

5/7/91

472

#259

72113-381P

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on May 7, 1991, at 7:30 o'clock P.M., Prevailing Time.

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

**PRESENT:**

Joseph F. Janoski  
Councilwoman Denise Civiletti  
Councilman Victor Prusinowski  
Councilman James Stark  
Councilman Frank Creighton

**ABSENT:**

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

RESOLUTION DATED May 7, 1991.

#259 A RESOLUTION MAKING CERTAIN DETERMINATIONS IN RELATION TO AND APPROVING THE ESTABLISHMENT OF THE PROPOSED EXTENSION NO. 44 TO THE RIVERHEAD WATER DISTRICT IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, PURSUANT TO ARTICLE 12-A OF THE TOWN LAW.

WHEREAS, a map, plan and report have been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Riverhead, Suffolk County, New York, relating to the establishment of a proposed extension to the Riverhead Water District in said Town, such extension to be known as Extension No. 44 to the Riverhead Water District of the Town of Riverhead;

WHEREAS, said map, plan and report dated Oct. 5, 19<sup>90</sup>, were prepared by Holzmacher, McLendon & Murrell, P.C., competent engineers, duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof;

WHEREAS, said Extension No. 44 shall be bounded and described as set forth in Appendix A attached hereto and made a part hereof;

WHEREAS, the improvements proposed for said Extension will be constructed in conjunction with an overall plan to increase and improve the water distribution facilities of the Riverhead Water District, whereby water distribution mains will be constructed in such Extension of a size and capacity greater than that required to serve only said Extension, and said additional size and capacity is

to be constructed for the purpose of serving other areas of said Water District and future areas to be served by said Water District;

WHEREAS, in furtherance of said overall plan, only a proportionate amount of said improvements will be charged as the capital cost to said Extension, the remaining amount to be charged to the Riverhead Water District, including the proposed Extension herein;

WHEREAS, said improvements consist of the acquisition and installation of new water mains ranging from 6 inches to 12 inches in diameter, including hydrants, valves and other necessary furnishings, equipment and apparatus, as more fully described in the aforesaid map, plan and report;

WHEREAS, the maximum amount proposed to be expended for said overall improvements is \$990,000, of which amount 75%, or \$742,500, shall be allocated and charged as the capital cost of said Extension, and of which amount 25%, or \$247,500, shall be allocated and charged as the cost of increasing and improving the facilities of the Riverhead Water District and shall be borne by the entire District, as extended, including the proposed Extension; and

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WHEREAS, an order was duly adopted by said Town Board on February 5, 1991, reciting a description of the boundaries of said proposed Extension, the improvements proposed, the maximum amount proposed to be expended for said improvements, the fact that said map, plan and report were on file in the Town Clerk's office for public inspection and specifying the 19<sup>th</sup> day of Febr., 1991, at 8:10 o'clock P.M., Prevailing Time, and the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to consider the establishment of said Extension No. 44 to the Riverhead Water District and said map, plan and report filed in relation thereto and to hear all persons interested in the subject thereof concerning the same;

WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of publication and posting has been duly presented to said Town Board;

WHEREAS, said public hearing was duly held at the time and place in said order, as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said map, plan and report and the evidence given at said public hearing; NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

- a) The notice of hearing was published and posted as required by law and is otherwise sufficient;
- b) All the property and property owners within said proposed Extension are benefited thereby;
- c) All the property and property owners benefited are included within the limits of said proposed Extension; and
- d) The establishment of said proposed Extension is in the public interest.

Section 2. The establishment of Extension No. 44 to the Riverhead Water District in the Town of Riverhead, Suffolk County, New York, to be bounded and described as hereafter set forth, and the improvements therein consisting of the acquisition and installation of new water mains ranging from 6 inches to 12 inches in diameter, including hydrants and valves and other necessary furnishings, equipment and apparatus in connection therewith, all as more fully described in the aforesaid map, plan and report, at a maximum estimated cost to the Extension of \$742,500, to be constructed in conjunction with an overall plan to increase and improve the water

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distribution facilities of the Riverhead Water District, whereby water distribution mains will be constructed in such Extension of a size and capacity greater than that required to serve only said Extension, and said additional size and capacity is to be constructed for the purpose of serving other areas of said Water District and future areas to be served by said Water District, are hereby approved.

Section 3. Said Extension shall be bounded and described as set forth in Appendix A attached hereto and hereby made a part hereof.

Section 4. The Town Clerk shall, within ten (10) days after the effective date of this resolution, file certified copies of this resolution in duplicate in the Office of the State Department of Audit and Control at Albany, New York, together with an application by this Board in duplicate for permission to establish such Extension as provided for by subdivision 3 of Section 209-f of the Town Law of the State of New York. Such application shall be executed and verified on behalf of the Town Board by the Supervisor of the Town.

Section 5. This resolution is adopted subject to permissive referendum.

STATE OF NEW YORK  
COUNTY OF SUFFOLK

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

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

<u>Supervisor Janoski</u>	VOTING	<u>Yes</u>
<u>Councilwoman Civiletti</u>	VOTING	<u>Yes</u>
<u>Councilman Prusinowski</u>	VOTING	<u>Yes</u>
<u>Councilman Stark</u>	VOTING	<u>Yes</u>
<u>Councilman Creighton</u>	VOTING	<u>Yes</u>

The resolution was thereupon declared duly adopted.

\* \* \*

I FURTHER CERTIFY that, PURSUANT to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.  
I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
Suffolk County Life	January 1991

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

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on May 7, 1991, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

Suffolk County Life

January 1991

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)  
of posted notice

Date of Posting

Town Clerk's Bulletin Board

January 1991

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on May 7, \_\_, 1991.

\_\_\_\_\_  
Town Clerk

(SEAL)

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Riverhead, Suffolk County, New York has adopted the following resolution subject to permissive referendum.

Irene Pendzick  
Town Clerk

Dated: Riverhead, New York  
May 7\_\_, 1991

5/7/91  
RESOLUTION DATED MARCH 5, 1991.

A RESOLUTION MAKING CERTAIN DETERMINATIONS IN RELATION TO AND APPROVING THE ESTABLISHMENT OF THE PROPOSED EXTENSION NO. 44 TO THE RIVERHEAD WATER DISTRICT IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, PURSUANT TO ARTICLE 12-A OF THE TOWN LAW.

WHEREAS, a map, plan and report have been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Riverhead, Suffolk County, New York, relating to the establishment of a proposed extension to the Riverhead Water District in said Town, such extension to be known as Extension No. 44 to the Riverhead Water District of the Town of Riverhead;

WHEREAS, said map, plan and report dated Oct. 5, 1990, were prepared by Holzmacher, McLendon & Murrell, P.C., competent engineers, duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof;

WHEREAS, said Extension No. 44 shall be bounded and described as set forth in Appendix A attached hereto and made a part hereof;

WHEREAS, the improvements proposed for said Extension will be constructed in conjunction with an overall plan to increase and improve the water distribution facilities of the Riverhead Water District, whereby water distribution mains will be constructed in such Extension of a size and capacity greater than that required to serve only said Extension, and said additional size and capacity is

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to be constructed for the purpose of serving other areas of said Water District and future areas to be served by said Water District;

WHEREAS, in furtherance of said overall plan, only a proportionate amount of said improvements will be charged as the capital cost to said Extension, the remaining amount to be charged to the Riverhead Water District, including the proposed Extension herein;

WHEREAS, said improvements consist of the acquisition and installation of new water mains ranging from 6 inches to 12 inches in diameter, including hydrants, valves and other necessary furnishings, equipment and apparatus, as more fully described in the aforesaid map, plan and report;

WHEREAS, the maximum amount proposed to be expended for said overall improvements is \$990,000, of which amount 75%, or \$742,500, shall be allocated and charged as the capital cost of said Extension, and of which amount 25%, or \$247,500, shall be allocated and charged as the cost of increasing and improving the facilities of the Riverhead Water District and shall be borne by the entire District, as extended, including the proposed Extension; and

WHEREAS, an order was duly adopted by said Town Board on February 5, 1991, reciting a description of the boundaries of said proposed Extension, the improvements proposed, the maximum amount proposed to be expended for said improvements, the fact that said map, plan and report were on file in the Town Clerk's office for public inspection and specifying the 19th day of Febr., 1991, at 8:10 o'clock P.M., Prevailing Time, and the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to consider the establishment of said Extension No. 44 to the Riverhead Water District and said map, plan and report filed in relation thereto and to hear all persons interested in the subject thereof concerning the same;

WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of publication and posting has been duly presented to said Town Board;

WHEREAS, said public hearing was duly held at the time and place in said order, as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said map, plan and report and the evidence given at said public hearing; NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

- a) The notice of hearing was published and posted as required by law and is otherwise sufficient;
- b) All the property and property owners within said proposed Extension are benefited thereby;
- c) All the property and property owners benefited are included within the limits of said proposed Extension; and
- d) The establishment of said proposed Extension is in the public interest.

Section 2. The establishment of Extension No. 44 to the Riverhead Water District in the Town of Riverhead, Suffolk County, New York, to be bounded and described as hereafter set forth, and the improvements therein consisting of the acquisition and installation of new water mains ranging from 6 inches to 12 inches in diameter, including hydrants and valves and other necessary furnishings, equipment and apparatus in connection therewith, all as more fully described in the aforesaid map, plan and report, at a maximum estimated cost to the Extension of \$742,500, to be constructed in conjunction with an overall plan to increase and improve the water

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distribution facilities of the Riverhead Water District, whereby water distribution mains will be constructed in such Extension of a size and capacity greater than that required to serve only said Extension, and said additional size and capacity is to be constructed for the purpose of serving other areas of said Water District and future areas to be served by said Water District, are hereby approved.

Section 3. Said Extension shall be bounded and described as set forth in Appendix A attached hereto and hereby made a part hereof.

Section 4. The Town Clerk shall, within ten (10) days after the effective date of this resolution, file certified copies of this resolution in duplicate in the Office of the State Department of Audit and Control at Albany, New York, together with an application by this Board in duplicate for permission to establish such Extension as provided for by subdivision 3 of Section 209-f of the Town Law of the State of New York. Such application shall be executed and verified on behalf of the Town Board by the Supervisor of the Town.

Section 5. This resolution is adopted subject to permissive referendum.

5/7/91

# 260 Appoints Beach Attendant to Riverhead Recreation Department

Councilman Stark offered the following resolution and was seconded by Councilman Prusinowski

RESOLVED, That Edward Costantini is hereby appointed to serve as Beach Attendant effective May 25, 1991 to and including September 2, 1991, to be paid bi-weekly at the rate of \$5.50 per hour and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

April 19, 1991

261 Appoints Beach Attendant to Riverhead Recreation Department

Councilman Stark offered the following resolution and seconded by Councilman Prusinowski.

RESOLVED, That Bennie Poudel is hereby appointed to serve as Beach Attendant effective May 25, 1991 to and including September 2, 1991, to be paid bi-weekly at the rate of \$8.40 per hour and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, Janoski, yes.  
The resolution was thereupon duly declared adopted.

April 19, 1991

262 Appoints Beach Attendant to Riverhead Recreation Department

Councilman Stark offered the following resolution and seconded by Councilman Prusinowski.

RESOLVED, That David Guida is hereby appointed to serve as Beach Attendant effective May 25, 1991 to and including September 2, 1991, to be paid bi-weekly at the rate of \$6.65 per hour and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

April 19, 1991

263 Appoints Beach Attendant to Riverhead Recreation Department

Councilman Stark offered the following resolution and seconded by Councilman Prusinowski.

RESOLVED, That Anne Guida is hereby appointed to serve as Beach Attendant effective May 25, 1991 to and including September 2, 1991, to be paid bi-weekly at the rate of \$6.05 per hour and to serve at the pleasure of the Town Board.

The vote, Stark, yess, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

April 19, 1991

264 Appoints Beach Attendant to Riverhead Recreation Department

Councilman Stark offered the following resolution and seconded by Councilman Prusinowski.

RESOLVED, That Blayne Karlin is hereby appointed to serve as Beach Attendant effective May 25, 1991 to and including September 2, 1991, to be paid bi-weekly at the rate of \$6.65 per hour and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

April 19, 1991

# 265 Appoints Recreation Aide to Riverhead Recreation Department

Councilwoman Civiletti offered the following resolution and seconded by Councilman Prusinowski.

RESOLVED, That Terry J. Rice is hereby appointed to serve as Recreation Aide effective June 24, 1991, to and including September 2, 1991, to be paid bi-weekly at the rate of \$6.00 per hour and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

April 19, 1991

#266 Appoints Recreation Aide to Riverhead Recreation Department

Councilwoman Civiletti offered the following  
resolution and seconded by Councilman Prusinowski.

RESOLVED, That Mary Harte, is hereby appointed to serve as  
Recreation Aide effective June 24, 1991, to and including September  
2, 1991, to be paid bi-weekly at the rate of \$6.60 per hour and  
to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes,  
Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

April 19, 1991

# 267 Appoints Recreation Aide to Riverhead Recreation Department

Councilwoman Civiletti offered the following resolution and seconded by Councilman Prusinowski.

RESOLVED, That Kristen Tozar is hereby appointed to serve as Recreation Aide effective June 24, 1991 to and including September 2, 1991, to be paid bi-weekly at the rate of \$7.50 per hour and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

May 7, 1991

# 268 Appoints Official Scorekeeper to Riverhead Recreation Department

Councilman Prusinowski offered the following resolution and seconded by Councilwoman Civiletti.

