

Adopted

March 31, 1998

TOWN OF RIVERHEAD

Resolution # 221

APPROVES SITE PLAN OF THE VINEYARD CATERERS - PHASE I

COUNCILMAN LULL

_____ offered the following resolution,

which was seconded by **COUNCILMAN KWASNA** _____:

WHEREAS, a site plan and elevations were submitted by Eric J. Pelletier, as agent for The Vineyard Caterers (Anthippi, Inc.), for the construction of 5103 square feet of building additions, façade alterations, and attendant site improvements, located at the north side of Main Road (NYS Route 25), Aquebogue, New York, known and designated as Suffolk County Tax Map Number 0600-67-3-21 & 24.5; and

WHEREAS, the Planning Department has reviewed the site plan dated February 22, 1998, as prepared by Eric J. Pelletier, R.A., 102 Fort Salonga Road, Centerport NY 11721, and elevations dated last March 16, 1998, as prepared by Eric J. Pelletier, R.A., 102 Fort Salonga Road, Centerport NY 11721, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved with conditions; and

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

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

WHEREAS, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 98-_____ of the Office of the Supervisor of the Town of Riverhead; and;

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

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Eric J. Pelletier, as agent for The Vineyard Caterers (Anthippi, Inc.), for the construction of 5103 square feet of building additions, façade alterations, and attendant site improvements, located at the

north side of Main Road (NYS Route 25), Aquebogue, New York, site plan dated February 22, 1998, as prepared by Eric J. Pelletier, R.A., 102 Fort Salonga Road, Centerport NY 11721, and elevations dated last March 16, 1998, as prepared by Eric J. Pelletier, R.A., 102 Fort Salonga Road, Centerport NY 11721, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan proves and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
8. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Anthippi, Inc. hereby authorizes and consents to the Town of Riverhead to enter premises at the north side of Main Road (NYS Route 25), Aquebogue, New York, to enforce said handicapped parking regulations;

9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
10. That all new utilities shall be constructed underground;
11. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof.
12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
14. That this approval shall become effective upon payment of the site plan review fee;
15. That this approval is for those improvements designated as Phase I, and specifically precludes enclosing the 1933 square foot outdoor deck, indicated as Phase II;
16. That this approval is subject to the provision of handicap stalls in the number and location(s) as indicated on the site plan approved herein and initialed by a majority of the Town Board;
17. That this approval is subject to the recommendations of the Town of Riverhead Architectural Review Board, and any conditions pursuant thereto;
18. That the planting plan and schedule shall be amended as indicated on the site plan approved herein and initialed by a majority of the Town Board;
19. That the parking stalls at the northerly end of the east parking lot indicated as "13 greenspaces" shall be constructed as a function of this approval;
20. That a copy of a long term lease between the two parcels which are the subject of this resolution shall be provided, prior to the issuance of a building permit; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Eric J. Pelletier, R. A., Anthippi, Inc., Donald King, Esq., the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

RESOLUTION NO. 100-100-100-100

WHEREAS, the Town of Riverhead, New York, is a member of the County of Suffolk, New York, and the County of Suffolk, New York, is a member of the State of New York, and the State of New York is a member of the United States of America;

SECTION 1. PURPOSE AND SCOPE

WHEREAS, the Town of Riverhead, New York, is a member of the County of Suffolk, New York, and the County of Suffolk, New York, is a member of the State of New York, and the State of New York is a member of the United States of America;

AND WHEREAS, the Town of Riverhead, New York, is a member of the County of Suffolk, New York, and the County of Suffolk, New York, is a member of the State of New York, and the State of New York is a member of the United States of America;

SECTION 2. FINDINGS

WHEREAS, the Town of Riverhead, New York, is a member of the County of Suffolk, New York, and the County of Suffolk, New York, is a member of the State of New York, and the State of New York is a member of the United States of America;

SECTION 3. CONCLUSIONS

That the Town of Riverhead, New York, is a member of the County of Suffolk, New York, and the County of Suffolk, New York, is a member of the State of New York, and the State of New York is a member of the United States of America;

AND WHEREAS, the Town of Riverhead, New York, is a member of the County of Suffolk, New York, and the County of Suffolk, New York, is a member of the State of New York, and the State of New York is a member of the United States of America;

AND WHEREAS, the Town of Riverhead, New York, is a member of the County of Suffolk, New York, and the County of Suffolk, New York, is a member of the State of New York, and the State of New York is a member of the United States of America;

AND WHEREAS, the Town of Riverhead, New York, is a member of the County of Suffolk, New York, and the County of Suffolk, New York, is a member of the State of New York, and the State of New York is a member of the United States of America;

DECLARATION AND COVENANTS

THIS DECLARATION, made the ____ day of _____, 1997, made by Anthippi, Inc., residing at Main Road, Aquebogue NY 11931, Declarant:

WITNESSETH:

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

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

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

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements and any restrictions imposed as a condition of the site plan approval granted herein;
3. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled , "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. Parking, paving, and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
6. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
7. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Anthippi, Inc. hereby authorizes and consents to the Town of Riverhead to enter premises at the north side of Main Road (NYS Route 25), Aquebogue, New York, to enforce said handicapped parking regulations;
8. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
9. That all new utilities shall be constructed underground;
10. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall pose a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;
11. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
12. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

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

ANTHIPPI, INC.

By: _____

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

On the _____ day of _____, 1997, before me personally
came _____ who, being sworn by me,
did depose and say: that (s)he is the _____ of
_____ corporation; that (s)he knows the seal of the
order of the Board of Directors of the Corporation.

NOTARY PUBLIC

THE VOTE

Cardinale Yes No ~~None~~ Yes No
Kwaana Yes No Lull Yes No
Vilella Yes No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED