

TOWN OF RIVERHEAD

Resolution # 837

**RESOLUTION TO AUTHORIZE THE REMOVAL AND DISPOSAL OF SCRAP
WATER SERVICE MATERIALS FOR THE RIVERHEAD WATER DISTRICT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Water District seeks to dispose of non-operational, unusable and broken brass water meters and other water service materials that have accumulated for over the past year or more and seeks to re-cooperate, through the sale of the above described parts, the value of the scrap metal; and

WHEREAS, pursuant to the Town's Procurement Policy, the Water District, with the assistance of counsel for the Water District, sent requests for proposals to five (5) scrap metal recycling/recovery facilities registered and licensed to remove and dispose of scrap metal and requested that all proposals be submitted on or before 4:00 p.m. November 3, 2016; and

WHEREAS, three (3) proposals were received on or before 4:00 p.m. on the proposal due date of November 3, 2016; and

WHEREAS, Water District reviewed the proposals and recommends that the Town Board, as governing body of the Water District, approve the proposal submitted by Crown Recycling Facility Inc.

NOW THEREFORE BE IT RESOLVED, that the Town Board, as governing body of the Water District, does hereby approve the proposal submitted by Crown Recycling Facility Inc. for the removal and disposal of scrap brass water meters and other water service materials as per the attached proposal; and be it further

RESOLVED, that a copy of this resolution be forwarded to Crown Recycling Facility Inc., 865 Youngs Avenue, Calverton, NY 11933; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

11.17.2016

On a motion by Councilman John Dunleavy, seconded by Councilman James Wooten, resolution #837 was **UNTABLED**, motion carried by unanimous vote. Simultaneously on a motion by Councilman Dunleavy, seconded by Councilman Wooten, resolution 3837 was **ADOPTED**. Motion carried by unanimous vote.

TOWN OF RIVERHEAD

Resolution # 859

**APPROVES FINAL SITE PLAN APPLICATION OF
J. PETROCELLI DEVELOPMENT ASSOCIATES (PRESTON HOUSE)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Board approved the preliminary site plan of J. Petrocelli Development Associates (Preston House) with conditions as per Town Board resolution #819 dated November 1, 2016;

WHEREAS, the Riverhead Town Board is in receipt of an Application for Final Site Plan approval from J. Petrocelli Development Associates/Joseph Petrocelli to convert an existing two-story building for use as a restaurant with a bar, having a seating capacity of 206 seats and to construct a separate five (5) story hotel with 20 units located to the rear of the restaurant/bar facility, all upon real property known and designated as 428 East Main Street, Riverhead; which premises is also known as SCTM No. 600-129-03-13 (the "Subject Property"); and

WHEREAS, the Planning Department has reviewed the four-page final site plan consisting of a Landscape & Alignment Plan, a Grading & Drainage Plan, a Water Supply & Sewage Disposal Plan and an Existing Conditions Map, last revised November 7, 2016 prepared by Thomas C. Wolpert, P. E. and Howard W. Young, L. S., of Young & Young and floor plans (pages A2.1 to A2.5) and building elevations (pages A3.1 to A3.4) dated November 4, 2016, prepared by Andrew Vincent Giambertone, R. A.; and

WHEREAS, the applicant has made an application for variance relief and appeared before the ZBA on June 23, 2016 with regard to Appeal No. 16-39; and

WHEREAS, the Town Board assumed SEQRA Lead Agency status by Resolution 593 which was adopted August 16, 2016 with no objections; and

WHEREAS, the applicant submitted an Expanded Environmental Assessment Form (EEAF) dated September, 2016 prepared by Nelson, Pope & Voorhis, LLP, which included an extensive analysis of parking space needs; and

WHEREAS, by Resolution # 781 adopted on October 18, 2016, the Town Board, as Lead Agency determined that an Environmental Impact Statement need not be prepared and issued a SEQRA negative declaration; and

WHEREAS, the ZBA on October 27, 2016 did grant the requested relief for the area variance requested regarding Appeal No. 16-39; and

WHEREAS, pursuant to the aforementioned resolution, the Town Board called for a public hearing to be held on October 4th, 2016 at 2:20 pm; and

WHEREAS, a public hearing on the matter was held at the above stated date;
and

WHEREAS, at the public hearing held on the matter, the applicant's attorney offered testimony relating to the proposed use of the property; and

WHEREAS, the matter was referred to the Suffolk County Planning Commission for its report and it was determined to be a matter of local jurisdiction as per a letter received January 20, 2016; and

WHEREAS, a Sewer Availability letter dated October 26, 2016 was provided by the Riverhead Sewer District; and

WHEREAS, Town Board resolution #817 dated November 1, 2016 approved the inclusion of the parcel known as 428 East Main St. (SCTM No. 0600-129.00-03.00-013.000) within Riverhead Public Parking District No. 1, so no on-site parking is required; and

WHEREAS, Town Board resolution #818 dated November 1, 2016 approved the Special Permit Application of J. Petrocelli Development Associates (Preston House) for conversion of an existing two-story building for use as a restaurant with a bar having a capacity of 206 seats and to construct a separate five (5) story hotel with 20 units located toward the rear yard of the restaurant/bar facility; and

WHEREAS, the final site plan review fee, as required by Section 301-305G(1) of the Code of the Town of Riverhead has been received as per check #18107 dated November 7, 2016; and

WHEREAS, the Planning Department has received a letter from the Chief of Department of the Riverhead Ambulance Corps, Inc. dated November 10, 2016 indicating that the subject plans were reviewed and it was found the site plan, building design and configuration provides for adequate access/egress for ambulance operations should the need arise for Riverhead Volunteer Ambulance to respond to the aforementioned location for a medical emergency; and

WHEREAS, the Town Board has reconsidered conditions of the preliminary site plan approval including requiring the applicant to obtain NYSDOT plan approval prior to site plan approval and obtaining a NYSDOT Highway Work permit prior to issuance of building permit; and

WHEREAS, NYSDOT comments received November 15, 2016 recommended that a traffic signal be provided at the NY25 intersection with Ostrander Ave.;

WHEREAS, the Town Board has carefully considered the merits of the petition, the SEQRA record created to date, the report of the Riverhead Planning Department, the testimony offered during the October 4, 2016 meeting, the sworn testimony given at the public hearings, as well as all relevant planning, zoning and environmental information.

NOW, THEREFORE, BE IT RESOLVED, the four-page final site plan consisting of a Landscape & Alignment Plan, a Grading & Drainage Plan, a Water Supply & Sewage Disposal Plan and an Existing Conditions Map, last revised November 7, 2016, prepared by Thomas C. Wolpert, P. E., and Howard W. Young, L. S., of Young & Young

and floor plans (pages A2.1 to A2.5) and building elevations (pages A3.1 to A3.4) dated November 4, 2016, prepared by Andrew Vincent Giambertone, R. A., to convert an existing two-story building for use as a restaurant with a bar, having a seating capacity of 206 seats and to construct a separate five (5) story hotel with 20 units located to the rear of the restaurant/bar facility, all upon real property known and designated as 428 East Main Street, Riverhead; which premises is also known as SCTM No. 600-129-03-13 is hereby approved by the Town Board with the following conditions:

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 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 for the sign permit procedure prior to being installed at the property (the site plan approval does not indicate approval of signage); that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Article XLVIII of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as any restrictions imposed as a condition of the site plan approval granted herein;
4. That any outdoor lighting shall be installed pursuant to Article XLIX of the **Riverhead Town Code** and no lighting shall be 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 245, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
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. That all new utilities shall be constructed underground;
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;
10. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
11. The applicant must satisfy all requirements of the Building and Fire Code of New York State;