RESOLVED, That Rod Wells is hereby appointed to serve as Official Scorekeeper effective May 1, 1991 to and including September 6, 1991, to be paid bi-weekly at the rate of \$9.00 per game and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.  
The resolution was thereupon duly declared adopted.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.  
The resolution was thereupon duly declared adopted.

May 7, 1991

# 269 Appoints Official Scorekeeper to Riverhead Recreation Department

Councilman Prusinowski offered the following resolution and seconded by Councilwoman Civiletti.

RESOLVED, That Lourdes M Kelly is hereby appointed to serve as Official Scorekeeper effective May 1, 1991, to and including September 6, 1991, to be paid bi-weekly at the rate of \$9.00 per game and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

April 19, 1991

# 270 Appoints Park Attendant to Riverhead Recreation Department

Councilman Creighton offered the following resolution and seconded by Councilman Stark.

RESOLVED, That James Doll is hereby appointed to serve as Park Attendant effective May 1, 1991 to and including September 2, 1991, to be paid bi-weekly at the rate of \$6.30 per hour and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes; Janoski, yes.

The resolution was thereupon duly declared adopted.

April 19, 1991

271 Appoints Park Attendant to Riverhead Recreation Department

Councilman Creighton offered the following resolution and seconded by Councilman Prusinowski.

RESOLVED, That Robert Stromski is hereby appointed to serve as Park Attendant effective May 1, 1991 to and including September 2, 1991, to be paid bi-weekly at the rate of 6.05 per hour and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.  
The resolution was thereupon duly declared adopted.

April 19, 1991

272 Appoints Water Safety Instructor to Riverhead Recreation Department

Councilman Stark offered the following resolution and seconded by Councilman Prusinowski.

RESOLVED, That Alycia Tozar is hereby appointed to serve as Water Safety Instructor effective June 22, 1991 to and including September 2, 1991, to be paid bi-weekly at the rate of \$8.60 per hour and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

April 19, 1991

273 Appoints Water Safety Instructor to Riverhead Recreation Department

Councilman Stark offered the following resolution and seconded by Councilman Prusinowski

RESOLVED, That Jill van den Thoorn is hereby appointed to serve as Water Safety Instructor effective June 22, 1991 to and including Septmeber 2, 1991, to be paid bi-weekly at the rate of \$9.75 per hour and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

April 19, 1991

# 274 Appoints Water Safety Instructor to Riverhead Recreation Department

Councilman Stark offered the following  
resolution and seconded by Councilman Prusinowski

RESOLVED, That Dave Lekich is hereby appointed to serve as  
Water Safety Instructor effective June 22, 1991 to and including  
September 2, 1991, to be paid bi-weekly at the rate of \$10.00 per  
hour and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes,  
Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

April 23, 1991

# 275 Appoints Lifeguard to Riverhead Recreation Department

Councilwoman Civiletti offered the following resolution and seconded by Councilman Prusinowski.

to serve as Lifeguard effective May 25, 1991 to and including September 2, 1991, to be paid bi-weekly at the rate of \$8.80 per hour and to serve at the pleasure of the Town Board.

RESOLVED, That Kevin Griffen is hereby appointed to serve as Lifeguard effective May 25, 1991 to and including September 2, 1991, to be paid bi-weekly at the rate of \$8.80 per hour and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.  
The resolution was thereupon duly declared adopted.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.  
The resolution was thereupon duly declared adopted.

# 276 Appoints Lifeguard to Riverhead Recreation Department

Councilwoman Civiletti offered the following resolution and seconded by Councilman Prusinowski.

RESOLVED, That Darryl Osojnak is hereby appointed to serve as Lifeguard effective May 25, 1991 to and including September 2, 1991, to be paid bi-weekly at the rate of \$9.50 per hour and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Pruisnowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.  
The resolution was thereupon duly declared adopted.

May 7, 1991

# 277 Appoints Lifeguard to Riverhead Recreation Department

Councilwoman Civiletti offered the following resolution and seconded by Councilman Prusinowski.

RESOLVED, That Joseph O'Rourke is hereby appointed to serve as Lifeguard effective May 25, 1991, to and including September 2, 1991, to be paid bi-weekly at the rate of \$7.25 per hour and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

April 23, 1991

# 278 Appoints Lifeguard to Riverhead Recreation Department

Councilwoman Civiletti offered the following  
resolution and seconded by Councilman Prusinowski.

RESOLVED, That Ed Curto is hereby appointed to serve  
as Lifeguard effective May 25, 1991 to and including September 2,  
1991, to be paid bi-weekly at the rate of \$7.25 per hour and to  
serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes,  
Creighton, yes; Janoski, yes.

The resolution was thereupon duly declared adopted.

May 7, 1991

# 279 Appoints Lifeguard to Riverhead Recreation Department

Councilwoman Civiletti offered the following resolution and seconded by Councilman Prusinowski.

RESOLVED, That Kory Griffen is hereby appointed to serve as Lifeguard effective May 25, 1991 to and including September 2, 1991 to be paid bi-weekly at the rate of \$6.60 per hour and to serve at the pleasure of the Town Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Prusinowski, yes.

The resolution was thereupon duly declared adopted.

# 280 APPROVES APPLICATION OF P.C. RICHARD & SON

COUNCILPERSON Prusinowski offered the following resolution, which was seconded by COUNCILPERSON Civiletti :

WHEREAS, Peter C. Richard, Executive Vice President of P.C. Richard & Son, submitted an application for two tent sales: One to be held from May 19, 1991 to June 6, 1991; the second to be held from June 24, 1991, to July 12, 1991 to be held at the Riverhead store located on Route 58, Riverhead, New York; and

WHEREAS, the Town Board of the Town of Riverhead has reviewed all documents regarding said application.

NOW, THEREFORE, BE IT

RESOLVED, that the application of P.C. Richard & Son to hold two tent sales, one to be held from May 19, 1991 through July 6, 1991, and the second to be held from June 24, 1991, through July 12, 1991 at the Riverhead store located on Route 58, Riverhead, New York, be and is hereby approved subject to the following:

1. Certificates of Insurance in the amount of \$1,000,000.00 naming the Town of Riverhead as additional insured are received by the Town Clerk's Office prior to each tent sale;

2. Deposits of \$2,000.00 per sale either by certified or bank check made payable to the Town of Riverhead, or cash, which deposits shall be held as bonds to guarantee the removal of the tent on June 6, 1991, and July 12, 1991, respectively. If the tents are not removed on the aforementioned dates before 12:00 P.M., the respective deposit shall be forfeited to the Town of Riverhead as damages; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this application to Peter C. Richard, Executive Vice President of P.C. Richard & Son, and the Riverhead Police Department.

It is further resolved, that a public hearing will be held on the 1st day of May, 1991, at 7:30 o'clock p.m. at Town Hall, 300 Powell Avenue, Riverhead, New York, to hear all interested persons with regard to the change of zone application of the water for extend the Business C Zone to the District 200 tent which to include a parcel of land located on the West side of Wading River-Marvillie Road, Wading River, New York, known and designated as SCT# 20000-74-1-00 17, said change of zone to

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.  
The resolution was thereupon duly declared adopted.

5/7/91  
# 281

507

AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO  
CONSIDER THE CHANGE OF ZONE APPLICATION OF EVE WEBER

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

WHEREAS, a change of zone application was submitted by Eve Weber for the extension of the Business CR Zoning Use District 250 feet North to include a parcel of land located on the West side of Wading River-Manorville Road, Wading River, New York, known and designated as SCTM #0600-74-1-p/o 29, said change of zone to provide for the Business CR Zoning Use District to the exclusion of the existing Residential A Zoning Use District; and

WHEREAS, the Town Board has declared itself lead agency with regard to said application; and

WHEREAS, the Town Board, as lead agency, forwarded said application to the Riverhead Planning Board for its review and recommendation; and

WHEREAS, by letter dated April 29, 1991, the Riverhead Planning Board recommended that the request for the above-referenced change of zone be approved subject to any restrictions, requirements and/or limitations of Chapter 108 of the Code of the Town of Riverhead; 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 change of zone applied for will be a(n) Unlisted action without a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice:

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 21st day of May, 1991, at 7:50 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the change of zone application of Eve Weber for extend the Business CR Zoning Use District 250 feet North to include a parcel of land located on the West side of Wading River-Manorville Road, Wading River, New York, known and designated as SCTM #0600-74-1-po 29, said change of zone to provide fo the Business CR Zoning Use District to the exclusion of the existing Residential A Zoning Use District.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.



# 282 APPROVES APPLICATION OF RIVERHEAD RACEWAY FOR FIREWORKS DISPLAY

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

WHEREAS, Riverhead Raceway, by Barbara Cromarty, submitted an application for a fireworks display to be held at Riverhead Raceway, Route 58, Riverhead, New York, on July 6, 1991 (raindate July 13, 1991); and

WHEREAS, certificates of insurance have been received naming the Town of Riverhead as Additional Insured; and

WHEREAS, the Town Board of the Town of Riverhead has reviewed all documents regarding said application.

NOW, THEREFORE, BE IT

RESOLVED, that the application of Riverhead Raceway to hold a fireworks display at Riverhead Raceway, Route 58, Riverhead, New York, on July 6, 1991 (raindate July 13, 1991) be and is hereby approved; and be it further;

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this application to Riverhead Raceway and the Riverhead Police Department.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Date \_\_\_\_\_

No. 284

COUNCILPERSON Prusinowski offered the following resolution which was seconded by COUNCILPERSON Civiletti.

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

BUDGET ADOPTION  
NUTRITION CENTER AQUISITION &  
REHABILITATION CAPITAL PROJECT

406.817300.494100.40001	Bond Proceeds	180,500.00
406.097400.494400.40001	Capital Note Proceeds	9,500.00
406.019400.522150.40001	Aquisition	\$140,000.00
406.019400.523011.40001	Bldg.Improvements	50,000.00

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 283 AMENDS SITE PLAN OF EDWARDS AVENUE CORPORATION (M.P.C.  
ENVIRONMENTAL SERVICES)

Councilperson Civiletti offered the following resolution,  
which was seconded by Councilperson Prusinowski :

WHEREAS, by Resolution #226, dated April 3, 1990, the Riverhead Town Board did approve the site plan of the Edwards Avenue Corporation for the filling, grading, and resurfacing of a 69,000 square foot area, with associated drainage, retaining walls, and fencing, to be completed in phases located at east side Edwards Avenue, 860 feet + south of New York State Route 25, Calverton, New York, known and designated as Suffolk County Tax Map Number 0600-117-2-2.3, and

WHEREAS, the covenants associated with the subject site plan were filed with the Suffolk County Clerk and a Building Permit application was made and approved, and

WHEREAS, the Edwards Avenue Corporation has requested that a modification of said site plan approval in regard to the filling, grading, and resurfacing of a 69,000 square foot area, with associated drainage, retaining walls, and fencing, to be completed in phases 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 drawing aforementioned;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead does amend the site plan approval of the Edwards Avenue Corporation to provide for the following:

the grading of the area created for the storage of vehicles and equipment, site plan prepared by Young & Young, 400 Ostrander Avenue, Riverhead, New York, 11901, dated November 12, 1990, and last revised March 1, 1991, and

BE IT FURTHER

RESOLVED, that this amendment shall be conditioned upon the provision of concrete bumper curbs, or railroad tie curbing, along the edge of the stone blend surface at the easterly side of the property, as indicated on the site plan initialled by a majority of this Town Board, and

BE IT FURTHER

RESOLVED, that a buffer planting consisting of Eastern Red Cedar, White Pine, and Green Spruce, all of a height of 6-7 feet and placed in a staggered pattern, shall be provided along the east and north property lines, as indicated on the site plan initialled by a majority of this Town Board, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Edwards Avenue Corporation, Blake & Eaderesto, P.C., Young & Young, the Riverhead Planning Department, Building Department, Town Engineer, and Office of the Town Attorney.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declare itself to be the lead Agency in the Special Permit application of the Office of the Town Engineer, Shea & Kelley, and

BE IT FURTHER

RESOLVED, that the application be classified to be an unlisted project which will not have a significant effect upon the environment and a Draft Environmental Impact Statement need not be prepared, and

BE IT FURTHER

RESOLVED, that this classification and determination be considered final for the subsequent application for Site Plan, and

BE IT FURTHER

RESOLVED, that the Riverhead Planning Department be directed to prepare and post these notices as required by a NYS Part 617, and

TOWN OF RIVERHEAD RESOLUTION # 285Declares Lead Agency and Determines Significance of Action  
Offices of Twomey, Latham, Shea & Kelley - Special Permit and Site Plan

Adopted: \_\_\_\_\_

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

WHEREAS, the Riverhead Town Board is in receipt of a petition for a Special Permit for up to 100 percent building coverage and waiver of on site parking requirement as set out in Section 108-69 of the Town Code for a contemplated addition for his law offices (which project also requires Site Plan approval from the Town Board) located in the Business 'D' Zone and known as Suffolk County Tax Map Number 0600-128-6-1, 2, 3, and

WHEREAS, a Site Plan and Environmental Assessment Form were submitted as part of the petition, and

WHEREAS, the Riverhead Planning Department has reviewed the Environmental Assessment Form and supporting documentation and recommends the petition be considered an Unlisted Action for which coordinated review is optional, and

WHEREAS, the Planning Department, by preparation and evaluation of its SEQR staff report, has further recommended that the action will not have a significant effect upon the environment;

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declare itself to be the Lead Agency in the Special Permit application of the Offices of Twomey, Latham, Shea & Kelley, and

BE IT FURTHER

RESOLVED, that the application be considered to be an Unlisted Action which will not have a significant effect upon the environment and that a Draft Environmental Impact Statement need not be prepared, and

BE IT FURTHER

RESOLVED, that this classification and determination be considered valid for the subsequent application for Site Plan, and

BE IT FURTHER

RESOLVED, that the Riverhead Planning Department be directed to publish and post those notices as required by 6 NYCRR Part 617, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk be directed to refer to the petition to the Riverhead Planning Board for their recommendations, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Planning Department and the applicant.

The Town of Riverhead Town Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action** - Special Permit and Site Plan for the Offices of Dewey, White, Shea & Kelley

**NYS Status** - Unlisted

**Conditional Negative Declaration:** No

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

As an addition, Applicant is petitioning for up to 100 percent building coverage and waiver of parking schedule requirements on site as provided for Business 'C' properties within the Riverhead Parking District in Section 125-69 of the Town Code. The project also requires Site Plan approval and this determination should be considered binding on all actions.

**Location:** Southeast corner of Griffing Avenue and West Second Street, Riverhead Hamlet and Townships, Suffolk County Tax Map Number 125-128-6-1, 2, 3.

**Persons Supporting This Document:**

The action as defined in §17.2(b) and §17.3(k) was considered by the Environmental Assessment Form and supporting documentation. No potentially large or important impacts were identified. All impacts which are reasonably expected to result from the action when compared to the criteria of §17.11 revealed no indications of environmental effects sufficient to cause the preparation of an Environmental Impact Statement.

**For further information, contact:**

Town of Riverhead Planning Department  
200 Howell Avenue  
Riverhead, NY 11901  
(516) 727-3200

State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance

April 19, 1991

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Riverhead Town Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action - Special Permit and Site Plan for the Offices of Twomey, Latham, Shea & Kelley

SEQR Status - Unlisted

Conditioned Negative Declaration: No

Description of Action: Applicant proposes to demolish an existing structure and construct a 2,569 square foot Victorian style wood frame structure which will be connected to his existing 2,031 square foot facility as an addition. Applicant is petitioning for up to 100 percent building coverage and waiver of parking schedule requirements on site as provided for Business 'D' properties within the Riverhead Parking District in Section 108-69 of the Town Code. The project also requires Site Plan approval and this determination should be considered binding on both actions.

Location: Southeast corner of Griffing Avenue and West Second Street, Riverhead Hamlet and Township. Suffolk County Tax Map Number 0600-128-6-1, 2, 3.

Reasons Supporting This Document:

The action as defined in 617.2(b) and 617.3(k) was considered by examination of the Environmental Assessment Form and supporting documentation. No potentially large and important impacts were discovered. All impacts which can reasonably be expected to result from this action when compared to the criteria of 617.11 revealed no indications of environmental effect sufficient to cause the preparation of an Environmental Impact Statement.

For further information, contact:

Town of Riverhead Planning Department  
200 Howell Avenue  
Riverhead, NY 11901  
(516) 727-3200

# 286 ADOPTS AMENDMENT TO ARTICLE XIII OF CHAPTER 108 OF THE RIVERHEAD TOWN CODE

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 amending Article XIII "Supplemental Use Regulations", and more specifically Section 108-56(I) entitled "Signs", of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 16th day of April, 1991, at 7:40 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 the amendment to Article XIII "Supplemental Use Regulations", and more specifically Section 108-56(I) entitled "Signs", of the Riverhead Town Code be and is hereby adopted as follows:

108-56. Signs.

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

- (3) Whenever a freestanding sign is permitted in accordance with the provisions of this subsection, said sign shall be permitted to contain, within the structure of the freestanding sign and within the ten (10) foot height requirement, an additional thirty-two (32) square feet of marquee space for the display of temporary messages by means of changeable lettering. If the owner has elected to combine sign areas on one sign, pursuant to the provisions of this Section, the marquee portion of such sign shall remain thirty-two (32) square feet.

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution once in the Suffolk County Life and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Architectural Review Board, Planning Department, Building Department.

Dated: Riverhead, New York  
May 7, 1991.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

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

...of the roads and drainage...  
...have been completed, and the...  
...July 5, 1989, consented to...  
...as "Barnes Road", and the...  
...Superintendent of Highways has signed an order laying out said...  
...road(s).

NOW, THEREFORE, BE IT

RESOLVED, that the bond in the amount of \$35,000.00 covering the costs of the installation of roads and drainage improvements be and is hereby released; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to return the original bond, together with a certified copy of this resolution, to the Planning Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Barnes and the Planning Board

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 287

RELEASES BOND OF LEROY E. BARNES (BARNES WOODS  
SUBDIVISION - ROAD IMPROVEMENTS)

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

WHEREAS, the Riverhead Planning Board approved a subdivision map entitled "Barnes Woods", subject to the posting of a bond in the amount of \$36,000.00, covering the costs of the installation of roads and drainage improvements as required by said approval; and

WHEREAS, a performance bond was filed with the Town Clerk; and

WHEREAS, the installation of the roads and drainage improvements required by said bond have been completed, and the Town Board, by Resolution #464 adopted July 5, 1989, consented to the dedication of the road(s) known as "Barnes Road", and the Superintendent of Highways has signed an order laying out said road(s).

NOW, THEREFORE, BE IT

RESOLVED, that the bond in the amount of \$36,000.00 covering the costs of the installation of roads and drainage improvements be and is hereby released; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to return the original bond, together with a certified copy of this resolution, to Republic Insurance Company; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to the Leroy E. Barnes and the Planning Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board determine as follows:

a. The use will not prevent or substantially impair other uses that are reasonable and orderly and are consistent with the comprehensive zoning map of the neighborhood;

b. The hazards or disturbances to the health, safety or welfare of the community caused by the use of the property will not be unreasonably increased by the proposed use;

c. The use of the property will not be unreasonably increased by the proposed use;

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 288 APPROVES SPECIAL PERMIT APPLICATION OF MEETINGHOUSE CREEK INN

COUNCILPERSON Prusinowski offered the following resolution, which was seconded by COUNCILPERSON Civiletti :

WHEREAS, by application dated February 21, 1991, Thomas Drake, as agent for Meetinghouse Creek Inn, did apply to this Town Board for a special permit the erection of a directional sign at premises located at Main Road, Aquebogue, New York, known and designated as Suffolk County Tax Map #0600-85-3-74.1, said application made pursuant to Sections 108-56(P) and 108-3 of the Code of the Town of Riverhead; and

WHEREAS, this matter was referred to the Planning Board for its review and recommendation; and

WHEREAS, by letter dated April 15, 1991, the Planning Board recommended that the special permit of Thomas Drake, as agent for Meetinghouse Creek Inn, be approved; and

WHEREAS, this Town Board exercised its right to waive the public hearing requirement pursuant to Section 108-3 of the Riverhead Town Code; and

WHEREAS, by letter dated April 23, 1991, the Suffolk County Department of Planning has determined that the application be considered a matter for local determination; 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 special permit applied for will be a(n) Type II action without a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board determines as follows:

a. The use will not prevent or substantially impair either the reasonable and orderly use or development of other properties in the neighborhood;

b. The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town;

c. The health, safety, welfare, comfort, convenience and order of the Town will not be adversely affected by the authorized use;

d. Such use will be in harmony with and promote the general purposes and intent; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the special permit application of Thomas Drake, as agent for Meetinghouse Creek Inn, for property located at Main Road, Aquebogue, New York, known and designated as Suffolk County Tax Map #0600-85-3-74.1, pursuant to Section 108-69 of the Code of the Town of Riverhead; and be it further

RESOLVED, that the premises covered by this special permit shall be maintained in conformity with such plan which may, from time to time, be approved by the Riverhead Town Board; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Thomas Drake, as agent for Meetinghouse Creek Inn,, the Riverhead Planning Department and the Riverhead Building Department.

WHEREAS, on the 19th of February, 1991, this Town Board held a public hearing wherein all persons wishing to be heard were heard; and

WHEREAS, by letter dated April 3, 1991, the Suffolk County Department of Planning has determined that the application be considered a matter for local determination; 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 special permit applied for will be a (c) Utilized action which will have a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

a. The use will not prevent or substantially impair either the reasonable and orderly use or development of other properties in the neighborhood;

b. The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town;

c. The health, safety, welfare, order, convenience and peace of the Town will not be adversely affected by the authorized use;

d. Such use will be in harmony with and promote the general purposes and intent; and be it further

# 289 APPROVES SPECIAL PERMIT APPLICATION OF PARVIZ FARAHZAD

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

WHEREAS, by application dated April 24, 1989, Parviz Farahzad did apply to this Town Board for a special permit construct an office building at premises located at West Main Street, Riverhead, New York, known and designated as Suffolk County Tax Map #0600-128-3-35, said application made pursuant to Section 108-3 of the Code of the Town of Riverhead; and

WHEREAS, this matter was referred to the Planning Board for its review and recommendation; and

WHEREAS, by letter dated April 4, 1991, the Planning Board recommended that the special permit of Parviz Farahzad be approved; and

WHEREAS, on the 19th of February, 1991, this Town Board held a public hearing wherein all persons wishing to be heard were heard; and

WHEREAS, by letter dated April 3, 1991, the Suffolk County Department of Planning has determined that the application be considered a matter for local determination; 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 special permit applied for will be a(n) Unlisted action without a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board determines as follows:

a. The use will not prevent or substantially impair either the reasonable and orderly use or development of other properties in the neighborhood;

b. The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town;

c. The health, safety, welfare, comfort, convenience and order of the Town will not be adversely affected by the authorized use;

d. Such use will be in harmony with and promote the general purposes and intent; and be it further

**RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the special permit application of Parviz Farahzad for property located at West Main Street, Riverhead, New York, known and designated as Suffolk County Tax Map #0600-128-3-35, pursuant to Section 108-69 of the Code of the Town of Riverhead; and be it further

**RESOLVED**, that the premises covered by this special permit shall be maintained in conformity with such plan which may, from time to time, be approved by the Riverhead Town Board; and be it further

**RESOLVED**, that no building permit shall be issued until the Town Board has approved the site plan, by resolution; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Parviz Farahzad, the Riverhead Planning Department and the Riverhead Building Department.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 290 APPOINTS SUMMER INTERNS TO THE ACCOUNTING DEPARTMENT

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

**WHEREAS**, it is beneficial to the Town to hire interns to work cooperatively with individual departments; and

**WHEREAS**, it is the desire of the Accounting Department to have interns appointed to work during the summer months to complete various annual projects.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Carl Smith and Rachel Frank be and are hereby appointed to serve at the pleasure of the Town Board during the summer at the hourly rate of \$7.00 effective May 13, 1991; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Carl Smith, 18 Hinda Boulevard, Riverhead, New York; Rachel Frank, 13 West Duryea Street, Riverhead, New York; and the Accounting Office.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 291 AUTHORIZES ATTENDANCE OF OFFICERS AT SEMINAR

Councilperson Civiletti offered the following resolution which was seconded by Councilperson Prusinowski.

WHEREAS, the Putnam County Sheriff's Office will be hosting a two-day seminar on "interviewing the Sexually Assaulted of Abused Child" on May 9th & 10th; and

WHEREAS, it is the desire of the Riverhead Police Department to have two officers attend said seminar.

NOW, THEREFORE, BE IT RESOLVED, that two officer from the Riverhead Police Department be and are hereby authorized to attend the aforementioned seminar on May 9th & 10th; and

BE IT FURTHER RESOLVED, that all related expenses incurred by these two officers will be fully receipted upon their return and thereafter reimbursed by the Office of Accounting; and

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

parking layout or established traffic patterns of the existing parking area;

ii. That the petitioner has obtained those required variances from the Riverhead Zoning Board of Appeals; and

WHEREAS, a Public Hearing regarding this petition was held by the Riverhead Town Board on April 15, 1991 in order to hear all interested persons with regard to the petition, such hearing required by the Zoning Ordinance; and

WHEREAS, the Riverhead Town Board has carefully considered the merits of the subject petition and has received the following information:

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

NOW, THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby approves the Special Permit of P.S.C. Associates for a maximum building area of Greater than 15% within the Business Zoning Use District to allow the construction of a one story 1,000 sq. ft. addition to the existing auto service station siting on the subject parcel; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to transmit a certified copy of this resolution to Eric Russo as agent for the applicant and to the Riverhead Planning Department.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 292 APPROVES SPECIAL PERMIT OF BRIDGESTONE/FIRESTONE

Councilperson Prusinowski offered the following resolution which was seconded by Councilperson Civiletti.

WHEREAS, the Riverhead Town Board is in receipt of a petition for Special Permit to allow a maximum building area of greater than 15% within the Business B Zoning Use District upon improved parcel of land located on the south side of Route 58, Riverhead (S.C.T.M. 0600-104-02-017), such petition submitted by P.G.C. Associates, Bridgestone/Firestone; and

WHEREAS, the Riverhead Town Board by Resolution No. 192 (March 19, 1992) did determine the action to be unlisted without a significant impact upon the environment; and

WHEREAS, the Town Board did refer this petition to the Riverhead Planning Board for its report and recommendation; and

WHEREAS, the Planning Board recommended by Resolution of April 15, 1991 that the Town Board approve such petition in that:

- i. The increased building area will not effect either the parking layout or established traffic patterns of the existing parking area;
- ii. That the petitioner has obtained those required variances from the Riverhead Zoning Board of Appeals; and

WHEREAS, a Public Hearing regarding this petition was held by the Riverhead Town Board on April 16, 1991 in order to hear all interested persons with regard to the petition, such hearing required by the Zoning Ordinance; and

WHEREAS, the Riverhead Town Board has carefully considered the merits of the subject petition and has reviewed the Environmental Assessment form, the report of the Planning Department, the report of the Planning Board, the report of the Suffolk County Planning Commission, the commentary made at the required Public Hearing, as well as, all other relevant planning, zoning and environmental information.

NOW, THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby approves the Special Permit of P.G.C. Associates for a maximum building area of Greater than 15% within the Business B Zoning Use District to allow the construction of a one story 1,900 sq. ft. addition to the existing auto service station existing on the subject parcel; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to transmit a certified copy of this resolution to Eric Russo as agent for the applicant and to the Riverhead Planning Department.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 293

AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE  
TO CONSIDER AMENDING ARTICLE VII "DISPOSAL OF SCAVENGER  
WASTES" OF CHAPTER 88 OF THE RIVERHEAD TOWN CODE

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider amending Article VII "Disposal of Scavenger Wastes" of Chapter 88 at Section 88-38 of the Riverhead Town Code:

TOWN OF RIVERHEAD  
PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 21st day of May, 1991, at 7:55 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider amending Article VII "Disposal of Scavenger Wastes" of Chapter 88 at Sections 88-38 and 88-54 of the Riverhead Town Code as follows:

88-38. Transportation.

A. Licence required. No person, firm or enterprise shall engage in the removal of scavenger waste from any cesspool or septic tank located within the Township of Riverhead, who does not possess a currently valid permit issued by the Town Clerk. Scavenger waste from any cesspool or septic tank located within the Town of Riverhead or the Town of Southampton shall be disposed of at the Riverhead-Southampton Joint Scavenger Waste Plant.

E. Security. Prior to the issuance of the license required by subsection (1), each carter of scavenger waste shall present to the Town Clerk a bond, letter of credit or other security, guarantying payment of applicable dumping fees in an amount equal to two (2) months' average of the previous year's billing as calculated by the Superintendent of the Riverhead-Southampton Joint Scavenger Waste District. Any new carter who does not have a previous annual rate shall post a bond for a period of one (1) year in the minimum amount of three thousand (\$3,000.) dollars.

88-45. Penalty for offenses.

Except as otherwise provided herein, failure of any person, firm or employee to comply with any of the provisions of this chapter shall be punishable by a fine of two hundred and fifty (\$250.) dollars.

Dated: Riverhead, New York  
May 7, 1991.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

RESOLVED, that Donna Fealtis' appointment as a detention attendant be and is hereby terminated effective May 8, 1991; and it is further

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Donna Fealtis, Police Chief Grafton and the Accounting Department.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 294

TERMINATES APPOINTMENT OF DONNA PSALTIS AS DETENTION ATTENDANT

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

RESOLVED, that Donna Psaltis' appointment as a Detention Attendant be and is hereby terminated effective May 8, 1991; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Donna Psaltis, Police Chief Grattan and the Accounting Department.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

- (1) Impacts on groundwater resources
- (2) Impacts on terrestrial ecology
- (3) Impacts on archaeological resources
- (4) Impacts on agricultural resources
- (5) Impacts on transportation patterns
- (6) Impacts on public health

ADOPTS FINDINGS STATEMENT AND APPROVES SPECIAL PERMIT PETITION  
OF OMNI TECHNICAL SERVICES

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Prusinowski :

WHEREAS, by application dated April 2, 1990, Omni Technical Services, Inc. did apply to this Town Board for a Special Permit to allow the development of a non-nuisance industry within the Industrial B and Business CR Zoning Use Districts upon a tract of land located on the south side of New York State Route 25, Calverton, approximately 2,700 + feet west of Peconic Avenue (Suffolk County Tax Map Number 0600-116-1-1), and

WHEREAS, the Riverhead Town Board, as Lead Agency, accepted a Final Environmental Impact Statement by Resolution #146 of 1991, and

WHEREAS, upon referral for report, the Riverhead Planning Board has recommended that the Town Board approve the subject Special Permit; such recommendation made by resolution dated April 10, 1991, and

WHEREAS, upon referral for report, the Suffolk County Planning Commission has recommended that the Riverhead Town Board approve the Special Permit; such recommendation made by resolution dated May 2, 1991, and

WHEREAS, the Riverhead Town Board has carefully considered the merits of the Special Permit petition and has reviewed the petition's attending Environmental Assessment Form, the report of the Planning Department, the Draft Environmental Impact Statement, the report of the engineering firm of Douglas Clark, the Final Environmental Impact Statement, the report of the Riverhead Planning Board, the report of the Suffolk County Planning Commission, as well as all other relevant planning, zoning, and environmental information;

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board, in the matter of the Special Permit petition of Omni Technical Services makes the following Findings pursuant to Article 8 of the New York State Environmental Conservation Law:

First, that the Draft Environmental Impact Statement identified the following relevant environmental issues and impacts with regard to the proposed development:

- (i) Impacts on groundwater resources
- (ii) Impacts on terrestrial ecology
- (iii) Impacts on archeological resources
- (iv) Impacts on agricultural resources
- (v) Impacts on transportation networks
- (vi) Impacts on public health

95 ADOPTS FINDINGS STATEMENT AND APPROVES SPECIAL PERMIT PETITION  
OF OMNI TECHNICAL SERVICES

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Prusinowski :

WHEREAS, by application dated April 2, 1990, Omni Technical Services, Inc. did apply to this Town Board for a Special Permit to allow the development of a non-nuisance industry within the Industrial B and Business CR Zoning Use Districts upon a tract of land located on the south side of New York State Route 25, Calverton, approximately 2,700 + feet west of Peconic Avenue (Suffolk County Tax Map Number 0600-116-1-1), and

WHEREAS, the Riverhead Town Board, as Lead Agency, accepted a Final Environmental Impact Statement by Resolution #146 of 1991, and

WHEREAS, upon referral for report, the Riverhead Planning Board has recommended that the Town Board approve the subject Special Permit; such recommendation made by resolution dated April 10, 1991, and

WHEREAS, upon referral for report, the Suffolk County Planning Commission has recommended that the Riverhead Town Board approve the Special Permit; such recommendation made by resolution dated May 2, 1991, and

WHEREAS, the Riverhead Town Board has carefully considered the merits of the Special Permit petition and has reviewed the petition's attending Environmental Assessment Form, the report of the Planning Department, the Draft Environmental Impact Statement, the report of the engineering firm of Douglas Clark, the Final Environmental Impact Statement, the report of the Riverhead Planning Board, the report of the Suffolk County Planning Commission, as well as all other relevant planning, zoning, and environmental information;

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board, in the matter of the Special Permit petition of Omni Technical Services makes the following Findings pursuant to Article 8 of the New York State Environmental Conservation Law:

First, that the Draft Environmental Impact Statement identified the following relevant environmental issues and impacts with regard to the proposed development:

- (i) Impacts on groundwater resources
- (ii) Impacts on terrestrial ecology
- (iii) Impacts on archeological resources
- (iv) Impacts on agricultural resources
- (v) Impacts on transportation networks
- (vi) Impacts on public health

- (vii) Impacts on community character
- (viii) Impacts on community services

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

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

- (i) The need to analyze the impact of the proposed project upon identified deep recharge groundwater resources;
- (ii) The need to analyze the value of the project site relative to the Suffolk County Pine Barrens Protection Zone;
- (iii) The need to analyze the impact of the application of created compost on groundwater resources;
- (iv) The need to analyze the impacts of the generated vehicular traffic on existing roadways and intersections;
- (v) The need to analyze the impacts of the removal from cultivation of more than ten acres of agricultural land;
- (vi) The need to analyze the impacts of dust, odor, noise, and other nuisances upon surrounding properties.

Fourth, that 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. 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 groundwater, terrestrial ecology, archeological resources, transportation networks, agricultural resources, public health, community character, neighboring areas due to potential nuisance, community services and to the Town in general due to cumulative impacts. In its consideration of the action, the Riverhead Town Board finds the following:

- (i) That the proposed project operation is designed to process a maximum of 500 tons per day of municipal solid waste (MSW) in an enclosed preprocessing and in-vessel composting facility;
- (ii) That minimum volume of MSW required to allow economic viability of the proposed project is 400 tons per day of MSW and that the proposed project is not dependent upon exclusive preprocessing of MSW either for system efficiency or economic viability;
- (iii) That the location and volume of proposed MSW streams are as follows:

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1. Riverhead Town . . . . . 100 tons per day
2. Southold Town . . . . . 60 tons per day
3. Southampton Town . . . . . 170 tons per day
4. Brookhaven Town . . . . . 170 tons per day

(iv) That the waste which could be accepted by the proposed facility include the following:

1. MSW from residential collection routes
2. Source-separated recyclables
3. Discrete organic waste streams
4. Commercial waste streams
5. Leaf and yard waste

(v) That the following wastes will not be accepted by the facility:

1. Construction and demolition debris
2. Liquid wastes (sewage sludge, septage or leachate)
3. Industrial waste or sludges
4. Medical waste
5. Tires
6. Waste oil
7. Hazardous waste (household or industrial)

(vi) That project construction design and proposed facility operations have mitigated all potential impacts upon the groundwater resource both on and off site. This finding is based upon the following:

1. That all processing and storage operations are to be completed within proposed buildings;
2. That there will be no discharge or recharge of process water to the ground in order to comply with Article VII of the Suffolk County Sanitary Code;
3. That the removal of non-acceptable wastes or process water will be removed from the site by New York State licensed contractors;
4. That all washdown water and wastewater will be returned without pre-treatment to the compost process;
5. That the only recharge to the groundwater resource will be sanitary waste and stormwater in conformance with Article VI of the Suffolk County Sanitary Code;
6. That there will be no application of resulting compost material upon lands within Hydrogeologic Zones III, IVA or I until further testing is made and approvals granted;
7. That waste streams characterized as industrial or hazardous will not be accepted for processing;

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8. That the water budget analysis completed for the proposed project yielded a net increase in the amount of water being recharged to the groundwater resource existing on-site;
  9. That existing fuel storage tanks and existing gasoline pump island will be abandoned;
  10. That the impact of the proposed project upon the quality of the groundwater existing within the Deep Recharge Hydrogeologic Zone, when assessed cumulatively with other petitioned development projects within the general vicinity is not considered to be significant. This finding is based upon the fact that the amount of total nitrogen to be discharged to the groundwater is considered to be in conformance with the structural recommendations of the Long Island Comprehensive Waste Treatment Management Plan (208). Since all other projects being considered by the Lead Agency within the Zone III area will also be required to treat wastewater in conformance with 208 recommendations and Suffolk County Department of Health Services regulations, the cumulative impact of such projects upon the groundwater resource is not expected to be significant. It is the judgment of the Lead Agency that 208 land use recommendations were predicated upon the assumption of the total buildout of the privately owned land within the study area and that land development in conformance with 208 recommendations is a prima facie assessment of nonsignificant impacts, individually or cumulatively, upon the groundwater resource;
  11. That according to recent Legislative amendments to Article 8 of the New York State Environmental Conservation Law, the project shall show consistency with the Comprehensive Management Plan of the Special Groundwater Protection Area Program only upon the implementation of such program by the Commissioner of the New York State Department of Environmental Conservation.
- (vi) That the project site, though contiguous with the Suffolk County Pine Barrens Zone, does not exhibit any particular value to the Pine Barrens Habitat in that the entire parcel has been cleared for cultivation;
- (vii) That the project site has been analyzed for archeological value and that no significant archeological resources have been identified;
- (viii) That the proposed land use is expected to generate a total of 145 trip ends per day which is significantly less than the 662/1075 trip ends (a.m. - p.m. peak) expected if the subject site were developed under existing zoning conditions. The Lead Agency has assessed the vehicular traffic to be generated by the proposed project together with proposed development in

the general vicinity and has identified a need for the following traffic mitigation measures:

1. Signalization of the intersection of New York State Route 25 and Fresh Pond Avenue;
2. Provision of a right hand de-acceleration lane and a left hand turn lane on New York State Route 25;
3. Queuing area for trucks and trailers on site.

- (ix) That though the proposed project would irreversibly remove more than ten (10) acres of agricultural land from potential cultivation, this reduction is not considered significant due to the Town policy of conserving prime soils within the agriculturally-zoned area of the Town of Riverhead;
- (x) That the proposed project meets the requirements of the Zoning Ordinance with respect to the establishment of a non-nuisance industry within the Industrial B Zoning Use District. This finding is based upon the following expected nuisance and contaminant levels and mitigation measures:
1. That on-site dust control will be effected through a system located within the materials recovery processing area employing blowers and fabric bag house. An air emissions permit may be required from the New York State Department of Environmental Conservation;
  2. That all receipt, processing, and storage of materials will occur indoors in order to mitigate against bird attraction and dispersal of refuse off the project site;
  3. That there exists several noise receptors within 1,000 feet of the project site. Noise impacts are expected to be mitigated by the following:
    - (a) Receipt, processing, and storage of materials indoors;
    - (b) Enforcement of noise attenuators on trucks using the facility;
    - (c) Restrictions on noise generators outside building areas.
  4. That there exist several odor receptors within 1,000 feet of the project site. Impacts related to odor are expected to be mitigated by the following:
    - (a) Receipt, processing, and storage of materials indoors;

- (b) All building process air to directed through a biofilter odor control unit prior to exhaust to the atmosphere;
5. That there exists a potential for impacts from vectors resulting from the project site. Impacts related to vectors are to be mitigated by the following:
- (a) Housekeeping of site grounds and roadways;
  - (b) The covering of all the payload areas of all vehicles entering the project site;
  - (c) The tipping floor to be segregated from the main processing area (climate controlled) to mitigate against airborne bacteria and microorganisms.

