

494

AUTHORIZES THE SOLICITATION OF BIDS FOR ELECTRONIC METER BOOKS

COUNCILPERSON Stark offered the following RESOLUTION, which was seconded by COUNCILPERSON Creighton.

RESOLVED, that the Town Clerk be and hereby is authorized to advertise for sealed bids for the purchase of ELECTRONIC METER BOOKS for use by the TOWN OF RIVERHEAD WATER DEPARTMENT, and be it further

RESOLVED, that the Town Clerk be and hereby is authorized to open and publicly read aloud said bids at 11:00 a.m. on SEPTEMBER 9th, 1992, at Town Hall, 200 Howell Avenue, Riverhead, New York 11901: and to make a report of said bids to the Town Board at the next public meeting following the opening of the bids.

THE VOTE

Gilman Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski ___ Yes ___ No ___
Janoski Yes ___ No ___

Absent

**THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED**

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

SEALED BIDS FOR THE PURCHASE OF ELECTRONIC
METER BOOKS- FOR USE BY THE RIVERHEAD WATER DISTRICT WILL
 BE RECIEVED BY THE TOWN CLERK OF THE TOWN OF RIVERHEAD AT
 TOWN HALL, 200 HOWELL AVENUE, RIVERHEAD, NEW YORK, 11901
 UNTIL 11:00 , _____ A.M. ON September 9, _____ 1992.

BID PACKETS, INCLUDING SPECIFICATIONS,
 INSTRUCTIONS AND BID FORMS MAY BE OBTAINED AT THE TOWN
 CLERK'S OFFICE AT TOWN HALL, MONDAY THROUGH FRIDAY
 BETWEEN THE HOURS OF 8:30 A.M. AND 4:30 P.M.

ALL BIDS MUST BE SUBMITTED ON THE BID FORM
 PROVIDED. ANY AND ALL EXCEPTIONS TO THE SPECIFICATIONS MUST
 BE LISTED ON A SEPERATE SHEET OF PAPER BEARING THE
 DESIGNATION "EXCEPTIONS TO THE SPECIFICATIONS", AND BE
 ATTACHED TO THE BID FORM.

THE TOWN BOARD RESERVES THE RIGHT AND THE
 RESPONSIBILITY TO REJECT ANY OR ALL BIDS IF IT BELIEVES SUCH
 ACTION TO BE IN THE BEST INTEREST OF THE TOWN.

ALL BIDS ARE TO BE SUBMITTED IN A SEALED ENVELOPE,
 BEARING THE DESIGNATION "ELECTRONIC METER BOOKS"

DATE: August 18, 1992

BY ORDER OF THE TOWN BOARD
 OF THE TOWN OF RIVERHEAD, N.Y.

BARBARA GRATTAN, TOWN CLERK

#⁴⁹⁵-----AUTHORIZES ATTENDANCE OF LIEUTENANT TO TRAINING CONFERENCE

Councilperson^{Stark}-----offered the following resolution which was seconded by Councilperson~~Creighton~~----

WHEREAS, Lt. Grossman has requested to attend the New York State Law Enforcement Accreditation Program Training Conference, sponsored by the New York State Bureau for Municipal Police, to be held on October 14 & 15, 1992, in Binghamton, New York, and

WHEREAS, it is the recommendation of the administration of the Police Department that said Lieutenant attend said convention, and

NOW THEREFORE, BE IT RESOLVED, that Lieutenant Grossman of the Police Department be and is hereby authorized to attend said convention, and

BE IT FURTHER RESOLVED, that lodging and expenses incurred for attendance at said convention are to be fully receipted and therefore reimbursed by the Office of Accounting; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Chief Lawrence Grattan and the Office of Accounting.

THE VOTE

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

**THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED**

496 CORRECTS APPOINTMENT DATE OF JOHN J. KALBA, SR., TO THE POSITION OF HEAVY EQUIPMENT OPERATOR

COUNCILPERSON Creighton offered the following resolution, which was seconded by COUNCILPERSON Gilliam:

WHEREAS, Resolution #438 adopted July 21, 1992, appointed John J. Kalba, Sr., to the position of Heavy Equipment Operator with the Riverhead Highway Department effective June 20, 1992; and

WHEREAS, John J. Kalba, Sr., received his commercial driver license on July 16, 1992; and

WHEREAS, the effective date of his appointment should have been July 20, 1992.

NOW, THEREFORE, BE IT

RESOLVED, that John J. Kalba, Sr., be and is hereby appointed to the position of Heavy Equipment Operator with the Riverhead Highway Department effective July 20, 1992; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to John J. Kalba, Sr., the Supervisor's Office and the Accounting Department.

THE VOTE

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

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

DATE: _____

RESOLUTION # 497

COUNCILPERSON Gilliam offered the following resolution which was seconded by
 COUNCILPERSON Creighton.

RESOLVED, that the Supervisor be and hereby is, authorized to establish the following Budget Adoption.

BUDGET ADOPTION

GENERAL FUND

FROM:

001.013550.543400	ASSESSORS, EDUCATION	\$	100.00
001.031200.524380	POLICE, MISC. OFFICE EQUIP.		500.00
001.031200.546100	POLICE, GASOLINE		10,000.00
001.031200.541401	POLICE, RADIO MAINTENANCE		2,000.00
001.031200.541403	POLICE, RECORD. EQUIP. MAINT.		1,500.00
001.031200.541426	POLICE, COPY MACHINE MAINT.		1,500.00
001.031200.524260	POLICE, TYPEWRITERS		898.00
001.031200.524340	POLICE, FILE CABINETS		550.00
001.031200.524212	POLICE, RADAR EQUIP		800.00
001.031200.524401	POLICE, EXTRACTION EQUIP.		52.00
001.087600.492110	EMERGENCY DISASTER AID		75,000.00
001.070200.542113	REC. ADM., POSTAGE		1,500.00
001.071100.518607	PARKS, SEASONAL EXP.		1,000.00
001.071400.515605	PLAYGROUND & REC. CENTER, SECURITY EXPENSE		1,500.00
001.071400.543901	PLAYGROUND & REC. CENTER, INSTRUCTORS		1,200.00
001.071800.518607	BEACHES, ATTENDANTS		500.00
001.071800.542600	BEACHES, PRINTING		300.00
001.073100.518752	YOUTH PROGRAM, SWIMMING LESSONS		1,000.00
001.076200.541000	ADULT REC., MAINTENANCE		500.00
001.076200.545410	ADULT REC., BUSES		500.00
001.010100.543301	TOWN BOARD LITIGATION		1,000.00

TO:

001.013550.542100	ASSESSORS, OFFICE EQUIP.	\$	100.00
001.031200.524350	POLICE, LAW LIBRARY		800.00
001.031200.541500	POLICE, AUTO REPAIRS		50,000.00
001.070200.542600	REC. ADM., PRINTING		1,500.00
001.070200.543405	REC. ADM., TRAVEL		1,000.00
001.070200.546000	REC. ADM., UTILITIES		500.00
001.071100.542000	PARKS, SUPPLIES		500.00
001.071400.524000	PLAYGROUNDS & REC. CENTER EQUIPMENT		500.00

BUDGET ADOPTION, CONT.

		TO:	
001.071400.541000	PLAYGROUND & REC.CENTER REPAIRS	\$	2,000.00
001.073100.543601	YOUTH PROGRAM, LITTLE LEAGUE		1,000.00
001.076200.543608	ADULT REC.,PHY.FITNESS		1,000.00
001.080100.542000	ZBA OFFICE & TRAVEL		500.00
001.010100.524000	TOWN BOARD EQUIPMENT		1,000.00
001.016250.524000	BUILDINGS & GROUNDS EQUIPMENT		20,000.00
001.016250.541150	BUILDINGS & GROUNDS REPAIR & MAIN.		5,000.00
001.016250.541203	BUILDINGS & GROUNDS LANDSCAPING		1,000.00
001.016250.541204	BUILDINGS & GROUNDS RECREATION, REP & MAIN		2,000.00
001.016250.542500	BUILDINGS & GROUNDS SUPPLIES		5,000.00
001.013100.542700	FINANCE, COMPUTER SUPPLIES		8,500.00

THE VOTE

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

THE RESOLUTION WAS WAS NOT
 THEREUPON DULY DECLARED ADOPTED

NO. 498

DATE:

COUNCILPERSON STARK OFFERED THE FOLLOWING RESOLUTION WHICH WAS SECONDED BY COUNCILPERSON CREIGHTON.

BE IT RESOLVED, THAT THE SUPERVISOR BE AND HEREBY IS, AUTHORIZED TO ESTABLISH THE FOLLOWING BUDGET ADJUSTMENT:

BUDGET ADJUSTMENT
SOLID WASTE COLLECTION DISTRICT

FROM:

115.081600.549000	MISCELLANEOUS	\$4000.00
115.081600.546300	UTILITIES, FUEL	7500.00

TO:

115.081600.512500	NON-UNIFORM O/T	\$4000.00
115.081600.524000	EQUIPMENT	5500.00
115.081600.541510	VEHICLE MAINTENANCE, TIRES & REPAIRS	2000.00

THE VOTE

Gilliam Yes X No Creighton X Yes No
 Stark X Yes No Prusinowski Yes No *absent*
 Janoski X Yes No

**THE RESOLUTION WAS X WAS NOT
THEREUPON DULY DECLARED ADOPTED**

DATE August 12, 1992

NO. 499

COUNCILPERSON Stark offered the following resolution which was seconded by COUNCILPERSON Creighton.

RESOLVED, that the Supervisor be and hereby is, authorized to establish the following Budget Adoption.

BUDGET ADOPTION
RECREATION DEPARTMENT
FISHING TOURNAMENT

FROM:

006.072089.421046 REGISTRATION \$4,000.00

TO:

006.076200.542600	ADVERTISING	\$ 850.00
006.076200.542600	PRINTING	350.00
006.076200.544300	AWARDS & PRIZES	1,800.00
006.076200.544104	REFRESHMENTS	1,000.00

THE VOTE

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

**THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED**

500 RESOLUTION ESTABLISHING SEWER CONNECTION FEE

Councilperson Creighton offered the following resolution which was seconded by Councilperson Gilliam,

WHEREAS, Malcolm Pirnie, consulting engineers to the Riverhead Sewer District and the Joint Scavenger Waste Districts, have prepared a long-range plan and review of existing facilities and improvements anticipated to keep the Districts in compliance with their effluent permits which has been reviewed by this Board, and

WHEREAS, Malcolm Pirnie has based their recommendations upon a no net increase approach which calls for the staged construction of sequence batch reactors treating effluent to 10 mg/l total nitrogen for all available in-district and out-of-district future connections, and

WHEREAS, applications from time to time been made to the Superintendent for in-district connections and to this Board, as governing body of the Riverhead Sewer District, for out-of-district expansion and connection, and

WHEREAS, Malcolm Pirnie has determined that a dedicated fund be established to pay the anticipated cost of constructing the sequence batch reactors in stages as flows increase as a result of additional connections so as to not burden District tax payers with the expense to maintain no net increase in nitrogen effluent loads while permitting utilization of existing extra plant capacity to be funded by the payment prior to hook-up of \$6.50 for each additional daily gallon of flow,

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board, as governing body of the Riverhead Sewer District, determines that it is in the best interest of the existing residents and users of the Riverhead Sewer District that no additional hook-ups be made without providing funding for no net increase in nitrogen effluent loads by the payment of \$6.50 per gallon of additional daily flow; such funds to be segregated by the Supervisor, as Chief Fiscal Officer, into a separate interest bearing capital project account designated in the Budget as "Sewer District-No Net Increase Fund", such funds only to be expended upon further order of this Board for the purposes outlined in the report of the consulting engineer or any subsequent report of the District's consulting engineer as is from time to time accepted and approved by this Board, and be it further

RESOLVED, that the Superintendent shall acquire a certification of a licensed engineer as to the probable daily effluent flow of any proposed in-district connection or expansion for a commercial use; such certification shall not be required

for the construction of a single family dwelling in-district in which case the Superintendent may rely upon the standards set by the Suffolk County Department of Health. The threshold for payment of the aforementioned \$6.50 per gallon charge for new or increased flows within the district shall be 500 gallons per day, the fee being assessed upon the first gallon and subsequent gallons above the 500 gallons per day, and be it further

RESOLVED, that any petitioner for extension of the Riverhead Sewer District and connection thereto shall cause as an exhibit to the map and plan required by the Town Law a report by the District's consulting engineer detailing the projected flows which, if accepted by this Board, shall be incorporated into the Order Extending the District and that the aforesaid \$6.50 fee shall be assessed upon the first gallon per day and subsequent gallons for all out-of-district connections and extensions, and be it further

RESOLVED, that when upon the recommendation of the District's consulting engineer this Board finds and determines that a proposed hook-up to the District either within the bounds or outside can not be made due to existing conditions within the collection system and pump stations, any additional expense relating to the improvements required to collection and pump stations shall be an additional expense to be borne by the owner of the property served, and be it further

RESOLVED, that the Superintendent shall monitor the actual metered water consumption during the first year of actual use to confirm that the flows anticipated are equal to actual use; in the event that actual flows exceed anticipated flows, the owner of the property shall pay the additional fee required based upon the actual flows, and be it further

RESOLVED, that this resolution shall be effective immediately, and be it further

RESOLVED, that certified copies shall be forwarded to the Accounting Department, Planning Board, Zoning Board, Pierre G. Lundberg, Superintendent Michael Reichel, and Malcolm Pirnie.

THE VOTE

Gillam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski ___ Yes ___ No ___
Janoski Yes ___ No ___

Absent

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

8/18/92

501

APPOINTS 90 DAY CLERK TYPIST TO THE RECREATION DEPARTMENT

COUNCILPERSON Gilliam offered the following Resolution which was seconded by COUNCILPERSON Creighton.

WHEREAS, the Recreation Department is in need of a temporary clerk typist for the Fall Programs; and

WHEREAS, it is the desire of the Recreation Department to employ Kelly Grattan as a temporary clerk typist,

NOW, THEREFORE, BE IT

RESOLVED, that Kelly Grattan be and is hereby appointed as a temporary clerk typist effective August 24, 1992, for 90 days, at the hourly rate of compensation of \$8.53; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to, Kelly Grattan, P.O. Box 166, 301 Newton Avenue, Riverhead, New York 11901, the Recreation Department and the Office of Accounting.

THE VOTE

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

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

8-18-92

502 ADOPTS AMENDMENT TO CHAPTER 108 "ZONING" OF THE RIVERHEAD TOWN CODE AT SECTION 108-8 "GENERAL LOT, YARD AND HEIGHT REQUIREMENTS"

COUNCILPERSON Stark offered the following resolution, which was seconded by COUNCILPERSON Creighton :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider an amendment to Chapter 108 "Zoning" of the Riverhead Town Code at Section 108-8 "General lot, yard and height requirements"; and

WHEREAS, a public hearing was held on the 4th day of August, 1992, at 7:10 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board has issued its negative declaration regarding the amendment to the Riverhead Town Code and that this amendment will not have a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that an amendment to Chapter 108 "Zoning" of the Riverhead Town Code at Section 108-8 "General lot, yard and height requirements" be and is hereby adopted as follows:

Chapter 108
ARTICLE III
Residence A District

108-8. General lot, yard, and height requirements and nonconforming lots.

A. No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule² incorporated into this chapter 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.

²Editor's Note: See the Zoning Schedule at the end of this chapter.

503 AMENDS SITE PLAN OF KENNETH B. ZAHLER - COMMERCIAL BUILDING

Councilperson Stark offered the following resolution, which was seconded by Councilperson Creighton :

WHEREAS, by Resolution # 305, dated May 7, 1991, the Riverhead Town Board did approve the site plan of Kenneth B. Zahler for the construction of a 2,525 square foot + commercial building with attendant site improvements located at the south side of County Route 58, east of Strander Avenue, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-104-2-2, and

WHEREAS, Kenneth B. Zahler has requested that a modification of said site plan approval in regard to the location of certain parking stalls, and the location and screening of an above ground propane tank, as per a site plan prepared by Joseph A. Ingegno, L.S., P.O. Box 1931, Riverhead, New York, 11901, dated last October 2, 1991, be approved by the Riverhead Town Board, and

WHEREAS, the Planning Department has reviewed such modification and has recommended that the Town Board accept such modification, and

WHEREAS, this Town Board has reviewed the modification forementioned;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead does amend the site plan approval of Kenneth B. Zahler to provide for the following:

the location of certain parking stalls, and the location and screening of an above ground propane tank, as per a site plan prepared by Joseph A. Ingegno, L.S., P.O. Box 1931, Riverhead, New York, 11901, dated last October 2, 1991, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Kenneth B. Zahler, Joseph Ingegno, L.S., the Riverhead Planning Department, Building Department, Town Engineer, and Office of the Town Attorney.

