the proposed work shall be complied with, whether specified or not, and that such work and inspections are authorized by the owner.

to be before this 15th day
March 20 13

Signature: [Handwritten Signature]
Knightland, Inc.
Owner, Agent or Architect
By: Kenney Barra, President

Annie E. Esqro
Notary Public, Suffolk County, New York
Building\2012 revised app.seal\6.11.12\excavation.doc

ANNIE E. ESQRO
Notary Public, State of New York
No. 01ES5078083
Qualified in Suffolk County
Commission Expires May 19, 2015

Read this document carefully.  
You may consult your attorney before completing.

Disclosure Affidavit

STATE OF NEW YORK)

SS:

COUNTY OF SUFFOLK)

I, Kenney Barra an applicant for the following

relief: Clearing Permit and being duly sworn, deposes and says:

Under the penalty of perjury and swear to the truth thereof.

That I understand that this affidavit is required by Section 809 of the General Municipal Law and that a

knowing failure to provide true information is punishable as a misdemeanor. Being so warned, I state:

That no one is a State Officer, is an officer or employee of Riverhead Town  
(Name of Relative)

and:

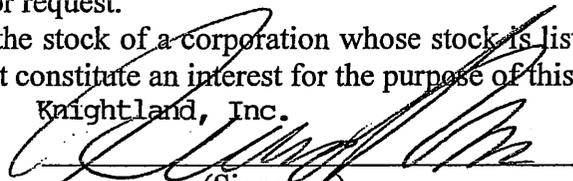
*Check here if not applicable (i.e., you have no relative working for the Town of Riverhead.)  
and please sign below before a notary public.*

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

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

- a. is an applicant,
- b. is an officer, director, partner or employee of the applicant,
- c. legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association, applicant, or
- d. is a party to an agreement with such an application, express or implied whereby he may receive any payment or other benefit, whether or not for services rendered, dependant or contingent upon the favorable approval of such application, petition or request.
- e. That ownership of less than five (5) per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchange shall not constitute an interest for the purpose of this section.

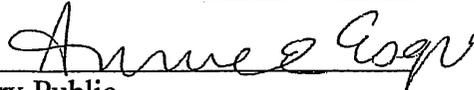
Knightland, Inc.

  
(Signature)

By: Kenney Barra, President

Appear to before me this 15<sup>th</sup> day

March, 2013

  
Notary Public



## TOWN OF RIVERHEAD

### Building Department

201 Howell Avenue, Riverhead, New York 11901-2596  
(631) 727-3200, Fax (631) 208-8039

Jefferson V. Murphree, AICP  
Building & Planning Admin.  
Ext. 264.

Sharon Klos  
Building Permit  
Coordinator  
Ext. 265

Richard E. Gadzinski  
Electrical Inspector  
Ext. 243

Richard Podlas  
Inspector  
Ext. 231

Mark Griffin  
Inspector  
Ext. 275

Jack Wherry  
Inspector  
Ext. 614

APRIL 2, 2013

FAX: 727-7451

Peter S Danowski Esq.  
616 Roanoke Avenue  
Riverhead, NY 11901

REF: Clearing permit for Knightland project  
Route 25aA, Wading River, New York  
Tax Map# 75.-2-13.3

Dear Mr. Danowski:

A review of your application has resulted in the follow missing items:

- (1) A detailed statement of the proposed work and three-dimensional extent of the proposed excavation, exportation or importation and exact condition of the plot or premises before the work proposed to be accomplished under the requested permit is commenced and proposed condition of said plot or premises when the work is completed.
- (2) An estimate of the total number of cubic feet of material proposed to be excavated, exported or imported from or to the property during the term of the permit, prepared by a licensed engineer.
- (3) The elevations of all abutting properties to the extent necessary to indicate the existing drainage condition where the same affects the subject property.
- (4) A duly acknowledged consent, in writing, of the owner of the premises and mortgagee, if any, including his or their addresses.
- (5) Receipted tax bills or a certificate from the Receiver of Taxes of the Town of Riverhead and the County Treasurer of Suffolk County, showing payment of all taxes or assessments to date against the property described in the application.
- (6) A certificate from the Commissioner of Public Works of the municipalities whose highways abut the site of operation, to the effect, that the proposed excavation exportation or importation shown on the plan will not endanger such highways.
- (7) A certificate from the Commissioner of Agriculture and Markets of the State of New York or his duly appointed agent or representative, stating that any material as defined in this chapter to be taken in the area described in the application is apparently free from golden nematode of potato.
- (8) The purpose of the proposed excavation, exportation or importation.
- (9) The existing and the theoretical maximum groundwater level at the location.
- (10) The procedures whereby dust or other fugitive or windborne material shall be controlled.

(11) The excavation, exportation or importation of material shall be implemented in a manner that achieves a harmonious balance between the existing topography of the site and the authorized activity specified in the permit. It shall be a violation of this chapter for an applicant to excavate, export, or import more material than authorized in the permit or that which is necessary to achieve the desired improvement.

(12) An applicant for residential, commercial and/or industrial subdivision approval or site plan approval shall submit an estimate of the volume of materials to be excavated, exported or imported as certified by a professional engineer, to either the Planning Board or Town Board. The estimate of the volume of materials shall be noted on the approve

If you have any questions please feel free to contact us at 727-3200, ext. 265.

Very truly yours,



Sharon E Klos  
Building Permits Coordinator  
Enc.  
cc:

LAW OFFICES  
**PETER S. DANOWSKI, JR.**  
616 ROANOKE AVENUE  
RIVERHEAD, NY 11901

(631) 727-4900  
FAX (631) 727-7451  
E-Mail: pdanowski@danowskilaw.com  
jtaggart@danowskilaw.com

JOHN P. TAGGART, ESQ.

April 5, 2013

Riverhead Town Building Department  
200 Howell Avenue  
Riverhead, New York 11901

**Re: Clearing Permit -Knightland, Inc.**  
**SCTM No. 0600-75.00-02.00-013.003**

Dear Sir/Madam:

Responding to an April 2, 2013, letter as enclosed, be advised that your office should have in its possession the approved site plan resolution as well as the completed SWPPP documents coupled with the necessary covenant and restrictions and permits as required by the Town and the completed SEQRA process documentation. The 9-page site plan made part of the clearing permit application includes the following:

1. C-1 Alignment Plan/Zoning Analysis
2. C-2 Existing Conditions Plan
3. C-3 Landscape Plan
4. C-4 Site Lighting Plan
5. C-5 Site Grading/Drainage Plan
6. C-6 Sanitary Plan
7. C-7 Profile/Details
8. C-8 Utilities Plan
9. C-9 Site Details 1

1. The Balanced Cut and Fill Grading Plan, which is clearly depicted on these plans, calls for the clearing of the property without importing or exporting material.

2. Zero material to be excavated.

3. See Drainage Plan and Existing Condition Plan.

4. See consent and acknowledgment of owner and recorded covenant of mortgagee, which a necessary condition outlined in the Planning Board site plan approval.

5. See copies of tax bills.

6. See copies of Highway Permits.

7. See Department of Ag and Market's Golden Nematode letter.

8. Purpose to clear land in preparation for site plan improvements as approved by Town.

9. See Grading and Drainage Plan (C-5) and note public water is being provided as outlined in Water and Sanitation Plan (C-6).

10. See SEQRA documentation previously submitted to Town.

12. See Drainage Plan with Balanced Cut and Fill Plan.

Very truly yours,

  
Peter S. Danowski, Jr., Esq.

PSD:mmc  
Enclosures  
cc/Kenney Barra



STATE OF NEW YORK  
DEPARTMENT OF AGRICULTURE AND MARKETS  
4 STEWART AVENUE  
WESTHAMPTON BEACH, NY 11978-1103

Division of Plant Industry  
Phone: (631) 288-1751  
Fax: (631) 288-6828

April 4, 2013

Peter Danowski Esq.  
616 Roanoke Avenue  
Riverhead, New York 11901

Re: 579 Sound Avenue in Wading River

To whom it may concern,

The 6.02 acre parcel located at 579 Sound Avenue in Wading River, Suffolk County Tax Map Number 0600075000200130003 (75-2-13.3), USDA GN Control Map Designation **No Designation**, is **not regulated** by the New York State Department of Agriculture and Markets under the Golden Nematode Quarantine (Part 127). Therefore, strict sanitation and quarantine guidelines do not apply to the development of this parcel.

Thank you for your help in the suppression of this serious pest. If you have any questions or concerns, please feel free to contact The New York State Department of Agriculture and Market's Golden Nematode Control Office in Westhampton at 1-631-288-1751.

Very truly,

A handwritten signature in black ink that reads 'Timothy Johnson'.

Timothy Johnson  
New York State Department of Agriculture & Markets  
Golden Nematode Control

C.C. Joan Mahoney, NYSDAM Horticulture Inspector III  
James Schmitt, NYSDAM Horticulture Inspector I  
File



TOWN OF RIVERHEAD HIGHWAY DEPARTMENT  
1177 OSBORN AVENUE, RIVERHEAD, NEW YORK 11901

APPLICATION FOR ROAD OPENING PERMIT  
ALTERATION OR EXCAVATION OF HIGHWAYS AND ERECTION OF POLES

DATE May 4, 2012

Application is hereby made by the undersigned, a firm/corporation, whose name and address are:

Knightland, Inc.

5720 Route 25A, Wading River, New York 11792

To open an area in the Town ROW located at: the intersection of Sound Avenue & Route 25A, Wading River, N.Y. in an easterly direction as depicted on the site plan  
(State exact location in reference to streets, intersection, existing landmarks or street no. if possible)

For the following purpose: access into approved site plan

Will there be any work performed in the paved roadway?  Yes  No

\*A map and plan must be annexed to this application depicting roadway, curb, shoulder, property line and proposed work to be performed as required by the Town of Riverhead, County of Suffolk, and State of New York.

Conditions and Restrictions

SUBJECT TO THE RIGHT OF OTHERS:

- This permit shall not be assigned or transferred without the written consent of the Superintendent of Highways.
- The Superintendent of Highways shall be given one week's notice by said applicant of the date when it intends to begin the work authorized by this permit and prompt notice of its completion.
- The said applicant hereby agrees to hold the Town harmless on account of any kind of damages which may arise during the process of the work authorized by this permit or by any reason thereof.
- The Superintendent of Highways reserves the right at any time to revoke or annul this permit should the said applicant fail to comply with the terms and conditions upon which it is granted.
- Sleeves shall be driven UNDER the highway for all highway crossings, unless permission to cross otherwise is given in writing by this office. The applicant shall substantiate the need for any pavement opening.
- Work under this permit to be commenced within sixty days from date of permit and continued in an expeditious manner but in no event shall the work exceed 6 months from the starting date. (Applicant must advise Superintendent of Highways of start date). In the event, the applicant can not complete the work within 6 months, applicant must apply for permission to extend the application for road opening permit on or before the 6 month expiration and submit revised plans showing the remainder of the work to be performed under the original permit. A \$50.00 fee is required for all applications to extend permit. The failure to timely file an application to extend the permit will result in a \$50.00 fine and \$50.00 permit fee.
- If and when necessary, Riverhead Town Highway Department will on matters of emergency or complaint, take steps to repair opening on a charge back basis to the above applicant.
- Applicant shall be responsible for restoration for one year after completion unless extended by the Superintendent of Highways.
- A certified check/bond in the sum of \$ 2,000.00 payable to the Town of Riverhead to be deposited on file as security that the Highway will be restored to its original condition where disturbed, at the expense of the applicant, as soon as the work has been completed.
- The permittee shall furnish this office with a telephone number of availability (24 hr. basis) where a demand for emergency repairs shall be immediately honored; otherwise he is required to pay the cost of hire by this office of any available contractor to make emergency repairs; furthermore the permittee is required to thus assume all obligation for emergency repairs and he agrees that all charges for said repairs will be assessed against the certified check or bond.

A check in the sum of Two Hundred Dollars (\$200.00) payable to the Town of Riverhead shall be charged per permit. Any job started prior to permit being issued will be subject to a \$200.00 fine and a \$200.00 fee for permit.

The applicant agrees to comply with all the terms and conditions outlined above and set forth in the Highway Specifications annexed hereto and made a part hereof.

Knightland, Inc. by Kenney Barra

(Print Name of Applicant)  
5720 Route 25A, Wading River, NY 11792

(Address and Telephone No.)  
(631) 829-6585

[Signature]  
Superintendent of Highways

(Signature of Applicant)

(24 hr. Emergency Contact Name and Number)

5-23-12

Date Approved

Res 13 Cop

State of New York  
Department of Transportation

M 42 (09/09)

Highway Work Permit

Permit No.: 20121030702

Date Issued: 12/18/2012

Project ID No.:

Expiration Date: 07/01/2013



\*Permittee 1:  
LASER INDUSTRIES, INC.

1775 ROUTE 25A

RIDGE, NY 11961

Emergency Contact: ANTHONY GULINO

Emergency Number: 631-924-3011

\*Permittee 2:

0600-07500-0200-004000

\*Permittee 4:

08-394

\*Permittee 3:  
KNIGHTLAND

Under the provisions of the Highway Law or Vehicle & Traffic Law, permission is hereby granted to the permittee to:

TO CONSTRUCT AND PERMANENTLY MAINTAIN ACCESS AND OTHER IMPROVEMENTS ON THE N/S/O NY 25A BETWEEN MMS 1429 - 1430 AS PER ATTACHED PLANS. ALL WORK SHALL BE IN ACCORDANCE WITH CURRENT NYSDOT STANDARDS / SPECIFICATIONS AND SHALL BE TO THE SATISFACTION OF THE RESIDENT ENGINEER.

THE PERMITTEE IS RESPONSIBLE FOR TEMPORARY TRAFFIC CONTROL IN ACCORDANCE WITH THE NATIONAL MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND THE NYS SUPPLEMENT. ANYONE WORKING WITHIN THE HIGHWAY RIGHT-OF-WAY SHALL WEAR HIGH-VISIBILITY APPAREL MEETING THE ANSI 107-2004 CLASS II STANDARDS AND A HARD HAT.

County	Municipality	State Hwy	State Route	Beg Ref	End Ref
SUFFOLK	RIVERHEAD	8111	25A	25A07031429	25A07031430

as set forth and represented in the attached application at the particular location or areas, or over the routes as stated therein, if required; and pursuant to the conditions and regulations general or special, and methods of performing work, if any; all of which are set forth in the application and form of this permit. See additional conditions on PAGE 2.  
THIS PERMIT IS ISSUED BASED ON ALL LOCAL, STATE, AND FEDERAL REQUIREMENTS BEING SATISFIED.

Dated at: Hauppauge Date Signed: 12/18/2012 Commissioner of Transportation By: Frank Pearson

**IMPORTANT:**

THIS PERMIT, WITH APPLICATION AND DRAWING (OR COPIES THEREOF) ATTACHED, SHALL BE PLACED IN THE HANDS OF THE CONTRACTOR BEFORE ANY WORK BEGINS. THE HIGHWAY WORK PERMIT SHALL BE AVAILABLE AT THE SITE DURING CONSTRUCTION.  
BEFORE WORK IS STARTED AND UPON ITS COMPLETION, THE PERMITTEE ABSOLUTELY MUST NOTIFY:  
Roy Rensig (Acting), Resident Engineer 631-727-1731  
"UPON COMPLETION OF WORK". SECOND TO LAST PAGE, MUST BE COMPLETED, SIGNED BY THE PERMITTEE, AND DELIVERED TO THE RESIDENT ENGINEER.

IF PROPERTY HAS BEEN SOLD OR TRANSFERRED AFTER MARCH 1, 2012 PLEASE FORWARD BILL TO NEW OWNER OR RETURN TO THIS OFFICE.

NEW YORK  
 DECEMBER 1, 2012 THROUGH NOVEMBER 30, 2013 TAX LEVY  
 TAXABLE STATUS DATE MARCH 1, 2012  
 TAXES BECOME A LIEN DECEMBER 1, 2012

BILL NUMBER 7591  
 ESTIMATED STATE-AID  
 TOWN 91,000  
 SCHOOL 8,275,586

MAKE FUNDS PAYABLE TO:  
**AURIE A. ZANESKI**  
 RECEIVER OF TAXES  
 TOWN OF RIVERHEAD  
 200 HOWELL AVENUE  
 RIVERHEAD, NEW YORK 11901

OFFICE PAYMENT HOURS  
 MONDAY TO FRIDAY: 8:30 A.M. to 4:30 P.M.  
 PHONE 631-727-3200 EXT. 248

NOTE: TAXES ARE PAYABLE BY CHECK, CASH, OR MONEY ORDER.  
 ONLINE PAYMENTS ARE ACCEPTED (subject to a site fee). Visit [www.riverheadll.com](http://www.riverheadll.com) to pay by credit/debit card or electronic check. Checks will be accepted subject to collection for which this office assumes no responsibility. No cash by mail accepted.

SWIS	DISTRICT	SECTION	BLOCK	LOT	SI
473000	600	075.000	0002	013.002	

PROPERTY CODE	ACREAGE	TAX CODE	ROLL SECTION
330	.96	39	1

CURRENT OWNER & TAX BILLING ADDRESS

**KNIGHTLAND INC**  
 5720 RTE 25A  
 WADING RIVER, NY 11792

OWNER AS OF TAXABLE STATUS DATE OF MARCH 1, 2012  
**KNIGHTLAND INC,**

EQUALIZATION RATE / UNIFORM %: 15.27  
 Residential Assessment Ratio 14.02

CODE	EXEMPTION INFORMATION DESCRIPTION	APPLIED TO	AMOUNT	FULL AMOUNT

PHYSICAL LOCATION	BANK & LOAN #	LAND ASSESSMENT	TOTAL ASSESSMENT	FULL VALUE AS OF JULY 1, 2010
MIDDLE COUNTRY RD		10000	10000	65,488

LEVY DESCRIPTION	TOTAL DISTRICT LEVY	% CHANGE OVER LAST YEAR	TAXABLE VALUE	TAX RATE PER \$1000	TAX TO BE LEVIED	TAX AMOUNT
WADING RIVER CSD #1	48,309,435	1.7	10,000	25.511	1,255.11	1,255.11
<b>SCHOOL</b>						
<b>TOTAL TAX TO BE LEVIED FOR SCHOOL:</b>						<b>66.17 %</b>
COUNTY GENERAL FUND	54,287,505		10,000	1.372		13.7
<b>COUNTY</b>						
<b>TOTAL TAX TO BE LEVIED FOR COUNTY:</b>						<b>.72 %</b>
RIVERHEAD TOWN TAX	31,054,105	3.0	10,000	38.123		381.23
HIGHWAY	6,871,013	2.6	10,000	8.435		84.35
<b>TOWN</b>						
<b>TOTAL TAX TO BE LEVIED FOR TOWN:</b>						<b>24.55 %</b>
YS REAL PROP TX LAW	1,390,191		10,000	1.718		17.18
Y STATE MEA TAX	1,822,867	25.7	10,000	0.049		0.49
C OUT OF CITY TOLLION	130,581		10,000	0.162		1.62
WADING RIVER FIRE	2,018,800	1.7	10,000	6.309		63.09
ORIN SHORE PUB LIBRY	3,395,966	2.0	10,000	5.101		51.01
IGHT DISTRICT	1,021,269	1.6	10,000	1.154		11.54
ATER EXT 35	1,425,800	16.3	10,000	1.750		17.50
<b>OTHER TOTAL TAX TO BE LEVIED FOR TOWN:</b>						<b>8.56 %</b>
FIRST HALF DUE JANUARY 10, 2013 W/O PENALTY \$	948.42					
SECOND HALF DUE MAY 31, 2013 W/O PENALTY \$	948.42					
<b>TOTAL TAXES TO BE LEVIED</b>						<b>1,896.8</b>

DATE 01/10/2013 AMOUNT PAID 948.42 PAYOR KNIGHTLAND INC RECEIPT INFORMATION

TOWN HALL WILL BE CLOSED ON DEC. 25 & JAN. 1

TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK  
 DECEMBER 1, 2012 THROUGH, NOVEMBER 30, 2013 TAX LEVY  
 TAXABLE STATUS DATE MARCH 1, 2012  
 TAXES BECOME A LIEN DECEMBER 1, 2012

BILL NUMBER 7687

ESTIMATED STATE-AID  
 TOWN 91,000  
 SCHOOL 8,275,586

PROPERTY HAS BEEN SOLD OR TRANSFERRED  
 PRIOR TO MARCH 1, 2012 PLEASE FORWARD BILL  
 TO NEW OWNER OR RETURN TO THIS OFFICE.

OFFICE FUNDS PAYABLE TO:  
**FRANK A. ZANESKI**  
 COLLECTOR OF TAXES  
 TOWN OF RIVERHEAD  
 HOWELL AVENUE  
 RIVERHEAD, NEW YORK 11901

OFFICE PAYMENT HOURS  
 MONDAY TO FRIDAY: 8:30 A.M. to 4:30 P.M.  
 PHONE 631-727-3200 EXT. 248  
 NOTE: TAXES ARE PAYABLE BY CHECK, CASH, OR MONEY ORDER.  
 ONLINE PAYMENTS ARE ACCEPTED (subject to a site fee): Visit  
[www.riverheadll.com](http://www.riverheadll.com) to pay by credit/debit card or electronic  
 check. Checks will be accepted subject to collection for which  
 this office assumes no responsibility. No cash by mail accepted.

SUFFOLK COUNTY TAX MAP NUMBER		SECTION	BLOCK	LOT	SITE
473000	600	076.000	0001	003.002	
PROPERTY CODE	ACREAGE	TAX CODE	ROLL SECTION		
311	.92	39	1		

CURRENT OWNER & TAX BILLING ADDRESS  
**KNIGHTLAND INC**  
 5720 RTE 25A  
 WADING RIVER, NY 11792

OWNER AS OF TAXABLE STATUS DATE OF MARCH 1, 2012  
**KNIGHTLAND INC,**  
 EQUALIZATION RATE / UNIFORM %: 15.27  
 Residential Assessment Ratio 14.02

EXEMPTION INFORMATION	APPLIED TO	AMOUNT	FULL AMOUNT
CODE	DESCRIPTION		

PHYSICAL LOCATION	BANK & LOAN #	LAND ASSESSMENT	TOTAL ASSESSMENT	FULL VALUE AS OF JULY 1, 2010
BEEMER AVE		10800	10800	70,727

LEVY DESCRIPTION	TOTAL DISTRICT LEVY	% CHANGE OVER LAST YEAR	TAXABLE VALUE	TAX RATE PER \$1000	TAX TO BE LEVIED	TAX AMOUNT
WADING RIVER CSD #1	48,309.435	1.7	10,800	125.511	1,355.52	1,355.52
5 years STAR tax savings generally may not exceed last years by more than 2% YOUR TAX SAVINGS THIS YEAR RESULTING FROM THE NEW YORK STATE SCHOOL TAX RELIEF (STAR) PROGRAM IS \$ 0.00						
<b>TOTAL TAX TO BE LEVIED FOR SCHOOL:</b>				<b>66.17 %</b>		<b>\$ 1,355.52</b>
COUNTY GENERAL FUND	54,287.505		10,800	1.372		14.82
<b>TOTAL TAX TO BE LEVIED FOR COUNTY:</b>				<b>.72 %</b>		<b>14.82</b>
RIVERHEAD TOWN TAX	31,054.105	3.0	10,800	38.123		411.73
ROADWAY	6,871.013	2.6	10,800	8.435		91.10
<b>TOTAL TAX TO BE LEVIED FOR TOWN:</b>				<b>24.55 %</b>		<b>\$ 502.83</b>
REAL PROP TX LAW	1,390.191	25.7	10,800	1.718		18.55
STATE MTA TAX	1,822.867		10,800	0.049		0.52
GOVT OF CITY TUITION	1,130.581		10,800	0.162		1.77
WADING RIVER FIRE	2,018.800	1.7	10,800	6.309		68.14
LAKE SHORE PUB LIBRY	3,395.966	2.0	10,800	5.101		55.30
PORT DISTRICT	1,021.269	1.6	10,800	1.154		12.44
SEWER EXT 35'	1,425.800	16.3	10,800	1.750		18.90
<b>OTHER TOTAL TAX TO BE LEVIED FOR TOWN:</b>				<b>8.56 %</b>		<b>\$ 175.42</b>
FIRST HALF: JANUARY 10, 2013 NO PENALTY:	1,024.30					
SECOND HALF: DUE MAY 31, 2013 NO PENALTY:						
					<b>TOTAL TAXES TO BE LEVIED</b>	<b>2,048.53</b>

DATE: 1/10/2013 AMOUNT PAID: 1,024.30 PAYOR: KNIGHTLAND INC RECEIPT INFORMATION

TOWN HALL WILL BE  
 CLOSED ON  
 DEC. 25 & JAN. 1

PROPERTY HAS BEEN SOLD OR TRANSFERRED  
 BEFORE MARCH 1, 2012 PLEASE FORWARD BILL  
 TO NEW OWNER OR RETURN TO THIS OFFICE.

DECEMBER 1, 2012 THROUGH, NOVEMBER 30, 2013 TAX LEVY

BILL NUMBER 7588

TAXABLE STATUS DATE MARCH 1, 2012

ESTIMATED STATE-AID

TAXES BECOME A LIEN DECEMBER 1, 2012

TOWN 91,000  
 SCHOOL 8,275,586

FUNDS PAYABLE TO:

FRIE A. ZANESKI  
 COLLECTOR OF TAXES  
 TOWN OF RIVERHEAD  
 1 HOWELL AVENUE  
 RIVERHEAD, NEW YORK 11901

OFFICE PAYMENT HOURS  
 MONDAY TO FRIDAY: 8:30 A.M. to 4:30 P.M.  
 PHONE 631-727-3200 EXT. 248

NOTE: TAXES ARE PAYABLE BY CHECK, CASH, OR MONEY ORDER.  
 ONLINE PAYMENTS ARE ACCEPTED (subject to a site fee): Visit  
[www.riverheadll.com](http://www.riverheadll.com) to pay by credit/debit card or electronic  
 check. Checks will be accepted subject to collection for which  
 this office assumes no responsibility. No cash by mail accepted.

SWIS	DISTRICT	SUFFOLK COUNTY TAX MAP NUMBER			
PROPERTY CODE	ACREAGE	TAX CODE	ROLL SECTION	LOT	SITE
473000	600	075.000	0002	004.000	
484	1.50	39	1		
OWNER AS OF TAXABLE STATUS DATE OF MARCH 1, 2012 KNIGHTLAND INC,					
EQUALIZATION RATE / UNIFORM %: 15.27 Residential Assessment Ratio 14.02					

CURRENT OWNER & TAX BILLING ADDRESS

KNIGHTLAND INC  
 5720 RTE 25A  
 WADING RIVER, NY 11792

EXEMPTION INFORMATION	APPLIED TO	AMOUNT	FULL AMOUNT
CODE	DESCRIPTION		

PHYSICAL LOCATION	BANK & LOAN #	LAND ASSESSMENT	TOTAL ASSESSMENT	FULL VALUE AS OF JULY 1, 2010
579 SOUND AVE		24800	60700	397,511

LEVY DESCRIPTION	TOTAL DISTRICT LEVY	% CHANGE OVER LAST YEAR	TAXABLE VALUE	TAX RATE PER \$1000	TAX TO BE LEVIED	TAX AMOUNT
WADING RIVER GSD #1	48,309.435	1.7%	60,700	25.511	7,618.52	7,618.52
5 years STAR tax savings generally may not exceed last year's by more than 2% OR TAX SAVINGS THIS YEAR RESULTING FROM THE NEW YORK STATE SCHOOL TAX RELIEF (STAR) PROGRAM IS \$ .00						
<b>TOTAL TAX TO BE LEVIED FOR SCHOOL:</b>			<b>66.17 %</b>			<b>\$ 7,618.52</b>
GEN. FUND	54,287.505		60,700	1.372		83.28
<b>TOTAL TAX TO BE LEVIED FOR COUNTY:</b>			<b>.72 %</b>			<b>83.28</b>
RIVERHEAD TOWN TAX	31,054.105	3.0%	60,700	3.8123		2,314.00
HWY	6,871.013	2.6%	60,700	8.435		512.00
<b>TOTAL TAX TO BE LEVIED FOR TOWN:</b>			<b>24.55 %</b>			<b>\$ 2,826.00</b>
REAL PROP. TAX LAW	1,390.191	25.7%	60,700	1.718		104.29
STATE MTA TAX	1,822.867		60,700	0.049		2.99
SOUL OF CITY TULLTON	130.581		60,700	0.162		9.88
WADING RIVER FIRE	2,018.800	1.7%	60,700	6.309		382.90
UP SHORE PUB LIBRY	3,395.966	2.0%	60,700	5.101		309.60
HT DISTRICT	1,021.269	1.6%	60,700	1.154		70.00
PER EXT 35	1,425.800	16.3%	60,700	1.750		106.23
<b>OTHER TOTAL TAX TO BE LEVIED FOR TOWN:</b>			<b>8.56 %</b>			<b>\$ 985.91</b>
1ST HALF PENALTY \$	5,756.91					
SECOND HALF DUE MAY 31, 2013 W/O PENALTY \$			5,756.91			
<b>TOTAL TAXES TO BE LEVIED</b>					<b>11,513.82</b>	

DATE: 12/10/2013 AMOUNT PAID: 5,756.91 PAYOR: KNIGHTLAND INC RECEIPT INFORMATION

TOWN HALL WILL BE  
 CLOSED ON  
 DEC. 25 & JAN. 1

\* PROPERTY HAS BEEN SOLD OR TRANSFERRED  
 AFTER MARCH 1, 2012 PLEASE FORWARD BILL  
 TO NEW OWNER OR RETURN TO THIS OFFICE.

DECEMBER 1, 2012 THROUGH, NOVEMBER 30, 2013 TAX LEVY  
 TAXABLE STATUS DATE MARCH 1, 2012  
 TAXES BECOME A LIEN DECEMBER 1, 2012

BILL NUMBER 7589  
 ESTIMATED STATE-AID  
 TOWN 91,000  
 SCHOOL 8,275,586

TAKE FUNDS PAYABLE TO:  
**MURIE A. ZANESKI**  
 RECEIVER OF TAXES  
 TOWN OF RIVERHEAD  
 100 HOWELL AVENUE  
 RIVERHEAD, NEW YORK 11901

OFFICE PAYMENT HOURS  
 MONDAY TO FRIDAY: 8:30 A.M. to 4:30 P.M.  
 PHONE 631-727-3200 EXT. 248

NOTE: TAXES ARE PAYABLE BY CHECK, CASH, OR MONEY ORDER.  
 ONLINE PAYMENTS ARE ACCEPTED (subject to a site fee): Visit  
[www.riverheadll.com](http://www.riverheadll.com) to pay by credit/debit card or electronic  
 check. Checks will be accepted subject to collection for which  
 this office assumes no responsibility. No cash by mail accepted.

SWIS	DISTRICT	SUFFOLK COUNTY TAX MAP NUMBER	SECTION	BLOCK	LOT	SITE
473000	600	075.000	0002	011.003		

PROPERTY CODE	ACREAGE	TAX CODE	ROLL SECTION
330	2.49	39	1

OWNER AS OF TAXABLE STATUS DATE OF MARCH 1, 2012  
**KNIGHTLAND INC,**

EQUALIZATION RATE / UNIFORM %: 15.27  
 Residential Assessment Ratio 14.02

CURRENT OWNER & TAX BILLING ADDRESS

**KNIGHTLAND INC**  
 5720 RTE 25A  
 WADING RIVER, NY 11792

CODE	EXEMPTION INFORMATION DESCRIPTION	APPLIED TO	AMOUNT	FULL AMOUNT

PHYSICAL LOCATION	BANK & LOAN #	LAND ASSESSMENT	TOTAL ASSESSMENT	FULL VALUE AS OF JULY 1, 2010
5768 ROUTE 25A		20600	20600	134,905

LEVY DESCRIPTION	TOTAL DISTRICT LEVY	% CHANGE OVER LAST YEAR	TAXABLE VALUE	TAX RATE PER \$1000	TAX TO BE LEVIED	TAX AMOUNT
WADING RIVER GSD #1	48,309,435	1.7	20,600	125.511	2,585.53	2,585.53
<b>SCHOOL</b>						
this year's STAR tax savings generally may not exceed last year's by more than 2%.						
COURT TAX SAVINGS THIS YEAR RESULTING FROM THE NEW YORK STATE SCHOOL TAX RELIEF (STAR) PROGRAM IS: \$ 0.00						
<b>TOTAL TAX TO BE LEVIED FOR SCHOOL:</b>						<b>66.17 %</b>
COUNTY GENERAL FUND	54,287,505		20,600	1.372		28.21
<b>COUNTY</b>						
<b>TOTAL TAX TO BE LEVIED FOR COUNTY:</b>						<b>.72 %</b>
RIVERHEAD TOWN TAX HIGHWAY	31,054,105	3.0	20,600	38.123		785.33
	6,871,013	2.6	20,600	8.435		173.74
<b>TOTAL TAX TO BE LEVIED FOR TOWN:</b>						<b>24.54 %</b>
YS REAL PROP TX LEW	1,390,191		20,600	1.718		35.33
YS STATE MFA TAX	1,822,867	25.7	20,600	0.162		3.33
3 OUT OF CTY TUNTON	130,581		20,600	0.162		3.33
WADING RIVER FIRE	2,018,800	1.7	20,600	6.309		129.57
SOUTH SHORE PUB LIBRY	3,395,966	2.0	20,600	5.101		105.00
EIGHT DISTRICT	1,021,269	1.6	20,600	1.154		23.77
WATER EXT 35	1,425,800	16.3	20,600	1.750		36.00
<b>OTHER TOTAL TAX TO BE LEVIED FOR TOWN:</b>						<b>8.56 %</b>
FIRST HALF DUE JANUARY 10, 2013 W/O PENALTY: \$	1,953.75					
SECOND HALF DUE MAY 31, 2013 W/O PENALTY: \$	1,953.74					
<b>TOTAL TAXES TO BE LEVIED</b>						<b>3,907.44</b>

DATE 01/10/2013 AMOUNT PAID 1,953.75 PAYOR KNIGHTLAND INC RECEIPT INFORMATION

**TOWN HALL WILL BE  
 CLOSED ON  
 DEC. 25 & JAN. 1**

\* PROPERTY HAS BEEN SOLD OR TRANSFERRED  
 AFTER MARCH 1, 2012 PLEASE FORWARD BILL  
 TO NEW OWNER OR RETURN TO THIS OFFICE.

DECEMBER 1, 2012 THROUGH, NOVEMBER 30, 2013 TAX LEVY

BILL NUMBER 7590

TAXABLE STATUS DATE MARCH 1, 2012

TAXES BECOME A LIEN DECEMBER 1, 2012

ESTIMATED STATE-AID  
 TOWN 91,000  
 SCHOOL 8,275,586

MAKE FUNDS PAYABLE TO:

MURIE A. ZANESKI  
 RECEIVER OF TAXES  
 OWN OF RIVERHEAD  
 00 HOWELL AVENUE  
 RIVERHEAD, NEW YORK 11901

OFFICE PAYMENT HOURS  
 MONDAY TO FRIDAY: 8:30 A.M. to 4:30 P.M.  
 PHONE 631-727-3200 EXT. 248

NOTE: TAXES ARE PAYABLE BY CHECK, CASH, OR MONEY ORDER.  
 ONLINE PAYMENTS ARE ACCEPTED (subject to a site fee): Visit  
[www.riverheadll.com](http://www.riverheadll.com) to pay by credit/debit card or electronic  
 check. Checks will be accepted subject to collection for which  
 this office assumes no responsibility. No cash by mail accepted.