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

- (i) The requirements of 6 NYCRR Part 617 have been met;
- (ii) 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; including the effects disclosed in the Environmental Impact Statement,
- (iii) Consistent with social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the Environmental Impact Statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable;
- (iv) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action with achieve a balance between the protection of the environment and the need to accommodate social and economic considerations, and

**BE IT FURTHER**

**RESOLVED**, that based upon the Zoning Use District in which the project is proposed and upon the environmental mitigation measures offered by the applicant in the Final Environmental Impact Statement, the Riverhead Town Board further finds and determines the following:

- (i) That the site is particularly suitable for the location of such use in the community;

- (ii) That the plot area is sufficient, appropriate, and adequate for the use and the reasonably anticipated operation thereof;
- (iii) That the use will not be unsuitably near to a church, school, theater, recreational area, or other place of public assembly;
- (iv) That access facilities are adequate for the estimated generated traffic from public streets in order to avoid traffic congestion;
- (v) That curb cut approvals will be required from the New York State Department of Transportation;
- (vi) That adequate provisions have been made for emergency conditions;
- (vii) That there exist off street parking and loading areas in conformance with the Zoning Ordinance of the Town of Riverhead and in a number adequate for the anticipated occupants, employees, and visitors and that driveways are laid out to provide convenient and safe operation;
- (viii) That adequate buffers, yards, landscaping, and screening exist in order to protect adjacent properties and land uses;
- (ix) That adequate provisions will be made for the collection and disposal of stormwater and sanitary sewage and industrial wastes;
- (x) That the use will not prevent or substantially impair either the reasonable and orderly use or development of other properties in the neighborhood;
- (xi) That the hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town;
- (xii) That the health, safety, welfare, comfort, convenience, and order of the Town will not be adversely affected by the authorized use;
- (xiii) That such use will be in harmony with and promote the general purposes and intent, and

**BE IT FURTHER**

**RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the Special Permit application of Omni Technical Services for the development of a non-nuisance industry in the Industrial B Zoning Use District for property located on the south side of New York State Route 25, Calverton, New York, pursuant to section 108-48 of the Riverhead Town Code, and

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## BE IT FURTHER

RESOLVED, that this approval is conditioned upon and subject to the following:

- (i) That the average design capacity is not to exceed 500 tons per day;
- (ii) That all receipt, processing, and storage of materials to be conducted indoors;
- (iii) That the recovery of materials is to involve both mechanical and manual separation systems;
- (iv) That there shall exist a facility for the decomposition of municipal solid waste to be achieved through an in-vessel composting system located indoors with indoor storage of all compost;
- (v) That there will be no application of created compost to land surfaces within Hydrogeologic Zones III and IVA until further testing and approvals;
- (vi) That there shall be no discharge of process water on site;
- (vii) That there shall be regular maintenance of both on site roadways and the State roadway within a radius of 1,000' of project site in order to control dust and litter accumulation;
- (viii) That water is to be supplied by the Riverhead Water District and that a percentage of process wastewater will be used in the compost process;
- (ix) That the control of odors is to be achieved through a state-of-the-art biofilter system;
- (x) The provision of an engineered Site Plan in conformance with the requirements of Article XXVI of the Town Code depicting those mitigation measures addressed in the relevant Environmental Impact Statement;
- (xi) The conditions set forth by the Suffolk County Planning Commission in its report to the Town Board, that is:
  1. All receipt, processing, and storage shall take place within enclosed buildings;
  2. Long term contracts will be obtained for the recyclable and non-recyclable materials;
  3. All buildings shall be erected on reinforced concrete pads to provide an impervious surface;

4. Reject items such as bulky waste, tires, household hazardous waste, car batteries, etc. will be removed to a separate storage area and removed for proper disposal by a licensed firm under contract;
5. The facility shall not accept for processing the following type of waste: construction and demolition debris including bricks, mortar and building materials, liquid wastes, industrial sludges, medical waste, tires, waste oil, and household hazardous waste;
6. The facility shall feature maximum up-front preprocessing with no addition of sewage sludge as an activator;
7. The compost product shall be consistent with existing Federal EPA, RCRA (Resource Conservation and Recovery Act) limits as well as New York State Department of Environmental Conservation Part 360 requirements;
8. All compost shall be tested on a daily basis for heavy metals, solids, nitrates, phosphorous, potassium, and hazardous materials as required by New York State Department of Environmental Conservation regulation;
9. All process water shall be collected and returned to the compost process;
10. If the facility cannot process waste due to a major failure of equipment, bypass operations will commence whereby all waste shall be transported to alternate permitted disposal facilities;
11. An air filtration system shall remove odors from internal air prior to exhaust from the building;
12. The compost shall not be stored or applied off site within "208" Hydrogeologic Zones I, III and IVA until sufficient data on the adequacy of the quality of the compost product has been collected;
13. The development shall conform to the requirements of Articles 7 and 12 of the Suffolk County Sanitary Code;
14. No more than 15 percent of premises shall be placed in fertilized vegetation;
15. Premises shall only be developed consistent with all other mitigating measures set forth pursuant to the SEQR process, and

**BE IT FURTHER**

**RESOLVED**, that no building permit shall be issued until the Town Board has approved a Site Plan by resolution, and

BE IT FURTHER

RESOLVED, that the Town Clerk furnish a certified copy of this resolution to the applicant, his agent, the Riverhead Planning Department, the Office of the Town Attorney, and the Building Department.

WHEREAS, the Riverhead Town Board is in receipt of a Special Permit application from C.E. Auto Repairs, Inc. to expand a pre-existing, existing use pursuant to the provisions of a Special Permit on the site of 14000 Highway 119, Riverhead, New York, and to allow the storage, sale, and distribution of home heating oil, and

WHEREAS, the Riverhead Town Board has declared itself to be the lead agency in this matter and has determined the action to be required is a significant impact upon the environment and that an Environmental Impact Statement need not be prepared, and

WHEREAS, the petition was submitted to the Riverhead Planning Board for its report and recommendation, and

WHEREAS, the Planning Board has advised by resolution that

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

(1) That the wholesale distribution of fuel oil or diesel fuel should not be a use incidental to a gasoline service station as defined by the Riverhead Zoning Ordinance;

(2) That the subject Special Permit did not demonstrate a pre-existing, nonconforming use for the wholesale distribution of fuel oil, and

WHEREAS, the Riverhead Town Board has carefully considered the merits of the subject Special Permit application, and has reviewed the Planning Environmental Assessment Form, the report of the Planning Department, the report of the Planning Board, the commentary made at the recent public hearing, and all pertinent planning, zoning, and environmental information;

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board hereby denies the Special Permit application of C.E. Auto Repairs, Inc. for those reasons as determined by the Riverhead Planning Board, and

BE IT FURTHER

RESOLVED, that the proper pursuit of this land use would be through an application for relief through a use variance to be considered by the Riverhead Zoning Board of Appeals, and

BE IT FURTHER

RESOLVED, that a certified copy of this resolution be transmitted to James O'Sullivan as agent for the applicant.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 296 DENIES SPECIAL PERMIT PETITION OF C.K. AUTO

Councilperson Prusinowski offered the following resolution, which was seconded by Councilperson Civiletti:

WHEREAS, the Riverhead Town Board is in receipt of a Special Permit petition from C.K. Auto Repairs, Inc. to expand a preexisting, nonconforming use pursuant to 108-\_\_\_ of a parcel of land located on the west side of Wading River-Manorville Road, Wading River (Suffolk County Tax Map Number 0600-74-1-27.1) to allow the storage, sale, and distribution of home heating oil, and

WHEREAS, the Riverhead Town Board has declared itself to be the Lead Agency in this matter and has determined the action to be Unlisted without a significant impact upon the environment and that an Environmental Impact Statement need not be prepared, and

WHEREAS, the petition was submitted to the Riverhead Planning Board for its report and recommendation, and

WHEREAS, the Planning Board report made by resolution on April 24, 1991, recommended that the Town Board deny the subject Special Permit; such recommendation based upon the following:

- (i) That the wholesale distribution of fuel oil or diesel fuel should not be a use identical to a gasoline service station as defined by the Riverhead Zoning Ordinance;
- (ii) That the subject Special Permit did not demonstrate a preexisting, nonconforming use for the wholesale distribution of fuel oil, and

WHEREAS, the Riverhead Town Board has carefully considered the merits of the subject Special Permit petition, and has reviewed the attending Environmental Assessment Form, the report of the Planning Department, the report of the Planning Board, the commentary made at the relevant public hearing, and all pertinent planning, zoning, and environmental information;

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board hereby denies the Special Permit petition of C.K. Auto Repairs, Inc. for those reasons as elaborated by the Riverhead Planning Board, and

BE IT FURTHER

RESOLVED, that the proper pursuit of this land use would be through petition for relief through a use variance to be considered by the Riverhead Zoning Board of Appeals, and

BE IT FURTHER

RESOLVED, that a certified copy of this resolution be transmitted to Jerem O'Sullivan as agent for the applicant.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

297      APPROVES SITE PLAN OF METRO ONE - WADING RIVER SITE

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

**WHEREAS**, a site plan and elevations were submitted by Allen M. Smith, as agent for Metro One for the construction of a building and antenna and related improvements for use as a cellular telephone station located at the north side of New York State Route 25A, Wading River, New York, known and designated as Suffolk County Tax Map Number 0600-134-1-2.2; and

**WHEREAS**, the Planning Department has reviewed the site plan dated last March 18, 1991, as prepared by Juengert/Grutzmacher, Architects, 19 Knickerbocker Road, Englewood, New Jersey, 07631, and elevations dated last April 2, 1991, as prepared by Juengert/Grutzmacher, Architects, 19 Knickerbocker Road, Englewood, New Jersey, 07631, 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 Allen M. Smith, as agent for Metro One, for the construction of a building and antenna and related improvements for use as a cellular telephone station, located at the north side of New York State Route 25A, Wading River, New York, site plan dated last March 18, 1991, as prepared by Juengert/Grutzmacher, Architects, 19 Knickerbocker Road, Englewood, New Jersey, 07631, and elevations dated last April 2, 1991, as prepared by Juengert-Grutzmacher, Architects, 19 Knickerbocker Road, Englewood, New Jersey, 07631, 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 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, 390 ROUTE 25, LTD. hereby authorizes and consents to the Town of Riverhead to enter premises at the north side of New York State Route 25A, Wading River, New York, to enforce said handicapped parking regulations;

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

10. That all utilities shall be constructed underground;

11. Pursuant to Section 108-133I of the Code of the Town of Riverhead, the applicant, upon approval of a final site

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

12. That this approval shall be subject to obtaining the necessary variances of the Zoning Board of Appeals for paving surface, fence height, and any other requirements not specified herein; and be it further

**RESOLVED,** that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Allen M. Smith, as agent for Metro One, Peter S. Danowski, Jr., the Riverhead Planning Department, Riverhead Building Department, Town Engineer, and Office of the Town Attorney.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was 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 complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signs shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed on the property; that all signs so proposed shall be constructed in accordance with the provisions of Section 101-53 of the Riverhead Town Code and that all signs shall be subject to the provisions of the Riverhead Town Code as well as those of

## DECLARATION AND COVENANTS

THIS DECLARATION, made the \_\_\_\_\_ day of \_\_\_\_\_, 1991, made by 390 ROUTE 25, LTD. c/o Peter S. Danowski, Jr., 816 Roanoke Avenue, 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

## DECLARATION AND COVENANTS

THIS DECLARATION, made the \_\_\_\_\_ day of \_\_\_\_\_, 1991, made by 390 ROUTE 25, LTD. c/o Peter S. Danowski, Jr., 816 Roanoke Avenue, 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;

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 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. That all utilities shall be constructed underground;

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;

11. That this approval shall be subject to obtaining the necessary variances of the Zoning Board of Appeals for paving surface, fence height, and any other requirements not specified herein.



APPROVES SITE PLAN OF METRO ONE - NORTHVILLE SITE

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

**WHEREAS**, a site plan and elevations were submitted by Allen M. Smith, as agent for Metro One for the construction of a building and antenna and related improvements for use as a cellular telephone station located at the south side of Sound Shore Road, Northville (Riverhead), New York, known and designated as Suffolk County Tax Map Number 0600-7-1-4; and

**WHEREAS**, the Planning Department has reviewed the site plan dated January 17, 1991, as prepared by The RBA Group, 1 Evergreen Place, P.O. Box 1927, Morristown, New Jersey, 07962, and elevations dated January 17, 1991, as prepared by The RBA Group, 1 Evergreen Place, P.O. Box 1927, Morristown, New Jersey, 07962, 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 Allen M. Smith, as agent for Metro One, for the construction of a building and antenna and related improvements for use as a cellular telephone station, located at the south side of Sound Shore Road, Northville (Riverhead), New York, site plan dated January 17, 1991, as prepared by The RBA Group, 1 Evergreen Place, P.O. Box 1927, Morristown, New Jersey, 07962, and elevations dated January 17, 1991, as prepared by The RBA Group, 1 Evergreen Place, P.O. Box 1927, Morristown, New Jersey, 07962, 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 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, VERNON F. WELLS hereby authorizes and consents to the Town of Riverhead to enter premises at the south side of Sound Shore Road, Northville (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. That all utilities shall be constructed underground;

11. Pursuant to Section 108-133I of the Code of the Town of Riverhead, the applicant, upon approval of a final site

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

12. That this approval shall be subject to obtaining the necessary variances of the Zoning Board of Appeals for paving surface, fence height, and any other requirements not specified herein; and be it further

**RESOLVED,** that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Allen M. Smith, as agent for Metro One, Vernon Wells, the Riverhead Planning Department, Riverhead Building Department, Town Engineer, and Office of the Town Attorney.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

That the face, 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 108-36 of the Riverhead Town Code shall be complied with, and that all variances shall be applied as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

## DECLARATION AND COVENANTS

THIS DECLARATION, made the \_\_\_\_\_ day of \_\_\_\_\_, 1991, made by VERNON F. WELLS, residing at \_\_\_\_\_ Sound Avenue, 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;

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 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. That all utilities shall be constructed underground;

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;

11. That this approval shall be subject to obtaining the necessary variances of the Zoning Board of Appeals for paving surface, fence height, and any other requirements not specified herein.

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

VERNON F. WELLS

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

On the \_\_\_ day of \_\_\_, 1991, before me personally came VERNON F. WELLS, to me known and known to be the individual who executed the foregoing instrument; that (s)he is the owner of certain real property located at the south side of Sound Shore Road, Northville (Riverhead), New York, the subject property of this Declaration and Covenant, and understands the content thereof; and that (s)he did swear to me that (s)he executed the same.

NOTARY PUBLIC

The vote, Clark, yes, Prusinowski, yes, Civiletti, no,
Coughlin, yes, Jankowski, yes.
The resolution was thereupon duly declared adopted.

# 299 ADOPTS FINDINGS STATEMENT OF CHANGE OF ZONE AND SPECIAL PERMIT PETITION OF CASILEN CORPORATION

Councilperson Prusinowski offered the following resolution which was seconded by Councilperson Stark.

WHEREAS, the Riverhead Town Board is in receipt of a petition for Change of Zone (attending Special Permit) to provide for the Residential C Zoning Use District to the exclusion of the existing Agriculture A and Business B Districts upon a trace of land located at the intersection of Middle Road and Osborne Avenue, Riverhead (S.C.T.M. 0600-101-02-006.1); and

WHEREAS, the Riverhead Town Board declared itself to be the Lead Agency by Resolution dated 9-20-88; and

WHEREAS, the Riverhead Town Board determined the action to be unlisted with a potential for a significant impact upon the environment and required the preparation of an Environmental Impact Statement; and

WHEREAS, the Riverhead Town Board accepted the Final Environmental Impact Statement by Resolution dated 7-14-90; and

WHEREAS, the Planning Director has submitted to the Town Board a Draft Statement making those findings of the Lead Agency as required by the New York State Environmental Conservation Law; and

WHEREAS, the Riverhead Town Board has carefully considered the Draft Findings with respect to the SEQRA record created to date as well as all relevant planning, zoning and environmental information.

NOW, THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby makes the attached statement as the Lead Agency findings in the matter of the Change of Zone and Special Permit petition of Casilen Corporation; and

BE IT FURTHER RESOLVED, that the Planning Director be authorized to publish and post those notices of findings pursuant to the New York State Environmental Conservation Law; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Guy Germano as agent for the applicant and to the Town of Riverhead Planning Department.

The vote, Stark, yes, Prusinowski, yes, Civiletti, no, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

## State Environmental Quality Review

## FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617, the Riverhead Planning Board, as Lead Agency, makes the following findings:

**Name of Action:** Petition for Change of Zone and attending Special Permit made by the Casilen Corporation, 203 Front Street, Greenport, New York

**Description of Action:** A Change of Zone to provide for the Residence C Zoning Use District to the exclusion of the existing Agriculture A and Business B Zoning Use Districts, and an attending Special Permit to provide for the construction of 220 units of attached housing (condominium ownership) on a single tract of land with an area of 57.0552 acres.

**Location:** The southwest corner of the intersection of Middle Road and Osborne Avenue, Riverhead, New York (Suffolk County Tax Map Number 0600-101-2-6.1)

**Agency Jurisdictions:**

- |  |  |
|--|--|
| 1. Riverhead Town Board<br>(Lead Agency)                   | Extension of Riverhead Sewer District; Sewer District Hookup Approval; Change of Zone Approval; Special Permit Approval; Site Plan Review Approval |
| 2. Riverhead Planning Board                                | Recommendation upon Change of Zone and Special Permit; Condominium Map Approval  |
| 3. Riverhead Water District                                | Extension of the District  |
| 4. Riverhead Building Department                           | Building Permit  |
| 5. Suffolk County Planning Commission                      | Charter referral on Change of Zone, Special Permit, Condominium Map and Site Plan  |
| 6. Suffolk County Department of Health Services            | Article VI Permit; Article VII Permit; Sewer District Hookup Approval  |
| 7. New York State Department of Environmental Conservation | SPDES Permit; Article 24 (Freshwater Wetlands) Permit  |

Date Final Environmental Impact Statement Filed: August 14, 1990

**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 potential impacts associated with the petition:

- (i) Impacts upon geological resources;
- (ii) Impacts upon surface water resources
- (iii) Impacts upon groundwater resources
- (iv) Impacts upon terrestrial ecology
- (v) Impacts upon air quality
- (vi) Impacts upon public health
- (vii) Impacts upon existing transportation networks
- (viii) Impacts upon community character
- (ix) Impacts upon community services
- (x) Project integration with the Riverhead Master Plan and implementing Zoning Use District Map

Second, that the Draft Environmental Impact Statement, as accepted by the Lead Agency on April 26, 1989, both sufficiently analyzed those environmental impacts as identified by the Lead Agency in its review of the attending Environmental Assessment Form and through the relevant scoping hearing, and provided a description of environmental impact mitigation measures and potential project alternatives.

Third, that significant commentary received upon the Draft Environmental Impact Statement from the Lead Agency, from involved agencies, and parties of interest centered upon the following:

- (i) The need to analyze the impacts of the proposed Sewage Treatment Plant upon the Riverhead Water District's Osborne Avenue Supply Well; that is, due to general east southeast ground water flow, there exists a potential for the existing well field to pull treated wastewater discharged on the project site to the water supply;
- (ii) The need to analyze the impact of generated wastewater upon the existing service of the Riverhead Sewer District should the applicant opt for Sewer District extension to serve the project site;

- (iii) The need to analyze the impacts of stormwater recharge, nitrogen loading, and potential net reduction of site groundwater recharge (Sewer District option) upon the existing freshwater wetlands system;
- (iv) The need to analyze the project's impact upon the site's existing Oak-Pine vegetation, its value as a wildlife and Pine Barrens habitat, and those measures to be employed to mitigate impacts upon identified flora and fauna resources;
- (v) The need for an analysis of the expected impacts upon groundwater within Hydrogeologic Zone III as integrated with the impact of other projects being considered within the general vicinity.

Fourth, that 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 or avoids adverse impacts upon the natural environment. The basis for this finding rests in the judgment of the Riverhead Town, subsequent to its consideration of the Final Environmental Impact Statement, that the subject statement has addressed each of the major environmental issues and impacts relating to groundwater, surface water, terrestrial ecology, transportation networks, community services, cultural resources, and Town Planning and Zoning. In its consideration of the Final Environmental Impact Statement made upon the subject Change of Zone and Special Permit application, the Riverhead Town Board specifically finds the following:

- (i) That 47.7552  $\pm$  acres of the subject parcel is presently zoned Agriculture A which provides for a yield of one (1) lot per 40,000 square feet;
- (ii) That 9.3  $\pm$  acres of the subject parcel is presently zoned Business B which provides for a maximum building area of approximately 60,766  $\pm$  square feet of commercial use;
- (iii) That the Riverhead Master Plan, as adopted in 1973, provides for medium density residential use for the subject parcel; such use to allow 2.32 housing units per acre and a maximum of 7.4 persons per lot;
- (iv) That the parcel is presently wooded with Pine-Oak vegetation, with significant freshwater wetlands, and the character of site is not conducive to agricultural land use;
- (v) That the preliminary Site Plan made part of the Final Environmental Impact Statement (January, 1991) depicts open space and buffer areas designed to minimize clearing and avoid areas of slopes;
- (iv) That the preliminary Site Plan made part of the Final Environmental Impact Statement depicts a non-disturbance area surrounding New York State regulated wetlands; such non-disturbance area to be depicted upon the requires Site Plan

and Condominium Map in a fashion designed to protect existing species of both plants and animals as well as to provide for stabilization of soils adjacent to vernal ponds;

- (vii) That the number of vehicular trip ends per day to be generated by the proposed land use equals 870 trips. This total is considered to be less than the total number of trip ends which could be generated under existing zoning (two-family residential and commercial buildout) and is not considered to significantly impact upon the vehicular flow of existing roadways or upon the level of service of existing intersections;
- (viii) That the total number of school-aged children expected from the proposed land use equals 95 (.063 children per unit). This total is considered to be comparable to the total number of school-aged children which could be generated under existing zoning. As this total represents less than 2 percent of the existing 3,680 students within the Riverhead Central School District, the impact is considered to be minimal and the existing level of service adequate to address the created demand;
- (ix) That the project site will be served by the Riverhead Water District through an extension to be paid by the developer. The estimated 75,000 gallons of water per day required is available upon the extension of the District;
- (x) That the proposed land use is to be served by the Riverhead Sewer District upon an extension of the District, the costs of which to be born by the developer. Since the 48,600 gallons of sanitary wastewater will be discharged off site, in conformance with Article VI (Suffolk County Sanitary Code), there will be no significant impact to groundwater quality existing both on and off site. In order to mitigate the impact of landscaping chemicals upon groundwater, a landscape plan and maintenance program designed to minimize the use of fertilizers, herbicides, and pesticides, will be required in the future Site Plan approval;
- (xi) That the Lead Agency has completed a plan for the extension of sewer service within the vicinity of the project site, and it is the interest of the Town of Riverhead that the proposed project have sewer connection. In that the provision of service to the site depends upon increased level of treatment at the existing Town of Riverhead Sewage Treatment Plant, the extension of the Sewer District to the project site is considered a long-term goal. A phased development of the proposed land use in conformance with Article VI of the Suffolk County sanitary Code and predicated upon the extension of the Sewer District, is both desirable and appropriate towards the provision of public infrastructure;

- (xii) That the level of service existing at the intersection of Middle Road and Osborne Avenue is presently characterized as having short traffic delays (Level B) and that the contemplated Site Plan shall depict those road improvements necessary to maintain this level of service given additional development within the general vicinity;
- (xiii) That the impact of the proposed project upon the quality of the groundwater existing within the Deep Recharge Hydrogeologic Zone, when assessed cumulatively with other petitioned development projects within the general vicinity is not considered to be significant. This finding is based upon the fact that the amount of total nitrogen to be discharged to the groundwater is considered to be in conformance with the structural recommendations of the Long Island Comprehensive Waste Treatment Management Plan (208). Since all other projects being considered by the Lead Agency within the Zone III area will also be required to treat wastewater in conformance with 208 recommendations and Suffolk County Department of Health Services regulations, the cumulative impact of such projects upon the groundwater resource is not expected to be significant. It is the judgment of the Lead Agency that 208 land use recommendations were predicated upon the assumption of the total buildout of the privately owned land within the study area and that land development in conformance with 208 recommendations is a prima facie assessment of nonsignificant impact, individually or cumulatively, upon the groundwater resource;
- (xiv) That a Change of Zone and Special Permit, in order to allow residential densities on the project site in conformance with the Town of Riverhead Master Plan, is appropriate given the need for the expansion of infrastructure and the general character of the site and the vicinity.

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

- (i) The requirements of 6 NYCRR Part 617 have been met;
- (ii) 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; including the effects disclosed in the Environmental Impact Statement;
- (iii) Consistent with social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the Environmental Impact Statement will be minimized or avoided by incorporating as

conditions to the decision those mitigative measures which were identified as practicable;

- (iv) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

WHEREAS, the Town of Riverhead applied for and was granted a Department of Housing and Urban Development Community Development Block Grant for the year 1991; and

WHEREAS, an agreement to this grant has been approved by HUD and all citizen participation requirements have been met; and

WHEREAS, the project to be undertaken is comprised of site improvements to Grandview Park, Boreo Avenue; and

WHEREAS, the procedure for release of these funds requires the preparation of an environmental review record and publication of a public notice of environmental findings and request for release of funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead authorizes the Town Clerk to publish the attached Finding of No Significant Impact/Request for Release of Funds notice in the May 15, 1991 issue of the Riverhead Suffolk Life; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Andrea Lohmeier, Community Development Director.

The Vote, Stark, yes, Ziminovski, yes, Civitelli, yes, Creighton, yes, Jacoski, yes.  
The resolution was thereupon duly declared adopted.

# 300 AUTHORIZES PUBLICATION OF FINDING OF NO SIGNIFICANT  
IMPACT AND REQUEST FOR RELEASE OF FEDERAL FUNDS

COUNCILPERSON Prusinowski offered the following  
resolution, which was seconded by COUNCILPERSON Civiletti.