THE VOTE

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

**THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED**

APPROVES SITE PLAN OF THE BIRCHWOOD RESTAURANT

Councilperson Creighton offered the following resolution, which was seconded by Councilperson Gilliam :

WHEREAS, a site plan and elevations were submitted by Michael Jacobchek for renovations to the west building facade and the kitchen located at the Birchwood Restaurant, 512 Pulaski Street, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-123-4-71; and

WHEREAS, the Planning Department has reviewed the site plan dated August 12, 1992, as prepared by Martin F. Sendlewski, AIA, 43 Southfield Road, Calverton, New York, 11933, and elevations dated August 12, 1992, as prepared by Martin F. Sendlewski, AIA, 43 Southfield Road, Calverton, New York, 11933, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Michael Jacobchek, for renovations to the west building facade and the kitchen, located at the Birchwood Restaurant, 512 Pulaski Street, Riverhead, New York, site plan dated August 12, 1992, as prepared by Martin F. Sendlewski, AIA, 43 Southfield Road, Calverton, New York, 11933, and elevations dated August 12, 1992, as prepared by Martin F. Sendlewski, AIA, 43 Southfield Road, Calverton, New York, 11933, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

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

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a

form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

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

7. 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; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Michael Jacobchek, Martin F. Sendlewski, AIA, the Riverhead Planning Department, Riverhead Building Department, Town Engineer, and Office of the Town Attorney.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1992, made by **WOODBIRCH REALTY CORPORATION**, residing at 512 Pulaski Street, Riverhead, New York, 11901, Declarant.

W I T N E S S E T H:

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 as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

505 AMENDS SITE PLAN OF LONG ISLAND LIGHTING COMPANY - TUTHILL SUBSTATION

Councilperson Gilliam offered the following resolution, which was seconded by Councilperson Creighton :

WHEREAS, by Resolution # 661, dated November 19, 1991, the Riverhead Town Board did approve the site plan of Maurice P. Fitzgerald as agent for Long Island Lighting Company for the construction of a building addition and installation of additional equipment located at the Tuthill substation located at the west side of Tuthill's Lane, north of North Apollo Drive, Jamesport, New York, known and designated as Suffolk County Tax Map Number 0600-46-1-39, and

WHEREAS, Maurice P. Fitzgerald as agent for Long Island Lighting Company has requested that a modification of said site plan approval in regard to the construction of a separate, 384 square foot control house, as per a site plan and elevations prepared by Long Island Lighting Company Office of Engineering, dated last January, 21, 1992 be approved by the Riverhead Town Board, and

WHEREAS, the Planning Department has reviewed such modification and has recommended that the Town Board accept such modification, and

WHEREAS, this Town Board has reviewed the modification aforementioned;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead does amend the site plan approval of Maurice P. Fitzgerald as agent for Long Island Lighting Company to provide for the following:

the construction of a separate, 384 square foot control house, as per a site plan and elevations prepared by Long Island Lighting Company Office of Engineering, dated last January, 21, 1992, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Maurice P. Fitzgerald as agent for Long Island Lighting Company, the Riverhead Planning Department, Building Department, Town Engineer, and Office of the Town Attorney.

THE VOTE

Gilliam [X] Yes ___ No Creighton [X] Yes ___ No
Stark [X] Yes ___ No Prusinowski ___ Yes ___ No Absent
Janoski [X] Yes ___ No

THE RESOLUTION WAS [X] WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

506 PUBLISHES FINDINGS STATEMENT ON THE SITE PLAN OF EAST END COMMONS

Councilperson Stark offered the following resolution, which was seconded by Councilperson ~~Creighton~~:

WHEREAS, the Riverhead Town Board is in receipt of a site plan application for the construction of 211,871 square feet of commercial use upon a tract of land located at the southwest corner of County Route 88 and County Route 43, Riverhead; such tract more particularly described as Suffolk County Tax Map Numbers 0600-109-1-4.1 and 0600-109-1-19.5, and

WHEREAS, the Riverhead Town Board has accepted a Final Environmental Impact Statement on the subject petition, and

WHEREAS, pursuant to Article 8 of the New York State Environmental Conservation Law, the Riverhead Town Board, as Lead Agency, must approve Findings Statement regarding the environmental issues associated with the action;

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board, after careful consideration of the SEQR record created to date respecting the site plan application of East End Commons, hereby accepts and approves the Findings Statement made part of this resolution, and

BE IT FURTHER

RESOLVED, that the Planning Director be authorized to publish and post such Findings Statement as prescribed by Article 8 of the New York State Environmental Conservation Law.

THE VOTE

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

**THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED**

facts and conclusions in the Final Environmental Impact Statement relied upon to support the decision:

First, that the Draft Environmental Impact Statement identified the following relevant environmental issues and impacts;

- 1) Impacts on geological resources;
- 2) Impacts on surface water resources;
- 3) Impacts on groundwater resources;
- 4) Impacts on air quality;
- 5) Impacts on terrestrial and aquatic ecology;
- 6) Impacts on existing roadways and traffic patterns;
- 7) Impacts on community services;
- 8) Impacts on cultural-archeological resources.

Second, that the Draft Environmental Impact Statement, as accepted by the Riverhead Town Board, analyzed those impacts as identified by the Lead Agency and provided a description of mitigation measures and project alternatives;

Third, that comments received upon the Draft Environmental Impact Statement from both involved agencies and parties of interest centered upon the following:

- (i) The need to assess the impact of generated vehicular traffic upon County Route 58, Northville Turnpike, and Oliver Street;
- (ii) The need to assess the impact of sanitary waste and stormwater runoff upon existing State regulated freshwater wetland areas;
- (iii) The need for a project alternative relying upon hookup to the Riverhead Sewer District;
- (iv) The need to provide for buffering residential properties along Oliver Street from proposed operations;
- (v) The need to consider the conformance of the proposed plan to those site planning requirements made part of the Town of Riverhead Zoning Ordinance;
- (vi) The need to assess the project's impacts upon Sawmill Creek system relative to other projects within the general vicinity;

Fourth, the Draft Environmental Impact Statement, together with the applicant's Response to Commentary, forms a description of an action which, to the greatest extent practical, minimizes adverse impacts upon the natural environment and human environment. The basis for this finding is centered in the judgment that the Final Environmental Impact Statement has addressed each of the major environmental issues and impacts relating to geological resources, surface water resources, groundwater resources, air quality, terrestrial and aquatic ecology, roadways and traffic patterns, community services, and cultural and archeological resources.

STATE ENVIRONMENTAL QUALITY REVIEW**FINDINGS STATEMENT**

Pursuant to Article 8 (State Environmental Quality Review Act) of the New York State Environmental Conservation Law and Part 617 of the New York Code of Rules and Regulations, the Town Board of the Town of Riverhead makes the following findings:

Name of Action: East End Commons Site Plan

Description of Action: The proposed construction of 211,871 square feet of commercial use with associated parking area, loading area, drainage structures, water supply appurtenances, and sanitary sewer upon a parcel of land located within the Business B Zoning Use District.

Location: The south side of Route 58 between Oliver Street and Northville Turnpike, Riverhead; such parcel more particularly described as Suffolk County Tax Map Numbers 0600-109-1-41 and 0600-109-1-19.5.

Agency Jurisdiction: The Riverhead Town Board, pursuant to Section 108-28 of the Riverhead Zoning Ordinance, retains the authority to approve a site plan prior to the issuance of a building permit.

Facts and conclusions relied upon to support the Lead Agency decision:

First, that the Draft Environmental Impact Statement identified the following relevant environmental issues and impacts;

- 1) Impacts on geological resources;
- 2) Impacts on surface water resources;
- 3) Impacts on groundwater resources;
- 4) Impacts on air quality;
- 5) Impacts on terrestrial and aquatic ecology;
- 6) Impacts on existing roadways and traffic patterns;
- 7) Impacts on community services;
- 8) Impacts on cultural-archeological resources.

