

SEPTEMBER 8, 1994
Special Board

TOWN OF RIVERHEAD
RESOLUTION # 642

APPOINTS LABORER TO THE REFUSE AND GARBAGE DEPARTMENT

COUNCILMAN PRUSINOWSKI OFFERED THE FOLLOWING RESOLUTION

WHICH WAS SECONDED BY COUNCILWOMAN GILLIAM.

WHEREAS, a vacancy for a Laborer exists in the Refuse and Garbage Department; and

WHEREAS, said position was duly posted; and

WHEREAS, the Town interviewed all interested applicants in accordance with the provisions of the Civil Service Law.

NOW, THEREFORE, BE IT RESOLVED, that Robert E. Hubbard is hereby appointed to the position of Laborer in the Refuse and Garbage Department effective September 12, 1994 at the annual salary of \$22,088.89 as set forth in Group 3, Step P, of the CSEA Operational and Technical Schedule: and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is authorized to forward a certified copy of this Resolution to Robert E. Hubbard, John Reeve and the Accounting Department.

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski Yes ___ No ___
Janoski ___ Yes ___ No ___

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

9/20/94

Special Board

TOWN OF RIVERHEAD

TOWN OF RIVERHEAD

Resolution # 643

APPOINTS RECREATION AIDE TO THE RIVERHEAD

RECREATION DEPARTMENT

COUNCILMAN CREIGHTON

offered the following

resolution, which was seconded by COUNCILMAN PRUSINOWSKI :

RESOLVED, That Karen Gadzinski is hereby appointed to serve as a part-time Recreation Aide effective September 12, 1994, to be paid biweekly at the rate of \$6.50 per hour and to serve at the pleasure of the Town Board.

Callahan	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Prusinowski	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Stark	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Janoski	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

9/8/94 Special Board

TOWN OF RIVERHEAD

Resolution # 644

APPROVES SITE PLAN OF PRIORITY NURSERY & GARDEN CENTER

COUNCILMAN PRUSINOWSKI

offered the following

resolution, which was seconded by COUNCILMAN CREIGHTON :

WHEREAS, a site plan and elevations were submitted by James V. Varisano for the construction, in phases, of a nursery and garden center, and related site improvements, located at the north side of New York State Route 25A, Wading River, New York, known and designated as Suffolk County Tax Map Number 0600-75-1-3; and

WHEREAS, the Planning Department has reviewed the site plan, consisting of sheets A2 through A6, A9, A10, and A2B, each dated last May 3, 1994, as prepared by Building New Lifestyles, Ltd., 427 Route 25A, Rocky Point NY 11778, and elevations, consisting of sheets A7, A8, and A3C, each dated last May 3, 1994, as prepared by Building New Lifestyles, Ltd., 427 Route 25A, Rocky Point NY 11778, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

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

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

WHEREAS, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 20903 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 James V. Varisano, for the construction, in phases, of a

nursery and garden center, and related site improvements, located at the north side of New York State Route 25A, Wading River, New York, site plan consisting of sheets A2 through A6, A9, A10 and A2B, each dated last May 3, 1994, as prepared by Building New Lifestyles, Ltd., 427 Route 25A, Rocky Point NY 11778, and elevations consisting of sheets A7, A8, and A3C, each dated last May 3, 1994, as prepared by Building New Lifestyles, Ltd., 427 Route 25A, Rocky Point NY 11778, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

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

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

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

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

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

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

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

9. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, Louis Varisano and James V. Varisano hereby authorizes and consents to the Town of Riverhead to enter premises at the north side of New York State Route 25A, Wading River, New York, to enforce said handicapped parking regulations;

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

11. That all utilities shall be constructed underground;

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

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

14. 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;

15. That this approval is subject to the conditions imposed by Zoning Board of Appeals determination 94-22;

16. That this approval is subject to the provision, prior to the issuance of a building permit, of a detail for the gravel paving material;

17. That the plant materials along the Route 25A frontage shall be supplemented to buffer the view of parked vehicles and to provide large canopy shade trees, as noted on the site plan approved herein and initialled by a majority of the Town Board;

18. That all landscaped areas shall be irrigated by means of a permanent, underground system;

19. That this approval is subject to the further review and approval by the Architectural Review Board of working elevation drawings for all buildings in phases subsequent to Phase 1, prior to the issuance of a building permit;

20. That the fence shall be black vinyl coated chain link, with evergreen plantings along the road side of the fence for visual screening and enhancement;

21. That, in consideration of site plan approval, the owner, their successors or assigns, hereby make an irrevocable, continuing offer of cross-easements in recordable form to the adjoining properties to the east and to the west for the purpose of improving traffic flow between adjoining properties and onto State Route 25A. The location of any future cross easement shall be determined solely by the Board having jurisdiction over such approvals, after notice to and consultation with the owner; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to James V. Varisano, the Riverhead Planning Department, Riverhead Building Department and the Town Engineer.