SWIS		DISTRICT		SUFFOLK COUNTY TAX MAP NUMBER			
PROPERTY CODE	ACREAGE	TAX CODE	ROLL SECTION	SECTION	BLOCK	LOT	SITE
473000	600	075.000	0002	012.001			
330	.15	39	1				

CURRENT OWNER & TAX BILLING ADDRESS

KNIGHTLAND INC  
 5720 RTE 25A  
 WADING RIVER, NY 11792

OWNER AS OF TAXABLE STATUS DATE OF MARCH 1, 2012  
 KNIGHTLAND INC,

EQUALIZATION RATE / UNIFORM %: 15.27  
 Residential Assessment Ratio 14.02

CODE	EXEMPTION INFORMATION DESCRIPTION	APPLIED TO	AMOUNT	FULL AMOUNT

PHYSICAL LOCATION	BANK & LOAN #	LAND ASSESSMENT	TOTAL ASSESSMENT	FULL VALUE AS OF JULY 1, 2010
MIDDLE COUNTRY RD		500	500	3,274

LEVY DESCRIPTION	TOTAL DISTRICT LEVY	% CHANGE OVER LAST YEAR	TAXABLE VALUE	TAX RATE PER \$1000	TAX TO BE LEVIED	TAX AMOUNT
WADING RIVER CSD #1	48,309,435	1.7	500	25.511	62.76	62.76
This year's STAR tax savings generally may not exceed last year's by more than 2%. YOUR TAX SAVINGS THIS YEAR RESULTING FROM THE NEW YORK STATE SCHOOL TAX RELIEF (STAR) PROGRAM IS: \$ 0.00						
<b>TOTAL TAX TO BE LEVIED FOR SCHOOL:</b>			<b>66.17 %</b>		<b>\$ 62.76</b>	
COUNTY GENERAL FUND	52,287,505		500	1.372		0.66
<b>TOTAL TAX TO BE LEVIED FOR COUNTY:</b>			<b>.73 %</b>		<b>0.66</b>	
RIVERHEAD TOWN TAX HIGHWAY	31,054,105	3.0	500	38.123		19.00
	6,871,013	2.6	500	8.435		4.22
<b>TOTAL TAX TO BE LEVIED FOR TOWN:</b>			<b>24.54 %</b>		<b>\$ 23.22</b>	
MS REAL PROP TX LAW	1,390,191		500	1.718		0.86
STATE MTA TAX	1,822,867	25.7	500	0.049		0.25
OUT OF CTY TUITION	130,581		500	0.162		0.08
WADING RIVER FIRE	2,018,800	1.7	500	6.309		3.15
DRTH SHORE PUB LBRY	3,395,966	2.0	500	5.101		2.55
EIGHT DISTRICT	1,021,269	1.6	500	1.154		0.57
WATER EXT 35	1,425,800	16.3	500	1.750		0.88
<b>OTHER TOTAL TAX TO BE LEVIED FOR TOWN:</b>			<b>8.56 %</b>		<b>\$ 8.11</b>	
FIRST HALF DUE JANUARY 10, 2013 W/O PENALTY: \$	47.43					
SECOND HALF DUE MAY 31, 2013 W/O PENALTY: \$	47.42					
<b>TOTAL TAXES TO BE LEVIED</b>						<b>94.89</b>

DATE 01/10/2013 AMOUNT PAID 47.43 PAYOR KNIGHTLAND INC RECEIPT INFORMATION

TOWN HALL WILL BE  
 CLOSED ON  
 DEC. 25 & JAN. 1



STATE OF NEW YORK  
DEPARTMENT OF AGRICULTURE AND MARKETS  
Division of Land and Water Resources  
10B Airline Drive, Albany, New York 12235  
Tel: 518-457-3738 Fax: 518-457-3412  
[www.agriculture.ny.gov](http://www.agriculture.ny.gov)

May 15, 2013

Hon. Sean Walter, Supervisor  
Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11910

**Re: Section 305-a, subd. 1 Review Concerning the Application of the Town of Riverhead's Zoning Code as Applied to Driftwood Farms/Steve Mezynieski, Concerning an Excavation Proposal and Reclamation Plan to Replace Soil, Grade and Improve the Farm Property.**

Dear Supervisor Walter:

The Department received a request from Steve Mezynieski to review the Town of Riverhead's Zoning Code and the administration of the same for compliance with Agriculture and Markets Law (AML) §305-a, subdivision 1. From information and belief, Mr. Mezynieski is working with the Town, in cooperation with the Natural Resources Conservation Service (NRCS) and the New York State Department of Environmental Conservation (DEC), to improve a 45 acre parcel of land used in his farm operation. Mr. Mezynieski states that the Town has drafted a local law amending Chapter 62 of the Town Code concerning excavations. It appears that the current law exempts the importation of excavation of material when necessary for the establishment of an agricultural operation as defined in the Town's Zoning Code. The draft law is more explicit and exempts agricultural production from this Chapter if the removal of soil is tied to the planting or harvesting of crops and does not change the natural grade/slope or drainage on the property. Mr. Mezynieski discussed this issue with the Town and it was suggested that he request this Department to conduct a formal review of the local law for compliance with AML §305-a. The land which is the subject of this review is located within Suffolk County Agricultural District No. 7, a county adopted, State certified agricultural district.

The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products which is set forth as a policy of the State in the New York State Constitution, Article XIV, Section 4. Pursuant to AML §305-a, subdivision 1, one of the statutes which implements the State constitutional policy, local governments are prohibited from enacting and administering laws that would unreasonably restrict farm operations located within an agricultural district unless it can be shown that the public health or safety is threatened. AML §301, subd. 11 defines "farm operation" as "...the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a 'commercial horse boarding operation' as defined in subdivision thirteen of this section, a 'timber operation' as defined in subdivision fourteen of this section and 'compost, mulch or other biomass crops' as defined in subdivision sixteen of this section and a commercial equine operation as defined in subdivision seventeen of this section. Such farm

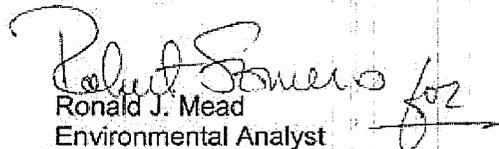
operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other."

The Department performs AML §305-a reviews on a case-by-case basis, taking into account the specific facts of a situation. Department staff initially determine whether the land involved is located within a State certified, county adopted agricultural district and if the land use and activity constitute a "farm operation" as defined by AML §301, subd.11. In determining whether the operation constitutes a "commercial enterprise," the Department evaluates such factors as the acreage in production; capital investment; gross sales of crops; livestock and livestock products; the type of enterprise and number of years in operation. In examining whether a local law is unreasonably restrictive, the Department considers several factors, including, but not limited to: the cost of compliance for the farm operation affected; whether the requirements will cause a lengthy delay in the construction of a farm building or implementation of a practice; whether the requirements adversely affect the farm operator's ability to manage the farm operation effectively and efficiently; whether the requirements restrict production options which could affect the economic viability of the farm; and the availability of less onerous means to achieve the locality's objective. The Department also considers whether a State law, regulation or standard applies to the activity regulated by the locality and, if it does, how.

Whenever a local law is found to be unreasonably restrictive, the Department evaluates whether it can be shown that the public health or safety is threatened by the farm operation or activity which the Town seeks to regulate. Prior to making a decision as to whether a local law unreasonably restricts a farm operation within an agricultural district, the Department considers all pertinent information submitted by the affected farm operator, and the provisions of the local law involved. Any facts or circumstances that the locality may wish to bring to the Department's attention regarding the issue presented are also taken into account. The Town is encouraged to submit, within 30 days of receipt of this letter, any information or documentation which it would like the Department to consider. Once the review is completed, the Department will inform the Town of its determination and, if it is concluded that an unreasonable restriction exists, the Town will have an opportunity to submit any evidence it may have of a threat to the public health or safety. Thereafter, the Department will determine whether the local law and its administration are in compliance with §305-a, subd.1.

If you have any questions, or would like to discuss the review process, please contact me at (518) 457-2713. If the Town's attorney has any questions, he or she may contact John Rusnica, Associate Attorney, at (518) 457-2449.

Sincerely,

  
Ronald J. Mead  
Environmental Analyst

Enclosure

cc: Steve Mezynieski, Landowner  
Ken Schmitt, Chair, Suffolk County AFPB  
John Rusnica, Esq., Counsel's Office, Dept. of A&M



STATE OF NEW YORK  
DEPARTMENT OF AGRICULTURE AND MARKETS  
Division of Land and Water Resources  
10B Airline Drive, Albany, New York 12235  
Tel: 518-457-3738 Fax: 518-457-3412  
[www.agriculture.ny.gov](http://www.agriculture.ny.gov)

May 15, 2013

Hon. Sean Walter, Supervisor  
Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11910

**Re: Section 305-a, subd. 1 Review Concerning the Application of the Town of Riverhead's Zoning Code as Applied to Driftwood Farms/Steve Mezynieski, Concerning an Excavation Proposal and Reclamation Plan to Replace Soil, Grade and Improve the Farm Property.**

Dear Supervisor Walter:

The Department received a request from Steve Mezynieski to review the Town of Riverhead's Zoning Code and the administration of the same for compliance with Agriculture and Markets Law (AML) §305-a, subdivision 1. From information and belief, Mr. Mezynieski is working with the Town, in cooperation with the Natural Resources Conservation Service (NRCS) and the New York State Department of Environmental Conservation (DEC), to improve a 45 acre parcel of land used in his farm operation. Mr. Mezynieski states that the Town has drafted a local law amending Chapter 62 of the Town Code concerning excavations. It appears that the current law exempts the importation of excavation of material when necessary for the establishment of an agricultural operation as defined in the Town's Zoning Code. The draft law is more explicit and exempts agricultural production from this Chapter if the removal of soil is tied to the planting or harvesting of crops and does not change the natural grade/slope or drainage on the property. Mr. Mezynieski discussed this issue with the Town and it was suggested that he request this Department to conduct a formal review of the local law for compliance with AML §305-a. The land which is the subject of this review is located within Suffolk County Agricultural District No. 7, a county adopted, State certified agricultural district.

The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products which is set forth as a policy of the State in the New York State Constitution, Article XIV, Section 4. Pursuant to AML §305-a, subdivision 1, one of the statutes which implements the State constitutional policy, local governments are prohibited from enacting and administering laws that would unreasonably restrict farm operations located within an agricultural district unless it can be shown that the public health or safety is threatened. AML §301, subd. 11 defines "farm operation" as "...the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a 'commercial horse boarding operation' as defined in subdivision thirteen of this section, a 'timber operation' as defined in subdivision fourteen of this section and 'compost, mulch or other biomass crops' as defined in subdivision sixteen of this section and a commercial equine operation as defined in subdivision seventeen of this section. Such farm

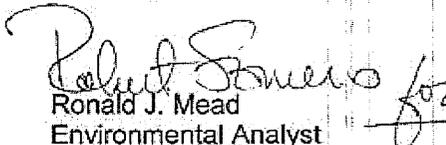
operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other."

The Department performs AML §305-a reviews on a case-by-case basis, taking into account the specific facts of a situation. Department staff initially determine whether the land involved is located within a State certified, county adopted agricultural district and if the land use and activity constitute a "farm operation" as defined by AML §301, subd.11. In determining whether the operation constitutes a "commercial enterprise," the Department evaluates such factors as the acreage in production; capital investment; gross sales of crops, livestock and livestock products; the type of enterprise and number of years in operation. In examining whether a local law is unreasonably restrictive, the Department considers several factors, including, but not limited to: the cost of compliance for the farm operation affected; whether the requirements will cause a lengthy delay in the construction of a farm building or implementation of a practice; whether the requirements adversely affect the farm operator's ability to manage the farm operation effectively and efficiently; whether the requirements restrict production options which could affect the economic viability of the farm; and the availability of less onerous means to achieve the locality's objective. The Department also considers whether a State law, regulation or standard applies to the activity regulated by the locality and, if it does, how.

Whenever a local law is found to be unreasonably restrictive, the Department evaluates whether it can be shown that the public health or safety is threatened by the farm operation or activity which the Town seeks to regulate. Prior to making a decision as to whether a local law unreasonably restricts a farm operation within an agricultural district, the Department considers all pertinent information submitted by the affected farm operator, and the provisions of the local law involved. Any facts or circumstances that the locality may wish to bring to the Department's attention regarding the issue presented are also taken into account. The Town is encouraged to submit, within 30 days of receipt of this letter, any information or documentation which it would like the Department to consider. Once the review is completed, the Department will inform the Town of its determination and, if it is concluded that an unreasonable restriction exists, the Town will have an opportunity to submit any evidence it may have of a threat to the public health or safety. Thereafter, the Department will determine whether the local law and its administration are in compliance with §305-a, subd.1.

If you have any questions, or would like to discuss the review process, please contact me at (518) 457-2713. If the Town's attorney has any questions, he or she may contact John Rusnica, Associate Attorney, at (518) 457-2449.

Sincerely,

  
Ronald J. Mead  
Environmental Analyst

Enclosure

cc: Steve Mezynieski, Landowner  
Ken Schmitt, Chair, Suffolk County AFPB  
John Rusnica, Esq., Counsel's Office, Dept. of A&M



STATE OF NEW YORK  
DEPARTMENT OF AGRICULTURE AND MARKETS  
Division of Land and Water Resources  
10B Airline Drive, Albany, New York 12235  
Tel: 518-457-3738 Fax: 518-457-3412  
[www.agriculture.ny.gov](http://www.agriculture.ny.gov)

May 15, 2013

Hon. Sean Walter, Supervisor  
Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11910

**Re: Section 305-a, subd. 1 Review Concerning the Application of the Town of Riverhead's Zoning Code as Applied to Driftwood Farms/Steve Mezynieski, Concerning an Excavation Proposal and Reclamation Plan to Replace Soil, Grade and Improve the Farm Property.**

Dear Supervisor Walter:

The Department received a request from Steve Mezynieski to review the Town of Riverhead's Zoning Code and the administration of the same for compliance with Agriculture and Markets Law (AML) §305-a, subdivision 1. From information and belief, Mr. Mezynieski is working with the Town, in cooperation with the Natural Resources Conservation Service (NRCS) and the New York State Department of Environmental Conservation (DEC), to improve a 45 acre parcel of land used in his farm operation. Mr. Mezynieski states that the Town has drafted a local law amending Chapter 62 of the Town Code concerning excavations. It appears that the current law exempts the importation of excavation of material when necessary for the establishment of an agricultural operation as defined in the Town's Zoning Code. The draft law is more explicit and exempts agricultural production from this Chapter if the removal of soil is tied to the planting or harvesting of crops and does not change the natural grade/slope or drainage on the property. Mr. Mezynieski discussed this issue with the Town and it was suggested that he request this Department to conduct a formal review of the local law for compliance with AML §305-a. The land which is the subject of this review is located within Suffolk County Agricultural District No. 7, a county adopted, State certified agricultural district.

The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products which is set forth as a policy of the State in the New York State Constitution, Article XIV, Section 4. Pursuant to AML §305-a, subdivision 1, one of the statutes which implements the State constitutional policy, local governments are prohibited from enacting and administering laws that would unreasonably restrict farm operations located within an agricultural district unless it can be shown that the public health or safety is threatened. AML §301, subd. 11 defines "farm operation" as "...the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a 'commercial horse boarding operation' as defined in subdivision thirteen of this section, a 'timber operation' as defined in subdivision fourteen of this section and 'compost, mulch or other biomass crops' as defined in subdivision sixteen of this section and a commercial equine operation as defined in subdivision seventeen of this section. Such farm

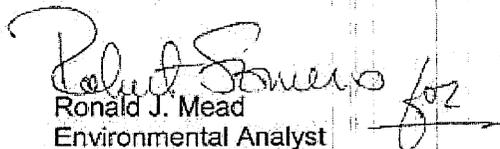
operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other."

The Department performs AML §305-a reviews on a case-by-case basis, taking into account the specific facts of a situation. Department staff initially determine whether the land involved is located within a State certified, county adopted agricultural district and if the land use and activity constitute a "farm operation" as defined by AML §301, subd.11. In determining whether the operation constitutes a "commercial enterprise," the Department evaluates such factors as the acreage in production; capital investment; gross sales of crops, livestock and livestock products; the type of enterprise and number of years in operation. In examining whether a local law is unreasonably restrictive, the Department considers several factors, including, but not limited to: the cost of compliance for the farm operation affected; whether the requirements will cause a lengthy delay in the construction of a farm building or implementation of a practice; whether the requirements adversely affect the farm operator's ability to manage the farm operation effectively and efficiently; whether the requirements restrict production options which could affect the economic viability of the farm; and the availability of less onerous means to achieve the locality's objective. The Department also considers whether a State law, regulation or standard applies to the activity regulated by the locality and, if it does, how.

Whenever a local law is found to be unreasonably restrictive, the Department evaluates whether it can be shown that the public health or safety is threatened by the farm operation or activity which the Town seeks to regulate. Prior to making a decision as to whether a local law unreasonably restricts a farm operation within an agricultural district, the Department considers all pertinent information submitted by the affected farm operator, and the provisions of the local law involved. Any facts or circumstances that the locality may wish to bring to the Department's attention regarding the issue presented are also taken into account. The Town is encouraged to submit, within 30 days of receipt of this letter, any information or documentation which it would like the Department to consider. Once the review is completed, the Department will inform the Town of its determination and, if it is concluded that an unreasonable restriction exists, the Town will have an opportunity to submit any evidence it may have of a threat to the public health or safety. Thereafter, the Department will determine whether the local law and its administration are in compliance with §305-a, subd.1.

If you have any questions, or would like to discuss the review process, please contact me at (518) 457-2713. If the Town's attorney has any questions, he or she may contact John Rusnica, Associate Attorney, at (518) 457-2449.

Sincerely,

  
Ronald J. Mead  
Environmental Analyst

Enclosure

cc: Steve Mezynieski, Landowner  
Ken Schmitt, Chair, Suffolk County AFPB  
John Rusnica, Esq., Counsel's Office, Dept. of A&M



STATE OF NEW YORK  
DEPARTMENT OF AGRICULTURE AND MARKETS  
Division of Land and Water Resources  
10B Airline Drive, Albany, New York 12235  
Tel: 518-457-3738 Fax: 518-457-3412  
[www.agriculture.ny.gov](http://www.agriculture.ny.gov)

May 15, 2013

Hon. Sean Walter, Supervisor  
Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11910

**Re: Section 305-a, subd. 1 Review Concerning the Application of the Town of Riverhead's Zoning Code as Applied to Driftwood Farms/Steve Mezynieski, Concerning an Excavation Proposal and Reclamation Plan to Replace Soil, Grade and Improve the Farm Property.**

Dear Supervisor Walter:

The Department received a request from Steve Mezynieski to review the Town of Riverhead's Zoning Code and the administration of the same for compliance with Agriculture and Markets Law (AML) §305-a, subdivision 1. From information and belief, Mr. Mezynieski is working with the Town, in cooperation with the Natural Resources Conservation Service (NRCS) and the New York State Department of Environmental Conservation (DEC), to improve a 45 acre parcel of land used in his farm operation. Mr. Mezynieski states that the Town has drafted a local law amending Chapter 62 of the Town Code concerning excavations. It appears that the current law exempts the importation of excavation of material when necessary for the establishment of an agricultural operation as defined in the Town's Zoning Code. The draft law is more explicit and exempts agricultural production from this Chapter if the removal of soil is tied to the planting or harvesting of crops and does not change the natural grade/slope or drainage on the property. Mr. Mezynieski discussed this issue with the Town and it was suggested that he request this Department to conduct a formal review of the local law for compliance with AML §305-a. The land which is the subject of this review is located within Suffolk County Agricultural District No. 7, a county adopted, State certified agricultural district.

The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products which is set forth as a policy of the State in the New York State Constitution, Article XIV, Section 4. Pursuant to AML §305-a, subdivision 1, one of the statutes which implements the State constitutional policy, local governments are prohibited from enacting and administering laws that would unreasonably restrict farm operations located within an agricultural district unless it can be shown that the public health or safety is threatened. AML §301, subd. 11 defines "farm operation" as "...the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a 'commercial horse boarding operation' as defined in subdivision thirteen of this section, a 'timber operation' as defined in subdivision fourteen of this section and 'compost, mulch or other biomass crops' as defined in subdivision sixteen of this section and a commercial equine operation as defined in subdivision seventeen of this section. Such farm

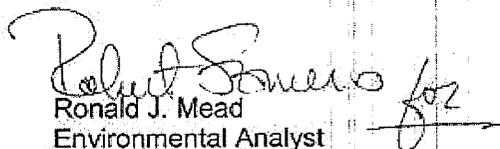
operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other."

The Department performs AML §305-a reviews on a case-by-case basis, taking into account the specific facts of a situation. Department staff initially determine whether the land involved is located within a State certified, county adopted agricultural district and if the land use and activity constitute a "farm operation" as defined by AML §301, subd.11. In determining whether the operation constitutes a "commercial enterprise," the Department evaluates such factors as the acreage in production; capital investment; gross sales of crops, livestock and livestock products; the type of enterprise and number of years in operation. In examining whether a local law is unreasonably restrictive, the Department considers several factors, including, but not limited to: the cost of compliance for the farm operation affected; whether the requirements will cause a lengthy delay in the construction of a farm building or implementation of a practice; whether the requirements adversely affect the farm operator's ability to manage the farm operation effectively and efficiently; whether the requirements restrict production options which could affect the economic viability of the farm; and the availability of less onerous means to achieve the locality's objective. The Department also considers whether a State law, regulation or standard applies to the activity regulated by the locality and, if it does, how.

Whenever a local law is found to be unreasonably restrictive, the Department evaluates whether it can be shown that the public health or safety is threatened by the farm operation or activity which the Town seeks to regulate. Prior to making a decision as to whether a local law unreasonably restricts a farm operation within an agricultural district, the Department considers all pertinent information submitted by the affected farm operator, and the provisions of the local law involved. Any facts or circumstances that the locality may wish to bring to the Department's attention regarding the issue presented are also taken into account. The Town is encouraged to submit, within 30 days of receipt of this letter, any information or documentation which it would like the Department to consider. Once the review is completed, the Department will inform the Town of its determination and, if it is concluded that an unreasonable restriction exists, the Town will have an opportunity to submit any evidence it may have of a threat to the public health or safety. Thereafter, the Department will determine whether the local law and its administration are in compliance with §305-a, subd.1.

If you have any questions, or would like to discuss the review process, please contact me at (518) 457-2713. If the Town's attorney has any questions, he or she may contact John Rusnica, Associate Attorney, at (518) 457-2449.

Sincerely,

  
Ronald J. Mead  
Environmental Analyst

Enclosure

cc: Steve Mezynieski, Landowner  
Ken Schmitt, Chair, Suffolk County AFPB  
John Rusnica, Esq., Counsel's Office, Dept. of A&M



STATE OF NEW YORK  
DEPARTMENT OF AGRICULTURE AND MARKETS  
Division of Land and Water Resources  
10B Airline Drive, Albany, New York 12235  
Tel: 518-457-3738 Fax: 518-457-3412  
[www.agriculture.ny.gov](http://www.agriculture.ny.gov)

May 15, 2013

Hon. Sean Walter, Supervisor  
Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11910

**Re: Section 305-a, subd. 1 Review Concerning the Application of the Town of Riverhead's Zoning Code as Applied to Driftwood Farms/Steve Mezynieski, Concerning an Excavation Proposal and Reclamation Plan to Replace Soil, Grade and Improve the Farm Property.**

Dear Supervisor Walter:

The Department received a request from Steve Mezynieski to review the Town of Riverhead's Zoning Code and the administration of the same for compliance with Agriculture and Markets Law (AML) §305-a, subdivision 1. From information and belief, Mr. Mezynieski is working with the Town, in cooperation with the Natural Resources Conservation Service (NRCS) and the New York State Department of Environmental Conservation (DEC), to improve a 45 acre parcel of land used in his farm operation. Mr. Mezynieski states that the Town has drafted a local law amending Chapter 62 of the Town Code concerning excavations. It appears that the current law exempts the importation of excavation of material when necessary for the establishment of an agricultural operation as defined in the Town's Zoning Code. The draft law is more explicit and exempts agricultural production from this Chapter if the removal of soil is tied to the planting or harvesting of crops and does not change the natural grade/slope or drainage on the property. Mr. Mezynieski discussed this issue with the Town and it was suggested that he request this Department to conduct a formal review of the local law for compliance with AML §305-a. The land which is the subject of this review is located within Suffolk County Agricultural District No. 7, a county adopted, State certified agricultural district.

The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products which is set forth as a policy of the State in the New York State Constitution, Article XIV, Section 4. Pursuant to AML §305-a, subdivision 1, one of the statutes which implements the State constitutional policy, local governments are prohibited from enacting and administering laws that would unreasonably restrict farm operations located within an agricultural district unless it can be shown that the public health or safety is threatened. AML §301, subd. 11 defines "farm operation" as "...the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a 'commercial horse boarding operation' as defined in subdivision thirteen of this section, a 'timber operation' as defined in subdivision fourteen of this section and 'compost, mulch or other biomass crops' as defined in subdivision sixteen of this section and a commercial equine operation as defined in subdivision seventeen of this section. Such farm

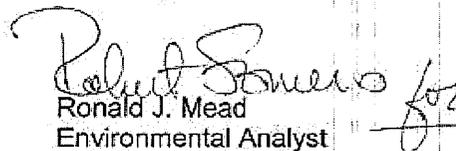
operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other."

The Department performs AML §305-a reviews on a case-by-case basis, taking into account the specific facts of a situation. Department staff initially determine whether the land involved is located within a State certified, county adopted agricultural district and if the land use and activity constitute a "farm operation" as defined by AML §301, subd.11. In determining whether the operation constitutes a "commercial enterprise," the Department evaluates such factors as the acreage in production; capital investment; gross sales of crops, livestock and livestock products; the type of enterprise and number of years in operation. In examining whether a local law is unreasonably restrictive, the Department considers several factors, including, but not limited to: the cost of compliance for the farm operation affected; whether the requirements will cause a lengthy delay in the construction of a farm building or implementation of a practice; whether the requirements adversely affect the farm operator's ability to manage the farm operation effectively and efficiently; whether the requirements restrict production options which could affect the economic viability of the farm; and the availability of less onerous means to achieve the locality's objective. The Department also considers whether a State law, regulation or standard applies to the activity regulated by the locality and, if it does, how.

Whenever a local law is found to be unreasonably restrictive, the Department evaluates whether it can be shown that the public health or safety is threatened by the farm operation or activity which the Town seeks to regulate. Prior to making a decision as to whether a local law unreasonably restricts a farm operation within an agricultural district, the Department considers all pertinent information submitted by the affected farm operator, and the provisions of the local law involved. Any facts or circumstances that the locality may wish to bring to the Department's attention regarding the issue presented are also taken into account. The Town is encouraged to submit, within 30 days of receipt of this letter, any information or documentation which it would like the Department to consider. Once the review is completed, the Department will inform the Town of its determination and, if it is concluded that an unreasonable restriction exists, the Town will have an opportunity to submit any evidence it may have of a threat to the public health or safety. Thereafter, the Department will determine whether the local law and its administration are in compliance with §305-a, subd.1.

If you have any questions, or would like to discuss the review process, please contact me at (518) 457-2713. If the Town's attorney has any questions, he or she may contact John Rusnica, Associate Attorney, at (518) 457-2449.

Sincerely,

  
Ronald J. Mead  
Environmental Analyst

Enclosure

cc: Steve Mezynieski, Landowner  
Ken Schmitt, Chair, Suffolk County AFPB  
John Rusnica, Esq., Counsel's Office, Dept. of A&M



STATE OF NEW YORK  
DEPARTMENT OF AGRICULTURE AND MARKETS  
Division of Land and Water Resources  
10B Airline Drive, Albany, New York 12235  
Tel: 518-457-3738 Fax: 518-457-3412  
[www.agriculture.ny.gov](http://www.agriculture.ny.gov)

May 15, 2013

Hon. Sean Walter, Supervisor  
Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11910

**Re: Section 305-a, subd. 1 Review Concerning the Application of the Town of Riverhead's Zoning Code as Applied to Driftwood Farms/Steve Mezynieski, Concerning an Excavation Proposal and Reclamation Plan to Replace Soil, Grade and Improve the Farm Property.**

Dear Supervisor Walter:

The Department received a request from Steve Mezynieski to review the Town of Riverhead's Zoning Code and the administration of the same for compliance with Agriculture and Markets Law (AML) §305-a, subdivision 1. From information and belief, Mr. Mezynieski is working with the Town, in cooperation with the Natural Resources Conservation Service (NRCS) and the New York State Department of Environmental Conservation (DEC), to improve a 45 acre parcel of land used in his farm operation. Mr. Mezynieski states that the Town has drafted a local law amending Chapter 62 of the Town Code concerning excavations. It appears that the current law exempts the importation of excavation of material when necessary for the establishment of an agricultural operation as defined in the Town's Zoning Code. The draft law is more explicit and exempts agricultural production from this Chapter if the removal of soil is tied to the planting or harvesting of crops and does not change the natural grade/slope or drainage on the property. Mr. Mezynieski discussed this issue with the Town and it was suggested that he request this Department to conduct a formal review of the local law for compliance with AML §305-a. The land which is the subject of this review is located within Suffolk County Agricultural District No. 7, a county adopted, State certified agricultural district.

The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products which is set forth as a policy of the State in the New York State Constitution, Article XIV, Section 4. Pursuant to AML §305-a, subdivision 1, one of the statutes which implements the State constitutional policy, local governments are prohibited from enacting and administering laws that would unreasonably restrict farm operations located within an agricultural district unless it can be shown that the public health or safety is threatened. AML §301, subd. 11 defines "farm operation" as "...the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a 'commercial horse boarding operation' as defined in subdivision thirteen of this section, a 'timber operation' as defined in subdivision fourteen of this section and 'compost, mulch or other biomass crops' as defined in subdivision sixteen of this section and a commercial equine operation as defined in subdivision seventeen of this section. Such farm



STATE OF NEW YORK  
DEPARTMENT OF AGRICULTURE AND MARKETS  
Division of Land and Water Resources  
10B Airline Drive, Albany, New York 12235  
Tel: 518-457-3738 Fax: 518-457-3412  
[www.agriculture.ny.gov](http://www.agriculture.ny.gov)

May 15, 2013

Hon. Sean Walter, Supervisor  
Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11910

**Re: Section 305-a, subd. 1 Review Concerning the Application of the Town of Riverhead's Zoning Code as Applied to Driftwood Farms/Steve Mezynieski, Concerning an Excavation Proposal and Reclamation Plan to Replace Soil, Grade and Improve the Farm Property.**

Dear Supervisor Walter:

The Department received a request from Steve Mezynieski to review the Town of Riverhead's Zoning Code and the administration of the same for compliance with Agriculture and Markets Law (AML) §305-a, subdivision 1. From information and belief, Mr. Mezynieski is working with the Town, in cooperation with the Natural Resources Conservation Service (NRCS) and the New York State Department of Environmental Conservation (DEC), to improve a 45 acre parcel of land used in his farm operation. Mr. Mezynieski states that the Town has drafted a local law amending Chapter 62 of the Town Code concerning excavations. It appears that the current law exempts the importation of excavation of material when necessary for the establishment of an agricultural operation as defined in the Town's Zoning Code. The draft law is more explicit and exempts agricultural production from this Chapter if the removal of soil is tied to the planting or harvesting of crops and does not change the natural grade/slope or drainage on the property. Mr. Mezynieski discussed this issue with the Town and it was suggested that he request this Department to conduct a formal review of the local law for compliance with AML §305-a. The land which is the subject of this review is located within Suffolk County Agricultural District No. 7, a county adopted, State certified agricultural district.

The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products which is set forth as a policy of the State in the New York State Constitution, Article XIV, Section 4. Pursuant to AML §305-a, subdivision 1, one of the statutes which implements the State constitutional policy, local governments are prohibited from enacting and administering laws that would unreasonably restrict farm operations located within an agricultural district unless it can be shown that the public health or safety is threatened. AML §301, subd. 11 defines "farm operation" as "...the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a 'commercial horse boarding operation' as defined in subdivision thirteen of this section, a 'timber operation' as defined in subdivision fourteen of this section and 'compost, mulch or other biomass crops' as defined in subdivision sixteen of this section and a commercial equine operation as defined in subdivision seventeen of this section. Such farm

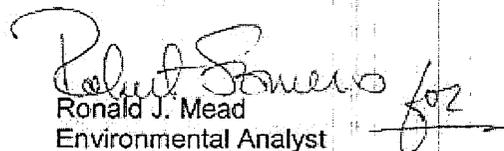
operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other."

The Department performs AML §305-a reviews on a case-by-case basis, taking into account the specific facts of a situation. Department staff initially determine whether the land involved is located within a State certified, county adopted agricultural district and if the land use and activity constitute a "farm operation" as defined by AML §301, subd.11. In determining whether the operation constitutes a "commercial enterprise," the Department evaluates such factors as the acreage in production; capital investment; gross sales of crops, livestock and livestock products; the type of enterprise and number of years in operation. In examining whether a local law is unreasonably restrictive, the Department considers several factors, including, but not limited to: the cost of compliance for the farm operation affected; whether the requirements will cause a lengthy delay in the construction of a farm building or implementation of a practice; whether the requirements adversely affect the farm operator's ability to manage the farm operation effectively and efficiently; whether the requirements restrict production options which could affect the economic viability of the farm; and the availability of less onerous means to achieve the locality's objective. The Department also considers whether a State law, regulation or standard applies to the activity regulated by the locality and, if it does, how.

Whenever a local law is found to be unreasonably restrictive, the Department evaluates whether it can be shown that the public health or safety is threatened by the farm operation or activity which the Town seeks to regulate. Prior to making a decision as to whether a local law unreasonably restricts a farm operation within an agricultural district, the Department considers all pertinent information submitted by the affected farm operator, and the provisions of the local law involved. Any facts or circumstances that the locality may wish to bring to the Department's attention regarding the issue presented are also taken into account. The Town is encouraged to submit, within 30 days of receipt of this letter, any information or documentation which it would like the Department to consider. Once the review is completed, the Department will inform the Town of its determination and, if it is concluded that an unreasonable restriction exists, the Town will have an opportunity to submit any evidence it may have of a threat to the public health or safety. Thereafter, the Department will determine whether the local law and its administration are in compliance with §305-a, subd.1.

If you have any questions, or would like to discuss the review process, please contact me at (518) 457-2713. If the Town's attorney has any questions, he or she may contact John Rusnica, Associate Attorney, at (518) 457-2449.

Sincerely,

  
Ronald J. Mead  
Environmental Analyst

Enclosure

cc: Steve Mezynieski, Landowner  
Ken Schmitt, Chair, Suffolk County AFBP  
John Rusnica, Esq., Counsel's Office, Dept. of A&M

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 22<sup>nd</sup> day of May, 2013 at 7:10 o'clock p.m. to consider a local law amending Chapter 62 entitled "Excavations" of the Riverhead Town Code as follows:

**CHAPTER 62  
EXCAVATIONS**

**§ 62-3. Definitions.**

GRADE

The degree of rise or descent of a sloping surface.

MATERIAL

Topsoil, loam, earth, sand, and/or gravel, and such other material such as wood, stumps, timber in its natural or reprocessed state.

NATURAL DRAINAGE

The stormwater runoff resulting from topographical and geographical conditions prior to changing the grade by any method including but not limited to exportation, importation or grading of the land or portion thereof.

NATURAL GRADE

The elevation of the ground surface in its natural state before alteration.

NATURAL WATERSHED

An area of land which, in its natural state and prior to any change, including but not limited to exportation, importation or grading, and due to its topography and geography, drains to a particular location within that area.

**§ 62-5. Exempt premises and qualifications for Certificate of Exemption.**

A. The following uses and operations by an owner or lessee of premises or by his agent are exempt from the provisions of this chapter:

- ~~(2)~~(1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to remove soil for the purpose of agricultural production shall be exempt from Chapter 62 or import material related to or incidental to the harvesting of crops or such other agricultural production provided that (1) the removal of soil shall be limited to that amount of material necessary to plant or harvest crops and (2) shall not change the

natural grade or slope and/or natural drainage existing on the subject property prior to the above described activity. An applicant may qualify for a certificate of exemption for importation or excavation of material as defined in this chapter, provided that such importation or excavation is necessary for the purpose of establishing an agricultural operation as defined in § 108-3. As provisions set forth in Chapter 108 and Chapter 44 of the Town Code make clear that preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, except as set forth above the exportation of material will not be exempt from the provisions of this chapter.

(2) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to import material shall be exempt from Chapter 62 provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilizer so as to enrich soils and restore the opportunity for improved plant growth (2) the importation of material shall not change the natural grade or slope and/or natural drainage existing on the subject property prior to the above described activity, (3) material imported shall not exceed 3000 cubic yards per year (4) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations Part 360(3) (5) the material be ground to a size less than 6" in length x 2: in width or chipped to size 2" (6) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, and (7) the material shall not be offered for sale but instead must be used on site.

(3) An owner or lessee of improved residential property seeking to import material shall be exempt from Chapter 62 provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilize lawn and planting (2) the importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above described activity is altered (2) material imported shall not exceed 1000 cubic yards per year (3) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations Part 360(3) (4) the material be ground to a size less than 3" in length x 2: in width or chipped to size 2" (5) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, and (6) the material shall not be offered for sale but instead must be used and incorporated into the lawn or planting areas.

A. B. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Town Board:

(1) An applicant may qualify for a certificate of exemption for excavation by dredging operations within existing navigable waters upon demonstration of approval by appropriate town, county, state or federal agencies or departments.

(2) An applicant may qualify for a certificate for exemption for importation of materials as defined in this chapter, provided that such importation is necessary for the purpose of operating, maintaining, or establishing an agricultural operation as defined in 108-3 and subject to the following conditions: (1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment pursuant to Article 25-AA of the Agriculture and Markets Law, (2) the importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above described activity is altered (3) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilizer so as to enrich soils and restore the opportunity for improved plant growth (4) material shall not exceed 10000 cubic yards per year (5) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations part 360 (6) the material be ground to a size less than 6" in length x 2" in width or chipped to a size 2" (7) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, (8) a detailed statement of the proposed work and three-dimensional extent of the proposed importation and exact condition of the plot or premises before the work proposed to be accomplished under the requested permit is commenced and the proposed condition of said plot or premises when the work is completed (9) a detailed statement from NYS AG & Markets, Suffolk County Soil Conservation or NRCS and (10) the material, in its natural or reprocessed state, shall not be offered for sale but instead must be used onsite. Note, as set forth in 62-5 (A) (1) preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, the exportation of material will not be eligible for a certificate of exemption.

B.C. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Building Administrator:

(1) An applicant may qualify for a certificate of exemption for importation, excavation or exportation of material as defined in this chapter when such importation, excavation or exportation is necessary for the construction of a single-family residence and accessory uses related to single-family residences subject to an applicant obtaining permit approval, pursuant to Chapter 52 from the Building Department for such residence or accessory uses, upon submission of a copy of the building permit and survey indicating the amount of material imported, excavated or exported required for said construction.

(2) An applicant may qualify for a certificate of exemption for the excavation or exportation of material, as defined in this chapter, for soil borings, provided that the material excavated or exported is limited to the amount required to obtain the boring sample.