Second, that the Draft Environmental Impact Statement, as accepted by the Riverhead Town Board, analyzed those impacts as identified by the Lead Agency and provided a description of mitigation measures and project alternatives;

Third, that comments received upon the Draft Environmental Impact Statement from both involved agencies and parties of interest centered upon the following:

- (i) The need to assess the impact of generated vehicular traffic upon County Route 58, Northville Turnpike, and Oliver Street;

- (ii) The need to assess the impact of sanitary waste and stormwater runoff upon existing State regulated freshwater wetland areas;
- (iii) The need for a project alternative relying upon hookup to the Riverhead Sewer District;
- (iv) The need to provide for buffering residential properties along Oliver Street from proposed operations;
- (v) The need to consider the conformance of the proposed plan to those site planning requirements made part of the Town of Riverhead Zoning Ordinance;
- (vi) The need to assess the project's impacts upon Sawmill Creek system relative to other projects within the general vicinity;

Fourth, the Draft Environmental Impact Statement, together with the applicant's Response to Commentary, forms a description of an action which, to the greatest extent practical, minimizes adverse impacts upon the natural environment and human environment. The basis for this finding is centered in the judgment that the Final Environmental Impact Statement has addressed each of the major environmental issues and impacts relating to geological resources, surface water resources, groundwater resources, air quality, terrestrial and aquatic ecology, roadways and traffic patterns, community services, and cultural and archeological resources. In its consideration of the site plan made part of the Final Environmental Impact Statement, the Riverhead Town Board specifically finds the following:

- (i) That the proposed site plan established a non-disturbance area of 100' surrounding State-regulated freshwater wetlands associated with the Sawmill Creek and that such buffer area will mitigate impacts upon the identified natural resource;
- (ii) That the proposed site plan includes a drainage plan which relies upon the use of leaching pools which will both recharge stormwater away from existing wetlands and which will allow for the establishment of necessary open space areas;
- (iii) That the Town Board will require the site to be served by the Riverhead Sewer District by extension of the district boundary and that any environmental impacts upon wetlands and surface water resulting from wastewater generation will be mitigated;
- (iv) That the proposed site plan is in conformance with those applicable parameters as required by Article 6 of the Suffolk County Sanitary Code;
- (v) That the proposed commercial use would generate a sanitary sewage flow of 8,220 gallons per day and that upon the subject property being included within the Riverhead Sewer District, the District will be in a position to provide the required service;

- (vi) That the subject site does not exhibit any rare or endangered flora or fauna and that due to historical disturbance of the proposed development, the wildlife value is limited;
- (vii) That the proposed site plan includes a proposed clearing and grading plan designed to prevent stormwater runoff from finding the wetland region. In order to control erosion during the construction period, a phased grading and clearing plan will be employed with the use of silt fence and hay bales to minimize sedimentation of wetland areas;
- (viii) That a stage 1A cultural resources assessment was performed, the conclusion being that no significant cultural materials were recovered and that no further study is warranted;
- (ix) That sludge remaining from past agricultural use of the property exists within identified wetland areas and that it is concluded that the removal of such sludge could result in negative impacts to both wetlands and surface water quality. The natural degradation of this material will have the least impact to the integrity of Sawmill Creek in general and the on-site wetlands in particular;
- (x) That the Final Environmental Impact Statement accepted for this project has assessed the impacts of the subject petition together with the impacts associated with other development projects within the vicinity (the Cross River Project, Mill Pond Commons, and Bridgewater Estates) upon the Sawmill Creek System. It is the conclusion of this Board that since the referenced projects have either mitigated or eliminated impacts to Sawmill Creek individually, the cumulative effect is not expected to negatively impact the wetlands or surface water of the Sawmill Creek. Those mitigation measures to be employed include sewerage of wastewater, non-disturbance areas around wetlands, reduced nitrogen turf management plans, and control of stormwater runoff;
- (xi) That prior to the issuance of a building permit, the Riverhead Town Board shall approve an engineered site plan in conformance with Section 108-128 of the Town of Riverhead Zoning Ordinance. Pursuant to this statement of environmental findings, the site plan shall include the following depictions:
 - (a) The connection of the project site to the Riverhead Sewer District pursuant to that map and plan approved by the Riverhead Town Board;
 - (b) A comprehensive landscaping and management plan that employ maximum use of native, low-maintenance ground covers, trees and shrubs and which incorporates those species which are in conformity with the relevant Title 24 Permit as approved by the New York State Department of Environmental Conservation;

- (c) The location of ingress and egress points, the extent of acceleration/deceleration lanes, the location of vehicular traffic signalization, and the location and extent of improvements within the County right-of-way pursuant to the separate findings of the Suffolk County Department of Public Works;
- (d) A non-disturbance buffer along Oliver Street, pursuant to Town Board Resolution #430 of June 4, 1985, designed to minimize impacts of parking and loading areas upon the existing residential land uses located on the west side of Oliver Street.

Certification of Findings

That having considered the Draft and Final Environmental Impact Statement and having considered the preceding written facts and findings relied upon to meet the requirements of 6 NYCRR Part 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic, and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable;
3. Consistent with the social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects, revealed in the SEQR record, will be minimized or avoided by incorporating as conditions those mitigative measures identified.

8-18-92

507

AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM

COUNCILPERSON Stark offered the following resolution, which was seconded by COUNCILPERSON Gilliam:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider a local law electing a retirement incentive program:

TOWN OF RIVERHEAD
PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 1st day of September, 1992, at 7:30 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider a local law electing a retirement incentive program as authorized by Chapter 643 of the Laws of 1992 for eligible employees of the Town of Riverhead. A copy of the entire local law is available at the Town Clerk's Office during normal business hours Monday through Friday from 8:30 a.m. to 4:30 p.m.

Dated: Riverhead, New York
August 18, 1992.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

THE VOTE

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

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

8-18-92

508

AWARDS BID FOR POLICE COMMUNICATION EQUIPMENT

COUNCILPERSON Creighton offered the following resolution, which was seconded by COUNCILPERSON Gilliam:

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for Police communication equipment; and

WHEREAS, bids were received, opened and read aloud on the 5th day of August, 1992, at 11:00 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the notice to bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for Police communication equipment be and is hereby awarded to Eastern L.I. Electronics, Inc.; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Eastern L.I. Electronics, Inc., the Riverhead Police Department and the Accounting Department.

THE VOTE

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

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

BID FORM

NET DELIVERED PRICE OF ITEMS LISTED BELOW AS PER BID SPECIFICATIONS:

ITEM 1: \$ 595.00 ea or 8330.00** ITEM 5: \$ 1024.00 ea or 2048.00
 ITEM 2: \$ 423.00 ITEM 6: \$ 74.50 ea or 447.00
 ITEM 3: \$ 198.00 ea or 1872.00 ITEM 7: \$ _____
 ITEM 4: \$ 45.00 ea or 270.00 ITEM 8: \$ _____

ANTICIPATED DELIVERY TIME AFTER RECEIPT OF ORDER 45 DAYS.

I/We fully understand that the acceptance of this bid is subject to the provisions of sections 103A and 103B of the General Municipal Law.

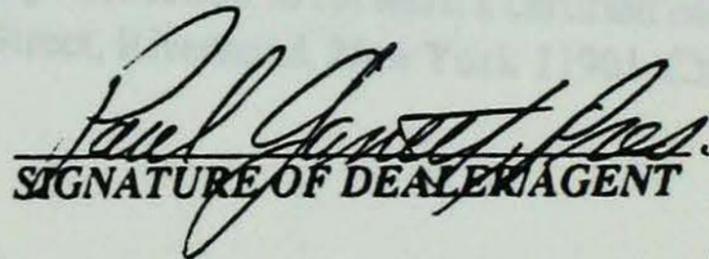
I/WE FULLY UNDERSTAND THAT THE ACCEPTANCE OF THIS BID IS SUBJECT TO THE PROVISIONS OF SECTION 103A AND 103B OF THE GENERAL MUNICIPAL LAW.