WHEREAS, the Town of Riverhead applied for and was granted a U.S. Department of Housing and Urban Development Community Development Block Grant for the year 1987; and

WHEREAS, an amendment to this grant has been approved by HUD and all citizen participation requirements have been met; and

WHEREAS, the project to be undertaken is comprised of site improvements to Grangebél Park, Peconic Avenue; and

WHEREAS, the procedure for release of these funds requires the preparation of an environmental review record and publication of a public notice of environmental findings and request for release of funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead authorizes the Town Clerk to publish the attached Finding of No Significant Impact/Request for Release of Funds notice in the May 15, 1991 issue of the Riverhead Suffolk Life; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Andrea Lohneiss, Community Development Director.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

LEGAL NOTICE  
 NOTICE OF FINDING OF  
 NO SIGNIFICANT EFFECT  
 ON THE ENVIRONMENT  
 AND REQUEST FOR  
 RELEASE OF  
 FEDERAL FUNDS

Town of Riverhead  
 100 Howell Avenue  
 Riverhead, NY 11901  
 (516) 727-3200

TO ALL INTERESTED AGENCIES, GROUPS, AND PERSONS:

On or about June 2, 1991, the Town of Riverhead will request the U.S. Department of Housing and Urban Development to release Federal funds under Title 1 of the Housing and Community Development Act of 1964 (PL 93-383) to be used for the following projects:

1. B87 Grangebels Park Site Improvements \$55,000.00
2. -----
3. -----

It has been determined that such Request for Release of Funds will not constitute an action significantly affecting the quality of the human environment and, accordingly, the Town of Riverhead has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (PL 91-190). The reason for such decision not to prepare such statement is as follows:

(i) The analysis required for the development of our Environmental Review Records for the subject projects did not point to any impact that would significantly affect the human environment. The basis for this determination lies in the fact that all identified adverse impacts are not intractable and can, through project design, be either minimized or avoided.

Environmental Review Records respecting the aforementioned projects have been made by the Town of Riverhead which document the environmental review of the projects and more fully set forth the reasons why such Statement is not required. The Environmental Review Records are on file at the above address and are available for public inspection and copying, upon request at the Community Development Office between the hours of 9 a.m. and 4 p.m.

No further environmental reviews of said projects are proposed to be conducted prior to the Request for Release of Federal Funds.

All interested agencies, groups, and persons disagreeing with this decision are invited to submit written comments for consideration by the Town of Riverhead to the Office of the Supervisor. Such written

comments should be received by the Supervisor on or before ~~May 30, 1991~~. All such comments received will be considered and the Town of Riverhead will not request the Release of Federal Funds for the subject projects prior to ~~June 1, 1991~~.

The Town of Riverhead will undertake the subject projects with Block Grant funds from the U.S. Department of Housing and Urban Development (HUD) under Title 1 of the Housing and Community Development Act of 1974. The Town of Riverhead is certifying to HUD that the Town of Riverhead and the Town Supervisor, in his official capacity as Supervisor, consent to accept the jurisdiction of the Federal courts if an action is brought to the responsibilities in relation to environmental review, decision making, and action, and that these responsibilities have been satisfied.

The legal effect of the certification is that upon its approval, the Town of Riverhead may use the Block Grant funds, and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969. HUD will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases: (a) that the certification was not in fact executed by the chief executive officer or other officer of the applicant approved by HUD; or (b) that applicant's Environmental Review Records for the projects indicate omission of a required decision, finding, or step applicable to the project in the environmental review process. Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58) and may be addressed to:

U.S. Department of Housing and Urban Development (HUD)  
New York Area Office  
26 Federal Plaza  
New York, NY 10028

Objections to the release of funds made on bases other than those stated above will not be considered by HUD. No objection received after ~~June 16, 1991~~ will be considered by HUD.

By: Mr. Joseph Janoski  
Town Supervisor  
200 Howell Avenue  
Riverhead, NY 11901  
Dated: ~~May 15, 1991~~

BY ORDER OF THE TOWN BOARD  
TOWN OF RIVERHEAD, NEW YORK  
IRENE J. PENDZICK, TOWN CLERK

# 301 CONSENTS TO RETAINING THE SERVICES OF MULLEN & MC CAFFREY  
DIRECT RESPONSE RE: EAST END RECYCLING ASSOCIATION

Councilperson Creighton offered the following, which was  
seconded by Councilperson Stark.

WHEREAS, the Town of Riverhead is a participant in the East End Recycling Association ("E2RA") comprised of the Five East End Towns, under a State Grant, Contract No. C808002; and

WHEREAS, Robert Arner has tendered his resignation as Recycling Manager of E2RA thereby creating a vacancy; and

WHEREAS, the Town Supervisors have recommended retaining Mullen & McCaffrey Direct Response of 197 Hog Creek Road, East Hampton, New York, to act as Recycling Manager under the State Grant.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead concurs and consents to retaining the services of Mullen & McCaffrey Direct Response and authorizes the Supervisor of the Town of Riverhead to enter into a contract on behalf of the East End Recycling Association retaining the services of Mullen & McCaffrey Direct Reponse within the terms and conditions required under State Contract NO. C808002; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Supervisors of the Towns of Southampton, Southold, East Hampton and Shelter Island, and Mullen & McCaffrey Direct Response.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 302 AUTHORIZES SUPERVISOR TO EXECUTE HOME RULE REQUEST  
ASSEMBLY BILL NO. 7210/SENATE BILL NO. 4331

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

WHEREAS, an act to amend Section 271 of the Highway Law to increase the amount which the Town of Riverhead may levy and collect for the purchase of certain highway equipment from \$200,000 to \$800,000 has been introduced in the State Senate and Assembly; and

WHEREAS, as the cost of machinery rises, it becomes effectively difficult for growing towns to operate effectively under extreme budget constraints established in law; and

WHEREAS, this bill would put Riverhead appropriately within the budget category of all other towns in Suffolk County.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and is hereby authorized to execute the Home Rule Request regarding Senate Bill No. 4331 and Assembly Bill No. 7210 and that the same be forwarded to the appropriate party of the Senate and Assembly of the State of New York.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes,  
Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 303 APPROVES APPLICATION OF NORTH FORK ENVIRONMENTAL COUNCIL

COUNCILPERSON Civiletti offered the following resolution, which was seconded by COUNCILPERSON Prusinowski :

WHEREAS, Sherry Johnson, Program Coordinator for the North Fork Environmental Council submitted a letter for the purpose of holding a white elephant sale to be held at the Jamesport Community Center, South Jamesport Avenue, Jamesport, New York, on June 29 and 30, 1991; and

WHEREAS, the Town Board of the Town of Riverhead has reviewed all documents regarding said request.

NOW, THEREFORE, BE IT

RESOLVED, that the application of Sherry Johnson, Program Coordinator for the North Fork Environmental Council for the purpose of holding a white elephant sale at the Jamesport Community Center, South Jamesport Avenue, Jamesport, New York, on June 29 and 30, 1991 be and is hereby approved; and be it further;

RESOLVED, that said approval is subject to the submission of a certificate of insurance in the amount of \$1,000,000 naming the Town of Riverhead as additional insured; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this application to Sherry Johnson, Program Coordinator for the North Fork Environmental Council and the Riverhead Police Department.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Riverhead, New York  
May 7, 1991

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes,  
Creighton, yes, Janoski, yes  
The resolution was thereupon duly declared adopted.

# 304

AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO CONSIDER AMENDING ARTICLE XIII "SUPPLEMENTAL USE REGULATIONS" OF THE RIVERHEAD TOWN CODE AT SECTION 108-56 ENTITLED "SIGNS"

COUNCILPERSON Prusinowski offered the following resolution, which was seconded by COUNCILPERSON Civiletti:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice once in the MAY 22, 1991 issue of the Suffolk County Life to consider amending Article XIII "Supplemental Use Regulations" of the Riverhead Town Code at Section 108-56 entitled "Signs":

TOWN OF RIVERHEAD  
PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 4th day of June, 1991, at 7:40 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider amending Article XIII "Supplemental Use Regulations" of the Riverhead Town Code at Section 108-56 entitled "Signs" as follows:

108-56. Signs.

Z. Electronic message center shall be permitted by special permit of the Town Board in the Business B (with the exception of Main Street [NYS Route 25]) and Business C Zoning Use Districts only and shall be subject to the following conditions:

- (1) On-premises only;
- (2) Free-standing and accessory to main sign;
- (3) No more than thirty (30) square feet in total area;
- (4) Minimum display necessary to convey intended message;
- (5) A minimum of three hundred (300) lineal feet from any other existing electronic message center;
- (6) No horizontally or vertically moving messages or graphics shall be permitted;
- (7) A minimum time interval of fifteen (15) seconds between flashed readings of a message;
- (8) That the total number of electronic message centers shall not exceed one (1) center for each directory sign.

Dated: Riverhead, New York  
May 7, 1991.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#305 APPROVES SITE PLAN OF KENNETH B. ZAHLER - COMMERCIAL BUILDING

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

WHEREAS, a site plan and elevations were submitted by 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 Ostrander Avenue, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-104-2-2; and

WHEREAS, the Planning Department has reviewed the site plan dated December 21, 1990, and last revised April 12, 1991, as prepared by Joseph A. Ingegno, L.S., 1186 East Main Street, Riverhead, New York, 11901, and elevations dated February 6, 1991, as prepared by Richard M. Suter, Architect, 6 Atlantic Avenue, Box 689, East Moriches, New York, 11940, 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 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 Ostrander Avenue, Riverhead, New York, site plan dated December 21, 1990, and last revised April 12, 1991, as prepared by Joseph A. Ingegno, L.S., 1186 East Main Street, Riverhead, New York, 11901, and elevations dated February 6, 1991, as prepared by Richard M. Suter, Architect, 6 Atlantic Avenue, Box 689, East Moriches, New York, 11940, 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 agrees to abide by same;

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

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

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

9. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, JOANN ZAHLER hereby authorizes and consents to the Town of Riverhead to enter premises at south side of County Route 58, east of Ostrander Avenue, Riverhead, New York, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter

boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

11. That all utilities shall be constructed underground;

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

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

14. That the three (3) Zelkova Serrata along the County Route 58 frontage and the Littleleaf Linden (Tilia Cordata) at the southeast corner of the parcel shall all be a minimum 2 1/2" caliper upon planting;

15. That the compact Euonymus shall be continued along the handicap ramp, as indicated on the site plan approved herein and initialled by a majority of this Town Board; 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. and Joann Zahler, Joseph A. Ingegno, Richard M. Suter, the Riverhead Planning Department, Riverhead Building Department, Town Engineer, and Office of the Town Attorney.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

## DECLARATION AND COVENANTS

THIS DECLARATION, made the \_\_\_\_\_ day of \_\_\_\_\_, 1991, made by JOANN ZAHLER, residing at Union Avenue, Aquebogue, New York, 11931, 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 agrees to abide by same;

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

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

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

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

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

10. That all utilities shall be constructed underground;

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

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



#306 APPROVES SITE PLAN OF LEBANON CHEMICAL CORPORATION -  
PREFABRICATED OFFICE BUILDING

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

WHEREAS, a site plan was submitted by Harry Mathis as agent for Lebanon Chemical Corporation for the installation of a 540 square foot prefabricated unit for office use located at the north side of Sound Avenue, north of West Lane, Aquebogue, New York, known and designated as Suffolk County Tax Map Number 0600-20-1-4.1; and

WHEREAS, the Planning Department has reviewed the site plan dated September 30, 1989, and last revised April 29, 1991, as prepared by Fairweather/Brown, Architects, 122 Front Street, Box 521, Greenport, New York, 11944, 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 aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan submitted by Harry Mathis as agent for Lebanon Chemical Corporation, for the installation of a 540 square foot prefabricated unit for office use, located at the north side of Sound Avenue, north of West Lane, Aquebogue, New York, site plan dated September 30, 1989, and last revised April 29, 1991, as prepared by Fairweather/Brown, Architects, 122 Front Street, Box 521, Greenport, New York, 11944, be and is 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 agrees to abide by same;

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

7. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, LEBANON CHEMICAL CORPORATION hereby authorizes and consents to the Town of Riverhead to enter premises at the north side of Sound Avenue, north of West Lane, Aquebogue, New York, to enforce said handicapped parking regulations;

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

9. 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;

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

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Harry Mathis as agent for Lebanon Chemical Corporation, Fairweather/Brown Architects, the Riverhead Planning Department, Riverhead Building Department, Town Engineer, and Office of the Town Attorney.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

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 36, entitled, "Trash, Rubbish and Refuse Disposal," and agree to abide by same;

THIS DECLARATION, made the \_\_\_\_\_ day of \_\_\_\_\_, 1991, made by LEBANON CHEMICAL CORPORATION, residing at Sound Avenue, Aquebogue, New York, 11931, 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 agrees to abide by same;

5/7/91 5. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

6. 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;

7. 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;

8. 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;

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

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

By:

\_\_\_\_\_ for LEBANON CHEMICAL CORPORATION

STATE OF NEW YORK)

)ss.:

COUNTY OF SUFFOLK)

On the \_\_\_\_\_ day of \_\_\_\_\_, 1991, before me personally came LEBANON CHEMICAL CORPORATION, to me known and known to be the individual who executed the foregoing instrument; that (s)he is the owner of certain real property located at the north side of Sound Avenue, north of West Lane, Aquebogue, New York, the subject property of this Declaration and Covenant, and understands the content thereof; and that (s)he did swear to me that (s)he executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

#307 APPROVES SITE PLAN OF DBM COMPANY (HERBERT SAMUELS ASSOCIATES) - BLOCKBUSTER VIDEO

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Prusinowski :

WHEREAS, a site plan, landscape plan, and elevations were submitted by Herbert Samuels Associates for the construction of a 6,000 square foot building for retail use, and attendant site improvements located at north side of Old Country Road (County Route 58), west of Harrison Avenue, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-102-3-1; and

WHEREAS, the Planning Department has reviewed the site plan dated last April 19, 1991, as prepared by Young & Young, 400 Ostrander Avenue, Riverhead, New York, 11901, and landscape plan dated last April 19, 1991, as prepared by Young & Young, 400 Ostrander Avenue, Riverhead, New York, 11901, and elevations for Blockbuster Video dated October 1, 1990, and last revised April 22, 1991, 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, landscape plan, and elevations aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan, landscape plan, and elevations submitted by Herbert Samuels Associates, for the construction of a 6,000 square foot building for retail use, and attendant site improvements, located at north side of Old Country Road (County Route 58), west of Harrison Avenue, Riverhead, New York, site plan dated last April 19, 1991, as prepared by Young & Young, 400 Ostrander Avenue, Riverhead, New York, 11901, and landscape plan dated last April 19, 1991, as prepared by Young & Young, 400 Ostrander Avenue, Riverhead, New York, 11901, and elevations for Blockbuster Video dated October 1, 1990, and last revised April 22, 1991, 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 agrees to abide by same;

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

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

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

9. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, RICHARD ISRAEL AND HERBERT MANDEL hereby authorizes and consents to the Town of Riverhead to enter premises at north side of Old Country Road (County Route 58), west of Harrison Avenue, Riverhead, New York, to enforce said handicapped parking regulations;

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

11. That all utilities shall be constructed underground;

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

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

14. That a full parapet shall be provided on the west side of the building;

15. That an 18"-20" high border, faced in Dryvit to match the building, shall be provided to protect the planting bed at the main entry;

16. That two parking spaces shall be eliminated along the easterly property line and a 30' wide planted island provided, as indicated on the site plan initialled by a majority of this Town Board;

17. That this approval shall be subject to any requirements of the Suffolk County Department of Public Works; and be it further

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

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

## DECLARATION AND COVENANTS

THIS DECLARATION, made the \_\_\_\_\_ day of \_\_\_\_\_, 1991, made by RICHARD ISRAEL AND HERBERT MANDEL, residing at 443 Main Street, Greenport, New York, 11944, Declarants.

## 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 agrees to abide by same;

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

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

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

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

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

10. That all utilities shall be constructed underground;

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

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

13. That a full parapet shall be provided on the west side of the building;

14. That an 18"-20" high border, faced in Dryvit to match the building, shall be provided to protect the planting bed at the main entry;

15. That two parking spaces shall be eliminated along the easterly property line and a 30' wide planted island provided, as indicated on the site plan initialled by a majority of this Town Board;

16. That this approval shall be subject to any requirements of the Suffolk County Department of Public Works.

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

\_\_\_\_\_  
RICHARD ISRAEL

\_\_\_\_\_  
HERBERT MANDEL

STATE OF NEW YORK)

) ss.:

COUNTY OF SUFFOLK)

On the \_\_\_\_\_ day of \_\_\_\_\_, 1991, before me personally came RICHARD ISRAEL AND HERBERT MANDEL, to me known and known to be the individuals who executed the foregoing instrument; that they are the owners of certain real property located at north side of Old Country Road (County Route 58), west of Harrison Avenue, Riverhead, New York, the subject property of this Declaration and Covenant, and understand the content thereof; and that they did swear to me that they executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

# 308 APPROVES APPLICATION OF RIVERHEAD CHAMBER OF COMMERCE

COUNCILPERSON Prusinowski offered the following resolution, which was seconded by COUNCILPERSON Civiletti:

WHEREAS, the Riverhead Chamber of Commerce submitted an application for the purpose of holding an antique and classic car show to be held at the Municipal Parking Lot on the North side of East Main Street, Riverhead, New York, on Sunday, June 2, 1991 (rain date Sunday, June 9, 1991); and

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead as Additional Insured; and

WHEREAS, the Town Board of the Town of Riverhead has reviewed all documents regarding said application.

NOW, THEREFORE, BE IT

RESOLVED, that the application of the Riverhead Chamber of Commerce for the purpose of holding an antique and classic car show at the Municipal Parking Lot on the North side of East Main Street, Riverhead, New York, on Sunday, June 2, 1991 (rain date Sunday, June 9, 1991) be and is hereby approved; and be it further;

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to the Riverhead Chamber of Commerce and the Riverhead Police Department.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Town of Riverhead Resolution # 309Declares Lead Agency and Determines Significance of Action  
William Keller - Special Permit (Site Plan)

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

WHEREAS, the Riverhead Town Board is in receipt of a petition for a Special Permit for creation of a single-family residential use within an existing retail structure on a .14 acre parcel in a Business 'D' Zone known as Suffolk County Tax Map Number 0600-123-4-70, from William Keller, and

WHEREAS, a survey and Full Environmental Assessment Form were submitted as part of the petition, and

WHEREAS, the Riverhead Planning Department has reviewed the Environmental Assessment Form and supporting documentation and recommends the petition be considered an Unlisted Action for which coordinated review is optional, and

WHEREAS, the Riverhead Planning Department, by preparation and evaluation of its SEQR staff report, has further recommended that the action will not have a significant environmental effect;

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declare itself to be the Lead Agency in the Special Permit application of William Keller, and

BE IT FURTHER

RESOLVED, that the petition be considered to be an Unlisted Action which will not have a significant effect upon the environment and that a Draft Environmental Impact Statement will not be prepared, and

BE IT FURTHER

RESOLVED, that this classification and determination be considered valid for any subsequent action subject to SEQR, and

BE IT FURTHER

RESOLVED, that the Riverhead Planning Department be directed to publish and post those notices as required by 6 NYCRR Part 617, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to publish a Notice of Public Hearing in this matter for June 4, 1991, at 7:45 p.m. prevailing time, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward the petition to the Riverhead Planning Board for their recommendation, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Planning Department and the applicant.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Riverhead, New York, this 7th day of May, 1991.

IRVING J. PENNACCA, Town Clerk

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.  
The resolution was thereupon duly declared adopted.

TOWN OF RIVERHEAD  
PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 4th day of June, 1991, at 7:45 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the special permit application of William Keller for the creation of a single-family residential use within an existing retail structure on a .14-acre parcel in the Business D Zoning Use District located at Pulaski Street, Riverhead, New York, known and designated as SCTM #0600-123-4-70.

Dated: Riverhead, New York  
May 7, 1991.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Stark, yes; Puzoski, yes; DiIorio, yes;

Seaton, yes; Jancsik, yes.

The resolution was thereupon duly declared adopted.

# 310 AUTHORIZES ATTENDANCE LYN MCDONALD AT SEMINAR

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

WHEREAS, the New York State Conference for the Aging will be hosting the "Senior Programs: What is Our Role In An Aging America?" seminar on June 5 - 7, 1991; and

WHEREAS, it is the desire of Lyn McDonald to attend said seminar.

NOW, THEREFORE, BE IT RESOLVED, that Lyn McDonald be and is hereby authorized to attend said seminar from June 5-7, 1991; and

BE IT FURTHER RESOLVED, that all related expenses incurred by Lyn McDonald will be fully receipted upon her return and thereafter reimbursed by the Office of Accounting; and

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

Dated: Riverhead, New York  
May 7, 1991

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

James J. Pundick, Town Clerk

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 311 AUTHORIZES TOWN CLERK TO PUBLISH AND POST HELP WANTED AD

Councilperson Civiletti offered the following resolution, which was seconded by COUNCILPERSON Prusinowski :

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a "Help Wanted Ad" in the MAY 15, 1991, issue of the Suffolk County Life:

**HELP WANTED AD**

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking individuals interested in the position of Maintenance Mechanic II with the Buildings and Grounds Department. Qualifications for this position are at least two years' working experience in a skilled trade, such as plumbing or electrical, etc.

Interested individuals must submit an application to the Town Council, 200 Howell Avenue, Riverhead, New York, between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. No applications will be accepted for this position after May 24, 1991. The Town of Riverhead does not discriminate on the basis of race, color, national origin, sex, age or handicapped status in employment or the provisions of service.

Dated: Riverhead, New York  
May 7, 1991

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Irene J. Pendzick, Town Clerk

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes,  
Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 312 AUTHORIZES ATTENDANCE OF OFFICER AT CONFERENCE

Councilperson Prusinowksi offered the following resolution which was seconded by Councilperson Stark.

WHEREAS, North Carolina will be hosting the National DARE Officers Conference between the dates of July 10-13, 1991; and

WHEREAS, it is the desire of the Riverhead Police Department to have one officer attend said seminar.

NOW, THEREFORE, BE IT RESOLVED, that one officer be and is hereby authorized to attend the aforementioned conference on July 10-13, 1991; and

BE IT FURTHER RESOLVED, that all related expenses incurred by designated officer will be fully receipted upon his return and thereafter reimbursed by the Office of Accounting; and

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

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 313 AUTHORIZES ATTENDANCE OF OFFICER AT SEMINAR

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

WHEREAS, the New York State Chiefs Association will be hosting a retraining session at the Concord Hotel, Kiamesha Lake, New York on August 18 - 22, 1991; and

NOW, THEREFORE, BE IT RESOLVED, that Chief Grattan be and is hereby authorized to attend the aforementioned seminar on August 18 - 22, 1991; and

BE IT FURTHER RESOLVED, that all related expenses incurred by Chief Grattan will be fully receipted upon his return and thereafter reimbursed by the Accounting Department; and

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

408.033731.494100.40002 Bond Proceeds	130,000.00
408.033400.523000.40002 Construction	120,000.00
408.033400.543501.40002 Engineering	10,000.00

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes,  
 Creighton, yes, Janoski, yes.  
 The resolution was thereupon duly declared adopted.

Date \_\_\_\_\_

No. 314

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 ADOPTION

SOUND AVE/PIER AVE DRAINAGE CAP. PROJECT

408.095731.494100.40002 Bond Proceeds	130,000.00
408.085400.523008.40002 Construction	120,000.00
408.085400.543501.40002 Engineering	10,000.00

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.  
The resolution was thereupon duly declared adopted.

# 315 APPOINTS SMITH, FINKELSTEIN, LUNDBERG, ISLER & YAKABOSKI AS SPECIAL COUNSEL TO INSTITUTE LAWSUIT

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Prusinowski.

RESOLVED, that this Town Board does hereby appoint the law firm of Smith, Finkelstein, Lundberg, Isler & Yakaboski as counsel with regard to the New York State Department of Environmental Conservation's administrative enforcement of the Long Island Landfill Law; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Smith, Finkelstein, Lundberg, Isler & Yakaboski and the Town Attorney's Office.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.  
The resolution was thereupon duly declared adopted.

# 316 APPOINTS EDWARD A. HUDGINS, JR. TO THE POSITION OF DIRECTOR OF PROGRAM EVALUATION

Councilperson Prusinowski offered the following resolution which was seconded by Councilperson Civiletti.

WHEREAS, it is the desire of the Town Board to provide for a productive overall management structure for the Town of Riverhead by providing for a Director of Program Evaluation; and

WHEREAS, the availability of this position was duly advertised; and

WHEREAS, all qualified applicants were thereafter interviewed.

NOW, THEREFORE, BE IT

RESOLVED, that Edward A. Hudgins, Jr. be and is hereby appointed to the provisional position of Director of Program Evaluation at an annual salary of \$40,000 effective May 13, 1991; and

BE IT FURTHER RESOLVED, that the Supervisor be and is hereby authorized to execute a contract with Edward A. Hudgins, Jr.; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Edward A. Hudgins, Jr., 10 Linda Lane East, Riverhead, New York; and the Office of Accounting.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes,

Creighton, yes, Janoski, yes.

5/7/91

MAY 7, 1991

17

596

RESOLUTION NUMBER 317

DATE

ABSTRACT #

COUNCILMAN Stark offered the following resolution, which was seconded by COUNCILMAN Prusinowski. RESOLVED, that the SUPERVISOR be, and is hereby authorized to pay the following vouchers: 9100 :9100.

*****ACCOUNTS*****		*****TOTALS*****	
GENERAL TOWN	001		\$38,154.38
PARKING METER	002		
AMBULANCE	003		
POLICE ATHLETIC LEAGUE	004		
TEEN CENTER	005		
RECREATION PROGRAM	006		
HIGHWAY	111		\$1,367.33
WATER	112		\$1,688.29
REPAIR & MAINTENANCE	113		
SEWER	114		\$10,021.10
STREET LIGHTING	116		
PUBLIC PARKING	117		\$1,467.97
SELF-INSURANCE	174		\$5,745.12
RISK RETENTION	175		\$221.92
UNEMPLOYMENT INS. RES	177		
ECONOMIC REVOLVING LOAN	178		
RESIDENTIAL REHAB	179		
DISCRETIONARY	180		\$25.00
PUBLIC PARKING DEBT	381		\$20,805.00
SEWER DEBT	382		\$6,187.50
WATER DEBT	383		\$77,180.00
GENERAL TOWN DEBT	384		\$127,952.50
SCAVENGER WASTE DEBT	385		
TOWN HALL CAPITAL PROJECTS	406		\$126.24
EIGHT HUNDRED SERIES	408		
TWO BEARS	440		
CHIPS LOCAL STREETS & HIGHWAYS	451		
YOUTH SERVICE	452		
SENIORS HELPING SENIORS	453		
EISEP	454		
JOINT SCAVENGER WASTE	918		\$12,252.98
MUNICIPAL FUEL	625		
MUNICIPAL GARAGE	626		\$2,953.64
TRUST & AGENCY	735		\$342,709.51
*****GRAND TOTAL*****			\$648,858.48

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.