#### **§ 62-4. Application for Permit.**

A. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption prior to the excavation, exportation or importation of material as defined in

Chapter 62. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption pursuant to § 62-5 of this chapter from the Town Board of the Town of Riverhead, except applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with building permit and/or foundation permit prior to application for a permit under this chapter. Note: a permit or certificate of exemption shall not entitle the applicant to clear or grade without obtaining approvals required under § 108-129B and D, Chapter 52 and/or Chapter 63. For that purpose, such owner, lessee or agent shall file with the Building Department of the Town of Riverhead a verified application, in duplicate, for such permit or request for exemption containing a detailed statement of the proposed work, together with a plan prepared by a duly licensed engineer or land surveyor of the State of New York or a plot plan reviewed and approved by Natural Resources Conservation Service or Suffolk County Soil and Water Conservation for agricultural production as defined in § 108-3 or such other activities that may qualify for a certificate of exemption, setting forth in detail or including the following information:

- (12) An applicant for residential, commercial and/or industrial subdivision approval or site plan approval shall submit an estimate of the volume of materials to be excavated, exported or imported as certified by a professional engineer, to either the Planning Board or Town Board. The estimate of the volume of materials shall be noted on the approved site plan or subdivision map. Note, as stated above, applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with building permit and/or foundation permit prior to application for a permit under this chapter. In addition, the Town may limit a permit for projects to be constructed or improved in phases or capable of phased construction or improvement such that the Chapter 62 permitted activities run concurrent with the phased construction or improvement.

Underline represents addition(s)

Strikethrough represents deletion(s)

Dated: Riverhead, New York

May 7, 2013

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 22<sup>nd</sup> day of May, 2013 at 7:15 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code as follows:

**CHAPTER 108  
ZONING  
Article XXVI. Site Plan Review**

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

B. Land clearing. No person shall undertake or carry out any such activity or use, including without limitation any grading, clearing, cutting and filling, excavating or tree removal associated therewith, without first having obtained site plan approval therefor, pursuant to the provision of this article, posting a performance bond provided for herein and securing a land clearing permit pursuant to Chapter 52 and/or a permit pursuant to Chapter 62 and Chapter 63. Any landowner found guilty of violating this article shall be fined at the rate of \$1,000 per day from the day of discovery of the incident until an approved restoration plan is enacted.

Underline represents addition(s)  
Strikethrough represents deletion(s)

Dated: Riverhead, New York  
May 7, 2013

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

LAW OFFICES  
**PETER S. DANOWSKI, JR.**  
616 ROANOKE AVENUE  
RIVERHEAD, NY 11901

(631) 727-4900  
FAX (631) 727-7451  
E-Mail: pdanowski@danowskilaw.com  
jtaggart@danowskilaw.com

JOHN P. TAGGART, ESQ.

HAND DELIVERED

January 29, 2013

Building Department  
Town of Riverhead  
200 Howell Avenue  
Riverhead, New York 11901

Town Board  
Town of Riverhead  
200 Howell Avenue  
Riverhead, New York 11901

Re: Driftwood Family Farms LLC  
SCTM No. 0600-117.00-01.00-003.000

Dear Ladies and Gentlemen:

I enclose a letter on behalf of the Mezynieski family who recently purchased the Zeh farm located at the Main Road in Calverton. Title was taken in the name of Driftwood Family Farms. This farm suffers from neglect and continuing to farm the site is a challenge due to facts unique to the site itself. I should point out that my clients also own an active farm in Orient. With this submission I provide photographs and brief comments outlining the agricultural background of my clients. I invite Town representatives to visit the Orient site. Pictorial representations of the Calverton site show the beginnings of a revitalization of the agricultural setting. You will note that my clients have an intense interest in retaining historical features and have cleaned up and repaired the existing structures retaining, among other items, the wooden water towers. Unfortunately, the site was littered with garbage, which continues to be cleaned up and removed from the site. Additionally, a severe drainage issue exists as a result of run off spilling from NYS Route 25 through the site. Photographs verify this fact. The steep topographical variations on the site do not lend itself to the establishment of row crops. It is, therefore, necessary to grade the property in such manner that a flat

2013 FEB - 1 A 10:42

FILED IN OFFICE OF  
DIANE M. WILHELM  
TOWN CLERK

farm field can be produced, which will be acceptable to planting and harvesting practices, including irrigation. In its present condition, a very limited use of the acreage is available. I am advised that the prior owner, among agricultural practices, had a pig farm on site. I enclose a farm-grading plan produced by Howard W. Young for Driftwood Family Farms. A three-page plan is produced. The first page is a farm-grading plan, the second page provides volume data and the third page shows existing conditions. It is the intent of the farmers to remove cubic yards of non-prime soils material from the site and stockpile, use and re-grade topsoil and loam back onto the site. This will increase the amount of prime soils on site.

I enclose a report from the USDA Soil Service Agency who have personally examined the site. Section 62-4 Application for Permit indicates an owner must obtain a Chapter 62 Permit or a Certificate of Exemption. In either case, it says the application must be filed with the Building Department, but the permit or exemption must be obtained from the Town Board. I believe a farmer is entitled to the exemption contained within Section 62-5. I note that the land is benefited by an agricultural assessment under the Ag and Markets Law. I specifically refer to paragraph "2" as highlighted.

My client seeks as an owner engaged in agricultural production to "remove soil related to or incidental to the harvesting of crops or such other agricultural production". Since it is noted the preservation of primary agricultural soils is an important goal in the Town of Riverhead and since my client will be increasing the quantity of prime agricultural soils on site, I believe he is entitled to an exemption. The Mezynieski family are more than happy to meet with the Town Board or other Town Representatives to discuss this matter further.

Very truly yours,



Peter S. Danowski, Jr., Esq.

PSD:mmc

Enclosures

cc/Robert Kozakiewicz, Esq., Town Attorney



STATE OF NEW YORK  
DEPARTMENT OF AGRICULTURE AND MARKETS  
Division of Land and Water Resources  
10B Airline Drive, Albany, New York 12235  
Tel: 518-457-3738 Fax: 518-457-3412  
[www.agriculture.ny.gov](http://www.agriculture.ny.gov)

May 15, 2013

Hon. Sean Walter, Supervisor  
Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11910

**Re: Section 305-a, subd. 1 Review Concerning the Application of the Town of Riverhead's Zoning Code as Applied to Driftwood Farms/Steve Mezynieski, Concerning an Excavation Proposal and Reclamation Plan to Replace Soil, Grade and Improve the Farm Property.**

Dear Supervisor Walter:

The Department received a request from Steve Mezynieski to review the Town of Riverhead's Zoning Code and the administration of the same for compliance with Agriculture and Markets Law (AML) §305-a, subdivision 1. From information and belief, Mr. Mezynieski is working with the Town, in cooperation with the Natural Resources Conservation Service (NRCS) and the New York State Department of Environmental Conservation (DEC), to improve a 45 acre parcel of land used in his farm operation. Mr. Mezynieski states that the Town has drafted a local law amending Chapter 62 of the Town Code concerning excavations. It appears that the current law exempts the importation of excavation of material when necessary for the establishment of an agricultural operation as defined in the Town's Zoning Code. The draft law is more explicit and exempts agricultural production from this Chapter if the removal of soil is tied to the planting or harvesting of crops and does not change the natural grade/slope or drainage on the property. Mr. Mezynieski discussed this issue with the Town and it was suggested that he request this Department to conduct a formal review of the local law for compliance with AML §305-a. The land which is the subject of this review is located within Suffolk County Agricultural District No. 7, a county adopted, State certified agricultural district.

The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products which is set forth as a policy of the State in the New York State Constitution, Article XIV, Section 4. Pursuant to AML §305-a, subdivision 1, one of the statutes which implements the State constitutional policy, local governments are prohibited from enacting and administering laws that would unreasonably restrict farm operations located within an agricultural district unless it can be shown that the public health or safety is threatened. AML §301, subd. 11 defines "farm operation" as "...the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a 'commercial horse boarding operation' as defined in subdivision thirteen of this section, a 'timber operation' as defined in subdivision fourteen of this section and 'compost, mulch or other biomass crops' as defined in subdivision sixteen of this section and a commercial equine operation as defined in subdivision seventeen of this section. Such farm

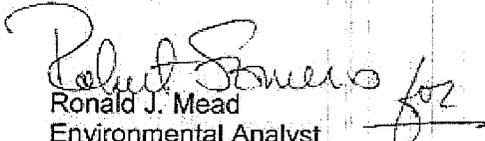
operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other."

The Department performs AML §305-a reviews on a case-by-case basis, taking into account the specific facts of a situation. Department staff initially determine whether the land involved is located within a State certified, county adopted agricultural district and if the land use and activity constitute a "farm operation" as defined by AML §301, subd.11. In determining whether the operation constitutes a "commercial enterprise," the Department evaluates such factors as the acreage in production; capital investment; gross sales of crops, livestock and livestock products; the type of enterprise and number of years in operation. In examining whether a local law is unreasonably restrictive, the Department considers several factors, including, but not limited to: the cost of compliance for the farm operation affected; whether the requirements will cause a lengthy delay in the construction of a farm building or implementation of a practice; whether the requirements adversely affect the farm operator's ability to manage the farm operation effectively and efficiently; whether the requirements restrict production options which could affect the economic viability of the farm; and the availability of less onerous means to achieve the locality's objective. The Department also considers whether a State law, regulation or standard applies to the activity regulated by the locality and, if it does, how.

Whenever a local law is found to be unreasonably restrictive, the Department evaluates whether it can be shown that the public health or safety is threatened by the farm operation or activity which the Town seeks to regulate. Prior to making a decision as to whether a local law unreasonably restricts a farm operation within an agricultural district, the Department considers all pertinent information submitted by the affected farm operator, and the provisions of the local law involved. Any facts or circumstances that the locality may wish to bring to the Department's attention regarding the issue presented are also taken into account. The Town is encouraged to submit, within 30 days of receipt of this letter, any information or documentation which it would like the Department to consider. Once the review is completed, the Department will inform the Town of its determination and, if it is concluded that an unreasonable restriction exists, the Town will have an opportunity to submit any evidence it may have of a threat to the public health or safety. Thereafter, the Department will determine whether the local law and its administration are in compliance with §305-a, subd.1.

If you have any questions, or would like to discuss the review process, please contact me at (518) 457-2713. If the Town's attorney has any questions, he or she may contact John Rusnica, Associate Attorney, at (518) 457-2449.

Sincerely,

  
Ronald J. Mead  
Environmental Analyst

Enclosure

cc: Steve Mezynieski, Landowner  
Ken Schmitt, Chair, Suffolk County AFPB  
John Rusnica, Esq., Counsel's Office, Dept. of A&M

LAW OFFICES  
**PETER S. DANOWSKI, JR.**  
616 ROANOKE AVENUE  
RIVERHEAD, NY 11901

(631) 727-4900  
FAX (631) 727-7451  
E-Mail: pdanowski@danowskilaw.com  
jtaggart@danowskilaw.com

JOHN P. TAGGART, ESQ.

HAND DELIVERED

January 29, 2013

Building Department  
Town of Riverhead  
200 Howell Avenue  
Riverhead, New York 11901

Town Board  
Town of Riverhead  
200 Howell Avenue  
Riverhead, New York 11901

Re: Driftwood Family Farms LLC  
SCTM No. 0600-117.00-01.00-003.000

Dear Ladies and Gentlemen:

I enclose a letter on behalf of the Mezynieski family who recently purchased the Zeh farm located at the Main Road in Calverton. Title was taken in the name of Driftwood Family Farms. This farm suffers from neglect and continuing to farm the site is a challenge due to facts unique to the site itself. I should point out that my clients also own an active farm in Orient. With this submission I provide photographs and brief comments outlining the agricultural background of my clients. I invite Town representatives to visit the Orient site. Pictorial representations of the Calverton site show the beginnings of a revitalization of the agricultural setting. You will note that my clients have an intense interest in retaining historical features and have cleaned up and repaired the existing structures retaining, among other items, the wooden water towers. Unfortunately, the site was littered with garbage, which continues to be cleaned up and removed from the site. Additionally, a severe drainage issue exists as a result of run off spilling from NYS Route 25 through the site. Photographs verify this fact. The steep topographical variations on the site do not lend itself to the establishment of row crops. It is, therefore, necessary to grade the property in such manner that a flat

FILED IN OFFICE OF  
DIANE M. WILHELM  
TOWN CLERK  
2013 FEB - 1 A 10:42

farm field can be produced, which will be acceptable to planting and harvesting practices, including irrigation. In its present condition, a very limited use of the acreage is available. I am advised that the prior owner, among agricultural practices, had a pig farm on site. I enclose a farm-grading plan produced by Howard W. Young for Driftwood Family Farms. A three-page plan is produced. The first page is a farm-grading plan, the second page provides volume data and the third page shows existing conditions. It is the intent of the farmers to remove cubic yards of non-prime soils material from the site and stockpile, use and re-grade topsoil and loam back onto the site. This will increase the amount of prime soils on site.

I enclose a report from the USDA Soil Service Agency who have personally examined the site. Section 62-4 Application for Permit indicates an owner must obtain a Chapter 62 Permit or a Certificate of Exemption. In either case, it says the application must be filed with the Building Department, but the permit or exemption must be obtained from the Town Board. I believe a farmer is entitled to the exemption contained within Section 62-5. I note that the land is benefited by an agricultural assessment under the Ag and Markets Law. I specifically refer to paragraph "2" as highlighted.

My client seeks as an owner engaged in agricultural production to "remove soil related to or incidental to the harvesting of crops or such other agricultural production". Since it is noted the preservation of primary agricultural soils is an important goal in the Town of Riverhead and since my client will be increasing the quantity of prime agricultural soils on site, I believe he is entitled to an exemption. The Mezynieski family are more than happy to meet with the Town Board or other Town Representatives to discuss this matter further.

Very truly yours,



Peter S. Danowski, Jr., Esq.

PSD:mmc  
Enclosures

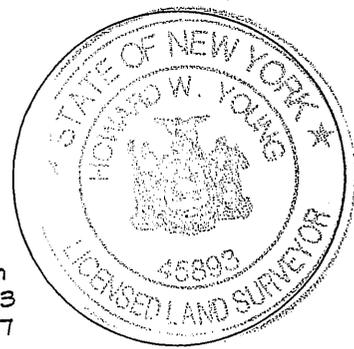
cc/Robert Kozakiewicz, Esq., Town Attorney

MAP on File

now or formerly  
Jeffrey Miloski &  
Robin Gibbs

Robin Gibbs  
(Subject to Suffolk County  
Development Rights)

*Howard W. Young*

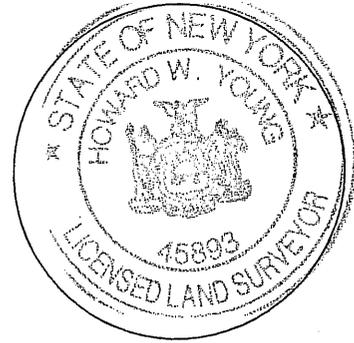


HOWARD W. YOUNG, N.Y.S. L.S. NO. 45893n  
THOMAS C. WOLPERT, N.Y.S. P.E. NO. 61483  
DOUGLAS E. ADAMS, N.Y.S. P.E. NO. 80897

**SURVEYOR'S CERTIFICATION**

Point 4 of 6

*Howard W. Young*



HOWARD W. YOUNG, N.Y.S. L.S. NO. 45893

**AGRICULTURAL PRODUCTION  
DRIFTWOOD FAMILY FARMS, LLC**

at Calverton, Town of Riverhead  
Suffolk County, New York

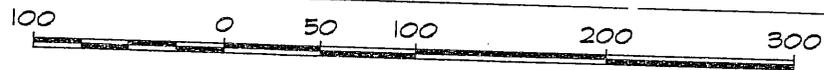
**FARM GRADING PLAN**

County Tax Map District 600 Section 117 Block 01 Lot 3

MAP PREPARED NOV. 17, 2012

**Record of Revisions**

RECORD OF REVISIONS	DATE
NET MEADOW	JAN. 26, 2013
CONSTRUCTION PHASES	MAY 15, 2013



Scale: 1" = 100'

IF PROPERTY HAS BEEN SOLD OR TRANSFERRED AFTER MARCH 1, 2012 PLEASE FORWARD BILL TO NEW OWNER OR RETURN TO THIS OFFICE.

DECEMBER 1, 2012 THROUGH, NOVEMBER 30, 2013 TAX LEVY  
 TAXABLE STATUS DATE MARCH 1, 2012  
 TAXES BECOME A LIEN DECEMBER 1, 2012

BILL NUMBER 7591  
 ESTIMATED STATE-AID  
 TOWN 91,000  
 SCHOOL 8,275,586  
 SUFFOLK COUNTY TAX MAP NUMBER  
 SECTION BLOCK LOT SIT

TAKE FUNDS PAYABLE TO:  
**MURIE A. ZANESKI**  
 RECEIVER OF TAXES  
 TOWN OF RIVERHEAD  
 100 HOWELL AVENUE  
 RIVERHEAD, NEW YORK 11901

OFFICE PAYMENT HOURS  
 MONDAY TO FRIDAY: 8:30 A.M. to 4:30 P.M.  
 PHONE 631-727-3200 EXT. 248  
 NOTE: TAXES ARE PAYABLE BY CHECK, CASH, OR MONEY ORDER.  
 ONLINE PAYMENTS ARE ACCEPTED (subject to a site fee): Visit  
[www.riverheadll.com](http://www.riverheadll.com) to pay by credit/debit card or electronic  
 check. Checks will be accepted subject to collection for which  
 this office assumes no responsibility. No cash by mail accepted.

CURRENT OWNER & TAX BILLING ADDRESS  
**KNIGHTLAND INC**  
 5720 RTE 25A  
 WADING RIVER, NY 11792

SWIS	DISTRICT	SUFFOLK COUNTY TAX MAP NUMBER		SECTION	BLOCK	LOT	SIT
473000	600	075.000	0002	013.002			
PROPERTY CODE	ACREAGE	TAX CODE	ROLL SECTION				
330	.96	39	1				
OWNER AS OF TAXABLE STATUS DATE OF MARCH 1, 2012 <b>KNIGHTLAND INC,</b>							
EQUALIZATION RATE / UNIFORM %: 15.27 Residential Assessment Ratio 14.02							

CODE	EXEMPTION INFORMATION DESCRIPTION	APPLIED TO	AMOUNT	FULL AMOUNT

PHYSICAL LOCATION	BANK & LOAN #	LAND ASSESSMENT	TOTAL ASSESSMENT	FULL VALUE AS OF JULY 1, 2010
MIDDLE COUNTRY RD		10000	10000	65,488

LEVY DESCRIPTION	TOTAL DISTRICT LEVY	% CHANGE OVER LAST YEAR	TAXABLE VALUE	TAX RATE PER \$1000	TAX TO BE LEVIED	TAX AMOUNT
WADING RIVER CSD #1	48,309,435	1.7	10,000	125.511	1,255.11	1,255.11
<b>SCHOOL</b>						
This year's STAR tax savings generally may not exceed last year's by more than 2%.						
FOUR TAX SAVINGS THIS YEAR RESULTING FROM THE NEW YORK STATE SCHOOL TAX RELIEF (STAR) PROGRAMS:						
<b>TOTAL TAX TO BE LEVIED FOR SCHOOL:</b>					<b>66.17 %</b>	<b>\$ 1,255.11</b>
COUNTY GENERAL FUND	54,287,505		10,000	1.372	13.72	13.72
<b>COUNTY</b>						
<b>TOTAL TAX TO BE LEVIED FOR COUNTY:</b>					<b>.72 %</b>	<b>13.72</b>
RIVERHEAD TOWN TAX	31,054,105	3.0	10,000	38.123	381.23	381.23
ROGHWAY	6,871,013	2.6	10,000	8.435	84.35	84.35
<b>TOWN</b>						
<b>TOTAL TAX TO BE LEVIED FOR TOWN:</b>					<b>24.55 %</b>	<b>\$ 465.58</b>
YS REAL PROP TX LAW	1,390,191		10,000	1.718	17.18	17.18
Y STATE MTA TAX	1,822,867	25.7	10,000	0.049	0.49	0.49
Y OUT OF CTY TUITION	2,130,581		10,000	0.162	1.62	1.62
WADING RIVER FIRE	2,018,800	1.7	10,000	6.309	63.09	63.09
DRTH SHORE PUB LIBRY	3,395,966	2.0	10,000	5.101	51.01	51.01
EIGHT DISTRICT	1,021,259	1.6	10,000	1.154	11.54	11.54
WATER EXT 35	1,425,800	16.3	10,000	1.750	17.50	17.50
<b>OTHER TOTAL TAX TO BE LEVIED FOR TOWN:</b>					<b>8.56 %</b>	<b>\$ 162.44</b>
FIRST HALF DUE JANUARY 10, 2013 W/O PENALTY \$	948.42					
SECOND HALF DUE MAY 31, 2013 W/O PENALTY \$	948.42					
<b>TOTAL TAXES TO BE LEVIED</b>						<b>1,896.88</b>

DATE 01/10/2013 AMOUNT PAID 948.42 PAYOR KNIGHTLAND INC RECEIPT INFORMATION

TOWN HALL WILL BE CLOSED ON DEC. 25 & JAN. 1

*Mezyniask,*  
*T. B. Work Session*  
*May 9.*

PROPERTY HAS BEEN SOLD OR TRANSFERRED  
 1 MARCH 1, 2012 PLEASE FORWARD BILL  
 TO NEW OWNER OR RETURN TO THIS OFFICE.

TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK  
 DECEMBER 1, 2012 THROUGH, NOVEMBER 30, 2013 TAX LEVY  
 TAXABLE STATUS DATE MARCH 1, 2012  
 TAXES BECOME A LIEN DECEMBER 1, 2012

BILL NUMBER 7687  
 ESTIMATED STATE-AID  
 TOWN 91,000  
 SCHOOL 8,275,586

FUNDS PAYABLE TO:  
 RIE A. ZANESKI  
 DIVISION OF TAXES  
 TOWN OF RIVERHEAD  
 1 HOWELL AVENUE  
 RIVERHEAD, NEW YORK 11901

OFFICE PAYMENT HOURS  
 MONDAY TO FRIDAY: 8:30 A.M. to 4:30 P.M.  
 PHONE 631-727-3200 EXT. 248  
 NOTE: TAXES ARE PAYABLE BY CHECK, CASH, OR MONEY ORDER.  
 ONLINE PAYMENTS ARE ACCEPTED (subject to a site fee); Visit  
[www.riverheadll.com](http://www.riverheadll.com) to pay by credit/debit card or electronic  
 check. Checks will be accepted subject to collection for which  
 this office assumes no responsibility. No cash by mail accepted.

SUFFOLK COUNTY TAX MAP NUMBER  
 SWIS DISTRICT SECTION BLOCK LOT SITE  
 473000 600 076.000 0001 003.002  
 PROPERTY CODE TAX CODE ROLL SECTION  
 311 .92 39 1  
 OWNER AS OF TAXABLE STATUS DATE OF MARCH 1, 2012  
 KNIGHTLAND INC,  
 EQUALIZATION RATE / UNIFORM %: 15.27  
 Residential Assessment Ratio 14.02

CURRENT OWNER & TAX BILLING ADDRESS  
 KNIGHTLAND INC  
 5720 RTE 25A  
 WADING RIVER, NY 11792

EXEMPTION INFORMATION	APPLIED TO	AMOUNT	FULL AMOUNT
DESCRIPTION			
PHYSICAL LOCATION	BANK & LOAN #	LAND ASSESSMENT	TOTAL ASSESSMENT
BEEMER AVE		10800	10800
			FULL VALUE AS OF JULY 1, 2010
			70,727

LEVY DESCRIPTION	TOTAL DISTRICT LEVY	% CHANGE OVER LAST YEAR	TAXABLE VALUE	TAX RATE PER \$1000	TAX TO BE LEVIED	TAX AMOUNT
KNIGHTLAND RIVER CSD #1	48,309.435	1.7	10,800	125.511	1,355.52	1,355.52
years STAR tax savings generally may not exceed last year's by more than 2%.						
STAR TAX SAVINGS THIS YEAR RESULTING FROM THE NEW YORK STATE SCHOOL TAX RELIEF (STAR) PROGRAM IS:						\$ 0.00
<b>TOTAL TAX TO BE LEVIED FOR SCHOOL:</b>						<b>66.17 %</b>
NY GENERAL FUND	54,287.505		10,800	1.372		14.80
<b>TOTAL TAX TO BE LEVIED FOR COUNTY:</b>						<b>.72 %</b>
RIVERHEAD TOWN TAX	31,054.105	3.0	10,800	38.123		411.77
HWAY	6,874.013	2.6	10,800	8.435		91.17
<b>TOTAL TAX TO BE LEVIED FOR TOWN:</b>						<b>24.55 %</b>
REAL PROP TX LEVY	1,390.191	25.7	10,800	1.718		18.55
STATE MITA TAX	1,822.867		10,800	0.049		0.53
OUT OF CHY IMPTION	130.581		10,800	0.162		1.75
KNIGHTLAND RIVER FIRE	2,018.800	1.7	10,800	6.309		68.14
MT SHORE PUB LIBRY	3,395.966	2.0	10,800	5.101		55.00
MT DISTRICT	1,021.269	1.6	10,800	1.154		12.47
MT EXT 35	1,425.800	16.3	10,800	1.750		18.90
<b>OTHER TOTAL TAX TO BE LEVIED FOR TOWN:</b>						<b>8.56 %</b>
1ST HALF						
DECEMBER 10, 2013	1,024.30					
OPENALTY:						
SECOND HALF						
DUE MAY 31, 2013						
W/O PENALTY:						
				1,024.29	TOTAL TAXES TO BE LEVIED	2,048.59

DATE 1/10/2013 AMOUNT PAID 1,024.30 PAYER KNIGHTLAND INC RECEIPT INFORMATION

TOWN HALL WILL BE  
 CLOSED ON  
 DEC. 25 & JAN. 1

PROPERTY HAS BEEN SOLD OR TRANSFERRED  
 RETURN TO THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK  
 IN MARCH 1, 2012 PLEASE FORWARD BILL  
 TO THE NEW OWNER OR RETURN TO THIS OFFICE.

DECEMBER 1, 2012 THROUGH, NOVEMBER 30, 2013 TAX LEVY  
 TAXABLE STATUS DATE MARCH 1, 2012  
 TAXES BECOME A LIEN DECEMBER 1, 2012

BILL NUMBER 7588  
 ESTIMATED STATE-AID  
 TOWN 91,000  
 SCHOOL 8,275,586

OFFICE PAYMENT HOURS  
 MONDAY TO FRIDAY: 8:30 A.M. to 4:30 P.M.  
 PHONE 631-727-3200 EXT. 248

NOTE: TAXES ARE PAYABLE BY CHECK, CASH, OR MONEY ORDER.  
 ONLINE PAYMENTS ARE ACCEPTED (subject to a site fee): Visit  
[www.riverheadll.com](http://www.riverheadll.com) to pay by credit/debit card or electronic  
 check. Checks will be accepted subject to collection for which  
 this office assumes no responsibility. No cash by mail accepted.

OFFICE PAYMENT HOURS  
 MONDAY TO FRIDAY: 8:30 A.M. to 4:30 P.M.  
 PHONE 631-727-3200 EXT. 248

NOTE: TAXES ARE PAYABLE BY CHECK, CASH, OR MONEY ORDER.  
 ONLINE PAYMENTS ARE ACCEPTED (subject to a site fee): Visit  
[www.riverheadll.com](http://www.riverheadll.com) to pay by credit/debit card or electronic  
 check. Checks will be accepted subject to collection for which  
 this office assumes no responsibility. No cash by mail accepted.

SWIS	DISTRICT	SUFFOLK COUNTY TAX MAP NUMBER	SECTION	BLOCK	LOT	SITE
473000	600	075.000	0002	004	000	

CURRENT OWNER & TAX BILLING ADDRESS  
 KNIGHTLAND INC  
 5720 RTE 25A  
 WADING RIVER, NY 11792

OWNER AS OF TAXABLE STATUS DATE OF MARCH 1, 2012  
 KNIGHTLAND INC,  
 EQUALIZATION RATE / UNIFORM %: 15.27  
 Residential Assessment Ratio 14.02

EXEMPTION INFORMATION	DESCRIPTION	APPLIED TO	AMOUNT	FULL AMOUNT

PHYSICAL LOCATION	BANK & LOAN #	LAND ASSESSMENT	TOTAL ASSESSMENT	FULL VALUE AS OF JULY 1, 2010
579 SOUND AVE		24800	60700	397,511

LEVY DESCRIPTION	TOTAL DISTRICT LEVY	% CHANGE OVER LAST YEAR	TAXABLE VALUE	TAX RATE PER \$1000	TAX TO BE LEVIED	TAX AMOUNT
KNIGHTLAND GSD #1	48,309,435		60,700	125.511	7,618.52	7,618.52
<b>TOTAL TAX TO BE LEVIED FOR SCHOOL:</b>						66.17 %
KNIGHTLAND COUNTY GENERAL FUND	54,287,505		60,700	1.372	83.21	83.21
<b>TOTAL TAX TO BE LEVIED FOR COUNTY:</b>						.72 %
RIVERHEAD TOWN TAX HIGHWAY	31,054,105	3.0	60,700	38.123	2,314.07	2,314.07
<b>TOTAL TAX TO BE LEVIED FOR TOWN:</b>						24.55 %
REAL PROPERTY LAW STATE MTA TAX	1,390,191	25.7	60,700	1.718	104.23	104.23
OUT OF CITY TUITION	1,822,867		60,700	0.049	2.99	2.99
KNIGHTLAND FIRE	130,581		60,700	0.162	9.83	9.83
KNIGHTLAND SHORE PUB LIBRY	2,018,800	1.7	60,700	6.309	382.94	382.94
KNIGHTLAND DISTRICT	3,395,966	2.0	60,700	5.101	309.63	309.63
KNIGHTLAND EXT 35	1,021,268	7.6	60,700	1.154	70.01	70.01
KNIGHTLAND EXT 35	1,425,800	16.3	60,700	1.750	106.23	106.23
<b>OTHER TOTAL TAX TO BE LEVIED FOR TOWN:</b>						8.56 %
<b>TOTAL TAXES TO BE LEVIED</b>						11,513.87

DATE 1/10/2013 AMOUNT PAID 5,756.91 PAYOR KNIGHTLAND INC RECEIPT INFORMATION

TOWN HALL WILL BE CLOSED ON DEC. 25 & JAN. 1

PROPERTY HAS BEEN SOLD OR TRANSFERRED  
 AFTER MARCH 1, 2012 PLEASE FORWARD BILL  
 TO NEW OWNER OR RETURN TO THIS OFFICE.

DECEMBER 1, 2012 THROUGH, NOVEMBER 30, 2013 TAX LEVY  
 TAXABLE STATUS DATE MARCH 1, 2012  
 TAXES BECOME A LIEN DECEMBER 1, 2012

BILL NUMBER 7589  
 ESTIMATED STATE-AID  
 TOWN 91,000  
 SCHOOL 8,275,586

THE FUNDS PAYABLE TO:  
 URIE A. ZANESKI  
 RECEIVER OF TAXES  
 TOWN OF RIVERHEAD  
 10 HOWELL AVENUE  
 RIVERHEAD, NEW YORK 11901

OFFICE PAYMENT HOURS  
 MONDAY TO FRIDAY: 8:30 A.M. to 4:30 P.M.  
 PHONE 631-727-3200 EXT. 248  
 NOTE: TAXES ARE PAYABLE BY CHECK, CASH, OR MONEY ORDER.  
 ONLINE PAYMENTS ARE ACCEPTED (subject to a site fee); Visit  
[www.riverheadli.com](http://www.riverheadli.com) to pay by credit/debit card or electronic  
 check. Checks will be accepted subject to collection for which  
 this office assumes no responsibility. No cash by mail accepted.

SWIS	DISTRICT	SUFFOLK COUNTY TAX MAP NUMBER	SECTION	BLOCK	LOT	SITE
473000	600	075.000	0002	011.003		
PROPERTY CODE	ACREAGE	TAX CODE	ROLL SECTION			
330	2.49	39	1			

OWNER AS OF TAXABLE STATUS DATE OF MARCH 1, 2012  
 KNIGHTLAND INC,  
 EQUALIZATION RATE / UNIFORM %: 15.27  
 Residential Assessment Ratio 14.02

CURRENT OWNER & TAX BILLING ADDRESS  
 KNIGHTLAND INC  
 5720 RTE 25A  
 WADING RIVER, NY 11792

CODE	EXEMPTION INFORMATION	DESCRIPTION	APPLIED TO	AMOUNT	FULL AMOUNT

PHYSICAL LOCATION	BANK & LOAN #	LAND ASSESSMENT	TOTAL ASSESSMENT	FULL VALUE AS OF JULY 1, 2010
5768 ROUTE 25A		20600	20600	134,905

LEVY DESCRIPTION	TOTAL DISTRICT LEVY	% CHANGE OVER LAST YEAR	TAXABLE VALUE	TAX RATE PER \$1000	TAX TO BE LEVIED	TAX AMOUNT
RIVERHEAD TOWN TAX HIGHWAY	31,054,105	3.0%	20,600	38.123	785.33	785.33
VERHEAD TOWN TAX HIGHWAY	6,874,013	2.6%	20,600	8.435	173.77	173.77
<b>TOTAL TAX TO BE LEVIED FOR TOWN:</b>						<b>959.10</b>
<b>OTHER TOTAL TAX TO BE LEVIED FOR TOWN:</b>						<b>334.60</b>
FIRST HALF DUE JANUARY 10, 2013 W/O PENALTY: \$	1,953.75					
SECOND HALF DUE MAY 31, 2013 W/O PENALTY: \$	1,953.74					
<b>TOTAL TAXES TO BE LEVIED</b>						<b>3,907.40</b>

DATE 01/10/2013 AMOUNT PAID 1,953.75 PAYOR KNIGHTLAND INC RECEIPT INFORMATION

TOWN HALL WILL BE CLOSED ON DEC. 25 & JAN. 1

PROPERTY HAS BEEN SOLD OR TRANSFERRED  
 PER MARCH 1, 2012 PLEASE FORWARD BILL  
 NEW OWNER OR RETURN TO THIS OFFICE.

DECEMBER 1, 2012 THROUGH, NOVEMBER 30, 2013 TAX LEVY

BILL NUMBER 7590

TAXABLE STATUS DATE MARCH 1, 2012  
 TAXES BECOME A LIEN DECEMBER 1, 2012

ESTIMATED STATE-AID  
 TOWN 91,000  
 SCHOOL 8,275,586

MAKE FUNDS PAYABLE TO:  
**URIE A. ZANESKI**  
 RECEIVER OF TAXES  
 10 HOWELL AVENUE  
 VERHEAD, NEW YORK 11901

OFFICE PAYMENT HOURS  
 MONDAY TO FRIDAY: 8:30 A.M. to 4:30 P.M.  
 PHONE 631-727-3200 EXT. 248

NOTE: TAXES ARE PAYABLE BY CHECK, CASH, OR MONEY ORDER.  
 ONLINE PAYMENTS ARE ACCEPTED (subject to a site fee). Visit  
[www.riverheadil.com](http://www.riverheadil.com) to pay by credit/debit card or electronic  
 check. Checks will be accepted subject to collection for which  
 this office assumes no responsibility. No cash by mail accepted.

SWIS	DISTRICT	SUFFOLK COUNTY TAX MAP NUMBER	SECTION	BLOCK	LOT	SIT
473000	600	075.000	0002	012.001		

PROPERTY CODE	ACREAGE	TAX CODE	ROLL SECTION
330	.15	39	1

CURRENT OWNER & TAX BILLING ADDRESS  
**KNIGHTLAND INC**  
 5720 RTE 25A  
 WADING RIVER, NY 11792

OWNER AS OF TAXABLE STATUS DATE OF MARCH 1, 2012  
**KNIGHTLAND INC,**

EQUALIZATION RATE / UNIFORM %: 15.27  
 Residential Assessment Ratio 14.02

CODE	EXEMPTION INFORMATION DESCRIPTION	APPLIED TO	AMOUNT	FULL AMOUNT

PHYSICAL LOCATION	BANK & LOAN #	LAND ASSESSMENT	TOTAL ASSESSMENT	FULL VALUE AS OF JULY 1, 2010
MIDDLE COUNTRY RD		500	500	3,274

LEVY DESCRIPTION	TOTAL DISTRICT LEVY	% CHANGE OVER LAST YEAR	TAXABLE VALUE	TAX RATE PER \$1000	TAX TO BE LEVIED	TAX AMOUNT
WADING RIVER CSD #1	48,309,435	1.7	500	25.511	62.76	62.76
<b>TOTAL TAX TO BE LEVIED FOR SCHOOL:</b>						<b>66.17 %</b>
COUNTY GENERAL FUND	54,287,505		500	1.372		0.68
<b>TOTAL TAX TO BE LEVIED FOR COUNTY:</b>						<b>.73 %</b>
VERHEAD TOWN TAX HIGHWAY	31,054,105	3.0	500	38.123	19.06	19.06
<b>TOTAL TAX TO BE LEVIED FOR TOWN:</b>						<b>24.54 %</b>
STATE REAL PROP. TAX	1,390,191	25.7	500	1.718	0.86	0.86
STATE IMPA. TAX	1,822,867		500	0.049	0.25	0.25
LOCAL OF CITY TOLLION	1,130,581		500	0.162	0.08	0.08
WADING RIVER FIRE	2,018,800	1.7	500	6.309	3.15	3.15
WADING RIVER PUB LIBRY	3,395,966	2.0	500	5.101	2.55	2.55
EIGHT DISTRICT	1,021,269	1.6	500	1.154	0.58	0.58
WATER EXT 35	1,425,800	16.3	500	1.750	0.88	0.88
<b>OTHER TOTAL TAX TO BE LEVIED FOR TOWN:</b>						<b>8.56 %</b>
FIRST HALF DUE JANUARY 10, 2013 W/O PENALTY: \$	47.43					
SECOND HALF DUE MAY 31, 2013 W/O PENALTY: \$	47.42					
<b>TOTAL TAXES TO BE LEVIED</b>						<b>94.88</b>

DATE 01/10/2013 AMOUNT PAID 47.43 PAYOR KNIGHTLAND INC RECEIPT INFORMATION

TOWN HALL WILL BE  
 CLOSED ON  
 DEC. 25 & JAN. 1

2L#10

LAW OFFICES  
**PETER S. DANOWSKI, JR.**  
616 ROANOKE AVENUE  
RIVERHEAD, NY 11901

(631) 727-4900  
FAX (631) 727-7451  
E-Mail: pdanowski@danowskilaw.com  
jtaggart@danowskilaw.com

JOHN P. TAGGART, ESQ.

**May 22, 2013, 7:10 p.m. Public Hearing**  
**Chapter 62 Proposed Code Amendment**

HAND DELIVERED

May 23, 2013

Sean Walter, Town Supervisor & Town Board  
Town of Riverhead  
200 Howell Avenue  
Riverhead, New York 11901

Re: Driftwood Family Farms LLC  
SCTM No. 0600-117.00-01.00-003.000

Dear Ladies and Gentlemen:

As a follow up to last evening's meeting, I enclose a copy of the DEC permit application. I would also like to correct a comment made by the Supervisor with regard to his understanding of comments made by my client. My client has never indicated that he desired a delay of the review process by the Town. In fact, he has consistently asked that the Town acknowledge he may move forward with his plans as submitted consistent with Chapter 62 of the Town's Excavation Code provisions. As stated at last evening's meeting, my client has been waiting for a Town response since hand delivery of the original enclosure letter dated January 29, 2013. What my client did say, however, was that he waited after the closing on the purchase of the property in June, 2012, before submitting the documentation to the Town. In the interim, he had spent a good deal of effort, time and money in making the property more attractive, clearing garbage from the property and making the existing structures more presentable. He also erected a deer fence to protect his property and adjacent neighbors. While these improvements were being made, he consulted with design professionals at Young & Young. He also consulted with the agricultural community and the USDA Soil Service to make sure that a well-reasoned plan could be submitted. So it is true as the Supervisor mentioned that my client noted he had delayed the submission in order to clean up and improve the existing agricultural operation. Once the written documentation was delivered to the Town, my client requested no delay, but rather expected a prompt and sincere response

FILED IN OFFICE OF  
DIANE M. WILHELM  
TOWN CLERK  
2013 MAY 24 A 11:05

from the Town. My client is still waiting. I would ask for the Board's resolution of any issues that might remain.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter S. Danowski, Jr.", written in a cursive style.

Peter S. Danowski, Jr., Esq.

PSD:mmc

Enclosures

cc/Town Clerk

Robert Kozakiewicz, Esq., Town Attorney

Driftwood Family Farms LLC



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION  
DIVISION OF MINERAL RESOURCES

# MINING PERMIT APPLICATION

1. MINE ID NUMBER	2. TELEPHONE NUMBER ( 631 ) 204-0001
3. NAME OF APPLICANT Driftwood Family Farms, LLC	
4. PERMANENT ADDRESS 35675 Main Road	
CITY Orient	STATE NY
ZIP CODE 11957	
5. CONTACT PERSON Steven M. Mezynieski	6. TELEPHONE NUMBER ( 631 ) 204-0001

FOR OFFICIAL DEC USE ONLY	
7. MINED LAND PROJECT	
a. Will the total acreage by mining for the entire mining site exceed 5 acres?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
b. Will the vertical depth from the top of the mine face to the floor exceed 20 feet?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c. Will there be on-site processing of mining products (eg. crushing, screening, washing)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
d. Will mining occur within 100 feet of a surface water body (eg. stream, lake) or wetland area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e. Will any consolidated materials be mined (eg. limestone, trap rock, sandstone)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. Will mining occur within 500' of any dwelling?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Will mining ever occur at or below the mean high water table?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

8. TAXPAYER ID If other than individual, provide Federal Taxpayer ID Number 45-5589042		9. APPLICATION TYPE <input checked="" type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Modification	
10. a. PRESENT PERMIT TERM Expiration Date / /	b. COMING PERMIT TERM <input type="checkbox"/> 5 years <input type="checkbox"/> Other _____ years	11. COMMON GEOLOGIC NAME OF MINERAL TO BE MINED sand & gravel	

12. LOCAL ORDINANCES Allowed per Chapter 62 "Excavating" Riverhead Town Code	a. Is mining prohibited at this location? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	b. Does the local government require any type of permit for mining at this location? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Exemption/Permit
--	---	---

13. a. ARE ANY OTHER STATE MINING PERMITS CURRENTLY HELD BY THE APPLICANT? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	b. If YES, give DEC mine file number(s)
--	---

14. Has any owner, partner, corporate officer or corporate director of your organization ever held any of these positions in another organization that has had a New York State mining permit SUSPENDED OR REVOKED or has had a New York State mined land reclamation bond FORFEITED?  
 Yes  No If YES, identify the person(s).

15. ACREAGE SUMMARY (To be filled in by applicant)		FOR OFFICIAL DEC USE ONLY
a. Total acreage controlled by owner at this location	41.3531 acres	
b. Total acreage permitted by DEC prior to this application	0 acres	
c. Total acreage affected since April 1, 1975	0 acres	
d. Total acreage approved by DEC as reclaimed since April 1, 1975	0 acres	
e. Current affected acreage (c minus d)	0 acres	
f. Acreage included in this application, but not previously approved	27.6 acres	
g. New acreage to be affected during the coming permit term	27.6 acres	
h. Number of acres to be reclaimed during coming permit term	27.6 acres	

16. NAME OF MINING SITE  
Driftwood Family Farms

17. MINE LOCATION  
Road Middle Country Rd. (NYS Rte 25)  
Nearest Road Intersection Edwards Avenue  
Town Riverhead  
County Suffolk

18. MAP LOCATION  
a. Quadrangle Name \_\_\_\_\_  
b.  15 minute  7 1/2 minute

FOR OFFICIAL DEC USE ONLY  
LATITUDE \_\_\_\_\_ LONGITUDE \_\_\_\_\_

19. NAME AND ADDRESS OF SURFACE LANDOWNER  
Driftwood Family Farms, LLC  
35675 Main Road  
Orient, New York 11957

20. NAME AND ADDRESS OF MINERAL OWNER  
Driftwood Family Farms, LLC  
35675 Main Road  
Orient, New York 11957

21. The surface landowner and the mineral owner of the property that is to be mined by the above applicant have read the Mined Land Use Plan, which sets forth the applicant's mining and reclamation plan for the property to be mined, and hereby irrevocably consent and agree to the performance of the Mined Land Use Plan by the applicant, his surety or insurer, or the NYS Department of Environmental Conservation. The surface landowner and mineral owner further agree to allow access to the property to Department personnel for the purpose of conducting inspections or investigations in the regular course of their duties.

SIGNATURE OF SURFACE LANDOWNER	DATE 2/25/13	SIGNATURE OF MINERAL OWNER	DATE 2/25/13
--------------------------------	-----------------	----------------------------	-----------------

22. I hereby affirm, under penalty of perjury that information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

NAME, TITLE AND SIGNATURE OF APPLICANT OR AUTHORIZED REPRESENTATIVE \_\_\_\_\_ DATE \_\_\_\_\_

Appendix C  
 State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR Driftwood Family Farms, LLC	2. PROJECT NAME Driftwood Family Farms
3. PROJECT LOCATION: Municipality <u>Calverton, Town of Riverhead</u> County <u>Suffolk</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>South side of Middle Country Road (NYS Rt 25), approx. 500 feet west of Edwards Avenue</u>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Excavate and grade property to facilitate agricultural production approx. 427,776 cubic yards to be cut, 12,616 cubic yards to be filled, net 415,160</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>27.6</u> acres    Ultimately <u>27.6</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: <u>Federal Express; Industrial Warehouse; Horsefarm</u>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals: <u>Exemption- Excavation Permit - Chapter 62 Riverhead Town Code</u>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Steven Mezynieski</u> <u>Member of Driftwood Family</u> Date: <u>2/25/13</u> Signature: <u>[Signature]</u> <u>Farms, LLC</u>	

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

OVER

Reset

# ORGANIZATIONAL REPORT

INCOMPLETE FORMS ARE NOT ACCEPTABLE AND WILL BE RETURNED FOR COMPLETION

1. FULL NAME AND COMPLETE MAILING ADDRESS OF THE ENTITY, INCLUDE NAME AND TITLE TO WHOM ALL CORRESPONDENCE SHOULD BE SENT.

Driftwood Family Farms, LLC  
 35675 Main Road  
 Orient, New York 11957

TELEPHONE ( 631 ) 204-0001

FAX NUMBER ( 631 ) 204-0606

2. FULL NAME AND COMPLETE MAILING ADDRESS OF AGENT IN NEW YORK WHO CAN BE SERVED ORDERS, NOTICES AND PROCESSES OF THE DEPARTMENT OR ANY COURT OF LAW. POST OFFICE BOX ADDRESSES ARE NOT ACCEPTABLE.

Driftwood Family Farms, LLC  
 35675 Main Road  
 Orient, New York 11957

Attention: Steve Mezynieski

TELEPHONE ( )

3. TYPE OF ACTIVITY (Check those that apply)

- PRODUCTION—Oil, Gas, Injection or Geothermal Well(s)
- STORAGE—Underground Gas or LPG Facility
- PURCHASING—Of Oil or Gas from Others
- TRANSPORTATION—By Truck or Pipeline for Others
- SALVAGE—Plug and Abandon Wells for Others
- DRILLING—Drill Wells for Others

- SOLUTION MINING—Own/Operate Facility
- BRINE DISPOSAL—Own/Operate Facility
- STRATIGRAPHIC—Own Well or Hole
- SURFACE MINING—Own/Operate Facility
- UNDERGROUND MINING—Own/Operate Facility

4. STATE WHETHER THE ENTITY IS A CORPORATION, ASSOCIATION, PARTNERSHIP, INDIVIDUAL, PUBLIC AUTHORITY OR GOVERNMENTAL AGENCY. IF FOREIGN CORPORATION, GIVE STATE AND DATE OF INCORPORATION AND DATE OF AUTHORIZATION TO DO BUSINESS IN NEW YORK STATE. IF PARTNERSHIP, STATE WHETHER GENERAL OR LIMITED AND COUNTY OF FILING. IF DBA, GIVE COUNTY OF FILING.

Limited Liability Company

5. IF A NAME CHANGE, GIVE COMPLETE NAME AND ADDRESS OF PREVIOUS ENTITY.

6. IF ENTITY IS A CORPORATION OR ASSOCIATION, LIST ALL DIRECTORS AND ALL OFFICERS. IF PARTNERSHIP, LIST ALL GENERAL AND ALL LIMITED PARTNERS. ATTACH ADDITIONAL SHEETS IF NECESSARY.

NAME	TITLE
Steven Mezynieski	Member
Gretchen Mezynieski	Member

7. LIST ALL PERSONS AUTHORIZED BY THE ENTITY TO SIGN ALL SUBMITTALS TO THE DEPARTMENT.

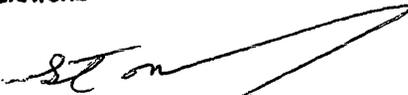
NAME	TITLE
Thomas Wolpert	Engineer
Peter S. Danowski, Jr.	Attorney
Howard Young	Licensed Land Surveyor

I hereby affirm under penalty of perjury that the information provided in the report is true to the best of my knowledge and belief. I am aware false statements made in this report are punishable as a Class A misdemeanor under Section 210.45 of the Penal Law.

TYPE OR PRINT NAME OF AUTHORIZED PERSON

Steven Mezynieski

SIGNATURE



DATE

2/25/13

SWORN TO AND SUBSCRIBED

BEFORE ME, THIS 25th

DAY OF February 2013

Elizabeth A. Fallon  
 NOTARY PUBLIC

ELIZABETH A. FALLON  
 Notary Public, State of New York  
 No. 01FA5069367  
 Qualified in Suffolk County  
 Commission Expires November 25, 2006

2014

LL#10

# Wading River Civic Association

PO Box 805, Wading River, NY 11792

wrcivic@optonline.net

May 25, 2013

Supervisor Sean Walter & Town Board Members  
Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11901

FILED IN OFFICE OF  
DIANE M. WILHELM  
TOWN CLERK  
2013 MAY 30 A 9:21

Re: Proposed Amendments to Chapter 62 entitled "Excavations"

Dear Supervisor Walter & Members of the Town Board:

The Wading River Civic Association supports the the proposed amendments to Town Code Chapter 62 entitled " Excavations". We believe that the proposed amendments to the Town Code are necessary to prevent the unnecessary and often irreversible altering and exploitation of landscape, soils and materials such as sand.

We further emphasize that there have been instances in the Town of Riverhead where land has been clear-cut without the intent or necessary means to develop the land according to an approved site plan. This is a very real problem. It has happened before in the Town of Riverhead and is likely to happen again unless the town alters the existing town code on excavations. The proposed amendments would remedy certain deficiencies in the existing code on excavations. Other East End towns have enacted requirements in their town code that a building permit must be obtained prior to a land clearing permit.

We urge you to support the proposed amendments. We also suggest that you scrutinize Chapter 52 Section 8.2 and amend it in order to insure consistency with the proposed amendments to Chapter 62.

We thank you for addressing this important issue.

Sincerely,  


Sid Bail  
President  
Wading River Civic



**Office of the Town Clerk**  
*Diane M. Wilhelm, Town Clerk*

---

Registrar of Vital Statistics

Records Management Officer

Marriage Officer

July 17, 2013

NYS Department of State  
State Records and Law Bureau  
Suite 600  
99 Washington Ave  
(1 Commerce Plaza)  
Albany, NY 12231  
Attn: Linda Lasch

Dear Ms. Lasch:

ENCLOSED HEREWITH please find the following resolution which was adopted by the Riverhead Town Board at a Regular Town Board meeting on July 16, 2013.

**Resolution 562-ADOPTS A LOCAL LAW AMENDING CHAPTER 62 ENTITLED "EXCAVATIONS" OF THE RIVERHEAD TOWN CODE**

If you have any questions, please call Carol Del Vecchio at 631-727-3200, Ext 262, or Diane Wilhelm at Ext. 260

Sincerely,

Diane M. Wilhelm  
Town Clerk

DW:cd



**Office of the Town Clerk**  
*Diane M. Wilhelm, Town Clerk*

Registrar of Vital Statistics

Records Management Officer

Marriage Officer

August 9, 2013

General Code Publishers  
781 Elmgrove Road  
Rochester, NY 14624  
Attn: Jan Medina

Dear Ms. Medina:

ENCLOSED HEREWITH please find the following resolution which was adopted by the Riverhead Town Board at a Regular Town Board meeting on July 16, 2013.

**Resolution#562-ADOPTS A LOCAL LAW TO AMENDING CHAPTER 62 ENTITLED  
"EXCAVATIONS" OF THE RIVERHEAD TOWN CODE.**

If you have any questions, please call Carol Del Vecchio at 631-727-3200, Ext 262, or Diane Wilhelm at Ext. 260

Sincerely,

Diane M. Wilhelm  
Town Clerk  
DW:cd.



**Office of the Town Clerk**  
*Diane M. Wilhelm, Town Clerk*

Registrar of Vital Statistics

Records Management Officer

Marriage Officer

August 9, 2013

Suffolk County Planning Department  
L.I. State Park Commission  
Town of Southold  
Town of Southampton  
Town of Brookhaven

ENCLOSED HEREWITH please find the following resolution which was adopted by the Riverhead Town Board at a Regular Town Board meeting on July 16, 2013.

**Resolution#562-ADOPTS A LOCAL LAW TO AMENDING CHAPTER 62 ENTITLED "EXCAVATIONS" OF THE RIVERHEAD TOWN CODE.**

If you have any questions, please call Carol Del Vecchio at 631-727-3200, Ext 262, or Diane Wilhelm at Ext. 260.

Sincerely,

Diane M. Wilhelm  
Town Clerk  
DW:cd



**Office of the Town Clerk**  
*Diane M. Wilhelm, Town Clerk*

---

Registrar of Vital Statistics

Records Management Officer

Marriage Officer

August 9, 2013

We would appreciate your signing this letter acknowledging receipt of the Resolution and emailing it to [wilhelm@townofriverheadny.gov](mailto:wilhelm@townofriverheadny.gov). (Resolution# 562 Town Board Meeting 7.16.13)

Sincerely,

Diane M. Wilhelm  
Town Clerk

Signature: \_\_\_\_\_ date: \_\_\_\_\_

DW:cd



07.16.13  
130562

ADOPTED

TOWN OF RIVERHEAD

Resolution # 562

**ADOPTS A LOCAL LAW AMENDING CHAPTER 62 ENTITLED  
"EXCAVATIONS" OF THE RIVERHEAD TOWN CODE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 62 entitled "Excavations" of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 22<sup>nd</sup> day of May, 2013 at 7:10 o'clock p.m. at Riverhead 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 62 entitled "Excavations" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio  Yes  No  
Wooten  Yes  No

Gabrielsen  Yes  No  
Dunleavy  Yes  No

Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Riverhead adopted a local law amending Chapter 62 entitled "Excavations", of the Riverhead Town Code at its meeting held on July 16, 2013. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 62  
EXCAVATIONS**

**§ 62-3. Definitions.**

GRADE

The degree of rise or descent of a sloping surface.

MATERIAL

Topsoil, loam, earth, sand, and/or gravel, and such other material such as wood, stumps, timber in its natural or reprocessed state.

NATURAL DRAINAGE

The stormwater runoff resulting from topographical and geographical conditions prior to changing the grade by any method including but not limited to exportation, importation or grading of the land or portion thereof.

NATURAL GRADE

The elevation of the ground surface in its natural state before alteration.

NATURAL WATERSHED

An area of land which, in its natural state and prior to any change, including but not limited to exportation, importation or grading, and due to its topography and geography, drains to a particular location within that area.

**§ 62-5. Exempt premises and qualifications for Certificate of Exemption.**

A. The following uses and operations by an owner or lessee of premises or by his agent are exempt from the provisions of this chapter:

- ~~(2)~~(1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to remove soil for the purpose of agricultural production shall be exempt from Chapter 62 or import material related to or incidental to the harvesting of crops or such other agricultural production provided that (1) the removal of soil shall be limited to that amount of material necessary to plant or harvest crops and (2) shall not change the natural grade or slope and/or natural drainage existing on the subject property prior to the above described activity. An applicant may qualify for a certificate of exemption for

~~importation or excavation of material as defined in this chapter, provided that such importation or excavation is necessary for the purpose of establishing an agricultural operation as defined in § 108-3. As provisions set forth in Chapter 108 and Chapter 44 of the Town Code make clear that preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, except as set forth above the exportation of material will not be exempt from the provisions of this chapter.~~

(2)An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to import material shall be exempt from Chapter 62 provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilizer so as to enrich soils and restore the opportunity for improved plant growth (2) the importation of material shall not change the natural grade or slope and/or natural drainage existing on the subject property prior to the above described activity, (3) material imported shall not exceed 3000 cubic yards per year (4) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations Part 360(3) (5) the material be ground to a size less than 6" in length x 2: in width or chipped to size 2" (6) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, and (7) the material shall not be offered for sale but instead must be used on site.

(3)An owner or lessee of improved residential property seeking to import material shall be exempt from Chapter 62 provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilize lawn and planting (2) the importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above described activity is altered (2) material imported shall not exceed 1000 cubic yards per year (3) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations Part 360(3) (4) the material be ground to a size less than 3" in length x 2: in width or chipped to size 2" (5) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, and (6) the material shall not be offered for sale but instead must be used and incorporated into the lawn or planting areas.

A. B. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Town Board:

(1) An applicant may qualify for a certificate of exemption for excavation by dredging operations within existing navigable waters upon demonstration of approval by appropriate town, county, state or federal agencies or departments.

(2)An applicant may qualify for a certificate for exemption for importation of materials as defined in this chapter, provided that such importation is necessary for the purpose of operating, maintaining, or establishing an agricultural operation as defined in 108-3 and

subject to the following conditions: (1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment pursuant to Article 25-AA of the Agriculture and Markets Law, (2) the importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above described activity is altered (3) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilizer so as to enrich soils and restore the opportunity for improved plant growth (4) material shall not exceed 10000 cubic yards per year (5) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations part 360 (6) the material be ground to a size less than 6" in length x 2" in width or chipped to a size 2" (7) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, (8) a detailed statement of the proposed work and three-dimensional extent of the proposed importation and exact condition of the plot or premised before the work proposed to be accomplished under the requested permit is commenced and the proposed condition of said plot or premises when the work is completed (9) a detailed statement from NYS AG & Markets, Suffolk County Soil Conservation or NRCS and (10) the material, in its natural or reprocessed state, shall not be offered for sale but instead must be used onsite. Note, as set forth in 62-5 (A) (1) preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, the exportation of material will not be eligible for a certificate of exemption.

B.C. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Building Administrator:

- (1) An applicant may qualify for a certificate of exemption for importation, excavation or exportation of material as defined in this chapter when such importation, excavation or exportation is necessary for the construction of a single-family residence and accessory uses related to single-family residences subject to an applicant obtaining permit approval, pursuant to Chapter 52 from the Building Department for such residence or accessory uses, upon submission of a copy of the building permit and survey indicating the amount of material imported, excavated or exported required for said construction.
- (2) An applicant may qualify for a certificate of exemption for the excavation or exportation of material, as defined in this chapter, for soil borings, provided that the material excavated or exported is limited to the amount required to obtain the boring sample.

#### **§ 62-4. Application for Permit.**

- A. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption prior to the excavation, exportation or importation of material as defined in Chapter 62. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption pursuant to § 62-5 of this chapter from the Town Board of the Town of Riverhead, except applicants seeking to excavate, export or import material related to a

proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with building permit and/or foundation permit prior to application for a permit under this chapter. Note: a permit or certificate of exemption shall not entitle the applicant to clear or grade without obtaining approvals required under § 108-129B and D, Chapter 52 and/or Chapter 63. For that purpose, such owner, lessee or agent shall file with the Building Department of the Town of Riverhead a verified application, in duplicate, for such permit or request for exemption containing a detailed statement of the proposed work, together with a plan prepared by a duly licensed engineer or land surveyor of the State of New York or a plot plan reviewed and approved by Natural Resources Conservation Service or Suffolk County Soil and Water Conservation for agricultural production as defined in § 108-3 or such other activities that may qualify for a certificate of exemption, setting forth in detail or including the following information:

(12) An applicant for residential, commercial and/or industrial subdivision approval or site plan approval shall submit an estimate of the volume of materials to be excavated, exported or imported as certified by a professional engineer, to either the Planning Board or Town Board. The estimate of the volume of materials shall be noted on the approved site plan or subdivision map. Note, as stated above, applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with building permit and/or foundation permit prior to application for a permit under this chapter. In addition, the Town may limit a permit for projects to be constructed or improved in phases or capable of phased construction or improvement such that the Chapter 62 permitted activities run concurrent with the phased construction or improvement.

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

Dated: Riverhead, New York  
July 16, 2013

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

**CHAPTER 62  
EXCAVATIONS**

**§ 62-3. Definitions.**

**GRADE**

The degree of rise or descent of a sloping surface.

**MATERIAL**

Topsoil, loam, earth, sand, gravel, and such other material such as wood, stumps, timber in its natural or reprocessed state.

**NATURAL DRAINAGE**

The stormwater runoff resulting from topographical and geographical conditions prior to changing the grade by any method including but not limited to exportation, importation or grading of the land or portion thereof.

**NATURAL GRADE**

The elevation of the ground surface in its natural state before alteration.

**NATURAL WATERSHED**

An area of land which, in its natural state and prior to any change, including but not limited to exportation, importation or grading, and due to its topography and geography, drains to a particular location within that area.

**§ 62-5. Exempt premises and qualifications for Certificate of Exemption.**

A. The following uses and operations by an owner or lessee of premises or by his agent are exempt from the provisions of this chapter:

- (1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to remove soil for the purpose of agricultural production shall be exempt from Chapter 62 provided that (1) the removal of soil shall be limited to that amount of material necessary to plant or harvest crops and (2) shall not change the natural grade or slope and/or natural drainage existing on the subject property prior to the above described activity. As provisions set forth in Chapter 108 and Chapter 44 of the Town Code make clear that preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, except as set forth above the exportation of material will not be exempt from the provisions of this chapter.

(2) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to import material shall be exempt from Chapter 62 provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilizer so as to enrich soils and restore the opportunity for improved plant growth (2) the importation of material shall not change the natural grade or slope and/or natural drainage existing on the subject property prior to the above described activity, (3) material imported shall not exceed 3000 cubic yards per year (4) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations Part 360(3) (5) the material be ground to a size less than 6" in length x 2: in width or chipped to size 2" (6) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, and (7) the material shall not be offered for sale but instead must be used on site.

(3) An owner or lessee of improved residential property seeking to import material shall be exempt from Chapter 62 provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilize lawn and planting (2) the importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above described activity is altered (2) material imported shall not exceed 1000 cubic yards per year (3) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations Part 360(3) (4) the material be ground to a size less than 3" in length x 2: in width or chipped to size 2" (5) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, and (6) the material shall not be offered for sale but instead must be used and incorporated into the lawn or planting areas.

B. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Town Board:

(1) An applicant may qualify for a certificate of exemption for excavation by dredging operations within existing navigable waters upon demonstration of approval by appropriate town, county, state or federal agencies or departments.

(2) An applicant may qualify for a certificate for exemption for importation of materials as defined in this chapter, provided that such importation is necessary for the purpose of operating, maintaining, or establishing an agricultural operation as defined in 108-3 and subject to the following conditions: (1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment pursuant to Article 25-AA of the Agriculture and Markets Law, (2) the importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above described activity is altered (3) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilizer so as to enrich soils and restore the opportunity for improved plant growth (4) material shall

not exceed 10000 cubic yards per year (5) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations part 360 (6) the material be ground to a size less than 6" in length x 2" in width or chipped to a size 2" (7) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, (8) a detailed statement of the proposed work and three-dimensional extent of the proposed importation and exact condition of the plot or premises before the work proposed to be accomplished under the requested permit is commenced and the proposed condition of said plot or premises when the work is completed (9) a detailed statement from NYS AG & Markets, Suffolk County Soil Conservation or NRCS and (10) the material, in its natural or reprocessed state, shall not be offered for sale but instead must be used onsite. Note, as set forth in 62-5 (A) (1) preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, the exportation of material will not be eligible for a certificate of exemption.

C. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Building Administrator:

- (1) An applicant may qualify for a certificate of exemption for importation, excavation or exportation of material as defined in this chapter when such importation, excavation or exportation is necessary for the construction of a single-family residence and accessory uses related to single-family residences subject to an applicant obtaining permit approval, pursuant to Chapter 52 from the Building Department for such residence or accessory uses, upon submission of a copy of the building permit and survey indicating the amount of material imported, excavated or exported required for said construction.
- (2) An applicant may qualify for a certificate of exemption for the excavation or exportation of material, as defined in this chapter, for soil borings, provided that the material excavated or exported is limited to the amount required to obtain the boring sample.

#### **§ 62-4. Application for Permit.**

A. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption prior to the excavation, exportation or importation of material as defined in Chapter 62. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption pursuant to § 62-5 of this chapter from the Town Board of the Town of Riverhead, except applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with building permit and/or foundation permit prior to application for a permit under this chapter. Note: a permit or certificate of exemption shall not entitle the applicant to clear or grade without obtaining approvals required under § 108-129B and D, Chapter 52 and/or Chapter 63. For that purpose, such owner, lessee or agent shall file with the Building Department of the Town of Riverhead a verified application, in duplicate, for such permit or request for exemption containing a detailed statement of the proposed work, together with a plan prepared by a duly licensed engineer or land surveyor of the State of New

York or a plot plan reviewed and approved by Natural Resources Conservation Service or Suffolk County Soil and Water Conservation for agricultural production as defined in § 108-3 or such other activities that may qualify for a certificate of exemption, setting forth in detail or including the following information:

- (12) An applicant for residential, commercial and/or industrial subdivision approval or site plan approval shall submit an estimate of the volume of materials to be excavated, exported or imported as certified by a professional engineer, to either the Planning Board or Town Board. The estimate of the volume of materials shall be noted on the approved site plan or subdivision map. Note, as stated above, applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with building permit and/or foundation permit prior to application for a permit under this chapter. In addition, the Town may limit a permit for projects to be constructed or improved in phases or capable of phased construction or improvement such that the Chapter 62 permitted activities run concurrent with the phased construction or improvement.

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Riverhead

Local Law No. 10 of the year 2013

A local law Amending Chapter 62 Entitled "Excavations" of the Riverhead Town Code  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Riverhead

as follows:

Adopts a Local Law Amending Chapter 62 Entitled "Excavations" of the Riverhead Town Code

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 10 of 2013 of the ~~(County)(City)(Town)(Village)~~ of Riverhead Town Board was duly passed by the ~~(County)(City)(Town)(Village)~~ on July 16, 2013, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on 2013, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 \_\_\_\_\_ above.

*Diane M. Kilhela*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *July 22, 2013*

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF SUFFOLK

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

~~County~~  
~~City~~ of Riverhead  
Town  
~~Village~~

Date: July 22, 2013

Principal Clerk of the NEWS-REVIEW, a weekly newspaper, published at Riverhead, in the Town of Riverhead, County of Suffolk and State of New York, and that the Notice of which the annexed is a printed copy, has been regularly published in said Newspaper once, each week for 1 week(s), successfully commencing on the 25<sup>th</sup> day of July, 2013.

*Karen Kane*  
Principal Clerk

Sworn to before me this 21 day of July 2013.

*Christina Volinski*  
CHRISTINA VOLINSKI  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01VO6105050  
Qualified in Suffolk County  
My Commission Expires February 28, 2016

**LEGAL NOTICE  
TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter 62 entitled "Excavations", of the Riverhead Town Code at its meeting held on July 16, 2013. It is enacted by the Town Board of the Town of Riverhead as follows:

**CHAPTER 62  
EXCAVATIONS**

**§ 62-3. Definitions.**

**GRADE.**  
The degree of rise or descent of a sloping surface.

**MATERIAL.**  
Topsoil, loam, earth, sand, and/or gravel and such other material such as wood, stumps, timber in its natural or reprocessed state.

**NATURAL DRAINAGE.**  
The stormwater runoff resulting from topographical and geographical conditions prior to changing the grade by any method including but not limited to exportation, importation or grading of the land or portion thereof.

**NATURAL GRADE.**  
The elevation of the ground surface in its natural state before alteration.

**NATURAL WATERSHED.**  
An area of land which, in its natural state and prior to any change, including but not limited to exportation, importation or grading, and due to its topography and geography, drains to a particular location within that area.

**§ 62-5. Exempt premises and qualifications for Certificate of Exemption.**

A. The following uses and operations by an owner or lessee of premises or by his agent are exempt from the provisions of this chapter:

(2) (1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to remove soil for the purpose of agricultural production shall be exempt from Chapter 62 or import material related to or incidental to the harvesting of crops or such other agricultural production provided that (1) the removal of soil shall be limited to that amount of material necessary to plant or harvest crops and (2) shall not change the natural grade or slope and/or natural drainage existing on the subject property prior to the above described activity. An applicant may qualify for a certificate of exemption for importation or excavation of material as defined in this chapter, provided that such importation or excavation is necessary for the purpose of establishing an agricultural operation as defined in § 108-3. As provisions set forth in Chapter 108 and Chapter 44 of the Town Code make clear that preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, except as set forth above the exportation of material will not be exempt from the provisions of this chapter.

(2) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to import material shall be exempt from Chapter 62 provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilize soil so as to enrich soils and restore the opportunity for improved plant growth (2) the importation of material shall not change the natural grade or slope and/or natural drainage existing on the subject property prior to the above described activity, (3) material imported shall not exceed 3000 cubic yards per year (4) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations Part 360(3) (5) the material be ground to a size less than 6" in length x 2" in width or chipped to size 2" (6) the material shall not include material

containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles and (7) the material shall not be offered for sale but instead must be used on site.

(3) An owner or lessee of improved residential property seeking to import material shall be exempt from Chapter 62 provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilize lawn and planting (2) the importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above described activity is altered (2) material imported shall not exceed 1000 cubic yards per year (3) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations Part 360(3) (4) the material be ground to a size less than 3" in length x 2" in width or chipped to size 2" (5) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles and (6) the material shall not be offered for sale but instead must be used and incorporated into the lawn or planting areas.

B. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Town Board:

(1) An applicant may qualify for a certificate of exemption for excavation by dredging operations within existing navigable waters upon demonstration of approval by appropriate town, county, state or federal agencies or departments.

(2) An applicant may qualify for a certificate of exemption for importation of materials as defined in this chapter, provided that such importation is necessary for the purpose of operating, maintaining, or establishing an agricultural operation as defined in 108-3 and subject to the following conditions: (1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment pursuant to Article 25-AA of the Agriculture and Markets Law (2) the importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above described activity is altered (3) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilize soil so as to enrich soils and restore the opportunity for improved plant growth (4) material shall not exceed 10000 cubic yards per year (5) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations part 360 (6) the material be ground to a size less than 6" in length x 2" in width or chipped to a size 2" (7) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles (8) a detailed statement of the proposed work and three-dimensional extent of the proposed importation and exact condition of the plot or premises before the work proposed to be accomplished under the requested permit is commenced and the proposed condition of said plot or premises when the work is completed (9) a detailed statement from NYS AG & Markets, Suffolk County Soil Conservation or NRCS and (10) the material, in its natural or reprocessed state, shall not be offered for sale but instead must be used onsite. Note, as set forth in 62-5 (A) (1) preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, the exportation of material will not be eligible for a certificate of exemption.

C. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Building Administrator:

(1) An applicant may qualify for a certificate of exemption for importation, excavation or exportation of material as defined in this chapter when such importation, excavation or exportation is necessary for the construction of a single-family residence and accessory uses related to single-family residences subject to an applicant obtaining permit approval, pursuant to Chapter 52 from the Building Department

for such residence or accessory uses, upon submission of a copy of the building permit and survey indicating the amount of material imported, excavated or exported required for said construction.

(2) An applicant may qualify for a certificate of exemption for the excavation or exportation of material, as defined in this chapter, for soil borings, provided that the material excavated or exported is limited to the amount required to obtain the boring sample.

**§ 62-4. Application for Permit.**

A. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption prior to the excavation, exportation or importation of material as defined in Chapter 62. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption pursuant to § 62-5 of this chapter from the Town Board of the Town of Riverhead, except applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with building permit and/or foundation permit prior to application for a permit under this chapter. Note: a permit or certificate of exemption shall not entitle the applicant to clear or grade without obtaining approvals required under § 108-129B and D, Chapter 52 and/or Chapter 63. For that purpose, such owner, lessee or agent shall file with the Building Department of the Town of Riverhead a verified application, in duplicate, for such permit or request for exemption containing a detailed statement of the proposed work, together with a plan prepared by a duly licensed engineer or land surveyor of the State of New York or a plot plan

reviewed and approved by Natural Resources Conservation Service or Suffolk County Soil and Water Conservation for agricultural production as defined in § 108-3 or such other activities that may qualify for a certificate of exemption, setting forth in detail or including the following information:

(12) An applicant for residential, commercial and/or industrial subdivision approval or site plan approval shall submit an estimate of the volume of materials to be excavated, exported or imported as certified by a professional engineer, to either the Planning Board or Town Board. The estimate of the volume of materials shall be noted on the approved site plan or subdivision map. Note, as stated above, applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with building permit and/or foundation permit prior to application for a permit under this chapter. In addition, the Town may limit a permit for projects to be constructed or improved in phases or capable of phased construction or improvement such that the Chapter 62 permitted activities run concurrent with the phased construction or improvement.

• Underline represents addition(s)  
• Strikethrough represents deletion(s)  
Dated: Riverhead, New York  
July 16, 2013  
**BY ORDER OF  
THE TOWN BOARD OF THE TOWN  
OF RIVERHEAD  
DIANE M. WILHELM,  
TOWN CLERK**



STATE OF NEW YORK  
DEPARTMENT OF STATE  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

ANDREW M. CUOMO  
GOVERNOR

CESAR A. PERALES  
SECRETARY OF STATE

August 2, 2013

Diane M Wilhelm  
Town Clerk  
200 Howell Avenue  
Riverhead NY 11901

**RE: Town of Riverhead, Local Law 10 & 11 2013, filed on July 26, 2013**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

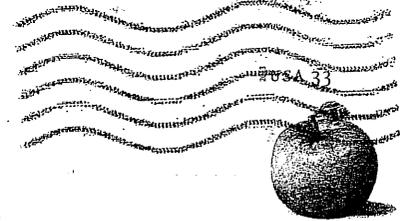
Sincerely,  
State Records and Law Bureau  
(518) 474-2755

FILED IN OFFICE OF  
DIANE M. WILHELM  
TOWN CLERK  
2013 AUG - 8 P 12:11

**GENERAL  
CODE**

781 Elmgrove Road  
Rochester, NY 14624

p: 800/836-8834 fax: 585/328-8188  
email: sales@generalcode.com



08/12/2013

#291478

**Ms. Diane M. Wilhelm:**

The following material has been received and will be processed for inclusion in your Code as supplemental pages (where applicable):

LL No. 10-2013 to LL No. 11-2013

Town of Riverhead  
C/O Clerk's Office  
200 Howell Avenue  
Riverhead, NY 11901

1257000