12. That the applicant shall be required to request, pay the applicable fees, and obtain all the necessary site inspections (including drainage improvements prior to backfill, grading and site improvements prior to the first lift of paving, and post-construction prior to the issuance of a certificate) as prescribed in section 301-305F(1) of the **Code of the Town of Riverhead**;
13. That no importation or exportation of materials will take place until a permit for such is obtained from the Town Board pursuant to Chapter 229 of the Riverhead Town Code;
14. That deliveries & pick-ups (of food, linens, etc.) associated with the hotel and restaurant businesses shall take place between 9 am and 5 pm and will be so scheduled not to conflict with peak check-in and check-out times for the hotel, so the U-shaped driveway is kept unobstructed for patrons;
15. That amplified outdoor music will be prohibited.
16. That prior to the issuance of a Building Permit:
 - i. That the applicant obtain a permit from the Highway Department of Town of Riverhead for work within the right-of-way of Ostrander Avenue including the new apron and replacing the concrete sidewalk to 2nd St. and installing the crosswalk to the opposite site of Ostrander Ave. at 2nd St. as requested by the Highway Superintendent;
 - ii. That approval be obtained from the Suffolk County Department of Health Services Division of Wastewater Management;
17. That no Building Permit shall issue until the Town Supervisor signs a mylar copy of the plans, including a revised four-page final site plan (including a Landscape & Alignment Plan, Grading & Drainage Plan, Water Supply & Sewage Disposal Plan, and Existing Conditions Plan) and floor plans (pages A2.1 to A2.5) and building elevations (pages A3.1 to A3.4) dated November 4, 2016, prepared by Andrew Vincent Giambertone, R. A., which is contingent upon the following:
 - i. That the mylar plans (site plans, floor plans, and elevations) shall not exceed the standard D size drawing (24" x 36");
 - ii. That there shall be a Planning Board Certification Box on each page of the plans;
 - iii. That the mylar site plan shall be revised as follows:
 - a. To list a new revision date;
 - b. To correct the square footage of the hotel cellar on pages 1-3;
 - c. To change the labeling for the pedestrian crossing improvements on E. Main St. on pages 1-3 to replace the words "New rectangular rapid flashing beacon" with "New traffic signal;"
 - d. To address the any comments of the Town's consulting engineer

after his review of the site plan last revised November 7, 2016;

- iv. Receipt a digital copy of the four-page revised final site plan matching the mylar in a common computer-aided design (CAD) file format, among them DGN, DXF, and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long island FIPS 3104 (feet) coordinate system;
 - v. That six (6) sets of paper plans matching the revised mylar site plan shall be submitted;
 - vi. That covenants to the satisfaction of the Town Attorney are submitted and filed (as indicated under item #2);
 - vii. That certification of clean title to the satisfaction of the Town Attorney is submitted;
18. That no temporary or permanent Certificates of Occupancy shall be issued until:
- i. The applicant submits six signed and sealed "As-Built" surveys to the Planning Department in accordance with section 108-129 E;
 - ii. That all Riverhead Sewer District and Riverhead Water District requirements shall be met and that all fees and charges (including Water Key Money) shall be paid;
 - iii. That all trees and landscaping shown on the mylar site plan are planted and have an irrigation installed and operational;
 - iv. The applicant addresses or otherwise satisfies the items identified in NYSDOT correspondence received November 15, 2016 and obtains NYSDOT plan approval for the project including the installation of a traffic signal at E. Main St. and Ostrander Ave.;
 - v. That the applicant obtains a permit from the New York State Department of Transportation for work within the right-of-way of State Road 25 including the installation of a traffic signal at E. Main St. and Ostrander Ave. and that all the work required is completed to the satisfaction of the NYSDOT including activation of the new traffic signal;
 - vi. That all construction in the Ostrander Ave. right-of-way is completed by the applicant to the satisfaction of the Highway Department Superintendent including the new apron, replacing the concrete sidewalk to 2nd St., and installing the crosswalk to the opposite site of Ostrander Ave. at 2nd St.; and be it further

RESOLVED, that pursuant to section 301-303F of the Riverhead Town Code, this final approval shall be valid for 36 months from the date of approval with the possibility of one 12-month extension by the Town Board, upon a request of the

applicant in writing made at least 30 days prior to the expiration of the original thirty-six month period; and be it further

RESOLVED, that the Town Board, be and hereby, overrides the condition of the Architectural Review Board recommendation of approval of the building elevations and materials in that the Town Board finds the mirrored glass on the front façade of the hotel facing E. Main acceptable and that it need not be replaced with non-reflective glass;

RESOLVED, that copies of this resolution be forwarded to the Planning Department; Town Attorney; Building Department; the Town Engineer; the Fire Marshall; the Water District Superintendent; the Sewer District Superintendent; the Town's consulting engineer; the Architectural Review Board; Joseph Petrocelli, Joseph Petrocelli Development Associates, 100 Comac St., Ronkonkoma, NY 11779; Young & Young, 400 Ostrander Ave., Riverhead, NY 11901; and Eric J. Russo, Esq., Van Brunt, Juzwiak & Russo, P.C., 140 Main Street, Sayville, New York 11782; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted