

Minutes of a Special Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on September 24, 1970 at 9:00 A.M.

Present:

Bruno Zaloga, Supervisor
 Thomas R. Costello, Town Justice
 Robert G. Leonard, Town Justice
 Vincent B. Grodski, Councilman
 George G. Young, Councilman

Also present: John J. Munzel, Town Attorney.

WAIVER OF NOTICE AND CONSENT OF MEETING

WE, the undersigned, being all members of the Town Board of the Town of Riverhead, Suffolk County and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York, at 9:00 A.M., on the 24th day of September, 1970, and do consent to the holding of such meeting for the purpose of voting on the matter of the adoption of the revised Zoning Ordinance No. 26 of the Town of Riverhead and the repeal of the existing Zoning Ordinance No. 26 and all amendments thereto.

Dated: September 24, 1970

Signed:

Bruno Zaloga

Supervisor

Thomas R. Costello

Town Justice

Robert G. Leonard

Town Justice

Vincent B. Grodski

Councilman

George G. Young

Councilman

Filed.

The following communications received relative to the proposed revised Zoning Ordinance No. 26 and the repeal of the existing Zoning Ordinance No. 26 are hereby noted.

Copies of the communications were submitted to the members of the Town Board, Town Attorney and Building Inspector and are filed in the Office of the Town Clerk.

COMMUNICATIONS

Suffolk County Department of Planning, dated September 16, 1970 -received by Town Clerk on September 17, 1970, stating:

"After study and deliberation deemed the recodified zoning ordinance to be a matter for local determination with the following suggestions:

1. Transfer of the Board of Appeals special permit powers for non-nuisance and wholesale business to the Town Board.

COMMUNICATIONS continued:
(Suffolk County Department of Planning)

2. That single family homes be eliminated in the Industrial "A" and "B" districts. The intrusion of homes in an industrial area may limit expansion, interfere with normal industrial activity and subject the residential user to health and safety hazards.
3. That consideration be given to the use of performance standards as relates to all non-residential uses.

Page 2-Further determined that the rezoning of a + 120 ft. tract from Agricultural "A" to Business "B" at the northwesterly corner of Main Road (Route 25) and Cross River Drive (C.R. 105) be disapproved because of the following.

1. It is not consistent with the Town Master Plan which designates this area for high density residence use.
2. It is contrary to the Bi-County Master Plan which calls for retention of downtown Riverhead as a major activity center.
3. It would ultimately have a detrimental effect on the economic vitality of the Riverhead Central Business District.
4. It would significantly increase traffic generation on Route 25 thereby limiting the safety and traffic carrying capacity of said facility.
5. There appears to be ample vacant business zoned land in the locale.
6. It would establish a precedent for the further perpetuation of business development in the locale and along the State road.
7. It constitutes the unwarranted extension of business development into Farm-Residential area.
8. It would impair the zoning stability of the surrounding area.
9. It would ultimately negate the expenditure of the previous Town improvements in the Riverhead Business District. "(End)

Robert L. Tooker, Esq., dated September 16th, 1970 - received September 17th, 1970, requesting Section 208B (2) be amended to read "No multiple family dwelling, apartment house or garden apartment shall be erected upon a lot having a width less than 200 feet. There shall be no less than 3,000 square feet for each 800 square feet of floor area."

COMMUNICATIONS continued:

Jacob Harding, Esq., dated September 18, 1970 - received September 18th, 1970, stating he is in complete accord with opinions expressed on page 2 of Suffolk County Department of Planning Communication dated 9/16/70 (outlined on page 262 of this meeting). Further stating that not only would the proposed rezoning be inconsistent with the Master Plan but such a step would be subject to a change of flagrant "spot zoning".

Dorothy Clark Esseks, President, The League of Women Voters, dated September 18, 1970 - received September 21, 1970, listing summary of the League's statement at Public Hearing held on September 15th, 1970, and suggesting a public hearing be held on all proposed re-zoning of specific properties to give the citizens of the Town an opportunity to voice their opinions.

RESOLUTION

Councilman Grodski offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish in the October 1st, 1970 issue of the News-Review, the official newspaper of the Town of Riverhead for that purpose the following Public Notice:

PUBLIC NOTICE

NOTICE IS HEREBY given that at a Special Meeting of the Town Board of the Town of Riverhead, held at the Town Hall, 220 Roanoke Avenue, Riverhead, New York on the 24th day of September, 1970, the following Resolution was adopted:
RESOLUTION ADOPTS REVISED ZONING ORDINANCE NO. 26 TOGETHER WITH MAP ENTITLED "ZONING USE DISTRICTS, TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK" DATED MAY 5, 1969 AS AMENDED DECEMBER 2, 1969 AND MAY 5, 1970, AND REPEALS EXISTING ZONING ORDINANCE NO. 26 AND ALL AMENDMENTS THERETO.

WHEREAS the Town Board of the Town of Riverhead, Suffolk County, New York, has caused all matters and things to be done which are required by the Town Law and other statutes made and provided in connection with the adoption of revised Zoning Ordinance No. 26, together with Map entitled, "Zoning Use Districts, Town of Riverhead, Suffolk County, New York," dated May 5, 1969 as amended December 2, 1969 and May 5, 1970, and repeals existing Zoning Ordinance No. 26 and all amendments thereto.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead, hereby ordains and enacts the following revised Zoning Ordinance No. 26 of the Town of Riverhead, together with map entitled "Zoning Use Districts, Town of Riverhead, Suffolk County, New York," dated May 5, 1969 as amended December 2, 1969 and May 5,

1970 and repeals existing Zoning Ordinance No. 26 and all amendments thereto.

ZONING ORDINANCE NO. 26 OF THE TOWN OF RIVERHEAD, NEW YORKARTICLE 1 - GENERAL SECTION 101 - SHORT TITLE

This Ordinance shall be known and cited as the "Zoning Ordinance of the Town of Riverhead, Suffolk County, New York".

SECT. 101A - PURPOSE:

The purpose of this Ordinance is to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes, establish the boundaries of districts for said purposes so as to promote the health, safety, morals and general welfare of the Town of Riverhead, with reasonable consideration, among other things, to the character of a district and its peculiar suitability for particular uses, the conservation of property values and to encourage the most appropriate use of land in the Town of Riverhead in accordance with a comprehensive plan.

SECTION 102 - DEFINITIONS

For the purpose of this Ordinance certain terms and words are herewith defined as follows:

1. ACCESSORY BUILDING,

STRUCTURE OR USE - A building, structure or use customarily incidental and subordinate to the principal building or use and located on the same lot with such

principal building or use.

2. AGRICULTURE - The cultivation of the soil for food products or other useful or valuable growths of the field or garden but shall not include the raising of animals, poultry or dairy products, riding academies, livery or boarding stables and dog kennels here the same is carried on as business or gainful operation.

3. ALTERATIONS, STRUCTURAL - Any change in the supporting members of a building such as bearing walls, columns, beams or girders, which changes the dimensions of the building.

4. APARTMENT HOUSE - A building for three (3) or more families living independently of each other.

5. APARTMENTS, GARDEN - A group of buildings not more than two and one half (2 1/2) stories in height, each building containing not more than eight (8) dwelling units. If buildings are attached, they shall not contain in the aggregate more than sixteen (16) dwelling units. No portion of any such buildings below the first story or above the second story shall be used for dwelling purposes.

6. BOARDING HOUSE - Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.

7. BREEZEWAY - A roof which may or may not be supported by columns or pillars, tied into two (2) buildings by structural members. A breezeway so constructed shall be considered as a part of

the building and the two (2) buildings which it connects shall be considered as one (1) building.

8. BUILDING - A structure having a roof supported by walls, and when separated by a party wall without openings it shall be deemed a separate building. A building shall include tents and lunch wagons, dining cars, camp cars, traveler trailers, mobile homes or other structures on wheels or other supports if used for business or living purposes.

9. BUILDING AREA - The aggregate of the maximum horizontal cross-section area of building on a lot, excluding eaves, gutters, steps, uncovered porches, and covered but unenclosed porches on the first story, projecting not more than five feet, (5) and excluding terraces.

10. BUILDING, FRONT LINE OF - The line of that face of the building nearest the street line of the lot.

11. BUILDING HEIGHT - The vertical distance from the mean level of the ground surrounding the building to the highest point of the roof provided that chimneys, spires, towers, elevator penthouses, tanks and similar permitted projections shall not be included in the height.

12. BUILDING LINE - Building line shall mean the line of a building on a lot, excluding eaves, gutters or chimneys, projecting not more than eighteen (18) inches, and excluding steps, uncovered porches and covered but unenclosed porches on the first story, projecting not more than five (5) feet, and excluding terraces.

13. CAMP — Any one or more of the following whether or not conducted for profit and whether or not occupied by adults or by children, either as individuals, families or groups, other than a hospital place of detention or school offering general instruction:

a. **TYPE 1.** Any area of land on which are located two (2) or more tents, tent houses and/or camp cottages designed for and of a character suitable for occupancy from April first to December first in any year, regardless of whether such structure or other accommodations actually are occupied during this period or for shorter or longer periods; or

b. **TYPE 2.** Any area of land on which are located two (2) or more house trailers or mobile homes suitable for living purposes; or

c. **TYPE 3.** Any area of land on which are located camp cars, pickup coaches and/or travel trailers for living purposes; or

d. **TYPE 4** — Any land, including any building thereon, used for what is commonly known as "day camp" purposes; or

e. **TYPE 5** — Any area of land on which are located a grouping of buildings, exclusive of mobile homes, travel trailers, and/or camp cars or pickup coaches, for the operation of a recreational camp where certain functions are provided in separate buildings such as dining, laundering, recreational, sleeping, dormitory, rest rooms, etc.; or

f. **TYPE 6**—Camp, farm labor — Any area of land and all buildings or other structures pertaining thereto, any part of which may be occupied by persons employed as laborers in farm activities who are provided with sleeping facilities, in whole or in part, by the owner, lessee, or operator thereof, with or without stipulated agreement as to the duration of their stay, whether or not they are supplied with meals but who are supplied with such services or facilities as are necessary for their use of such property.

14. CUSTOM WORK, SHOP FOR — A business premises used for the making of clothing, millinery, shoes or other personal articles to individual order and measure, for sale at retail on the premises only, not including the manufacture of "ready-to-wear" or standardized products.

15. DWELLING — Any house or building or portion thereof which is occupied in whole or in part as the home, residence or sleeping place of one (1) or more

persons either permanently or transiently.

16. DWELLING, ONE FAMILY — A detached building designed for or occupied exclusively as a home or residence for not more than one (1) family.

17. DWELLING, TWO FAMILY — A building designed for and occupied exclusively as a home or residence for two (2) families, living independently of each other.

18. DWELLING, MULTIPLE FAMILY — A building, other than a garden apartment or apartment house, designed for and occupied as a residence by three (3) or more families, living independently of each other.

19. FAMILY — One (1) or more persons occupying the premises and living as a single housekeeping unit, as distinguished from the occupants of a boarding house, dormitory, lodging house, club, sorority, fraternity, hotel, motel or boat and the like.

20. FARM — Any parcel of land which is used for gain in the raising of agricultural products, live stock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used.

21. FLOOR AREA — The total of the horizontal areas of floors of a building measured between exterior faces of exterior walls, excluding areas for accessory garage purposes and such basement and cellar areas as are devoted exclusively to uses accessory to the operation of the building.

22. GARAGE, PRIVATE — A building or space used as an accessory to a main building providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted. When a private garage is attached to the main building it shall be considered an integral part of the main building.

23. GARAGE, PUBLIC — Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

24. GASOLINE SERVICE STATION — Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles, and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

25. HOME OCCUPATION — A customary personal service occupation such as dressmaking,

millinery, hair dressing, and home cooking, by way of description but not limited to these; provided that such occupation shall be conducted solely by members of the resident family and in the main building only, that not more than the equivalent of one-half (1/2) of the area of one (1) floor shall be used for such purposes, that no display of advertising other than a small nameplate, and no display of products made shall be visible from the street, that no stock-in-trade shall be kept, and that no mechanical or electrical equipment is used except customary household equipment.

26. HOME PROFESSIONAL OFFICE — The office or studio of a resident physician, surgeon, dentist, lawyer, architect, musician or teacher as herein restricted, by way of description, but not limited to these; provided that not more than one (1) person is employed who is not a member of the family, and that such office shall be in the main building and shall not occupy more than the equivalent of one-half (1/2) of the area of one (1) floor of said building. For the purposes of this paragraph, a "teacher" shall be restricted to a person giving individual instruction in subjects to a single pupil at a time. A HOME PROFESSIONAL OFFICE shall not include the office of any person professionally engaged in the purchase or sale of economic goods, dancing instruction, band instruction or voice instruction in groups, tea rooms, tourist homes, beauty parlors, barber shops, convalescent homes, funeral homes, and stores, trades or businesses of any kind not herein above specifically excepted shall not be deemed to be Home Professional Offices. The Home Professional Office of a physician shall not include a biological or other medical testing laboratory.

27. HOSPITAL — A building or buildings used for the diagnosis, treatment or other care of human ailments, other than primarily for specialized care of mental illness, contagious or infectious disease or liquor or drug addicts except that facilities for a limited number of such patients may be provided in accordance with the regulations of the State Health Department. A hospital shall be deemed to include a sanitarium, sanatorium, clinic, convalescent home, nursing home, rest home or building with an equivalent appellation.

28. HOTEL — A building or part thereof which has a common entrance, common heating system and general dining room, and which contains seven (7) or more living and sleeping rooms, designed to be occupied by individuals or groups of individuals, for

compensation.

29. INDUSTRY, NON-NUISANCE — Any industry which is not detrimental to the environment in which it is located by reason of the emission of noise, smoke, odor, dust, dirt, gas, glare, heat, liquid, fire hazards, industrial waste, transportation and traffic, and which does not include any open storage yard or outdoor processing of materials.

30. LOT — A portion or parcel of land considered as a unit, devoted to a certain use, or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

31. LOT, CORNER — A parcel of land at the junction of and fronting on two (2) or more intersecting streets, where the interior angle of intersection does not exceed one hundred thirty five (135) degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty five (135) degrees.

32. LOT, INTERIOR — A lot other than a corner lot.

33. LOT, THROUGH — An interior lot having frontage on two (2) streets.

34. LOT, WIDTH OF — The distance between the side lines of the lot, measured along a line at the nearest point of any building on a lot to the street line and parallel to the street line or to the chord of street line of the lot, if street line is on a curve.

35. MARINA (GENERAL) — A boat basin with facilities for berthing and securing all types of recreational craft, as well as providing adequate supplies, provisions, and service and fueling facilities.

36. MARINA (RESORT) — A boat basin with facilities for berthing and securing all types of recreational craft but which may not provide adequate supplies, provisions and service and fueling facilities, except emergency services may be provided and the owner of a boat may repair and service his own boat.

37. MOTEL — A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units with direct outside access, designed primarily for transient automobile travelers, and provided with accessory offstreet parking facilities. The term MOTEL includes buildings designed as tourist courts, over night cabins, motor lodges, and other similar appellation, but shall not be construed to include mobile or immobile trailers.

38. **NONCONFORMING USE** — Any building, structure or land lawfully occupied by a use that does not conform with the regulations of the use district in which it is situated.

39. **PARKING SPACE** — The space required for each motor vehicle intended or required to be parked in an off-street parking area. Each parking space shall have an area of not less than two hundred (200) square feet with a minimum width of ten (10) feet, and in addition thereto there shall be provided such space as is reasonably necessary for adequate ingress, egress, and turning. The formula providing for an adequate parking area is an area of three hundred thirty-four (334) square feet per required motor vehicle unit.

40. **PORCHES, UNINCLOSED** — A roof supported by columns or pillars, the sides of which shall not be inclosed with screens, windows, jalousies or bulkhead, except that a railing with pickets not over thirty (30) inches in height may be installed between columns or pillars.

41. **SIGN** — A name identification, description, display, illustration or device which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surfaces or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include any display of official court or public office notices, nor shall it include the flag, emblem, or insignia of a nation, political unit, school or religious group. A sign shall not include a sign located completely within an inclosed building unless the context shall so indicate.

42. **SIGN, AREA OF** — The area of the sign shall include all the surface or surfaces which carries any device for visual communication.

43. **SIGN, BUSINESS OR PROFESSIONAL** — A sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached.

44. **SIGN, ADVERTISING** — A sign which directs attention to a business, commodity, service or entertainment conducted, not necessarily sold or offered upon the premises where such sign is located or to which it is affixed. A doublefaced or V-type advertising structure shall be considered one (1) sign.

45. **SPECIAL PERMIT BY TOWN BOARD** — Permission by the Town Board to use lands and/or buildings now in existence or to be constructed after application, subject to such reasonable

conditions and safeguards as may be determined by the Town Board after a public hearing. The Town Board shall take into account the public health, safety, moral, welfare and pollution danger of any description to the ecology of the Town and its natural environs. Terms and conditions of the Town Board may include continuing compliance with such reasonable standards of performance so as to insure optimum environmental conditions for the Town of Riverhead. A public hearing shall be had upon such notice as is required under Section 265 of the Town Law and the applicant shall pay the cost of such notice prior to such public hearing.

46. **STORY** — That portion of a building included between the surface of any floor other than a cellar floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it. The ground or first story is the lowest story of a building above the level of the ground in front of building and shall include the area on more than one level provided each of the levels are separated by not more than eight (8) risers.

47. **STORY, HALF** — A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

48. **STORY, AREA OF** — The area of any story of a building measured between exterior faces of exterior walls, excluding attached garages, carports, uninclosed porches and breezeways.

49. **STREET** — A street is a means of access to an existing or proposed building or structure over an existing state, county or town highway or over an improved street shown upon a plat approved by the Planning Board and duly filed and recorded in the office of County Clerk or over a right of way or easement within an open development area or areas established by the Town Board.

50. **STRUCTURE** — A combination of materials, other than a building, forming a construction that is safe and stable. Excluded shall be a combination of such materials having a total floor area of less than fifty (50) square feet, and which are used for purposes other than family dwelling, storage, business, farm or industrial purposes. Also excluded shall be fences four (4) feet or less in height in a front yard and six (6) feet or less in height elsewhere on a lot.

51. **SWIMMING POOL** — A body of water having a depth of more than eighteen (18) inches in an artificial or semi-artificial receptacle or other container whether located indoors or outdoors, used or designed, arranged or intended

to be used for public, semi-public or private swimming by people, whether or not any charge or fee is imposed.

52. **UNOCCUPIED AREA** — The area of a front yard, measured from the street line, open and unoccupied, at all times, by a building, structure or by the storage or display of anything whether movable or immovable, except for hedges, shrubs or solid fencing which do not exceed two and one-half (2½) feet in height.

53. **USED CAR OR BOAT SALES LOT** — Any parcel of land for the sale only of motor vehicles or boats in operable condition and which shall be able to pass the registration and inspection, requirements of the State of New York with minor repairs, if necessary, and upon which lot or parcel of land there are no facilities for repair work.

54. **WHOLESALE BUSINESS — NON-NUISANCE** — Any industry which is not detrimental to the environment in which it is located by reason of the emission of noise, smoke, odor, dust, dirt, gas, glare, heat liquid, fire hazards, industrial waste, transportation and traffic, and which does not include any open storage yard or outdoor processing of materials.

55. **YARD, FRONT** — A space unoccupied except as otherwise herein provided between the front street line and the nearest point of any building line or structure on the lot and extending from side lot line to side lot line.

56. **YARD, REAR** — A space unoccupied, except by a building or structure of accessory use as herein provided, extending from side lot line to side lot line between the rear lot line and the extreme rear line of the main building.

57. **YARD, SIDE** — A space unoccupied, except by a building or structure of accessory use as herein provided, situated between the line of the principal building and side lines of the lot and extending from the front lot line to the rear lot line.

SECTION 103 — INTERPRETATION

In interpreting and applying the provisions of this Ordinance, such provisions shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that when this Ordinance imposes a greater restriction upon the use of buildings or premises or upon heights of buildings or requires larger open spaces than are required by easements, covenants or agreements, the provisions of this Ordinance shall govern.

In this Ordinance, if not incon-

sistent with the context, the singular may be taken for the plural and the plural for the singular; person may include more than one, an association, a co-partnership or corporation; the present tense includes the future; the word "lot" includes the word "plot"; the word "shall" is mandatory and not directory.

SECTION 104 — VALIDITY

It is hereby declared to be the intention of the Town Board of the Town of Riverhead that the sections, paragraphs, sentences, clauses, and words of this Ordinance are severable; and if any word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections, of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this Ordinance as the same would have been enacted by the Town Board without the incorporation in this Ordinance of any such unconstitutional word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections.

ARTICLE II — USE DISTRICTS

SECTION 200 — DISTRICTS

Sect. 200A DESIGNATED DISTRICTS:

In order to designate districts for the purpose of this Ordinance and to list the districts in the order of most restrictive to least restrictive, the Town of Riverhead is hereby divided into the following use districts:

- Residence A District
- Residence B District
- Residence C District
- Agriculture A District
- Business A District (Resort Business)
- Business B District (Shopping Centers)
- Business C District (Neighborhood)
- Business D District (General)
- Industrial A District (Light Industry)
- Industrial B District (General Industry)

No building or structure shall be erected or altered, or shall any building or premises be used for any purpose, other than a use permitted in the district in which such building or premises is located.

Sect. 200B DISTRICT BOUNDARIES:

The boundaries of said districts are hereby established as shown on map entitled, "Zoning Use Districts, Town of Riverhead, Suffolk County, New York," dated May 5, 1969 as amended December 2, 1969 and May 5, 1970, which map is hereby made a part of this Ordinance and all notations, references and other things shown thereon shall be as much

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a part of this Ordinance as fully described herein.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of streets, or highways, street lines or highway right of way lines, such center lines, street lines or highway right of way lines shall be construed to be such boundaries.

2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right of way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.

4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

5. Where the boundary of a district follows a stream, lake or other body of water said boundary line shall be deemed to be at the limit of the jurisdiction of the Town of Riverhead unless otherwise indicated.

SECTION 201 - RESIDENCE A DISTRICT

Sect. 201A USES:

In the Residence A District, no building, structure or premise shall be used, or arranged or designated to be used, and no building or structure shall be hereafter erected, reconstructed or altered, unless otherwise provided in this Ordinance, except for one or more of the following permitted uses, or accessory uses:

1. Permitted uses:

- a. One Family dwelling
- b. Park and playground, non-commercial

2. Accessory Uses:

Accessory uses customarily incident to any of the above permitted uses when located on the same lot and not involving the conduct of a business, profession or home occupation. Specifically permitted are the following:

- a. Private garages, private boathouses, private greenhouses and similar accessory buildings for residences.
- b. Temporary building or shed used during construction of a building or structure on the premises provided such building or shed is located in the rear yard.

c. Swimming pool constructed in accordance with the provisions of Article III, Section 3011 of this Ordinance.

d. Boats and Trailers. Any boat, house, trailer, mobile home, camp trailer, or camp car in excess of 15 feet in overall length shall not be stored or kept in the area between the street right-of-way and the front line of the main building projected to the side lot lines on any lot in a residence district and within 10 feet of any side lot or rear lot line and no such boat or trailer shall be stored or maintained in such manner as to constitute an attractive nuisance or hazard to children.

Sect. 201B GENERAL LOT, YARD AND HEIGHT REQUIREMENTS:

No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this Ordinance by reference and made a part hereof with the same force and effect as if such requirement were herein set forth in full as specified in said Schedule, except as may be hereafter specifically modified.

Sect. 201C ACCESSORY BUILDING OR STRUCTURE:

1. No accessory building or structure shall be erected, reconstructed or altered so as to be situated as follows:

- a. In a front yard.
- b. In a side yard unless the accessory building is sixty (60) feet from a side street line, thirty (30) feet from a property line and ten (10) feet from any other building.
- c. In a rear yard unless the accessory building is twenty (20) feet from a property line and ten (10) feet from any other building and sixty (60) feet from a side street line and rear street line.

d. Excepted from a, b, and c of this section, are fences not exceeding four (4) feet in height which may be erected on the lot lines of the front yard of a one family dwelling; fences not exceeding six (6) feet which may be erected on other lot lines of a one family dwelling; on lots used for other than one family dwellings, wire strand or open woven wire fences up to six (6) feet in height may be erected on all lot lines. If such fence is erected along any street, the permitted height thereof shall be measured from the existing elevation of the center line of such street.

2. Where an accessory building is constructed as a building subordinate to the use of a park or playground, the building shall be erected, reconstructed or altered

and Mrs Fred Bonicker of Middle Village, were guests for the week-end at the home of Mr and Mrs Paul White.

Mrs Dorothy Luther had guests for the week-end from Brooklyn, N. Y. and Mrs John King. Mr King had a pleasant visit with his sister Mrs William Nesbitt. Also visiting was Mrs Nell Reidy of Woodhaven.

Mr and Mrs Leonard Buonanducci and their children Michael and Doreen, have just returned from a wonderful vacation in Boston, Mass. Returning home they visited Mr Buonanducci's family and friends in Hartford, Conn. Michael was happy to see his cousin Chris who he brought back from Flanders for a visit.

Jeffrey Luther, son of Mr and Mrs James Luther had a Bar-

ning or structure shall be hereafter erected, reconstructed or altered unless otherwise provided in this Ordinance, except for one or more of the following permitted uses or accessory uses:

1. Permitted Uses:

- a. Agriculture, provided no storage of manure shall be permitted within one hundred (100) feet of any side or rear lot lines or within one hundred fifty (150) feet of any street lines.
- b. One Family dwellings.
- c. Churches, parish houses, rectory and convent; public and private elementary and high schools having curriculum the same as ordinarily given in elementary and secondary schools and not a vocational or trade school.
- d. Parks and playgrounds, non-commercial.
- e. Colleges and universities.