Eastern L.I. Electronics, Inc.
NAME OF AGENT/DEALER

P.O. Box 927
ADDRESS

Quogue, New York 11959
CITY, STATE, ZIP

Paul Garrett
CONTACT PERSON


SIGNATURE OF DEALER/AGENT

August 4, 1992
DATE

** See Exception

8/18/92

509 **APPOINTS AUTOMOTIVE EQUIPMENT OPERATOR TO THE TOWN OF RIVERHEAD HIGHWAY DEPARTMENT**

COUNCILPERSON Gilliam offered the following resolution which was seconded by COUNCILPERSON Creighton.

WHEREAS, the availability of the position of Automotive Equipment Operator with the Town of Riverhead Highway Department was duly advertised; and

WHEREAS, applicants were thereafter interviewed,

NOW, THEREFORE, BE IT

RESOLVED, that John Schwarz be and is hereby appointed to the position of Automotive Equipment Operator with the Highway Department effective August 24, 1992 at the annual rate of compensation of \$22,659.03 as set forth in Group 6 Step P of the Operational and Technical Salary Schedule of the 1991/1992 CSEA Contract; and

BE IT FURTHER

RESOLVED that the Town Clerk is hereby authorized to forward a certified copy of this resolution to John Schwarz, 1233 West Main Street, Riverhead, New York 11901, Charles Bloss and the Accounting Department.

THE VOTE

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

**THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED**

8/18/92

510 **APPOINTS LABORER TO THE TOWN OF RIVERHEAD
HIGHWAY DEPARTMENT**

COUNCILPERSON Gilliam offered the following resolution
which was seconded by COUNCILPERSON Creighton.

WHEREAS, the availability of the position of Laborer with the Town of Riverhead
Highway Department was duly advertised; and

WHEREAS, applicants were thereafter interviewed,

NOW, THEREFORE, BE IT

RESOLVED, that James Scruggs be and is hereby appointed to the position of Laborer
with the Highway Department effective August 24, 1992 at the annual rate of compensation
of \$21,291.20 as set forth in Group 3 Step P of the Operational and Technical Salary Schedule
of the 1991/1992 CSEA Contract; and

BE IT FURTHER

RESOLVED that the Town Clerk is hereby authorized to forward a certified copy of
this resolution to James Scruggs, 381C Doctors Path, Riverhead, New York 11901, Charles
Bloss and the Accounting Department.

THE VOTE

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

**THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED**

8/18/92

511

**APPOINTS LABORER TO THE TOWN OF RIVERHEAD
HIGHWAY DEPARTMENT**

COUNCILPERSON Gilliam offered the following resolution
which was seconded by COUNCILPERSON Creighton.

WHEREAS, the availability of the position of Laborer with the Town of Riverhead Highway Department was duly advertised; and

WHEREAS, applicants were thereafter interviewed,

NOW, THEREFORE, BE IT

RESOLVED, that Keith Clancy be and is hereby appointed to the position of Laborer with the Highway Department effective August 24, 1992 at the annual rate of compensation of \$21,291.20 as set forth in Group 3 Step P of the Operational and Technical Salary Schedule of the 1991/1992 CSEA Contract; and

BE IT FURTHER

RESOLVED that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Keith Clancy, 977 Ostrander Avenue, Riverhead, New York 11901, Charles Bloss and the Accounting Department.

THE VOTE

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

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

8-4-92

512 TERMINATES PART-TIME GUARDS WITH THE RIVERHEAD SANITATION DEPARTMENT

COUNCILPERSON Stark offered the following resolution, which was seconded by COUNCILPERSON Janoski:

WHEREAS, the Town of Riverhead has established a Townwide refuse and garbage district; and

WHEREAS, the Riverhead Landfill will no longer be open to residents and, therefore, guards will no longer be needed.

NOW, THEREFORE, BE IT

RESOLVED, that Nicholas Camarano, George Mulroy and Marcel Bader be and are hereby terminated as a part-time guards at the Riverhead Landfill effective September 4, 1992; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Nicholas Camarano, George Mulroy, Marcel Bader, John Reeve and the Accounting Department.

THE VOTE

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

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

8-18-92

513 AUTHORIZES TOWN CLERK TO COMPLETE FORM TE9a RE: SPEED LIMIT ON OSBORNE AVENUE

COUNCILPERSON Stark offered the following resolution, which was seconded by COUNCILPERSON Janoski:

RESOLVED, that the Town Clerk be and is hereby directed to complete Form TE9a and forward same to the New York State Department of Transportation to cause New York State to investigate the possibility of reducing of the speed limit on Osborne Avenue between Youngs Avenue North to Sound Avenue to 40 mph.

THE VOTE

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

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

8-18-92

COUNCILPERSON Creighton offered following resolution, which was seconded by COUNCILPERSON Gilliam:

514 RESOLUTION AND CONSENT APPROVING THE DEDICATION OF HIGHWAYS KNOWN AS SUNWOOD DRIVE AND RECHARGE BASIN

At a regular meeting of the Town Board of the Town of Riverhead, in the County of Suffolk, State of New York, held at 200 Howell Avenue, Riverhead, New York, on the 18th day of August, 1992.

P R E S E N T:

HON. Joseph F. Janoski, Supervisor
Victor Prusinowski, Councilman
James R. Stark, Councilman
Frank Creighton, Councilman
Harriet Gilliam, Councilwoman

-----X

In the Matter of the Dedication of Certain Highways in the Town of Riverhead, County of Suffolk and State of New York, Known as

RESOLUTION
and CONSENT

SUNWOOD DRIVE and RECHARGE BASIN

-----X

WHEREAS, a certain subdivision map was filed in the Office of the Clerk of the County of Suffolk, known as "Map of Sunwood"; and

WHEREAS, plans for the construction of various improvements to said roads known and designated as **SUNWOOD DRIVE** and a recharge basin were submitted to the Planning Board of the Town of Riverhead; and

WHEREAS, the Town Board of the Town of Riverhead did approve a performance bond as to form, sufficiency, manner of execution and surety; and

WHEREAS, said roads, drainage systems, sumps and other improvements have been completed in accordance with the plans and specifications of the Town of Riverhead Planning Board; and

WHEREAS, the construction of the said roads, drainage systems, sumps and other improvements have met with the approval of the Superintendent of Highways of the Town of Riverhead; and

WHEREAS, a copy of the letter from the Superintendent of Highways indicating his consent is annexed hereto and made a part hereof; and

WHEREAS, a special search street dedication from TRW Title Insurance of New York, Inc., under title number PAP 1280647-A and PAP 1280647-B, has been filed with the Clerk of the Town of Riverhead, together with a deed of dedication and release affecting said roads, drainage systems, sumps and/or other improvements.

NOW, THEREFORE, BE IT

RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent be and the same is hereby given that the Superintendent of Highways of the Town of Riverhead, make an order laying out certain roads known as SUNWOOD DRIVE, together with proper drainage facilities and RECHARGE BASIN, the said Town road to consist of the land described in the deed of dedication dated May 12, 1992, and to extend same as delineated therein; and be it further

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby directed to forthwith cause such deed of dedication to be recorded in the Office of the Clerk of the County of Suffolk, and upon its return, to attach it hereto; and be it further

RESOLVED, that this resolution shall take effect immediately; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Charles R. Cuddy, Esq., as attorney for applicant the Superintendent of Highways, the Riverhead Planning Board and the Town Attorney's Office.

Dated: Riverhead, New York
August 18, 1992.

TOWN BOARD OF THE TOWN OF RIVERHEAD

JOSEPH F. JANOSKI

VICTOR PRUSINOWSKI

JAMES R. STARK

FRANK CREIGHTON

HARRIET GILLIAM

THE VOTE

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

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

8-18-92

515

AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO CONSIDER AN AMENDMENT TO CHAPTER 108 "ZONING" TO THE RIVERHEAD TOWN CODE AT ARTICLE XXII BUSINESS PB DISTRICT SECTION 108-112 "USES"

COUNCILPERSON Gilliam offered the following resolution, which was seconded by COUNCILPERSON Creighton :

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider an amendment to Chapter 108 "Zoning" to the Riverhead Town Code at Article XXII Business PB District Section 108-112 "Uses":

TOWN OF RIVERHEAD
PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 1st day of September, 1992, at 7:10 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider an amendment to Chapter 108 "Zoning" to the Riverhead Town Code at Article XXII Business PB District Section 108-112 by eliminating the current special permit uses and making them permitted uses, with the exception of day-care centers, which shall remain as a special permitted use. A complete copy of the proposed amendment may be obtained from the Town Clerk's Office at 200 Howell Avenue, Riverhead, New York, during normal business hours Monday through Friday between 9:00 a.m. and 4:30 p.m.