FOR, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarants, for the purpose of carrying out the intentions above expressed, do hereby state, know, admit, publish, warrant 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 signs shall be submitted to the 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 signs shall be constructed in accordance with the provisions of the Riverhead Town Code and that all provisions of Section 108-36 of the Riverhead Town Code shall be complied with, and that all signs shall be approved by the Board as a condition of the site plan approval granted hereby;

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1993 made by Louis Varisano and James V. Varisano, residing at 28 Sound View Drive, Shoreham NY 11786, Declarants.

W I T N E S S E T H:

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

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

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

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

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

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

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

8. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "**No Parking, Handicap Only**", and the universal symbol affixed thereto;

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

10. That all utilities shall be constructed underground;

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

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

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

14. That all landscaped areas shall be irrigated by means of a permanent, underground system;

15. That the fence shall be black vinyl coated chain link, with evergreen plantings along the road side of the fence for visual screening and enhancement;

16. That, in consideration of site plan approval, the owner, their successors or assigns, hereby make an irrevocable, continuing offer of cross-easements in recordable form to the adjoining properties to the east and to the west for the purpose of improving traffic flow between adjoining properties and onto State Route 25A. The location of any future cross easement shall be determined solely by the Board having jurisdiction over such approvals, after notice to and consultation with the owner;

Declarants have hereunto set their hands and seal the day and year above first written.

Louis Varisano

James V. Varisano

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

On the _____ day of _____, 1994 before me personally came Louis Varisano, to me known and known to be the individual who executed the foregoing instrument; that (s)he is the owner of certain real property located at the north side of New York State Route 25A, Wading River, New York, the subject property of this Declaration and Covenant, and understands the content thereof; and that (s)he did swear to me that (s)he executed the same.

NOTARY PUBLIC

THE VOTE

Yes No
Yes No
Yes No

STATE OF NEW YORK)

) ss.:

COUNTY OF SUFFOLK)

On the _____ day of _____, 1994, before me personally came James V. Varisano, to me known and known to be the individual who executed the foregoing instrument; that (s)he is the owner of certain real property located at the north side of New York State Route 25A, Wading River, New York, the subject property of this Declaration and Covenant, and understands the content thereof; and that (s)he did swear to me that (s)he executed the same.

NOTARY PUBLIC

STATE OF NEW YORK)

) ss.:

COUNTY OF SUFFOLK)

On this _____ day of _____, 1993, before me personally came _____, to me known, and known to me to be one of the members of the firm of _____, described in and who executed the foregoing instrument, and (s)he acknowledged to me that (s)he executed the same as and for the act and deed of said firm.

NOTARY PUBLIC

STATE OF NEW YORK)

) ss.:

COUNTY OF SUFFOLK)

On the _____ day of _____, 1993, before me personally came _____, who, being sworn by me, did depose and say: that (s)he is the _____ of _____; that (s)he knows the seal of the corporation; that the seal affixed to this instrument is said seal; and that it was affixed by order of the Board of Directors of the Corporation.

NOTARY PUBLIC

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski ___ Yes ___ No ___
Janoski ___ Yes ___ No *Absent*

THE RESOLUTION WAS WAS NOT

OVER-RESOLUTION WAS AMENDED

COUNCILWOMAN GILLIAM OFFERED THE FOLLOWING RESOLUTION TO BE AMENDED, 1039
WHICH WAS SECONDED BY COUNCILMAN PRUSINOWSKI.

THE VOTE, GILLIAM, YES, CREIGHTON, YES, PRUSINOWSKI, YES, STARK, YES,
AND SUPERVISOR JANOSKI, ABSENT.

THE RESOLUTION TO AMEND WAS DECLARED DULY ADOPTED.

STATE OF NEW YORK
COUNTY OF SUFFOLK

On this _____ day of _____, 19__
I, _____, Notary Public, do hereby certify that _____
personally came before me and acknowledged to me that _____
is the owner of certain real property located at _____
New York State Route 55A, North River, New York, the subject
of this Declaration and Covenant, and understands the
contents thereof; and that _____ did swear to me that _____
is the same.

NOTARY PUBLIC

STATE OF NEW YORK
COUNTY OF SUFFOLK

On this _____ day of _____, 19__
I, _____, Notary Public, do hereby certify that _____
personally came before me and known to me to be one of the members of the firm of
_____ and _____ described in and who
executed the foregoing instrument, and I am acknowledged to me
that _____ executed the same as and for the said _____ and _____

NOTARY PUBLIC

STATE OF NEW YORK
COUNTY OF SUFFOLK

On this _____ day of _____, 19__
I, _____, Notary Public, do hereby certify that _____
personally came before me, did depose and say that _____ is the
_____ of _____
and that _____ knows the seal of the corporation; that the seal
is affixed to this instrument as said seal; and that it was affixed
by order of the Board of Directors of the Corporation.

NOTARY PUBLIC

THE VOTE

GILLIAM YES
CREIGHTON YES
PRUSINOWSKI YES
STARK YES
JANOSKI ABSENT
RESOLUTION WAS AMENDED

Special Board

4119/0348

72113-3100

A RESOLUTION CONCERNING THE INTENTION OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PROVIDE, OR TO CAUSE TO BE PROVIDED, PARKING FACILITIES FOR VISITORS TO THE OCEANIC AQUARIUM OF LONG ISLAND.

At a special meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, in said Town, on September 8, 1994, at 5:00 o'clock p.M., Prevailing Time.

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

- PRESENT:
- Deputy Supervisor-James Stark
 - Councilman-Victor Prusinowski
 - Councilman-Frank Creighton
 - Councilwoman-Harriet Gilliam

- ABSENT:
- Supervisor-Joseph Janoski

The following resolution was offered by Councilman Creighton, who moved its adoption, seconded by Councilwoman Gilliam, to-wit:

THE VOTE

Gilliam	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Creighton	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Stark	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Prusinowski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Janoski	<input type="checkbox"/> Yes	<input type="checkbox"/> No

THE RESOLUTION WAS WAS NOT
THE RESOLUTION DULY DECLARED ADOPTED

RESOLUTION #645 Special Board

RESOLUTION DATED SEPTEMBER 8, 1994.

A RESOLUTION CONFIRMING THE INTENTION OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PROVIDE, OR TO CAUSE TO BE PROVIDED, PARKING FACILITIES FOR VISITORS TO THE OKEANOS AQUARIUM OF LONG ISLAND.

WHEREAS, the Okeanos Ocean Research Foundation, Inc. ("Okeanos") has proposed constructing an approximately 82,000 square foot aquarium and marine mammal/marine vertebrae/sea turtle rescue, rehabilitation and education center on East Main Street, Riverhead (the "Aquarium"); and

WHEREAS, the Aquarium has been designated a "demonstration project" by the Town of Riverhead Community Development Agency (the "Agency"); and

WHEREAS, the Agency intends to issue its East Main Street Urban Renewal Bonds, Series 1994 (Okeanos Aquarium of Long Island Facility) in an aggregate principal amount of approximately \$58,000,000 (the "Bonds"); and

WHEREAS, by resolution dated August 2, 1994, the Town Board of the Town of Riverhead, Suffolk County, New York (the "Town") has authorized the Town's limited guarantee of not exceeding \$10,000,000 of the Bonds; and

WHEREAS, Arthur Anderson LLP, Okeanos' feasibility consultant for the Aquarium, has advised Okeanos, the Agency and the Town that, in order to assure the success of the Aquarium, it will be necessary to provide approximately 600 parking spaces for visitors to the Aquarium; and

WHEREAS, the Town is committed to providing, or causing to be provided, parking for the Aquarium; and

-3-

planned to open to the public, now being anticipated at May 1, 1997.

Section 3. This resolution shall take effect immediately.

SEP-08-1994 11:34

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WHEREAS, the Town Board of the Town believes it is prudent and necessary to fully examine all alternatives of providing, or causing to be provided, such parking and cannot at this time authorize such parking in a specified manner; and

WHEREAS, the Town wishes to reconfirm to Okeanos and to the Agency, however, its intention to provide, or to cause to be provided, such parking; NOW, THEREFORE, BE IT

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

Section 1. The Town of Riverhead, Suffolk County, New York, hereby reconfirms its commitment to Okeanos and to the Agency to provide, or to cause to be provided, parking for the Aquarium, as described in the preambles hereof. The Town Board shall forthwith and expeditiously examine all alternatives in providing, or causing to be provided, such parking, including, but not limited to, the utilization of existing parking facilities, the construction of new at-grade parking facilities, the construction of new above-grade parking facilities, providing such parking through private enterprise, providing such parking by a public authority or public benefit corporation, or any combination thereof.

Section 2. The Town Board of the Town of Riverhead,

TOWN OF RIVERHEAD

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

<u>Gilliam</u>	VOTING	<u>yes</u>
<u>Creighton</u>	VOTING	<u>yes</u>
<u>Prusinowski</u>	VOTING	<u>yes</u>
<u>Stark</u>	VOTING	<u>yes</u>
<u>Janoski</u>	VOTING	<u>absent</u>

The resolution was thereupon declared duly adopted.

* * * * *

RESOLVED, all persons wishing to be heard were heard, and bids were received, opened and read aloud for this project wherein after review of the bids it was determined that the total cost of this project is now projected at \$128,000.

WHEREAS, it is now necessary to call another public hearing regarding the increase and improvement of the facilities of the Riverhead Water District as detailed herein, in accordance with the provisions of Section 207-B of the Town Law.

NOW, THEREFORE, IT IS HEREBY

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

Section 1. A public hearing will be held at the Town Hall, 200 Howell Avenue, Riverhead, New York, on the 15th day of October, 1994, at 7:00 p.m., pursuant to the provisions of the increase and improvement of the facilities of the Riverhead Water District in the Town of Riverhead, Suffolk County, New York, in the manner described in the attached report and to hear all persons interested in the subject matter, concerning the same, and to take such action as is required or authorized by law.