2. Accessory Uses:

Accessory uses customarily incident to any of the above permitted uses when located on the same lot and not involving the conduct of a business. Specifically permitted are the following:

- a. Home occupations or professions conducted within the dwelling by the residents thereof.
- b. The sale at retail of "home-grown" or "home-made" products raised or produced on the premises, provided no roadside stands, tables or similar devices for the purpose of display or sale of such products shall be permitted in the front yard.
- c. Private garages, private boathouses, private greenhouses and similar accessory buildings for residences. Potato storage buildings, machinery storage buildings, greenhouses, irrigation pump houses and similar accessory buildings or structure for agriculture.

d. A temporary building or shed used during construction of a building or structure on the premises provided such building or shed is located in the rear yard.

e. Swimming pools constructed in accordance with Article III, Section 3011 of this Ordinance.

f. Boats and Trailers. Any boat, house trailer, mobile home, camp trailer, or camp car in excess of 15 feet in overall length shall not be stored or kept in the area between the street right-of-way and the front line of the main building projected to the side lot lines on any lot in a residence district and within 10 feet of any side lot or rear lot line and no such boat or trailer shall be stored or maintained in such manner as to constitute an attractive nuisance or hazard to children.

Sect. 202B GENERAL LOT, YARD AND HEIGHT REQUIREMENTS:

No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this Ordinance by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said Schedule, except as may be hereafter specifically modified.

Sect. 202C ACCESSORY BUILDING OR STRUCTURE

1. No accessory building or structure shall be erected, reconstructed or altered so as to be situated as follows:

- a. In a front yard.
- b. In a side yard unless the accessory building is fifty (50) feet from a side street line, twenty (20) feet from a property line and twenty (20) feet from any other building.
- c. In a rear yard unless the accessory building is twenty (20) feet from a property line and twenty (20) feet from any other building and fifty (50) feet from a side street line and rear street line.

d. Excepted from a, b, and c of this section, are fences not exceeding four (4) feet in height which may be erected on the lot lines of the front yard of a one family dwelling; fences not exceeding six (6) feet in height which may be erected on other lot lines of a one family dwelling, on lots used for other than one family dwellings, wire strand or open woven wire fences up to six (6) feet in height may be erected on all lot lines. If such fence is erected along any street, the permitted height thereof shall be measured from the existing elevation of

the center line of such street.

2. Where an accessory building is constructed as a building subordinate to the use of a park or playground, the building shall be erected, reconstructed or altered in conformity to the requirements hereof for a main building.

Sect. 202D LIVING AREA:

No dwelling shall be erected unless provision shall be made therein as follows:

1. For single family dwelling, exclusive of attached garages, carports, uninclosed porches and breezeways, not less than one thousand (1000) square feet of area of the first story, but a maximum of two hundred (200) square feet of area of the second story may be used and applied to the area requirement of the first story.

SECTION 203 —

RESIDENCE C DISTRICT

Sect. 203A USES:

In the Residence C District, no building, structure, or premises shall be used, or arranged or designated to be used and no building or structure shall be hereafter erected, reconstructed or altered, unless otherwise provided in this Ordinance, except for one or more of the following permitted uses, special permit uses, or accessory uses:

1. Permitted Uses:

- a. Agriculture, provided no storage of manure shall be permitted within one hundred (100) feet of any side or rear lot lines or within one hundred fifty (150) feet of any street lines.
- b. One Family dwellings.
- c. Churches, parish houses, rectory and convent; public and private elementary and high schools, having curriculum the same as ordinarily given in elementary and secondary schools and not a vocational or trade school.
- d. Parks and playgrounds, non-commercial.
- e. Colleges and universities.
- f. Fraternal organizations.
- g. Libraries.
- h. A one family dwelling erected prior to January 1, 1966, may be converted to two family or multiple family dwelling provided that the required minimum lot area and living area equals that established in this district.
- i. Marina (Resort).
- j. Yacht Clubs.
- k. Standard golf course and club house erected prior to the adoption of this Ordinance.

2. Special Permit Uses:

- a. Multiple family dwellings, garden apartments, and apartment houses by special permit of the Town Board.

3. Accessory Uses:

Accessory uses customarily incident to any of the above permitted

uses when located on the same lot and not involving the conduct of a business. Specifically permitted are the following:

- a. Home Occupations or professions conducted within the dwelling by the residents thereof.
- b. The sale at retail of "home grown" or "home-made" products raised or produced on the premises, provided no roadside stands, tables or similar devices for the purpose of display or sale of such products shall be permitted in the front yard.
- c. Private garages, private boathouses, private greenhouses and similar accessory buildings for residences. Potato storage buildings, machinery storage buildings, greenhouses, irrigation pump houses and similar accessory buildings or structures for agriculture.
- d. A temporary building or shed used during construction of a building or structure on the premises provided such building or shed is located in the rear yard.
- e. Swimming pools constructed in accordance with Article III, Section 3011 of this Ordinance.
- f. Boats and Trailers. Any boat, house trailer, mobile home, camp trailer, or camp car in excess of 15 feet in overall length shall not be stored or kept in the area between the street right-of-way and the front line of the main building projected to the side lot lines on any lot in a residence district and within 30 feet of any side lot or rear lot line and no such boat or trailer shall be stored or maintained in such manner as to constitute an attractive nuisance or hazard to children.

Sect. 203B GENERAL LOT, YARD AND HEIGHT REQUIREMENTS:

No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this Ordinance by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified.

Sect. 203C LOT AREA:

1. No single family dwelling shall be erected or converted on a lot having an area less than twenty thousand (20,000) square feet and a width of less than one hundred (100) feet without a water supply system or sewerage system approved by the Suffolk County Department of Health; where such approved water supply or sewerage system exists the

lot shall have a width of at least one hundred (100) feet and a minimum area of fifteen thousand (15,000) square feet.

2. No multiple family dwelling, apartment house or garden apartment shall be erected on a lot of less than three (3) acres and having a width of less than two hundred (200) feet. There shall be no less than three thousand (3,000) square feet of lot area for each eight hundred (800) square feet of floor area.

Sect. 203D ACCESSORY BUILDING OR STRUCTURE:

1. No accessory building or structure shall be erected, reconstructed or altered so as to be situated as follows:
 - a. In a front yard.
 - b. In a side yard unless the accessory building is forty (40) feet from a side street line, ten (10) feet from a property line and ten (10) feet from any other building.
 - c. In a rear yard unless the accessory building is ten (10) feet from a property line and ten (10) feet from any other building and forty (40) feet from a side street line and rear street line.
 - d. Excepted from a, b, and c of this section, are fences not exceeding four (4) feet in height which may be erected on the lot lines of the front yard of a one-family dwelling; fences not exceeding six (6) feet in height, which may be erected on other lot lines of a one-family dwelling; on lots used for other than one-family dwelling, wire strand or open wire fences up to six (6) feet in height may be erected on all lot lines. If such fence is erected along any street, the permitted height thereof shall be measured from the existing elevation of the center line of such street.

2. Where an accessory building is constructed as a building subordinate to the use of a park or playground, the building shall be erected, reconstructed or altered in conformity to the requirements hereof for a main building.

Sect. 203E LIVING AREA:

No dwelling shall be erected unless provision shall be made therein as follows:

1. For single family dwelling — Exclusive of attached garages, carports, uninclosed porches and breezeways, not less than nine hundred (900) square feet of area of the first story, but a maximum of two hundred (200) square feet of area of the second story may be used and applied to the area requirement of the first story.
2. A single family dwelling converted to two family or multiple family dwelling shall provide for a minimum living area per family equal to that required of para-

graph 1 of this section.

Sect. 203F ADDITIONAL REQUIREMENTS:

Where a multiple family dwelling, apartment house or garden apartments consist of more than one (1) principal building, there shall be a minimum distance between such principal buildings of fifty (50) feet.

SECTION 204 —

AGRICULTURE A DISTRICT

Sect. 204A USES:

In Agriculture A District, no building, structure or premises shall be used, or arranged or designated to be used and no building or structure shall be hereafter erected, reconstructed or altered, unless otherwise provided in this Ordinance, except for one or more of the following permitted uses, special exception, special permit or accessory uses:

1. Permitted Uses:

- a. Agriculture
- b. Cemetery
- c. Churches; parish houses, rectory and convent; public and private elementary and high schools having curriculum the same as ordinarily given in elementary and secondary schools, and may include a vocational or trade school.
- d. Cold Storage Plant
- e. Colleges and Universities
- f. Golf Course (standard) with or without club house
- g. Greenhouse, plant nursery and garden
- h. Libraries
- i. Membership club, non-profit
- j. Offices or meeting rooms of philanthropic, fraternal or social organizations.
- k. One family dwelling
- l. One family dwelling erected prior to January 1, 1966, may be converted to two family or multiple family dwelling provided that the required minimum lot area and living area equals that established in this district.
- m. Golf driving range, archery, outdoor swimming pool
- n. Parks, playground
- o. Museum; community center
- r. Riding academy and corral
- s. Vegetable or fruit grading station and/or storage.

2. Special Exception and Special Permit Uses:

Except where Town Board approval is required herein for a special exception or special permit use, such use shall be subject to approval by the Board of Appeals, pursuant to Article IV, Section 403, of this Ordinance.

- a. Airport when authorized by special permit from the Town Board
- b. Flat and harness racetrack when authorized by special

permit from the Town Board.

c. Two family dwellings, garden apartments, and multiple family dwellings, by special permit of the Town Board.

d. Gasoline service station by special permit of the Town Board.

e. Camp — Type 6, by special permit of the Town Board.

3. Accessory Uses:

Accessory uses customarily incidental to any of the above permitted uses when located on the same lot. Specifically permitted are the following:

a. The Sale at retail of "home-grown" or "home-made" products mainly raised or produced on the premises.

b. Home occupations or profession conducted within the dwelling by the residents thereof or in a building accessory thereto.

c. Private garages, private bathhouses, greenhouses, barns, storage equipment buildings, potato houses and other similar accessory buildings.

d. Agricultural — Seasonal one family dwellings, to include but not limited to trailers and mobile homes provided that:

(1) The dwelling may be occupied only from February 1 to December 31 in each year; and

(2) The dwelling is located on a lot of not less than eighty-four hundred (8400) square feet, exclusive of area of driveway; and

(3) All sides of the lot, except for the side lines of driveway to the lot, shall be more than twenty-five (25) feet from any street; and

(4) All other yard requirements, lot width, and heights shall comply with the provisions of Residence C District; and

(5) The dwelling may not be used unless one member of the family occupies the dwelling and is employed as an agricultural worker by the owner or lessee of the property on which the dwelling is located. The owner or lessee of the property shall annually, prior to the occupation of the dwelling, file with the Building Inspector an affidavit showing such employment, and shall likewise file an affidavit upon the termination of such employment; and

(6) Not more than one dwelling is permitted for each fifty (50) acres of contiguous property owned or leased and farmed by the owner or lessee of the property, subject to the owner or lessee of the property sub-

mitting to the Building Inspector a letter from the Suffolk County Department of Health stating that a dwelling or dwellings had been removed by the order of the Suffolk County Department of Health from the property upon which the owner or lessee now desires to erect the one family dwelling; and

(7) The number of occupants of such dwelling shall be limited to the habitable floor space of such dwelling, as follows:

One (1) or two (2) occupants — at least one hundred fifty (150) square feet.

Three (3) occupants — at least two hundred fifty (250) square feet.

For each additional occupant at least eighty (80) additional square feet.

As used in this subsection, "habitable floor space" shall not include dining, cooking or bathroom and toilet areas.

(8) The owner or lessee shall comply with the Town of Riverhead Building Code Ordinance No. 35 only in connection with the provisions covering application for building permits, fees and certificate of occupancy.

(9) Notwithstanding any other requirements as to location, such a dwelling may be located on the site of a building condemned and removed or demolished for failure to comply with sanitary standards.

e. Boats and Trailers. Any boat, house trailer, mobile home, camp trailer, or camp car in excess of 15 feet in overall length shall not be stored or kept in the area between the street right-of-way and the front line of the main building projected to the side lot lines on any lot in a residence district and within 10 feet of any side lot or rear lot line and no such boat or trailer shall be stored or maintained in such manner as to constitute an attractive nuisance or hazard to children.

Sect. 204B GENERAL LOT, YARD AND HEIGHT REQUIREMENTS:

No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this Ordinance by reference and made part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said Schedule, except as may be hereafter specifically modified.

Sect. 204C LOT AREA:

1. No two (2) family dwelling shall be erected or converted on a lot having an area less than forty thousand (40,000) square feet and having a width of less than one hundred fifty (150) feet.

2. No multiple family dwelling, apartment house or garden apartment shall be erected or converted on a lot of an area of less than three (3) acres and having a width of less than two-hundred (200) feet. There shall be no less than three-thousand (3,000) square feet of lot area for each eight-hundred (800) square feet of floor area.

Sect. 204D ACCESSORY BUILDING OR STRUCTURE:

1. No accessory building or structure shall be erected, reconstructed or altered so as to be situate as follows:

a. In a front yard.

b. In a side yard unless the accessory building is forty (40) feet from a side street line, ten (10) feet from a property line and ten (10) feet from any other building.

c. In a rear yard unless the accessory building is ten (10) feet from a property line and ten (10) feet from any other building and forty (40) feet from a side street line and rear street line.

d. Excepted from a, b, and c of this Section are fences not exceeding four (4) feet in height which may be erected on the lot line of the front yard of a one family dwelling; fences not exceeding six (6) feet which may be erected on other lot lines of a one family dwelling; on lots used for other than one family dwellings, wire strand or open woven wire fences up to six (6) feet in height may be erected on all lot lines. If such fence is erected along any street, the permitted height thereof shall be measured from the existing elevation of the center line of such street.

2. Where an accessory building is constructed as a building subordinate to the use of a park or playground, the building shall be erected, reconstructed or altered in conformity to the requirements hereof for a main building.

Sect. 204E LIVING AREA:

No dwelling shall be erected unless provision shall be made therein as follows:

1. For single family dwellings — Exclusive of attached garages, carports, uninclosed porches and breezeways, not less than nine-hundred (900) square feet of area of the first story, but a maximum on one-hundred fifty (150) square feet of area of the second story may be used and applied to the area requirement of the first story.

2. For two (2) family dwelling — Exclusive of attached garages, carports, uninclosed porches and breezeways, not less than eight-hundred (800) square feet of area of the first story but a maximum of eight-hundred (800) square feet of area of the second story may be used and applied to the area requirement of the first story.

3. Multiple family dwelling, apartment house and apartment — Not less than five-hundred (500) square feet per apartment or dwelling unit.

4. A single family dwelling converted to two (2) family or multiple family dwelling shall provide for a minimum living area per family equal to that required by paragraph 1 of this section.

Sect. 204F ADDITIONAL REQUIREMENTS FOR SPECIAL PERMIT USES:

1. Where multiple family dwelling, apartment house or garden apartments consist of more than one (1) principal building, there shall be a minimum distance between such principal buildings of fifty (50) feet.

2. No Multiple family dwelling, apartment house or garden apartment shall be erected within a radius of five-hundred (500) feet of any existing single family dwelling measured between the principal buildings.

3. Gasoline service station:

a. May not be erected within a radius of one half (½) mile from any existing gasoline service station measured between the principal buildings and may not be erected within a radius of five-hundred (500) feet of a residence use district.

b. There must be filed with an application for a special permit an affidavit setting forth the names and addresses of all the owners of real property situate within the radius of 1000 feet of the proposed site as measured from the line of the property which is subject to the application. The notice of public hearing shall set forth that an application for a proposed gasoline service station has been filed with the Town Board, description of the proposed site together with a map thereof, a description of the proposed type of operation, the names and addresses of the applicants and all persons having an interest in the said premises, and the time and place of the public hearing before the Town Board, together with a statement that all persons wishing to be heard in connection with the application should appear before the Town Board at the time specified therein. An af-

fidavit shall set forth proof of service by certified mail return receipt requested of the notice of the application having been sent to all the property owners not less than 30 days prior to the hearing.

c. The permit shall be conditioned: upon the lot being used for retail sale of motor fuels, lubricants, and other motor vehicles supplies, including spark plugs, batteries, tires and other customary minor parts for the repair, servicing, and upkeep of motor vehicles not including body and fender work; upon all repair work to be performed inside a building and only between the hours of 7 a.m. and 9 p.m. prevailing time, except for emergencies and upon there being no storage of dismantled vehicles on the lot. Violations of any of these conditions shall cause a revocation of the permit and the failure to enforce the revocation because of any violation shall not constitute a waiver as to future or continuing violations.

SECTION 205 — BUSINESS A DISTRICT (Resort Business)

Sect. 205A USES:

In the Business A (Resort Business) District, no building, structure or premise shall be used, or arranged, or designated to be used, and no building or structure shall be hereafter erected, reconstructed or altered unless otherwise provided in this Ordinance, except for one or more of the following permitted uses, special permit and accessory uses:

1. Permitted uses:

- Beach club and yacht club
- Dwelling, one and two family
- Hotel, motel, boatel, boarding house
- Marina (Resort), Marina (General)
- Offices or meeting rooms of philanthropic, fraternal, social, educational or membership organizations
- Park, playground
- Restaurant
- Retail store or shop
- Shop for custom work and for making articles to be sold at retail on premises.

2. Multiple family dwellings, apartment houses and garden apartments by special permit of the Town Board.

3. Accessory Uses:

Accessory uses customarily incident to any of the above permitted uses when located on the same lot. Specifically included are the following:

- Home occupation or profession conducted within the dwelling by the residents thereof.

b. Private garage, private greenhouse, private boat-house; summer house used exclusively for sleeping or recreational purposes; similar accessory buildings or uses.

c. Temporary building or shed used during construction of a building or structure on the premises provided such building or shed is located in the rear yard.

d. Swimming pool constructed in accordance with the provisions of Article III, Section 3011 of this Ordinance.

e. Boats and Trailers. Any boat, house trailer, mobile home, camp trailer, or camp car in excess of 15 feet in overall length shall not be stored or kept in the area between the street right-of-way and the front line of the main building projected to the side lot lines on any lot in a residence district and within 10 feet of any side lot or rear lot line and no such boat or trailer shall be stored or maintained in such manner as to constitute an attractive nuisance or hazard to children.

Sect. 205B GENERAL LOT, YARD AND HEIGHT REQUIREMENTS:

No principal building shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this Ordinance by reference and made part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said Schedule, except as may be hereafter specifically modified.

Sect. 205C LOT AREA:

1. No two (2) family dwelling shall be erected or converted on a lot having an area less than forty thousand (40,000) square feet and having a width of less than one hundred fifty (150) feet.

2. No multiple family dwelling, apartment house or garden apartment shall be erected on a lot of an area of less than three (3) acres and having a width of less than two hundred (200) feet. There shall be no less than three thousand (3000) square feet of lot area for each eight hundred (800) square feet of floor area.

3. For Hotels, motels, boatels and boarding houses — Not less than two thousand (2000) square feet lot area for each six hundred (600) square feet of floor area and having a width of not less than seventy (70) feet.

4. For all other buildings and structures — Not less than eighty four hundred (8400) square feet lot area and having a width of not less than seventy (70) feet.

Sect. 205D FRONT YARD:

1. For one and two family dwellings — The minimum depth of front yard need not exceed the

average depth of the front yards of the existing principal buildings on the same side of the street for a distance of one thousand (1000) feet determined by measuring in each direction, five hundred (500) feet along the street starting from the center of the front street line of the building lot; provided said minimum shall not be less than twenty five (25) feet nor need the maximum be greater than fifty (50) feet. This averaging provision shall not apply where only one principal building exists within said one thousand (1000) feet in which case the minimum depth shall be twenty five (25) feet.

2. For all other buildings or structures — There shall be two unoccupied area of twenty five (25) feet.

Sect. 205E SIDE YARDS:

1. For one and two family dwellings — There shall be two (2) side yards, one (1) on each side of the building, the total width on both sides to be not less than eighteen (18) feet with the maximum of either side yard being not less than eight (8) feet wide. In case of a corner lot no building shall be erected, reconstructed or altered nearer to a side street line than twenty five (25) feet.

2. For all other buildings or structures — There shall be two (2) side yards, fifteen (15) feet on each side of the building. When parking is provided in a side yard, the side yard shall be thirty five (35) feet, fifteen (15) feet of which shall be unoccupied area. In case of a corner lot there shall be unoccupied area of twenty five (25) feet on the side street line.

Sect. 205F LIVING AREA:

1. For a single family dwelling — Exclusive of attached garages, carports, unenclosed porches and breezeways, not less than nine hundred (900) square feet of area of the first story, but a maximum of two hundred (200) square feet of area of the second story may be used and applied to the area requirement of the first story.

2. For two (2) family dwellings — Exclusive of attached garages, carports, unenclosed porches and breezeways, not less than sixteen hundred (1600) square feet of area of the first story, but a maximum of seven hundred (700) square feet of area of the second story may be used and applied to the area requirement of the first story.

Sect. 205G ADDITIONAL REQUIREMENTS:

1. Where a multiple family dwelling apartment house or garden apartments consist of more than one (1) principal building, there shall be a minimum distance between such principal buildings of fifty (50) feet.

SECTION 206 — BUSINESS B DISTRICT — (SHOPPING CENTER)

Sect. 206A USES:

In the Business B (Shopping Center) District, no building, structure or premise shall be used or arranged or designated to be used and no building or structure shall be hereafter erected, reconstructed or altered, unless otherwise provided in this Ordinance, except for one or more of the following permitted uses, special exception, special permit or accessory uses:

1. Permitted Uses:

- Bakery, ice cream or confectionery shop where products are made and sold at retail on the premises.
- Bank, financial institution
- Bus passenger shelter
- Community center
- Funeral home; mortuary or undertaking establishment
- Motor vehicle, new and used car sales lots and boat sales rooms, motor vehicle and boat repair facilities operated in connection with motor vehicle and boat sales rooms where all automobile and boat parts, dismantled vehicles and boats, and similar articles are stored within a building.
- Office: business, professional, utility
- Offices or meeting rooms of philanthropic, fraternal, social, educational or membership organizations.
- Park, playground or recreational area operated by the Town.
- Personal service shop, such as barber shop, beauty parlor, professional studio, travel agency or similar shop and provided the total floor area is less than four thousand (4,000) square feet, dry cleaning and laundry service.
- Radio and TV broadcasting studio

1. Restaurant

m. Retail store or shop

n. Shop for custom work and for making articles to be sold at retail on premises.

o. Theatre, indoor

2. Special Exception and Special Permit Uses:

Except where Town Board approval is required herein for a special exception or special permit use, such use shall be subject to approval by the Board of Appeals, pursuant to Article IV, Section 403 of this Ordinance.

a. Gasoline service station by special permit of the Town Board.

b. Multiple residence and garden apartments by special permit of the Town Board.

c. Single family residences by special permit of Town Board.

3. Accessory Uses:

a. Customary accessory uses, building or structure incidental to any of the permitted uses.

b. Private garage or offstreet parking and truck loading area.

Sect. 206B GENERAL LOT, YARD AND HEIGHT REQUIREMENTS:

No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this Ordinance by reference and made part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said Schedule, except as may be hereafter specifically modified.

Sect. 206C RESIDENTIAL USE:

1. Any lots subsequently divided to leave a non-conformity residential use as a separate lot must be divided so that such residential lot complies with provisions for lot areas, widths and yard requirements of Agriculture A District of this Ordinance. Any subsequent alteration or enlargements of the building shall comply with the requirements of Agriculture A District of this Ordinance.

2. Any lot in non-conforming residential use or subsequently divided to leave a non-conformity residential use as a separate lot must be divided so that such residential lot complies with the provisions for lot areas width and yard requirements of Agriculture A District of the ordinance. Any subsequent alterations or enlargements of the building shall comply with the requirements of Agriculture A District of this ordinance.

Sect. 206D ADDITIONAL REQUIREMENTS:

1. There shall be submitted with all applications for a permit, other than residential and accessory uses, three (3) copies of a site plan drawn to scale showing the information necessary to determine and provide for the enforcement of this Ordinance.

2. Where a special exception or special permit is required, permission of the appropriate board shall first be obtained before applying for a permit.

3. The site plan shall show: the proposed method of collection and disposal of storm water designed so as not to interfere with adjoining properties or burden public facilities; the proposed lighting facilities for the safety of pedestrian and vehicular traffic with exterior spot lighting of buildings or grounds to be from shaded sources and located so that the light beams are not directed toward any lot in a residential district or toward a public highway; the method of water supply and of sewage disposal conforming to Health Department requirements.

4. Vehicular entrances and exits shall be clearly visible from access streets and shall not be located within seventy-five (75) feet of any street intersection.

5. Areas of more than ten (10) acres shall have entrance and exit roads and to more than one street or two to the same street, which roads shall have a minimum width of thirty (30) feet, for one-way traffic and of fifty (50) feet for two-way traffic.

6. There shall be a six (6) feet high fence, chain link, basket weave or woven picket, installed along all adjacent lot lines except street lines. Such fence requirements may be waived in whole or in part by the Town Board under the following conditions: By the owner of the lot filing written acknowledgment consent of the adjoining owners to the waiver of this requirement or by the Town Board finding, on the showing of the lot owner, that the waiving of these fence requirements will not interfere with the orderly and reasonable use of the lot and of the adjacent properties.

7. There shall be a protective planting strip not less than ten (10) feet in width along any lot line abutting a residential district. The planting shall be evergreens which will attain and which shall be maintained to a height of not less than eight (8) feet to provide an effective natural screen between districts.

8. Gasoline service station:

a. May not be erected within a radius of one half (1/2) mile from any existing gasoline service station measured between the principal buildings and may not be erected within a radius of five-hundred (500) feet of a residence use district.

b. There must be filed with an application for a special permit an affidavit setting forth the names and addresses of all the owners of real property situate within the radius of 1000 feet of the proposed site as measured from the line of the property which is subject to the application. The notice of public hearing shall set forth that an application for a proposed gasoline service station has been filed with the Town Board, description of the proposed site together with a map thereof, a description of the proposed type of operation, the names and addresses of the applicants and all persons having an interest in the said premises, and the time and place of the public hearing before the Town Board, together with a statement that all persons wishing to be heard in connection with the application should appear before the Town Board at the time specified therein. An affidavit shall set forth proof of service by certified mail return receipt requested of the notice of the application having been sent to all the prop-

erty owners not less than 30 days prior to the hearing.

c. The permit shall be conditioned: upon the lot being used for retail sale of motor fuels, lubricants, and other motor vehicles supplies including spark plugs, batteries, tires and other customary minor parts for the repair, servicing, and upkeep of motor vehicles not including body and fender work; upon all repair work to be performed inside a building and only between the hours of 7 a.m. and 9 p.m. prevailing time, except for emergencies and upon there being no storage of dismantled vehicles on the lot. Violations of any of these conditions shall cause a revocation of the permit and the failure to enforce the revocation because of any violation shall not constitute a waiver as to future or continuing violations.

Sect. 206E REVIEW OF SITE PLAN:

Before issuing a building permit each application together with the accompanying site plan shall be referred by the Building Inspector within seven (7) days to the Town Board for its review and its recommendation. Within sixty (60) days of receipt of said application, the Town Board shall approve, modify or disapprove said site plan. The Town Board shall state its reasons for any modifications or disapproval. If the Town Board takes no action within sixty (60) days of receipt of the application from the Building Inspector, the plan shall be deemed approved. The Building Inspector shall not issue a permit for any plan which does not have Town Board approval; however, if the applicant consents to any modifications made by the Town Board, the Building Inspector may thereupon issue a permit conforming to such modified plan without further submission to the Town Board.

SECTION 207— BUSINESS DISTRICT — C (NEIGHBORHOOD BUSINESS)

Sect. 207A USES:

In the Business C District (Neighborhood Business), no building, structure or premise shall be used, or arranged or designated to be used and no building or structure shall be hereafter erected, reconstructed or altered unless otherwise provided in this Ordinance, except for one or more of the following permitted uses, special exception, special permit or accessory uses:

1. Permitted Uses:

- Bakery, ice cream or confectionery shop where products are made and sold at retail on the premises.
- Bank, financial institution
- Bus passenger shelter
- Community center

e. Funeral home; mortuary or undertaking establishment.

f. Motor vehicle, new and used car sales lots and boat sales rooms; motor vehicle and boat repair facilities operated in connection with motor vehicle and boat sales room where all automobile and boat parts, dismantled vehicles and boats, and similar articles are stored within a building.

g. Used Motor Vehicle and Boat sales Lot. Motor vehicle and boat sales lots on which there are vehicles and boats for sale which are in registerable condition according to rules and regulations of State of New York Motor Vehicle Department and comparable governmental agencies for boats which are in seaworthy condition.

h. Office: business, professional, utility

i. Offices or meeting rooms of philanthropic, fraternal, social, educational or membership organizations.

j. Park, playground.

k. Personal service shop, such as barber shop, beauty parlor, professional studio, travel agency or similar shop and provided the total floor area is less than four thousand (4000) square feet, dry cleaning or laundry service.

l. Radio or TV broadcasting studio

m. Restaurant

n. Retail store or shop

o. Shop for custom work and for making articles to be sold at retail on premises.

p. Theatre, indoor

2. Special Exception and Special Permit Uses:

Except where Town Board approval is required herein for a special exception or special permit use, such use shall be subject to approval by the Board of Appeals, pursuant to Article IV, Section 403, of this Ordinance.

a. Gasoline Service Station by special permit of the Town Board.

b. Multiple family dwellings, apartment houses, garden apartments and motels by special permit of the Town Board.

c. Single family residences by special permit of the Town Board.

3. Accessory Uses:

Accessory uses customarily incidental to any of the above permitted uses when located on the same lot. Specifically permitted are the following:

- Customary accessory uses, buildings or structures incidental to any of the permitted uses.
- Private garages or offstreet parking and truck loading areas.

c. Boats and Trailers. Any boat, house trailer, mobile home, camp trailer, or camp car in excess of 15 feet in overall length shall not be stored or kept in the area between the street right-of-way and the front line of the main building projected to the side lot lines on any lot in a residence district and within 10 feet of any side lot or rear lot line and no such boat or trailer shall be stored or maintained in such manner as to constitute an attractive nuisance or hazard to children.

Sect. 207B GENERAL LOT, YARD AND HEIGHT REQUIREMENTS:

1. No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this Ordinance by reference and made part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said Schedule, except as may be hereafter specifically modified.

2. Any lot in non conforming residential use or subsequently divided to leave a non-conformity residential use as a separate lot must be divided so that such residential lot complies with the provisions for lot areas, width and yard requirements of Agriculture A District of this ordinance. Any subsequent alterations or enlargements of the building shall comply with the requirements of Agriculture A District of this Ordinance.

3. No multiple family dwelling, apartment house or garden apartment shall be erected on a lot of an area of less than 3 acres and having a width of less than 200 feet. There shall be no less than 3,000 square feet for each 800 square feet of floor area.

Sect. 207C ADDITIONAL REQUIREMENTS:

1. Gasoline service station:
a. May not be erected within a radius of one-half (1/2) mile from any existing gasoline service station measured between the principal buildings and may not be erected within a radius of five-hundred (500) feet of a residence use district.

b. There must be filed with an application for a special permit an affidavit setting forth the names and addresses of all the owners of real property situate within the radius of 1,000 feet of the proposed site as measured from the line of the property which is subject to the application. The notice of public hearing shall set forth that an application for a proposed gasoline service station has been filed with the Town Board, description of

the proposed site together with a map thereof, a description of the proposed type of operation, the names and addresses of the applicants and all persons having an interest in the said premises, and the time and place of the public hearing before the Town Board, together with a statement that all persons wishing to be heard in connection with the application should appear before the Town Board at the time specified therein. An affidavit shall set forth proof of service by certified mail return receipt requested of the notice of the application having been sent to all the property owners not less than 30 days prior to the hearing.

c. The permit shall be conditioned: upon the lot being used for retail sale of motor fuels, lubricants, and other motor vehicles supplies including spark plugs, batteries, tires and other customary minor parts for the repair, servicing and upkeep of motor vehicles not including body and fender work; upon all repair work to be performed inside the building and only between the hours of 7:00 a.m. and 9:00 p.m., prevailing time, except for emergencies and upon there being no storage or dismantled vehicles on the lot. Violations of any of these conditions shall cause a revocation of the permit and the failure to enforce the revocation because of any violation shall not constitute a waiver as to future or continuing violations.

**SECTION 208 —
BUSINESS D DISTRICT —
(GENERAL BUSINESS)**

Sect. 208A USES:

In the Business D District (General Business), no building, structure or premise shall be used, or arranged or designated to be used and no building or structure shall be hereafter erected, reconstructed or altered unless otherwise provided in this Ordinance, except for one or more of the following permitted uses, special exception, special permit or accessory uses:

1. Permitted Uses:

- Bakery, ice cream or confectionery shop where products are made and sold at retail on the premises
- Bank, financial institution
- Bus, passenger shelter
- Community Center
- Funeral home; mortuary or undertaking establishment
- Marina (Resort), Marina (General)
- Motor vehicle, new and used car sales lots and boat sales rooms; motor vehicle and boat repair facilities operated in connection with motor vehicle and boat sales-rooms;

motor vehicle and boat repair facilities operated in connection with motor vehicle and boat salesrooms where all automobile and boat parts, dismantled vehicles and boats, and similar articles are stored within a building.

h. Used Motor Vehicle and Boat Sales Lot. Motor vehicle and boat sales lots on which there are vehicles and boats for sale which are in registerable condition according to rules and regulations of State of New York Motor Vehicle Department and comparable governmental agencies for boats which are in seaworthy condition

i. Office: business, professional utility

j. Offices or meeting rooms of philanthropic, fraternal, social, education or membership organizations.

k. Park, playground

l. Personal service shop, such as barber shop, beauty parlor, professional studio, travel agency or similar shop and provided the total floor area is less than four thousand (4000) square feet, dry cleaning or laundry service.

m. Radio or TV broadcasting studio

n. Restaurant

o. Retail store of shop

p. Shop for custom work and for making articles to be sold at retail on premises

q. Theatre, indoor

2. Special Exception and Special Permit Uses:

Except where Town Board approval is required herein for a special exception or special permit use, such use shall be subject to approval by the Board of Appeals, pursuant to Article IV, Section 403, of this Ordinance.

a. Gasoline service station by special permit of the Town Board.

b. Multiple family dwellings, apartment houses, garden apartments and motels by special permit of the Town Board.

c. Single family residences by special permit of the Town Board.

3. Accessory uses:

Accessory uses customarily incidental to any of the above permitted uses when located on the same lot. Specifically permitted are the following:

a. Customary accessory uses, buildings or structures incidental to any of the permitted uses.

b. Private garages or offstreet parking and truck loading areas.

Sect. 208B GENERAL LOT, YARD AND HEIGHT REQUIREMENTS:

1. No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this Ordinance by reference and made part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said Schedule, except as may be hereafter specifically modified.

2. No multiple family dwelling, apartment house or garden apartment shall be erected on a lot of an area of less than 3 acres and having a width of less than 200 feet. There shall be no less than 3000 square feet for each 800 square feet of floor area.

3. Any lot in non-conforming residential use or subsequently divided to leave a non-conformity residential use as a separate lot must be divided so that such residential lot complies with the provisions for lot areas, width and yard requirements of Agriculture A District of the ordinance. Any subsequent alterations or enlargements of the building shall comply with the requirements of Agriculture A District of this ordinance.

Sect. 208C ADDITIONAL REQUIREMENTS FOR SPECIAL PERMIT USES:

1. Gasoline service station.

a. May not be erected within a radius of one-half (1/2) mile from any existing gasoline service station measured between the principal buildings and may not be erected within a radius of five hundred (500) feet of a residence use district.

b. There must be filed with an application for a special permit an affidavit setting forth the names and addresses of all the owners of real property situate within the radius of 1000 feet of the proposed site as measured from the line of the property which is subject to the application. The notice of public hearing shall set forth that an application for a proposed gasoline service station has been filed with the Town Board, description of the proposed site together with a map thereof, a description of the proposed type of operation, the names and addresses of the applicants and all persons having an interest in the said premises, and the time and place of the public hearing before the Town Board, together with a statement that all persons wishing to be heard in connection with the application should appear before the Town Board at the time specified therein. An affidavit shall set forth proof of service by certified mail return receipt requested of the notice of the application having been

sent to all the property owners not less than 30 days prior to the hearing.

c. The permit shall be conditioned upon the lot being used for retail sale of motor fuels, lubricants, and other motor vehicle supplies including spark plugs, batteries, tires and other customary minor parts for the repair, servicing and upkeep of motor vehicles not including body and fender work; upon all repair work to be performed inside a building and only between the hours of 7:00 a.m. and 9:00 p.m., prevailing time except for emergencies and upon there being no storage of dismantled vehicles on the lot. Violations of any of these conditions shall cause a revocation of the permit and the failure to enforce the revocation because of any violations shall not constitute a waiver as to future or continuing violations.

**SECTION 208 —
INDUSTRIAL A DISTRICT —
(LIGHT INDUSTRIY)**

Sect. 208A USES:

In the Industrial A District (Light Industrial), no building, structure or premise shall be used or arranged or designated to be used and no building or structure shall be hereafter erected, reconstructed or altered, unless otherwise provided in this Ordinance, except for one or more of the following permitted uses, special exception, special permit or accessory uses:

1. Permitted Uses:
 - a. Agriculture
 - b. Assembly Hall
 - c. Automobile laundry
 - d. Bottling Works
 - e. Building trade shops
 - f. Cold storage plant
 - g. Farms
 - h. Greenhouse, plant nursery and garden
 - i. Ice cream manufacture
 - j. Marina
 - k. Motor vehicle, mobile home, trailer or boat sales or hire.
 - l. Newspaper offices; job printing establishment
 - m. Offices
 - n. Outdoor theatre, golf driving range, archery, outdoor swimming pool and similar outdoor recreational uses.
 - o. Poultry processing plant
 - p. Repair shops for household and/or personal appliances
 - q. Restaurant
 - r. Telephone exchange
 - s. Trucking station
 - t. Vegetable and fruit processing
 - u. Vehicle repair
 - v. Vocational school
 - w. Warehouse

2. Special Exception and Special Permit Uses:

Except where Town Board approval is required herein for a special exception or special permit use, such use shall be subject to approval by the Board of Appeals, pursuant to Article IV, Section 403 of this Ordinance.

- a. Airport when authorized by special permit of the Town Board.
- b. Sports arena when authorized by special permit of the Town Board.
- c. Motels when authorized by special permit of the Town Board.
- d. Gasoline service station by special permit of the Town Board.
- e. Multiple residence and garden apartments by special permit of the Town Board.
- f. Non-nuisance industry by special permit of the Town Board.
- g. Wholesale business (non-nuisance) by special permit of Town Board.
- h. Dog and horse training, to include but not limited to care, grooming, exercising, schooling and exhibiting.
- i. Camps by special permit of the Town Board.
- j. Single family residences by special permit of the Town Board.

3. Accessory uses:

Accessory uses customarily incidental to any of the above permitted uses when located on the same lot. Specifically permitted are the following:

- a. Customary accessory uses, buildings or structures incidental to any of the permitted uses.
- b. Private garages or off-street parking and truck loading areas.

**Sect. 208B GENERAL LOT,
YARD AND HEIGHT REQUIREMENTS:**

1. No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this Ordinance by reference and made part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said Schedule, except as may be hereafter specifically modified.

2. Any lot in non-conforming residential use or subsequently divided to leave a non-conforming residential use as a separate lot must be divided so that such residential lot complies with the provisions for lot areas, width and yard requirements of Agriculture A District of the ordinance. Any subsequent alterations or enlargements of the building shall comply with the requirements of Agriculture A District of this ordinance.

Sect. 208C ADDITIONAL REQUIREMENTS:

1. Gasoline service station:

a. May not be erected within a radius of one-half (1/2) mile from any existing gasoline service station measured between the principal buildings and may not be erected within a radius of five hundred (500) feet of a residence use district.

b. There must be filed with an application for a special permit an affidavit setting forth the names and addresses of all the owners of real property situate within the radius of 1000 feet of the proposed site as measured from the line of the property which is subject to the application. The notice of public hearing shall set forth that an application for a proposed gasoline service station has been filed with the Town Board, description of the proposed site together with a map thereof, a description of the proposed type of operation, the names and addresses of the applicants and all persons having an interest in the said premises, and the time and place of the public hearing before the Town Board, together with a statement that all persons wishing to be heard in connection with the application should appear before the Town Board at the time specified therein. An affidavit shall set forth proof of service by certified mail return receipt requested of the notice of the application having been sent to all the property owners not less than 30 days prior to the hearing.

c. The permit shall be conditioned: upon the lot being used for retail sale of motor fuels, lubricants, and other motor vehicle supplies including spark plugs, batteries, tires and other customary minor parts for the repair, servicing and upkeep of motor vehicles, not including body and fender work; upon all repair work to be performed inside a building and only between the hours of 7:00 a.m. and 9:00 a.m., prevailing time, except for emergencies and upon there being no storage of dismantled vehicles on the lot. Violations of any of these conditions shall cause a revocation of the permit and the failure to enforce the revocation because of any violation shall not constitute a waiver as to future or continuing violations.

**SECTION 210 —
INDUSTRIAL B DISTRICT —
(General Industry)**

Sect. 210A USES:

In the Industrial B District (General Industry), no building, structure or premise shall be used or arranged or designated to be

used and no building or structure shall be hereafter erected, reconstructed or altered, unless otherwise provided in this Ordinance, except for one or more of the following permitted uses, special exception, special permit of the Town Board or accessory uses:

1. Permitted Uses;

- a. Agriculture
- b. Automobile laundry
- c. Building contractor storage and/or equipment yard
- d. Dry cleaning or laundry plant
- e. Greenhouse, plant nursery and garden
- f. Ice cream manufacture
- g. Newspaper offices; job printing establishment
- h. Offices
- i. Printing and publishing plant
- j. Repair shops for household and/or personal appliances
- k. Restaurant
- l. Storage yard: building material, feed or similar non-hazardous material.

2. Special Exception and Special Permit Uses:

Except where Town Board approval is required herein for a special exception or special permit use, such use shall be subject to approval by the Board of Appeals, pursuant to Article IV, Section 403, of this Ordinance.

- a. Airport when authorized by special permit from the Town Board.
- b. Sports arena when authorized by special permit from the Town Board.
- c. Quarry, mining, loading, hauling and/or processing of sand, gravel, shale or topsoil by special permit of the Town Board.
- d. Non-nuisance industry by special permit.
- e. Wholesale business (non-nuisance) by special permit
- f. Dog and horse training to include but not limited to care, grooming, exercising, schooling and exhibiting
- g. Gas service station by special permit of the Town Board
- h. Camps by special permit of the Town Board.
- i. Single family residences by special permit of the Town Board.
- j. Any other use, not herein before allowed, may be established by special permit of the Town Board.

Accessory uses customarily incidental to any of the above permitted uses when located on the same lot. Specifically permitted are the following:

- a. Customary accessory uses, buildings or structures incidental to any of the permitted uses.
- b. Private garages or off-street parking and truck loading areas.

c. Retail sales related to permitted uses.

Sect. 210B GENERAL LOT, YARD AND HEIGHT REQUIREMENTS:

1. No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this Ordinance by reference and made part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified.

2. Any lot in non-conforming residential use or subsequently divided to leave a non-conformity residential use as a separate lot must be divided so that such residential lot complies with the provisions for lot areas, width and yard requirements of Agriculture A District of the Ordinance. Any subsequent alterations or enlargements of the building shall comply with the requirements of Agriculture A District of this ordinance.

Sect. 210C ADDITIONAL REQUIREMENTS:

1. Gasoline Service Stations:

a. May not be erected within a radius of one-half (1/2) mile from any existing gasoline service station measured between the principal buildings and may not be erected within a radius of five-hundred (500) feet of a residence use district.

b. There must be filed with an application for a special permit an affidavit setting forth the names and addresses of all the owners of real property situate within the radius of 1000 feet of the proposed site as measured from the line of the property which is subject to the application. The notice of public hearing shall set forth that an application for a proposed gasoline service station has been filed with the Town Board, description of the proposed site together with a map thereof, a description of the proposed type of operation, the names and addresses of the applicants and all persons having an interest in the said premises, and the time and place of the public hearing before the Town Board, together with a statement that all persons wishing to be heard in connection with the application should appear before the Town Board at the time specified therein. An affidavit shall set forth proof of service by certified mail return receipt requested of the notice of the application having been sent to all the property owners not less than 30 days prior to the hearing.

c. The permit shall be conditioned: upon the lot being used for retail sale of motor fuels, lubricants, and other motor vehicle supplies including spark plugs, batteries, tires and other customary minor parts for the repair, servicing and upkeep of motor vehicles not including body and fender work; upon all repair work to be performed inside a building and only between the hours of 7:00 a.m. and 9:00 p.m., prevailing time, except for emergencies and upon there being no storage of dismantled vehicles on the lot. Violations of any of these conditions shall cause a revocation of the permit and the failure to enforce the revocation because of any violation shall not constitute a waiver as to future or continuing violations.

**ARTICLE III
SUPPLEMENTARY
REGULATIONS
SECTION 301 -
SUPPLEMENTARY USE
REGULATIONS**

Sect. 301A NONCONFORMITY:

Any building, structure, or use existing on the effective date of this Ordinance or an amendment thereto, may be continued, although such building, structure, or use does not thereafter conform to the regulations of the district in which it is located, and may thereafter be extended if the extent of the structural alterations does not exceed twenty five percent (25%) of the area of building existing at the time it first became a non-conforming use.

A nonconforming use may be changed to another nonconforming use when approved as a special exception by the Board of Appeals as hereinafter provided in Section 403B of this Ordinance, and shall be classified a nonconforming use in continuity. Nothing herein contained shall be construed to permit a residence in a use district where it is not a permitted use.

No nonconforming use may be re-established where such nonconforming use has been discontinued for a period of one (1) year.

Nothing in this Ordinance shall prevent the complete restoration within one (1) year of a building destroyed by accidental cause such as fire, flood, explosion, riot, act of God, or act of the public enemy, or prevent the continuance of the use of such building or part thereof. Such restored building shall not exceed the dimensions of the building destroyed.

Any parcel of land, which has been used or has been shown on a plan for a camp filed with the Town Clerk of the Town of Riverhead, at the effective date of this

Ordinance, but not any amendment hereto, or any parcel of land which at the effective date of this Ordinance, but not any amendment hereto, has been held in a single ownership by an organization, such as the Boy Scouts, 4-H Club or other similar recognized civic or fraternal organization and all or a part thereof has been used for the purposes of a camp, may continue to be used as a camp, although such use does not conform to the regulations of the District in which it is located.

Sect. 301B BEGINNING OF CONSTRUCTION:

Nothing herein contained shall require any change in the plans, construction or designated use of a building, if the foundation walls thereof have been erected prior to the enactment of this Ordinance, provided that construction of such building shall be completed within one (1) year after the enactment of this Ordinance. This section shall apply to buildings otherwise affected by amendments to this Ordinance.

Sect. 301C LOTS IN TWO DISTRICTS:

Where a Zoning Use District boundary line divides a lot in single or joint ownership of record at the time such line is adopted the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion provided the lot has frontage on a street in the less restricted district.

Sect. 301D MUNICIPAL BUILDINGS, HOSPITAL, AND PUBLIC UTILITY BUILDINGS AND STRUCTURES:

Municipal buildings and hospitals shall be permitted in all districts provided that such buildings shall conform with all other provisions of this Ordinance in the district in which located.

Public utility buildings and structures shall be permitted in all districts, when approved as a special exception by the Board of Appeals as herein provided.

Sect. 301E NON-COMMERCIAL BOATHOUSES AND STRUCTURES IN OR OVER WATER:

Non-commercial boathouses and structures in or over water may be erected in any residence district, provided however that said boathouse or structure shall be erected in the yard of the lot contiguous to and having access to a waterway.

Sect. 301F SIGNS:

1. The following signs are permitted in any use district without a permit:

a. One real estate sign not exceeding eight (8) square feet in area, advertising the sale or lease of the premises on which it is erected and set back not less than twenty-five

(25) feet from any side line.

b. One nameplate or professional sign, not exceeding two (2) square feet in area, bearing only the name and profession and/or occupation of the resident, and set back not less than twenty-five (25) feet from any side line.

c. Temporary signs not exceeding eight (8) square feet in area bearing only the name and occupation of the contractor, or architect, and set back not less than twenty-five (25) feet from any side line. Such signs are permitted only during the period of construction of a building or structure.

2. The following signs are permitted in any business, farm or industrial use district without a permit:

a. One sign not exceeding ten (10) square feet in area, advertising the sale at retail of "home grown" or "home-made" products, produced or grown on the premises and set back not less than twenty five (25) feet from any side line. Such sign shall be not less than one-hundred (100) feet from any other sign or a similar type on the same side of the street.

3. The following signs are permitted in any business or industrial use district without a permit:

a. One (1) sign attached to or incorporated in the building wall, which shall project not more than eight (8) inches beyond the face of the wall and which shall not exceed the height restriction of the use district in which it is located.

4. The following signs are permitted in any residence use district upon the issuance of a permit therefor:

a. One (1) sign advertising the sale of lots in a subdivision not exceeding six hundred (600) square feet in area, the lower edge of which shall be not less than two and one half (2-1/2) feet above the ground, exclusive of pillars or posts. Such signs shall not be placed less than one-hundred (100) feet from any other sign of a similar type on the same side of the street and shall not be located less than seventy-five (75) feet from the point of intersection of street lines or less than seventy-five (75) feet from any line of land of an adjoining owner.

5. The following signs are permitted in any farm use district upon the issuance of a permit therefor:

a. Business signs, not exceeding six-hundred (600) square feet in area, the lower edge of

which shall be not less than two and one half (2½) feet above the ground, exclusive of pillars or posts. Such signs shall not be placed less than one hundred (100) feet from any other sign of a similar type on the same side of the street; and such signs shall not be located in a front yard without approval, as a special exception, by the Board of Appeals, as herein provided.

b. Advertising signs, not exceeding six hundred (600) square feet in area, the lower edge of which shall be not less than two and one-half (2½) feet above the ground, exclusive of pillars or posts. Such signs shall be located not less than seventy-five (75) feet from the point of intersection of street lines and not less than six hundred (600) feet from any other sign of a similar type on the same side of the street.

6. The following signs are permitted in any business or industrial use district, upon the issuance of a permit therefor:

a. Business signs, set back not less than fifteen (15) feet from the street line, unless a lesser setback is approved as a special exception by the Board of Appeals as herein provided.

b. Advertising signs, provided that the lower edge thereof shall be not less than two and one-half (2½) feet above the ground, exclusive of pillars or posts.

7. The following signs are permitted in all use districts except residence use districts, upon issuance of a non-renewable permit therefor for which no fee shall be charged.

a. Temporary signs for a period of not more than thirty (30) days, advertising an event of public interest such as a civic or charitable affair. Such signs shall be removed prior to or on the expiration date of the permit. If such sign exceeds eight (8) square feet in area it may not be erected in the front yard.

8. Signs for which a permit is required, shall have affixed on the face thereof the assigned permit number which shall be at least two (2) inches in height.

9. The following signs are permitted in any residence use districts upon the issuance of a permit therefor:

a. Signs for permitted uses other than residential purposes. Such signs shall be set back not less than five (5) feet from the street line and shall not exceed twenty (20) square feet in area.