Dated: Riverhead, New York
July 7, 1992.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

*underscore represents addition(s)
**overstrike represents deletion(s)

108-112. Uses.

In the Business PB District (Professional Service Building), no building, structure or premises shall be used or arranged or designed to be used and no building or structure shall be hereafter erected, reconstructed or altered or occupied, unless otherwise provided in this chapter, for one (1) or more of the following ~~special permit~~ uses or accessory uses:

A. Permitted uses. ~~Special permit uses.~~ ~~All special permit uses set forth herein shall be subject to the approval of the Town Board, pursuant to the definition of special permits in Section 108-3 of this chapter. Special permit uses are as follows:~~

(1) Professional offices of:

- (a) Accountants.
- (b) Architects.
- (c) Artists
- (d) Attorneys.
- (e) Audiologists.
- (f) Bookkeepers.
- (g) Chiropractors.
- (h) Dentists.
- (i) Draftsmen.
- (j) Engineers.
- (k) Income tax preparers.
- (l) Insurance agents or brokers.
- (m) Interior decorators.
- (n) Journalists.
- (o) Medical doctors.
- (p) Optometrists.
- (q) Osteopaths.
- (r) Podiatrists.
- (s) Photographers
- (t) Physical therapists.
- (u) Real estate agents or brokers.
- (v) Surveyors.
- ~~(w) Day-care centers or nursery schools as defined by the Social Service Law.~~

~~(2) Professional offices or a person or persons determined by the Town Board to be engaged in a profession similar to those set forth in Subsection A(1) above.~~

B. Special permit uses. All special permit uses set forth herein shall be subject to the approval of the Town Board, pursuant to the definition of special permits in Section 108-3 of this chapter. Special permit uses are as follows:

- (a) Day-care centers or nursery schools as defined by the Social Service Law.

(b) Any other professional offices or person or person engaged in a profession similar to those in A(1) above.

C.B. Accessory uses. Accessory uses shall include those uses customarily incident to any of the above permitted or special permitted uses when located on the same lot and specifically granted by the Town Board as accessory to the permitted or special permitted uses.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF ALBANY
BARBARA CRAYTON, Town Clerk

THE VOTE

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

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

8-18-92

516 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO CONSIDER AN AMENDMENT TO CHAPTER 108 "ZONING" OF THE RIVERHEAD TOWN CODE BY ADDING BUSINESS F ZONING USE DISTRICT (MANUFACTURERS OUTLET CENTER OVERLAY ZONE)

COUNCILPERSON Stark offered the following resolution, which was seconded by COUNCILPERSON Creighton :

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider an amendment to Chapter 108 "Zoning" of the Riverhead Town Code by adding Business F Zoning Use District Manufacturers Outlet Center Overlay Zone.

Dated: Riverhead, New York
August 18, 1992.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 1st day of September, 1992, at 7:20 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the following amendment to Chapter 108 "Zoning" of the Riverhead Town Code by adding Business F Zoning Use District Manufacturers Outlet Center Overlay Zone, which zoning use district would not provide for general retail use for single-tenant occupants.

**BUSINESS F DISTRICT
MANUFACTURERS OUTLET CENTER OVERLAY ZONE**

Purpose

It is the specific purpose and intent of this Article to provide for manufacturers outlet centers and their customary accessory uses upon those lands which are appropriate due to their location relative to public infrastructure and are accessible to arterial roadway networks. This use district may be imposed by the Town Board in conjunction with or to the exclusion of, the Business B, Business D, Industrial A, and Office Service Zoning Use Districts, or upon a parcel partially within one of the above described use districts.

Uses

In the Business F District, no building structure or premises shall be used, arranged, or designed to be used and no building or structure shall hereafter be erected, reconstructed, or altered unless otherwise provided in this Chapter except for the following specially permitted uses:

- 1) Manufacturers outlet center;
- 2) Restaurants, excluding outdoor counter service or drive-ins or curb establishments. Such prohibition shall not prevent service at tables on a covered or uncovered terrace, patio or porch incidental to a specially permitted restaurant;

Accessory Uses

- 1) Accessory uses shall include those uses customarily incidental to any or the above permitted uses when located on the same lot and shall specifically include:
 - a) Garages for the parking of vehicles
 - b) Off street loading area
 - c) Central heating or power plants
 - d) Fully-enclosed storage areas
 - e) Maintenance and utility facilities
 - f) Trash receptacles, dumpsters suitably screened
 - g) Playground and common areas
 - h) Improved recreational areas

General Lot, Yard, and Height Requirements

- A) The minimum lot area shall be 25 acres
- B) The minimum lot width shall be 500 feet

- C) The maximum building area shall be 15 percent
- D) The minimum front yard shall be 100 feet
- E) The minimum side yard shall be 50 feet
- F) The maximum height shall be thirty-five (35) feet

Additional Development Standards

- A) Sites served by the Riverhead Sewer District shall have a maximum building area of 30 percent. The Town Board may relieve landscape requirements through site plan review;
- B) Off street parking shall be required at one (1) parking space per 200 square feet of gross floor area and at one (1) space per three (3) seats for restaurant uses;
- C) Frontage upon a major arterial;
- D) Pursuant to Article XXVI, site plan review shall be required. In the consideration of a preliminary site plan accompanying the special permit, the Town Board shall require the following:
 - 1) A landscaped area of a minimum of 25 percent of the total site area;
 - 2) A landscaped front yard of a minimum of one hundred (100) feet measured from the property line. Existing vegetation should be made part of the landscaped front yard where appropriate. Parking areas shall not be located within the front yard;
 - 3) In parking areas of greater than 10,000 square feet, landscaped areas shall be employed to divide asphalt areas;
 - 4) Site plans shall, to the greatest extent practical, incorporate the spacial separation of architecturally-related buildings in order to create interior courtyard and pedestrian areas;
 - 5) Areas of natural features including freshwater wetlands, surface waters, and slopes in excess of 15 percent, as well as those areas required for public facilities shall not be considered in the calculation of maximum building area.

Nonpermitted Uses

No building, structure, premise or lot in the Business F District (Manufacturers Outlet District) shall be occupied for the following uses:

- 1) Retail sale of consumer merchandise, unless the use is a type permitted as a special permit use;

- 2) Theaters and cinemas;
- 3) Gasoline service stations;
- 4) Motor vehicle sales;
- 5) Car washes;
- 6) Printing plants;

amendment to Section 108-3 Definitions

Manufacturers Outlet Center

any building or buildings used by one (1) or more enterprises occupied by the manufacturer for sale at retail or wholesale of first quality goods, overruns, and factory seconds. Factory goods shall occupy a minimum of seventy percent of the total floor area. In a Manufacturers Outlet Center, each enterprise shall mainly purvey only those products originally manufactured or distributed by the affiliate enterprise. General retail use shall not exceed five tenths of one percent of the total building area of the principal use.

and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward this resolution to the Suffolk County Planning Commission; the L.I. State Park Commission; the Towns of Brookhaven, Southold and Southampton; and the L.I. Pine Barrens Review Commission.

THE VOTE

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

THE RESOLUTION WAS WAS NOT ___
 THEREUPON DULY DECLARED ADOPTED

8-18-92

517

AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO CONSIDER AN AMENDMENT TO CHAPTER 108 "ZONING" OF THE RIVERHEAD TOWN CODE BY ADDING BUSINESS F ZONING USE DISTRICT (MANUFACTURERS OUTLET CENTER OVERLAY ZONE)

COUNCILPERSON Stark offered the following resolution, which was seconded by COUNCILPERSON Gilliam :

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider an amendment to Chapter 108 "Zoning" of the Riverhead Town Code by adding Business F Zoning Use District Manufacturers Outlet Center Overlay Zone.

Dated: Riverhead, New York
August 18, 1992.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

PLEASE TAKE NOTICE, that a public hearing will be held on the 1st day of September, 1992, at 7:15 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the following amendment to Chapter 108 "Zoning" of the Riverhead Town Code by adding Business F Zoning Use District Manufacturers Outlet Center Overlay Zone.

BUSINESS F DISTRICT
MANUFACTURERS OUTLET CENTER OVERLAY ZONE

Purpose

It is the specific purpose and intent of this Article to provide for manufacturers outlet centers and their customary accessory uses upon those lands which are appropriate due to their location relative to public infrastructure and are accessible to arterial roadway networks. This use district may be imposed by the Town Board in conjunction with or to the exclusion of, the Business B, Business D, Industrial A, and Office Service Zoning Use Districts, or upon a parcel partially within one of the above described use districts.

Uses

In the Business F District, no building structure or premises shall be used, arranged, or designed to be used and no building or structure shall hereafter be erected, reconstructed, or altered unless otherwise provided in this Chapter except for the following specially permitted uses:

- 1) Manufacturers outlet center;
- 2) Restaurants, excluding outdoor counter service or drive-ins or curb establishments. Such prohibition shall not prevent service at tables on a covered or uncovered terrace, patio or porch incidental to a specially permitted restaurant;
- 3) Establishments engaged in selling goods or merchandise to the general public for personal or household consumption provided that the entire structure housing such use is occupied by a single tenant or single owner use and shall be in a structure of no less than 100,000 square feet.

Accessory Uses

- 1) Accessory uses shall include those uses customarily incidental to any or the above permitted uses when located on the same lot and shall specifically include:
 - a) Garages for the parking of vehicles
 - b) Off street loading area
 - c) Central heating or power plants
 - d) Fully-enclosed storage areas
 - e) Maintenance and utility facilities
 - f) Trash receptacles, dumpsters suitably screened
 - g) Playground and common areas
 - h) Improved recreational areas

General Lot, Yard, and Height Requirements

- A) The minimum lot area shall be 25 acres
- B) The minimum lot width shall be 500 feet

- C) The maximum building area shall be 15 percent
- D) The minimum front yard shall be 100 feet
- E) The minimum side yard shall be 50 feet
- F) The maximum height shall be thirty-five (35) feet

Additional Development Standards

- A) Sites served by the Riverhead Sewer District shall have a maximum building area of 30 percent. The Town Board may relieve landscape requirements through site plan review;
- B) Off street parking shall be required at one (1) parking space per 200 square feet of gross floor area and at one (1) space per three (3) seats for restaurant uses;
- C) Frontage upon a major arterial;
- D) Pursuant to Article XXVI, site plan review shall be required. In the consideration of a preliminary site plan accompanying the special permit, the Town Board shall require the following:
 - 1) A landscaped area of a minimum of 25 percent of the total site area;
 - 2) A landscaped front yard of a minimum of one hundred (100) feet measured from the property line. Existing vegetation should be made part of the landscaped front yard where appropriate. Parking areas shall not be located within the front yard;
 - 3) In parking areas of greater than 10,000 square feet, landscaped areas shall be employed to divide asphalt areas;
 - 4) Site plans shall, to the greatest extent practical, incorporate the spacial separation of architecturally-related buildings in order to create interior courtyard and pedestrian areas;
 - 5) Areas of natural features including freshwater wetlands, surface waters, and slopes in excess of 15 percent, as well as those areas required for public facilities shall not be considered in the calculation of maximum building area.

Nonpermitted Uses

No building, structure, premise or lot in the Business F District (Manufacturers Outlet District) shall be occupied for the following uses:

- 1) Retail sale of consumer merchandise, unless the use is a type permitted as a special permit use;
- 2) Theaters and cinemas;

- 3) Gasoline service stations;
- 4) Motor vehicle sales;
- 5) Car washes;
- 6) Printing plants;

Amendment to Section 108-3 Definitions

Manufacturers Outlet Center

Any building or buildings used by one (1) or more enterprises occupied by the manufacturer for sale at retail or wholesale of first quality goods, overruns, and factory seconds. Factory goods shall occupy a minimum of seventy percent of the total floor area. In a Manufacturers Outlet Center, each enterprise shall mainly purvey only those products originally manufactured or distributed by the affiliate enterprise. General retail use shall not exceed five tenths of one percent of the total building area of the principal use.

and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward this resolution to the Suffolk County Planning Commission; the L.I. State Park Commission; the Towns of Brookhaven, Southold and Southampton; and the L.I. Pine Barrens Review Commission.

THE VOTE

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

THE RESOLUTION WAS WAS NOT ___
 THEREUPON DULY DECLARED ADOPTED

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 deemed to apply to the owner of the property covered by this site plan;

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APPROVES SITE PLAN OF THE TOSCO CORPORATION - STEEL
CONTAINMENT DIKE FOR TANK #4

Councilperson Creighton offered the following resolution, which was seconded by Councilperson Gilliam :

WHEREAS, a site plan and elevations were submitted by Earl Espeland, as agent for the Tosco Corporation for the installation of a secondary steel containment dike for Tank Number 4 located at the north side of Sound Shore Road, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-7-1-2; and

WHEREAS, the Planning Department has reviewed the site plan dated last August 10, 1992, as prepared by Young & Young, 400 Ostrander Avenue, Riverhead, New York, 11901, and elevations dated July 17, 1992, as prepared by U.N.I. Engineering, Inc., 156 Stockton Street, Hightstown, New Jersey 08520, 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) Exempt 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, this Town Board has reviewed the site plan and elevations aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Earl Espeland, as agent for the Tosco Corporation, for the installation of a secondary steel containment dike for Tank Number 4, located at the north side of Sound Shore Road, Riverhead, New York, site plan dated last August 10, 1992, as prepared by Young & Young, 400 Ostrander Avenue, Riverhead, New York, 11901, and elevations dated July 17, 1992, as prepared by U.N.I. Engineering, Inc., 156 Stockton Street, Hightstown, New Jersey 08520, 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. 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, TOSCO CORPORATION hereby authorizes and consents to the Town of Riverhead to enter premises at the north side of Sound Shore Road, Riverhead, 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. 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; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Earl Espeland, c/o Tosco Corporation (Sound Shore Road, P.O. Box 111, Riverhead, New York, 11901), the Riverhead Planning Department, Riverhead Building Department, Town Engineer, and Office of the Town Attorney.

That this Declaration be recorded in the Suffolk County Office and

That the Declarant has considered the foregoing and determined that same will be in the best interest of the Town and the best interest of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That the Declarant, for the purpose of carrying out the intentions herein expressed, does hereby make known, 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 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

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1992, made by TOSCO CORPORATION, residing at 72 Cummings Point Road, Stamford, Connecticut 06902, Declarant.

W I T N E S S E T H:

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

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

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

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

9. 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.

519

APPROVES SITE PLAN OF THE TOSCO CORPORATION - PUMP HOUSE

Councilperson Gilliam offered the following resolution, which was seconded by Councilperson Creighton :

WHEREAS, a site plan and elevations were submitted by Earl Espeland, as agent for the Tosco Corporation for the installation of a 14'6" x 25' prefabricated steel building to house a pump located at the south side of Sound Shore Road, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-20-1-3; and

WHEREAS, the Planning Department has reviewed the site plan dated last August 10, 1992, as prepared by Young & Young, 400 Ostrander Avenue, Riverhead, New York, 11901, and elevations dated July 21, 1992, as prepared by Cove Commercial Building Corporation, 111 Hewlett Avenue, East Patchogue, New York, 11772, 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) Type II 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, this Town Board has reviewed the site plan and elevations aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Earl Espeland, as agent for the Tosco Corporation, for the installation of a 14'6" x 25' prefabricated steel building to house a pump, located at the south side of Sound Shore Road, Riverhead, New York, site plan dated last August 10, 1992, as prepared by Young & Young, 400 Ostrander Avenue, Riverhead, New York, 11901, and elevations dated July 21, 1992, as prepared by Cove Commercial Building Corporation, 111 Hewlett Avenue, East Patchogue, New York, 11772, 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. 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, TOSCO CORPORATION hereby authorizes and consents to the Town of Riverhead to enter premises at the south side of Sound Shore Road, Riverhead, 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. 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; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Earl Espeland, c/o Tosco Corporation (Sound Shore Road, P.O. Box 111, Riverhead, New York, 11901), the Riverhead Planning Department, Riverhead Building Department, Town Engineer, and Office of the Town Attorney.

County Clerk's Office and

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

THE FURTHER, THIS DECLARANT HEREBY:

1. The Declarant, for the purpose of carrying out the intentions of the aforesaid, does hereby make known, admit, publicly 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 set forth 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 106-56 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 106-110.7 and any restrictions imposed as a condition of the site plan approval granted herein.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1992, made by TOSCO CORPORATION, residing at 72 Cummings Point Road, Stamford, Connecticut 06902, Declarant.

W I T N E S S E T H:

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

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

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

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

9. 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.

520 AMENDS SITE PLAN OF DBM COMPANY OFFICE BUILDING

Councilperson Stark offered the following resolution, which was seconded by Councilperson Creighton :

WHEREAS, by Resolution # 713, dated October 17, 1989, the Riverhead Town Board did approve the site plan of Herbert Mandel and Richard Israel for the construction of a 2,250 square foot office building and related site improvements located at the south side of County Route 58, west of New York State Route 25, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-84-4-37.4, and

WHEREAS, Herbert Mandel and Richard Israel has requested that a modification of said site plan approval in regard to the location of air conditioning units at the southwest corner of the building, and the elimination of purpleaved wintercreeper from the planting schedule be approved by the Riverhead Town Board, and

WHEREAS, the Planning Department has reviewed such modification and has recommended that the Town Board accept such modification, and

WHEREAS, this Town Board has reviewed the modification aforementioned;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead does amend the site plan approval of Herbert Mandel and Richard Israel to provide for the following:

the location of air conditioning units at the southwest corner of the building, and the elimination of purpleaved wintercreeper from the planting schedule, and

BE IT FURTHER

RESOLVED, that said air conditioning units shall be buffered from view from adjoining properties with plantings, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Herbert Mandel and Richard Israel, the Riverhead Planning Department, Building Department, Town Engineer, and Office of the Town Attorney.

THE VOTE

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

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

8/18/92

521 APPROVES AND RATIFIES STIPULATIONS OF SETTLEMENT RE:
DESIGNATION OF MANAGERIAL PERSONNEL

Councilperson Gilliam offered the following resolution,
which was seconded by Councilperson Creighton:

RESOLVED, that this Town Board does hereby approve and ratify the attached Stipulations of Settlement with regard to the designation of Richard Hanley and Andrea Lohneiss as managerial employees of the Town of Riverhead; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward certified copies of this resolution to Richard Hanley, Andrea Lohneiss, Richard Zuckerman, Esq. and the Office of Accounting.

THE VOTE

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

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

COUNCILPERSON offered the following resolution, which was seconded by COUNCILPERSON RESOLVED, that the SUPERVISOR be and is hereby authorized to pay the following:

*****ACCOUNTS*****	*****TOTALS*****
GENERAL TOWN 001	\$29,138.70
PARKING METER 002	\$0.00
AMBULANCE 003	\$0.00
POLICE ATHLETIC LEAGUE 004	\$195.00
TEEN CENTER 005	\$256.10
RECREATION PROGRAM 006	\$288.56
HIGHWAY 111	\$2,758.48
WATER 112	\$2,058.90
REPAIR & MAINTENANCE 113	\$0.00
SEWER 114	\$10,024.11
SOLID WASTE COLLECTION DIST. 115	\$1,101.53
STREET LIGHTING 116	\$3,260.21
PUBLIC PARKING 117	\$0.00
BUSINESS IMPROVEMENTS DISTRICT 118	\$0.00
HOSPITALIZATION SELF INSURANCE 174	\$14,632.04
RISK RETENTION 175	\$0.00
UNEMPLOYMENT INSURANCE RESERVE 176	\$0.00
MAIN ST. REHAB 177	\$0.00
ECONOMIC REVOLVING LOAN 178	\$0.00
RESIDENTIAL REHAB 179	\$937.00
DISCRETIONARY/SMALL CITIES 180	\$0.00
CDBG CONSORTIUM ACCOUNT 181	\$240.32
URBAN DEVEL CORP WORKING 182	\$0.00
IDDP CONSORTIUM ACCOUNT 183	\$0.00
RESTORE GRANT PROGRAM 184	\$37.00
PUBLIC PARKING DEBT 381	\$0.00
SEWER DEBT 382	\$0.00
WATER DEBT 383	\$0.00
SCAVANGER WASTE DISTRICT DEBT 385	\$0.00
TOWN HALL CAPITAL PROJECTS 406	\$63,757.08
EIGHT HUNDRED SERIES 408	\$3,114.00
TWO BEARS 440	\$0.00
CHIPS 451	\$0.00
YOUTH SERVICES 452	\$0.00
SENIORS HELPING SENIORS 453	\$0.00
EISEP 454	\$0.00
MUNICIPAL FUEL FUND 625	\$0.00
MUNICIPAL GARAGE 626	\$772.95
TRUST & AGENCY 735	\$0.00
SPECIAL TRUST 736	\$0.00
JOINT SCAVANGER WASTE 918	\$9,329.38
*****GRAND TOTAL*****	\$141,901.36

Motion to table: Presented by Councilman Creighton, Seconded by Councilwoman Gilliam.
 The Vote: Gilliam, yes; Creighton, yes; Stark, no; Janoski, no; Prusinowski Absent.
 Supervisor Janoski call the resolution again.
 The Vote: Gilliam, no; Creighton, yes; Stark, yes; Janoski, yes; Prusinowski, absent.
 3 YES 1 NO 1 ABSENT.
 The resolution was thereupon duly declared adopted.
 2 YES 2 NO 1 ABSENT MOTION TO TABLE HAS FAILED

ABSTRACT #22-92 ----- CK RUN AUGUST 06, 1992 (TBM 8-18-92)
 COUNCILPERSON _____ offered the following resolution, which was
 seconded by COUNCILPERSON _____ RESOLVED, that the SUPERVISOR
 be and is hereby authorized to pay the following:

8/18/92

*****ACCOUNTS*****	*****TOTALS*****
GENERAL TOWN 001	\$351,644.14
PARKING METER 002	\$0.00
AMBULANCE 003	\$0.00
POLICE ATHLETIC LEAGUE 004	\$0.00
TEEN CENTER 005	\$0.00
RECREATION PROGRAM 006	\$6,569.39
HIGHWAY 111	\$93,395.85
WATER 112	\$30,268.37
REPAIR & MAINTENANCE 113	\$0.00
SEWER 114	\$11,778.31
SOLID WASTE COLLECTION DIST. 115	\$13,357.83
STREET LIGHTING 116	\$3,922.61
PUBLIC PARKING 117	\$2,674.34
BUSINESS IMPROVEMENTS DISTRICT 118	\$0.00
HOSPITALIZATION SELF INSURANCE 174	\$21,599.97
RISK RETENTION 175	\$2,982.20
UNEMPLOYMENT INSURANCE RESERVE 176	\$0.00
MAIN ST. REHAB 177	\$0.00
ECONOMIC REVOLVING LOAN 178	\$22,812.74
RESIDENTIAL REHAB 179	\$0.00
DISCRETIONARY/SMALL CITIES 180	\$0.00
CDBG CONSORTIUM ACCOUNT 181	\$0.00
URBAN DEVEL CORP WORKING 182	\$0.00
IDDP CONSORTIUM ACCOUNT 183	\$0.00
RESTORE GRANT PROGRAM 184	\$8,619.00
PUBLIC PARKING DEBT 381	\$0.00
SEWER DEBT 382	\$0.00
WATER DEBT 383	\$0.00
SCAVANGER WASTE DISTRICT DEBT 385	\$0.00
TOWN HALL CAPITAL PROJECTS 406	\$40,093.99
EIGHT HUNDRED SERIES 408	\$0.00
TWO BEARS 440	\$0.00
CHIPS 451	\$0.00
YOUTH SERVICES 452	\$1,746.96
SENIORS HELPING SENIORS 453	\$1,589.59
EISEP 454	\$1,484.76
MUNICIPAL FUEL FUND 625	\$1,630.08
MUNICIPAL GARAGE 626	\$3,525.53
TRUST & AGENCY 735	\$748,697.53
SPECIAL TRUST 736	\$0.00
JOINT SCAVENGER WASTE 918	\$9,556.78
*****GRAND TOTAL*****	\$1,377,949.97