10. The following signs are permitted in all use districts for

premises occupied for non-conforming uses, upon obtaining a permit therefor.

a. Signs not exceeding twenty (20) square feet in area, located on the premises occupied for non-conforming uses and setback not less than five (5) feet from the street line.

II. Signs for nonconforming use: Signs which require a permit are allowed in any use district for nonconforming uses and/or buildings and for the following permitted uses in residence districts: churches, museums, hospitals, schools, nursing homes, libraries, cemeteries, golf clubs, camps, lodges, chapter houses, subject to the following:

a. The sign may be erected in the front yard five (5) feet or more from the street line.

b. The sign shall not exceed twenty (20) square feet for a single face and shall not exceed twenty (20) square feet for a double face or "V" type structure on each street the property abuts.

c. The sign for a nonconforming use must be located upon the lot which is occupied by the building referred to except that a sign bearing only an inscription of the name of business or use and the location may be located within five-hundred (500) feet of the location of the use.

Sect. 30IG TIDAL LANDS:

When the tidal lands are not shown as zoned on the Zoning Map they shall be considered to lie within the use district to which they are contiguous.

Sect. 30IH PERMITTED USES OF FRONT YARD:

In connection with a Business goods, wares, merchandise, produce, machinery, cars, trailers, lumber or other materials, including "home-grown" or "home-made" products produced on the premises may be displayed fifteen (15) feet or more from the street line.

Sect. 30II SWIMMING POOLS:

No swimming pool shall be constructed, used or maintained in any district without a permit and except in accordance with the following provisions:

1. Every outdoor swimming pool shall be enclosed as follows:

a. The swimming pool shall be completely surrounded by a four (4) foot high woven picket chain link, or basket weave fence. A building may be used as part of such enclosure.

b. All gates or doors opening through such enclosures shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when the owner or occupant of the premises is not present at

the swimming pool, except that the door of any dwelling which forms part of the enclosure need not be so equipped.

2. In the event an owner shall abandon an outdoor swimming pool, he shall notify the Building Inspector and he shall forthwith fill all voids and depressions and restore the premises to the same grade and condition as before the swimming pool was constructed and shall accordingly notify the Building Inspector when said restoration work has been completed.

3. No current carrying electrical conductors, except electric wiring to equipment essential for illumination and necessary operation of swimming pools, shall cross an outdoor swimming pool, either overhead or underground or within fifteen (15) feet of such pool. All metal enclosures, fences or railings near or adjacent to an outdoor swimming pool, which might become electrically charged as a result of contact with broken overhead conductors or from any other cause, shall be effectively grounded.

4. Outdoor and indoor swimming pools are permitted in all residence districts only as an accessory use to a dwelling for the private use of the owner or occupant of such dwelling and his family and guests.

5. Outdoor and indoor swimming pools are permitted in all other districts as a main or accessory use.

Sect. 30IJ OFF-STREET PARKING:

1. Off-street parking spaces shall be provided for the uses specified below. Any land which is developed as a unit under single ownership and control, shall be considered a single lot for the purposes of these parking regulations. Reasonable and appropriate off street parking requirements for buildings and uses which are not set forth below shall be determined by the Board of Appeals with a criteria, upon application to it, giving consideration to all factors and the Town Board may, in specific case upon application to it, modify these requirements upon a consideration of all factors entering into the parking requirements of any use.

SEE TABLE AT END OF LEGAL

2. In the case of mixed uses, the parking spaces required shall be the sum of the requirements for the various individual uses computed separately. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use.

3. In the event any building or structure shall be hereafter altered or enlarged, the entire building or structure as altered or en-

larged shall be deemed new construction and the number of parking spaces to be provided and maintained for such building or structure as altered or enlarged shall be determined on such basis.

4. Private garages, carports or other areas available for parking may be included in computing the area for parking. A driveway for a one-family or two-family residence may be counted as one (1) parking space.

5. Unobstructed access to and from a street shall be provided. Such access shall consist of at least one (1) ten-foot lane for parking areas with less than twenty (20) spaces, and at least two (2) ten-foot lanes for parking areas with twenty (20) or more spaces. No entrance or exit shall be located within fifty (50) feet of any street intersection. Entrance and exit lanes shall be suitably marked.

6. Except in residence use districts, all open parking areas shall be properly drained within the premises and all parking areas shall be paved with an asphaltic or concrete surface. Each parking space shall be clearly marked and shall have wheel or bumper guards where feasible. The entire parking area shall be properly illuminated during the periods of darkness when the same is in use.

7. When any parking area serves two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where, however, it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Town Board may upon application, reduce the total parking spaces required for that use with the least requirement.

8. Required parking spaces shall be provided upon the same premises to which they serve or elsewhere, provided that all spaces are located within two-hundred (200) feet walking distance of the premises served. In all cases such parking spaces shall conform to all the regulations of the district in which they are located. Parking spaces shall not be located in any residence district unless the use to which the spaces are accessory are permitted in such residence district.

9. Land provided by the Town of Riverhead for off-street parking shall not be used in determining the parking areas required by this Ordinance. However, where a public parking district has been created, the owner of property within such district need not provide off-street parking areas required by this Ordinance.

Sect. 30IK OFF STREET LOAD-

ING:

1. Off-street loading berths shall be provided for all buildings or structures having a floor area of fifteen thousand (15,000) square feet or more, used for business, industrial or hospital purposes as follows:

- a. 15,000 to 25,000 square feet of floor area — One (1) berth
- b. 25,001 to 40,000 square feet of floor area — Two (2) berths
- c. 40,001 to 100,000 square feet of floor area — Three (3) berths
- d. Each additional 60,000 square feet of floor area — One (1) additional berth

2. Each required loading berth shall be at least twelve (12) feet long and fourteen (14) feet wide, and in no event smaller than required to accommodate the vehicles normally using such berths.

3. Unobstructed access, not less than ten (10) feet wide shall be provided. Such access may be contained with access to a parking area.

4. Loading berths may be provided in spaces designed to serve jointly two (2) or more adjacent establishments provided that the number of berths in such joint facilities shall not be less than the total required for all of such establishments.

Sec. 301L AIRPORT FACILITIES AND ACCESSORY USES:

No airport facility or accessory building, structure, or use shall be constructed, expanded, installed, used, maintained, arranged or designated to be used, erected, reconstructed or altered in any use district, except when authorized by special permit from the Town Board.

Sec. 301M VENDING MACHINES:

All vending machines shall be attached to the principal building or be within a building.

Sec. 301N PREFABRICATED DWELLINGS:

No building or other structure which is prefabricated, pre-cut, or which is constructed, manufactured, built or fabricated at a place other than the site on which it is to be located or used, shall be used as a dwelling, except in a mobile home park or travel trailer park, and except as a seasonal agricultural dwelling under Section 204A, paragraph 3d of this Ordinance, unless:

1. It complies with the provisions of the laws, ordinances, rules and regulations of all State, Federal and local agencies or bureaus applicable to such use; and

2. It is affixed to the side by means of a permanent foundation; and

3. It is not located in a Residence A or Residence B Use District; and

4. It shall have been authorized by Special Permit of the Board of Appeals as hereinafter provided in Section 403 B of this Ordinance.

SECTION 302 — SUPPLEMENTARY HEIGHT REGULATIONS**Sec. 302A HEIGHT EXCEPTIONS:**

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, penthouses, masts and domes, not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulk heads and similar features and the necessary mechanical appurtenances usually carried above the roof level. Such features, however shall be erected only to such height necessary to accomplish the purpose they are to serve.

Sec. 203B ORNAMENTAL FEATURES:

Parapet walls, cornices or other ornamental structures extending not more than five (5) feet above the roof, shall be exempt from the height limitations of this Ordinance.

SECTION 303 — SUPPLEMENTARY AREA REGULATIONS**Sec. 303A LOT AREA:**

1. Any parcel of land held in undivided and separate ownership may be subdivided, provided that all resulting lots and all structures on such lots must comply individually with the provisions of this Ordinance.

2. Prior to the adoption of this Ordinance, if any lot shown on a subdivision map now filed in the office of the Clerk of Suffolk County, or if any lot held in one (1) ownership, or if any lot devised by will has a frontage or area less than that required by this Ordinance, it may have buildings or structures erected on it, provided that all other requirements are met.

3. Whenever a single lot which has been excepted from the area, width and yard requirements of a particular district by reason of such lot being in single and separate ownership on a certain date is joined by common ownership to an abutting lot, the greater area, width and yard requirements for the particular district shall apply to the increased size lot.

4. Requirements of minimum lot area and minimum lot width shall not apply to subdivision plats having heretofore and on or before May 15, 1969, received preliminary approval by the Planning Board of the Town of Riverhead, under the provisions of the Ordinance then in force; provided said plot or the first section thereof is filed with the Suffolk County Clerk's office

before the 31st day of December, 1969.

Sec. 303B VISIBILITY AT INTERSECTIONS:

No fence except an open wire or chain link fence without any planting thereon, wall, hedge or other planting more than three and one half (3½) feet in height measured above street level, and no object or any other obstruction of a height in excess of two (2) feet shall be erected, placed, parked or maintained on a corner lot within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are thirty (30) feet distant from the point of intersection, measured along said street lines. This section shall not prohibit one tree to be grown in this area provided that the branches of the tree are trimmed away to a height of at least six (6) feet above street level.

Sec. 303C BUILDING AREA:

Notwithstanding any other provision of this Ordinance, the Town Board, may by special permit, allow, within the Riverhead Public Parking District No. 1, a total building area up to 100% of the area of the parcel of land held in one ownership, either by erection of a new building, or by alteration or extension of an existing building.

ARTICLE IV ADMINISTRATION SECTION 401 — ADMINISTRATIVE OFFICER

This Ordinance shall be enforced by the Building Inspector of the Town of Riverhead.

Section 402 — PERMITS:

No building, structure or other construction specifically required by this Ordinance to have a permit shall be erected, added to or structurally altered until a permit therefore has been issued by the Building Inspector. No premises for which a use permit is required by this Ordinance shall be used for such purpose until a permit therefore has been issued by the Building Inspector. Where a variance, special exception or special permit is required, no such permit shall be issued until a copy of the determination of the appropriate body granting such variance, special exception or special permit is filed with the office of the Building Inspector.

There shall be submitted with all applications for a permit three (3) copies of a layout or plot plan showing the actual dimensions of the lot or parcel of land to be built upon, the exact size and location on the lot or parcel of land of the building and/or accessory buildings to be erected and such information as may be necessary to determine that the proposed construction

will comply with the provisions of this Ordinance. The plot plan shall be drawn to scale, in reviewing an application for a permit the Building Inspector may require the applicant to submit his deed or other instrument or record conveying title to the applicant.

All applications must be acted upon by the Building Inspector within three (3) working days from the date of receiving the application.

One (1) copy of such layout or plot plan shall be returned when approved by the Building Inspector together with such permit to the applicant upon payment of a fee for principal buildings and other buildings, structures or uses as shall be fixed by resolution of the Town Board and posted in the office of the Building Inspector.

The construction authorized by the Building Permit shall be commenced within four (4) months and completed within eighteen (18) months from date of issuance of the permit.

If the construction is not commenced or completed within the

above specified time the Building Permit shall be null and void, except upon good cause shown, and the payment of the proper fee, a building permit may be renewed for additional periods of six (6) months.

Commencement of construction of a building shall mean that the foundation and the bearing walls and/or the piers have been constructed or erected to the height of the girders or beams which support the first story of a building and in the case of other structures that the bases, piers, posts or other supporting members have been constructed or erected.

Completion shall mean that the entire work shown on the plan has been constructed in accordance with the requirements for a Certificate of Occupancy.

Prior to issuing a permit, the Building Inspector shall require the applicant to file copies of all permits required to be obtained beforehand from any other municipality, board or agency. If any such other permit invalidates any data therefore submitted by the applicant to the Town Board, Planning Board or Zoning Board of Appeals, where the prior approval of such board is required herein, the applicant must submit a revised plan showing the change and the Building Inspector shall thereupon refer the revised plan to the appropriate board for its approval or disapproval.

Sec. 402A — CERTIFICATE OF OCCUPANCY:

No building, structure or other construction specifically required by this Ordinance to have a permit shall be used or occupied in whole or in part until a Certificate of Occupancy shall have been issued by the Building Inspector. This requirement is in addition to any Certificate of Occupancy required by any other local law or Ordinance of the Town of Riverhead, although all such certificates may be set forth as one document.

The following documents must accompany an application for a Certificate of Occupancy:

- (a) Fire Underwriters Certificate whenever electrical work was done or shown on permit application.
- (b) County Health Department Certification for Sanitary Installations required under Sanitary Code,
- (c) Survey by licensed land surveyor showing location of building and additions and alterations with respect to side and street lines after completion of the work for which the certificate is requested. Except where a variance or special exception is applicable to the work for which a certificate is requested, however, the requirement for a survey may be waived by the Building Inspector upon a determination by him by personal observation or reliable information that the distances and locations involved are clearly in compliance with all area and setback requirements.

Upon written request and upon the payment of a fee in the amount to be fixed by resolution of the Town Board and posted in the office of the Building Inspector, the Building Inspector shall, after inspection, issue a Certificate of Occupancy for any existing use and/or occupancy of a building, structure or land, certifying such use and/or occupancy and whether or not the same conforms to the provisions of this Ordinance.

SECTION 403 -

BOARD OF APPEALS

Sect. 403A ORGANIZATION:

The Town Board shall appoint a Board of Appeals consisting of five (5) members as provided by the Town Law.

Such Board of Appeals, consistent with the provisions of the Town Law applicable thereto shall determine its own rules of conduct and procedures.

Sect. 403B POWERS:

The Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination made by the Building Inspector.

The Board of Appeals shall have the power, in accordance with

statutory provisions, after due notice and public hearing, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, to vary or modify the application of any of the regulations or provisions of this Ordinance relative to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of this Ordinance shall be observed, public health, safety, and welfare, secured and substantial justice done.

The Board of Appeals shall have the power, in a specific case, after due notice and public hearing and subject to appropriate conditions and safeguards, to determine and vary the application of the regulations of this Ordinance in harmony with their general purpose and intent as follows:

1. Grant undeveloped sections of the town temporary and conditional permits for not more than two (2) years for structures and uses in contravention of the regulations controlling districts: provided such uses are important to the development of such undeveloped sections, and/or provided such uses are not prejudicial to adjoining and neighboring sections already developed.

2.a. Grant special exceptions and special permits for any of the areas for which this Ordinance requires the obtaining of such special exceptions and special permits from the Board of Appeals.

In granting such special exceptions and special permits the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. The Board of Appeals shall grant special exceptions and special permits only upon making the following determination:

- (1) That the use will not prevent the orderly and reasonable use of the adjacent properties or of properties in the surrounding area, or impair the value thereof.
- (2) That the use will not prevent the orderly and reasonable use of permitted or legally established uses in the district wherein the proposed use is to be located or of permitted or legally established uses in adjacent districts.
- (3) That the safety, the health, the welfare, the comfort, the convenience or the order of the town will not be adversely affected by the proposed use and its location; and
- (4) That the use will be in harmony with and promote the general purposes and intent of this Ordinance.

b. In making such determination, the Board of Appeals shall

give consideration, among other things to:

(1) The character of the existing and probable development of uses in the district and the peculiar suitability of such district for the location of any such permissive uses.

(2) The conservation of property values and the encouragement of the most appropriate uses of land.

(3) The effect that the location of the proposed use may have upon the creation or undue increase of traffic congestion on public streets, highways or waterways.

(4) The availability of adequate and proper public or private facilities for the treatment, removal or discharge of sewage, refuse or other effluent, whether liquid, solid, gaseous or otherwise, that may be caused or created by or as a result of the use.

(5) Whether the use, or materials incidental thereto, or produced thereby, may give off obnoxious gases, odors, smoke or soot.

(6) Whether the use will cause disturbing emission of electrical discharges, dust, light, vibration or noise.

(7) Whether the operations in pursuance of the use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing, or if proposed by the town or by other competent governmental agency.

(8) To the necessity for an asphaltic or concrete surfaced area for purposes of off-street parking and loading of vehicles incidental to the use, and whether such area is reasonably adequate and appropriate and can be furnished by the owner of the plot sought to be used within or adjacent to the plot wherein the use shall be had.

(9) Whether a hazard to life, limb or property because of fire, flood, erosion or panic may be created by reason or as a result of the use, or by the structures to be used therefor or by the inaccessibility of the plot or structure thereon for the convenient entry and operation of fire and other emergency apparatus or by the undue concentration or assemblage of persons upon such plot.

(10) Whether the use or the structures to be used therefor will cause an overcrowding of land or undue concentration of population.

(11) Whether the plot area is

sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.

(12) The physical characteristics and topography of the land.

(13) Whether the use to be operated is unreasonably near to a church, school, theatre, recreational area or place of public assembly.

3. Grant a special exception where it is provided in this Ordinance that the approval of the Board of Appeals is required for the increase in total building area and increase in the height of buildings if the Board shall determine the matters contained in paragraph 2a of this section and additionally consider the applicable provisions of 2b of this Section and also consider:

a. That the spacing of the buildings or the construction with suitable materials will prevent a conflagration.

4. Grant a special exception where it is provided in this Ordinance that the approval of the Board of Appeals is required for the erection of business signs in the front yard if the Board shall determine the matters contained in paragraph 2a of this Section and additionally consider the applicable provisions of paragraph 2b of this Section and also consider:

a. Whether the sign will interfere with vehicular traffic.

b. Where the installation of illumination is intended, whether the same will be shielded from any abutting property.

5. Grant a special exception where it is provided in this Ordinance that the approval of the Board of Appeals is required for the use of premises and erection of public utility buildings or structures, camps, dog and horse training, alcohol manufacture, and sand and gravel grading operation if the Board shall determine the matters contained in paragraph 2a of this Section and additionally consider the applicable provisions of 2b of this section and also consider:

a. Whether the provisions of the laws, Ordinances, Rules and Regulations of all State, Federal and local agencies or bureaus applicable to such use have been complied with.

Any determination made by the Board of Appeals shall not become effective unless a permit is obtained in accordance therewith within one (1) year of the date of such determination unless the Board of Appeals stipulates a different period of time in its determination. The provisions of this

paragraph shall not apply in the cases of interpretation of variances for the use of land, unless the Board of Appeals stipulates a period of time in its determination.
Sect. 403C FILING FEE:

For each appeal to the Board of Appeals there shall be a filing fee in the amount to be fixed by resolution of the Town Board and posted in the Office of the Building Inspector, except appeals in accordance with New York State Town Law Article 16, Section 280-a, for which no fee shall be charged.

SECTION 404 -- VIOLATIONS

1. A violation of any provision or requirement of this Ordinance or violation of any statement, plan application, permit or certificate approved or issued under the provisions of this Ordinance shall be deemed an offense, punishable by a fine not exceeding fifty dollars (\$50.00) or imprisonment for a period not to exceed six (6) months or both such fine and imprisonment.

2. Any agent, contractor, architect, builder, corporation or other person who commits, takes part or assists in such violation shall also be guilty of such an offense.

3. Each week's continued violation shall constitute a separate additional violation.

4. The remedies provided herein shall be cumulative and shall be in addition to any other remedies provided by law.

**ARTICLE V -- AMENDMENTS
Sect. 501 AMENDMENTS AND CHANGES:**

The Town Board upon its own motion or by petition may, from time to time, amend, supplement, change, modify or repeal this Ordinance including the Zoning Map by proceeding in accordance with the Town Law.

All applications for a change or amendment to this Ordinance (including any map incorporated therein) shall be made in sextuplet and shall be accompanied by six (6) copies of an accurately drawn map, showing the dimensions of

the property to be considered, tied in by distance to the nearest recognized street intersection.

Prior to the filing of each application for change or amendment of this Ordinance a fee shall be paid to the Town Clerk with respect thereto in an amount to be fixed by resolution of the Town Board and posted in the Office of the Town Clerk. The cost of publication of notice of public hearing shall be paid by the applicant prior to the date of public hearing.

Each application shall be accompanied by the affidavit of a person having personal knowledge of the facts stating the name and address of each person, firm or corporation having an interest in the property to be considered and the name and address of each officer, director, shareholder and person owning any interest in any such firm or corporation or in the firm or corporation making the application. Only the ten largest shareholders of a corporation need be listed. In lieu of the listing of shareholders, the affidavit may

show the listing of the corporation's stock on a recognized stock exchange.

Nothing herein shall be deemed as to affect any disclosure requirement of Section 260 of the Town Law. Disclosure under such Section 260 shall be by affidavit submitted with each application either setting forth the names of the persons covered by that section or stating that there are no such persons. The affidavit required by Section 260 may be combined with any affidavit required hereunder as may be convenient.

**ARTICLE VI --
REPEAL OF PRIOR ZONING REGULATIONS**

Ordinance No. 26, Town of Riverhead, as heretofore adopted and amended as same exists on the effective date of this Ordinance is hereby repealed and superseded; however, should any court of competent jurisdiction determine that this Ordinance has not been adopted validly said Ordinance No. 26 as amended and existing shall not be deemed repealed or superseded.

ZONING SCHEDULE

Use District	Minimum Lot Area (sq. feet)	Minimum Lot Width (feet)	Maximum Building Area in %	Maximum Height (feet)	Minimum Side Yard				
					Minimum Front Yard (feet)	Minimum Either Side Yard (feet)	Minimum Both Side Yards (feet)	Minimum Yard With Abutting Side (feet)	Minimum Rear Yard (feet)
Res. A (201)	40,000***	150	20	35	60	30	60	50	60
Res. B (202)	22,000	125	20	35	50	20	45	50	50
Res. C (203)	(See Sect. 203C)	100	30	35	40	10	25	25	40
Agric. A (204)	20,000	100	30*	35*	40	10	25	25	40
Bus. A (205)	See Ord.	See Ord.	30*	35*	See Ord.	See Ord.	See Ord.	See Ord.	25
Bus. B + 1/2 (206)	None	None	15*	50** 35*	50@	25	50	50	50#
Bus. C (207)	None	None	30*	50** 35*	25@	25	25	25	50#
Bus. D (208)	None	None	80* & Sec 303C	50** 35*	12	None	None	2	None
Ind. A (209)	40,000	200	40	35*	50	25	50	50	25
Ind. B (210)	None	None	30*	35*	50	50	100	100	50

* Except when authorized by Board of Appeals as provided in this Ordinance.
 ** Where Public Water System has been installed with a hydrant located within one thousand (1,000) feet of the building capable of delivering seven hundred (700) G.P.M., at twenty (20) P.S.I.
 ++ For residence requirements see Agriculture A District.
 @ 15 feet of total required shall be Unoccupied Area
 # If lot is a through lot, 15 feet of total required shall be Unoccupied Area.
 *** Also, see Sect. 303A

Sect. 30LI OFF-STREET PARKING: FOR	MINIMUM NUMBER OF PARKING SPACES FOR EACH.
a. One-family and two-family dwellings.	One (1) per dwelling unit.
b. Multiple dwellings.	One and one-quarter (1 $\frac{1}{4}$) per dwelling unit.
c. Hotels, motels, tourist homes, cabins, lodging, rooming and boarding houses.	One (1) per guest sleeping room or suite.
d. Fraternities, sororities or dormitories.	One (1) per two (2) sleeping rooms.
e. Hospitals.	One (1) per one and one half (1 $\frac{1}{2}$) patient beds.
f. Sanitoriums or convalescent homes.	One (1) per three (3) patient beds.
g. Medical or dental office*	One (1) per one-hundred fifty (150) square feet of floor area.
h. Mortuary or funeral directors' establishments.	One (1) per seventy-five (75) square feet of floor area of assembly rooms.
i. Bowling alleys.	Four (4) per alley.
j. Theatres, auditoriums, or any public assembly area, including churches, schools above elementary level, colleges and universities, with fixed seats.	One (1) per three (3) seats.
k. Any public assembly area without fixed seats.*	One (1) per hundred (100) square feet of floor area.
l. Elementary schools.	One (1) per classroom.
m. Office Buildings.*	One (1) per one-hundred fifty (150) square feet of floor area.
n. Restaurants.	One (1) per three (3) seats.
o. Marinas.	One (1) per boat slip or mooring station.
p. Retail stores.*	One (1) per one hundred fifty (150) square feet of floor area.
q. Retail store in Business "B" District.*	One (1) per eighty (80) square feet of floor area.
r. Industrial or manufacturing establishments.*	One (1) per each two (2) employees computed on basis of the greatest number of persons to be employed at peak employment, but not less than one (1) per three hundred (300) square feet of floor area.
s. Any commercial or business use not otherwise expressly provided for.*	One (1) per two hundred (200) square feet of floor area.
t. Warehouse, etc.	One (1) per one thousand (1,000) square feet of floor area up to five thousand (5,000) square feet and one (1) additional space for each additional ten thousand (10,000) square feet of floor area.
u. Drive-in restaurant, etc.	One (1) per five hundred (500) square feet of lot area devoted to use.
v. Golf driving range.	One (1) per driving tee.
w. Golf course.	Two (2) per hole.

*Excluding square feet of floor areas used for stairwells, elevators and rest rooms of buildings.

The adoption of the aforesaid revised Zoning Ordinance No. 26 of the Town of Riverhead together with map entitled, "Zoning Use districts, Town of Riverhead, Suffolk County, New York" dated May 5, 1969 as amended December 2, 1969 and May 5, 1970 and the repeal of existing Zoning Ordinance No. 26 shall take effect ten (10) days after such publication and posting.

Dated: September 24th, 1970

BY ORDER OF THE TOWN BOARD

TOWN OF RIVERHEAD, NEW YORK
HELENE M. BLOCK, TOWN CLERK

9/24/70

279.

RESOLUTION continued:

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Zaloga, Yes. The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, the meeting adjourned.

Helene M. Block

Helene M. Block, Town Clerk

HMB.