

SPECIAL TOWN BOARD MEETING SEPTEMBER 25, 2003

- Res. #1063 Authorizes NYS Bond Act Application for Calverton Advanced Wastewater Treatment Facility Calverton Sewer District
- Res. #1064 Authorizing Phase II of Study Regarding Feasibility of Reuse of Effluent at Indian Island Golf Course
- Res. #1065 Authorizes Town Clerk to Publish and Post Public Notice to Consider A Proposed Local Law Entitled "Moratorium on Residential Development"
- Res. #1066 Authorization to Pay Bills
- Res. #1067 Riverhead Sewer Effluent Reuse Pilot Project (Phase I) Budget Adjustment
- Res. #1068 Authorizes Town Clerk to Publish and Post the Attached Help Wanted Ad

1047
Adopted

10/7/03

AUTHORIZES NYS BOND ACT APPLICATION FOR
CALVERTON ADVANCED WASTEWATER TREATMENT FACILITY
CALVERTON SEWER DISTRICT

Resolution 1063

COUNCILMAN LULL offered the following resolution
which was seconded by COUNCILWOMAN BLASS

WHEREAS, this Board has previously accepted the report of H2M, consulting engineers to the Calverton Sewer District, detailing the method and costs of improvements to the District, and

WHEREAS, this Board wishes to make application to the State of New York Environmental Bond Act for 85% funding of construction costs,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to make application to the NYS Bond Act for \$8,283,250.00, being 85% of the construction costs associated with the construction of the Calverton Advanced Wastewater Treatment Facility, and be it further

RESOLVED, that the Town Clerk shall forward certified copies of this resolution to Frank A. Isler, Esq., Frank Russo at H2M, Riverhead Accounting Department, Michael Reichel, and Kenneth Testa.

THIS RESOLUTION PREPARED BY FRANK A. ISLER ON BEHALF OF THE CALVERTON SEWER DISTRICT

absent THE VOTE
Sanders Yes No Blasz Yes No
Densicki Yes No Lull Yes No
Kozakiewicz Yes No
THE RESOLUTION WAS X WAS NOT
THEREUPON DULY ADOPTED

1068
Adopted

10/7/03

AUTHORIZING PHASE II OF STUDY REGARDING FEASIBILITY OF
REUSE OF EFFLUENT AT INDIAN ISLAND GOLF COURSE

Resolution # 1064

COUNCILMAN LULL offered the following resolution
which was seconded by COUNCILWOMAN BLASS,

WHEREAS, this Board previously authorized Phase I of the Study Regarding Feasibility of Reuse of Effluent at Indian Island Golf Course, and

WHEREAS, the Suffolk County Department of Health, in conjunction with the Riverhead Sewer District, has determined that a biologist should be retained to study and advise on issues relative to the project, and

WHEREAS, David A. Battigelli, PhD, has submitted his proposal dated September 3, 2003, for technical consulting support for the pilot wastewater reclamation system in an amount not to exceed \$19,000, and

WHEREAS, it has been determined that the Phase I Study costs will total \$268,000 of which it is anticipated \$75,000 will be paid from a grant issued by Suffolk County from sales tax proceeds and \$148,750 from New York State Bond Act proceeds, and

WHEREAS, Phase II being off-site implementation of the reclamation plan in conjunction with the Indian Island Golf Course which is owned and operated by the County of Suffolk, for a total cost of \$1,232,000, of which \$301,505 is anticipated to be the local contribution and \$930,495 to be paid by the New York State Bond Act, and

WHEREAS, it is necessary to make application for the County and Bond Act funding above referenced,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to make application to the County of Suffolk for a \$75,000 grant for Phase I of the Feasibility Study for Reuse of Effluent from the Riverhead Sewer District, and be it further

RESOLVED, that the Supervisor be and is hereby authorized to make a grant application \$148,750 from the New York State Bond Act for Phase I of the Reuse Plan and \$930,495 for Phase II implementation, and be it further

RESOLVED, that the Supervisor be and is hereby authorized to execute an agreement with David A. Battigelli, PhD, in an amount not to exceed \$19,000 to provide technical consulting support for the above referenced Phase I Study, and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to Frank A. Isler, Esq., Frank Russo at H2M, Riverhead Accounting Department, Michael Reichel, Kenneth Testa.

THIS RESOLUTION PREPARED BY FRANK A. ISLER ON BEHALF OF THE RIVERHEAD SEWER DISTRICT

~~ABSENT~~ THE VOTE
 Sanders Yes No Blass Yes No
 Densiowski Yes No Lull Yes No
~~ABSENT~~ Kozakiewicz Yes No
 THE RESOLUTION WAS WAS NOT
 THEREUPON DULY ADOPTED

TOWN OF RIVERHEAD

1970
Adopted

Resolution # 1065

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A PROPOSED LOCAL LAW ENTITLED "MORATORIUM ON RESIDENTIAL DEVELOPMENT"

COUNCILWOMAN BLASS offered the following resolution, was seconded
by **COUNCILMAN LULL** :

WHEREAS, pursuant to resolution 426, the Town Board directed the "Town Attorney to prepare a draft Local Law to ultimately effect a residential development Moratorium upon lands within the Agricultural Overlay District as proposed by the Riverhead Planning Board", and

WHEREAS, the Town Attorney has prepared said draft Local Law and the Town Board of the Town of Riverhead has reviewed the draft, and

WHEREAS, the Planning Board reviewed the proposed moratorium and offered suggested changes, and

WHEREAS, the Suffolk County Planning Commission has reviewed the proposed moratorium and has determined the matter to be an issue of local determination, and

WHEREAS, the six month moratorium was adopted on December 4, 2001 and extended through October 1, 2003, 2003, and

WHEREAS, the Town Board has concluded the hearing process for the Comprehensive Plan and its attendant Generic Environmental and is in the process of drafting the zoning necessary to implement the Comprehensive Plan so that new residential development does not occur under outdated zoning,

NOW THEREFORE BE IT RESOLVED, that the proposed Local Law is a Type II action pursuant to 6 NYCRR Part 617.5(30), and be it further

RESOLVED, that Town Clerk be and is hereby authorized to publish and post the attached public notice to consider a local law entitled, "Moratorium on Residential Development", once in the October 2, 2003, issue of the Traveler Watchman Newspaper, hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law to be posted on the sign board of the Town in the Office of the Town Clerk; 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, Building Department, Town Attorney, Planning Board and Zoning Board of Appeals.

c:\msword\resol\tsign.ph

ABSENT THE VOTE
Sanders Yes No Blass Yes No
Danecki ~~ABSENT~~ Yes No Lull Yes No
Kozakiewicz Yes No
THE RESOLUTION WAS WAS NOT
THEREUPON DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 7th day of October at 7:15 p.m., at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York , to hear all interested persons to consider the adoption of a Local Law entitled, "Moratorium on Residential Development" as follows:

109-001. LEGISLATIVE INTENT.

In order to better protect the health, safety and welfare of its residents, the Town of Riverhead is currently updating its Comprehensive Plan so as to ensure the protection of its natural resources, including farmland, wetlands, coastal areas, water-front lands, and woodlands.

With the intent on establishing a comprehensive means of preserving farmland in Riverhead, Land Ethics, Inc., Inc., a subcontractor to the Town's Comprehensive Plan consultant, Abeles, Phillips, Preiss & Shapiro ("A, P, P & S"), has developed a draft chapter for the Comprehensive Plan entitled "Preservation Strategy for Agriculture in the Town of Riverhead".

With regard to Riverhead's unique opportunities as an agricultural community, in its draft chapter "Preservation Strategy for Agriculture in the Town of Riverhead" Land Ethics, Inc. stated as follows:

"Because of the large amount of farmland remaining in Riverhead, it's excellent climate and soils, as well as it's geographic location at the intersection of the North and South Forks, Riverhead is uniquely situated to benefit from agricultural preservation. Relative to other communities on eastern Long Island, Riverhead still has a large amount of contiguous agricultural space. Riverhead therefore has the potential to become the agricultural nexus or "heartland" of eastern Long Island ... Because of its unique geographic location, Riverhead stands to benefit economically if new growth is well managed. To reap these benefits, Riverhead must carefully balance three areas of actions: the revitalization of downtown; the accommodation of new growth, and the maintenance of rural character in its outlying regions."

With regard to the current state of agriculture and agricultural lands within the Town of Riverhead Land Ethics, Inc. further stated:

Over the nearly fifty-year period between 1950 and 1992, farmland in Suffolk County decreased 71 percent, from 123,346 acres to 35,353 acres. According to the Suffolk County Planning Department, farmland continues to decline at a rate of roughly 1,300 (1,289) acres per year. ... In 1968, Riverhead has 30 percent of the county's farmland (19,550) acres; nearly 30 years later in 1996, despite a 9 percent drop in the Town agricultural acreage, Riverhead had 38% of the

county's farmland – 17,662 acres. These figures indicate that Riverhead has a critical role to play in the protection of prime agricultural lands in eastern Long Island.

In an effort to enable to Town to better preserve its agricultural heritage and open spaces, Land Ethics, Inc., in its draft "Preservation Strategy of Agriculture in the Town of Riverhead" has proposed significant changes to zoning which will impact residential development and to residential land development review procedures with the Town.

Due in part to the ongoing Comprehensive Planning effort that the Town of Riverhead has been engaged in for several years, the Town has experienced a significant increase of subdivision, site plan and special permit project applications in anticipation of pending changes. Currently there are numerous such pending applications within the proposed Agriculture Overlay District and the proposed Development Rights Receiving Districts. The influx of these development applications going forward under outdated policies and procedures will impair the effectiveness of the aforementioned proposed changes, further exacerbating the loss of natural resources sought to be preserved through the implementation of forthcoming update to the Comprehensive Plan. It is expected that the final version of the Comprehensive Plan chapter outlining the preservation strategy for the Town of Riverhead, its attendant Generic Environmental Impact Statement and the new zoning will be ready to be adopted and implemented by the Town in approximately three months from the effective date of this local law.

Pending the implementation of the Comprehensive Plan, a moratorium on the subdivision of land and/or the approval of site plans or special permits on lands within the proposed Agricultural Overlay District and Development Rights Receiving Areas, will give the Town of Riverhead the breathing room it needs to adopt the zoning and planning changes necessary to protect the public health, safety, and welfare.

The previous moratorium adopted by the Town Board on December 12, 2001, which expired by its own terms on June 12, 2002, did not permit the Town sufficient time to adopt and implement the agricultural preservation strategy which is now in the final stages of completion. That moratorium was extended for a one year period and a subsequent 3 months period which will expire on October 1, 2003. The Town has now in the final stages of adopting and implementing the Comprehensive Plan. The Town Board has conducted the necessary public hearing and expects to adopt the Comprehensive Plan and its attendant Generic Environmental Impact Statement in October. It is anticipated that the public hearing process will conclude with the adoption of new zoning in

accordance with the adopted Comprehensive Plan in November 2003. This continuation of moratorium will protect the status quo while the Town Board completes these tasks.

The moratorium is not a building moratorium. Those applicants for development who have obtained valid building permits are excluded from the moratorium. Likewise, those applicants for development who have received final conditional approval for residential land subdivision, residential site plans or residential special permits are exempted. This local law recognizes the need to balance preservation with business concerns. Those applicants for development who have invested considerable time and money and received their final conditional approvals, building permits, site plan approvals or special permits are exempt from the moratorium.

The law also provides both exclusions and exemptions for owners of property, so that it does not impose an undue burden upon them. As such, undue hardships will not be imposed where community gains can be accomplished.

A well-planned community will serve all of the inhabitants of Riverhead. Surveys reveal that Towns with tighter zoning controls generally have lower taxes. High-density residential development often leads to the need for more expensive infrastructure, including more schools, police, roads, and sewers among other amenities. Low-density residential development generally leads to higher land values because the most beautiful portions of the community can be preserved via clustering and setbacks, a strong agricultural heritage and rural character can remain intact, and bays and ecosystems can be protected.

In addition, the advent of the two-percent transfer tax represents an opportunity of unprecedented proportion to save the best of Riverhead Town for future generations. Wide expenditure of these monies will serve to preserve the quality of life in the Town and enhance property values well into the future.

In an effort to aid the Town in purchasing development rights, in April of, 2002; the Town Board authorized the issuance of serial bonds in the sum of 30 million dollars to allow the Town to increase its purchase power.

In short, sound planning will lead to a higher quality of life for all of Riverhead's citizens. By briefly pausing in order to enact the recommendations of the Comprehensive Plan for the Town of Riverhead, the Town is making a important investment for the future and upholding its commitments and obligations to its citizens.

109-002. Statutory Authority/Supersession.

This Chapter is adopted pursuant to Municipal Home Rule Law and the State Environmental Quality Review Act and its implementing regulations. It expressly supersedes any provisions of the Town Code of the Town of Riverhead, and §§ 267, 267-a, 267-b, 267-c, 274-a, 274-b and 276 of the Town Law of the State of New York. Furthermore, this Local Law shall supercede the New York State Environmental Conservation Law sections 3-0301(1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 617 also known as the State Environmental Quality Review Act (SEQRA) as it pertains to applications that are neither excluded nor exempt from this Local Law. In particular, this Local law shall supersede and suspend those provisions of the Town code and New York State Law which require the Planning Board to accept, process and approve residential land subdivision applications within certain statutory time periods. In addition, this Local Law shall supersede and suspend those provisions of the Town Code of the Town of Riverhead as well as the Town Law of the State of New York which require the Town Board to accept, process and approve site plan and special permit applications. Furthermore, this Local Law shall supersede and suspend those provisions of the Town Code and the New York State Town Law which grant the Zoning Board of Appeals authority to hear appeals from applicable zoning provisions and specifically the time frames for decision making and holding hearings for decision making.

109-003 Applicability.

The provisions of this Chapter shall apply to all residential land subdivision, residential site plan and residential special use permit applications for lands within the Town of Riverhead.

109-004. Processing of Residential Subdivision Applications, Residential Site Plans Applications and Residential Special Permit Application Prohibited.

Neither the Planning Board nor the Town Board shall process any residential land subdivision, residential site plans or residential special permits except as set forth herein.

109-005. Time Period.

This Chapter shall apply for a period of three months from the effective date hereof. This Chapter shall expire after said three (3) month period.

109-006 Applications excluded.

The following applications are excluded from this Chapter:

(1) All minor subdivisions as defined in Chapter 108 of the Town Code of the Town of Riverhead, whether minor by definition, or major treated as minor pursuant, to 108-95 B.

(2) All major subdivisions of land lying within the development rights sending area as adopted by the Town Board and identified pursuant to the Code of the Town of Riverhead Section 95A-12 which meet the following two criteria:

a) residential lot yields in conformance with the subdivision regulations of Chapter 108 of the Town Code of the Town of Riverhead and depicting minimum lot areas of 80,000 square feet, and

b) Plat plans clustered pursuant to Chapter 108 of the Town Code of the Town of Riverhead, which depict 70% of the area of the tract to be preserved by an easement restricting the use of the area to agricultural uses as defined in section 44-2 of the Town Code of the Town of Riverhead, in perpetuity.

(3) Major land subdivisions upon real property lying within development rights receiving areas as adopted by the Town Board and identified pursuant to the Town Code of the Town of Riverhead section 95A-12, which subdivisions meet one of the following criteria:

a) residential lots yields with a minimum lot area of 80,000 square feet; or

b) subdivisions that utilize transferred development rights (TDR) as certified by the Planning Board pursuant to Chapter 95A of the Town Code of the Town of Riverhead, and propose density increases at the rate of one additional lot per TDR with all resulting lots having a minimum lot area of 40,000 square feet. All such excluded land divisions shall depict residential lot yields in conformance with the subdivision regulations of Chapter 108 of the Code of the Town of Riverhead depicting the minimum lot areas of 80,000 square feet.

(4) Residential subdivision applications that have final conditional approval from the Planning Board prior to the effective date of this Chapter.

(5) Any application for residential development which has been determined, by resolution of the Town Board of the Town of Riverhead, to

be excluded from the previous moratorium pursuant to section 109-006 of Local Law No. 16 of 2001.

(6) Site Plan applications for residential development which have received a special permit from the Town Board of the Town of Riverhead prior to the enactment of this local law.

(7) Residential special permit and/or site plan applications for two-family dwellings as set forth in section 108-21(b)(3) of the Town Code of the Town of Riverhead.

(8) Residential special permit and/or site plan applications for agricultural worker housing as set forth in 108-21(c)(4) of the Town Code of the Town of Riverhead.

(9) Residential special permit and/or site plan applications for residential development pursuant to sections 108-34(b)(2), 108-39(b)(3), 108-42(b)(3) of the Town Code of the Town of Riverhead.

(10) Applications for approval of a condominium map within the Multi - Family Residential / Professional Office Zone as set forth in section 108-169(a)(1) of the Town Code of the Town of Riverhead.

(11) Residential subdivision applications modifying a map or its conditions of approval, including legal instruments, in connection with a previously filed map or final conditional approval adopted prior to the effective date of this Chapter. However, there shall be no modification to a map or conditions of approval that would create additional residential building lots on the subject parcel.

(12) Property designated pursuant to Articles 15 and 15-A of the General Municipal Law of the State of New York as an Urban Renewal Area.

(13) There shall be no further subdivision of any property having received any subdivision approval during the moratorium period.

109-007 Exemption Criteria and Procedure for Obtaining an Exemption

1. Applications may be exempted from the provisions of this Chapter, following a public hearing on notice before the Town Board. Upon such application, the Town Board shall consider:

- a) The proximity of the applicant's premises to natural resources, including prime agricultural soils, pine barrens, wetlands, coastal areas, endangered plant and animal species, wildlife and other similar environmental concerns;

- b) The impact of the proposed subdivision of the applicant's premises and the surrounding area;
- c) The environmental significance, if any, of the applicant's parcel and the proposed development's impact upon the environment, including existing transportation resources;
- d) Compatibility of the proposed development with the aesthetic resources of the community and with the existing community character;
- e) Compatibility of the proposed development with the recommendations of Comprehensive Planning studies.

(2) In making a determination concerning a proposed exemption, the Town Board may obtain and consider written reports from the Planning Department, and such other sources as required in the discretion of the Town Board, and consistent with the proposes of this Chapter. A grant of an exemption to an applicant's application hereunder shall include a determination of unreasonable hardship upon the property owner which is unique to the property owner and a finding that the grant of an exemption will be in harmony with, and will be consistent with the recommendations of the Comprehensive Plan Update.

(3) An application under Subsection (1) shall be accompanied by a fee of \$250.00, together with the applicant's written undertaking, in a form to be approved by the Town Attorney and, in substance, approved by the Town Board, to pay either in advance or by reimbursement, at the Town Board's on-going election, any out-of-pocket costs incurred relating to the hearing, review, and determination of such application.

SECTION 2.

109-008 Severability.

If any section or subsection, paragraph, clause, phrase or portion of this local law shall be judged invalid or held unconstitutional by a court of competent jurisdiction, any judgment made thereby shall not effect the validity of this law as a whole or any part thereof other than the part of provision so adjudged to be invalid or unconstitutional.

SECTION 3.

109-009 Effective Date.

This Local Law shall take effect immediately.

TOWN OF RIVERHEAD
AUTHORIZATION TO PAY BILLS
RESOLUTION # 1066

Adopted

COUNCILMAN LULL offered the following resolution,
which was seconded by COUNCILWOMAN BLASS.

WHEREAS, the Town Board is authorized to pay one vendor prior to the scheduled Town Board Meeting on October 7, 2003.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves payment to Montecalvo Paving Corp. in the amount of \$829,927.46 which consists of the following:

<u>ACCOUNT</u>	<u>PROJECT</u>	<u>AMOUNT</u>
406.051100.541301.45051	Sound Avenue	\$ 48,290.01
406.051100.541301.45054	Mill Road	101,424.09
406.051100.541301.45059	Youngs Avenue	63,469.84
406.051100.541301.45058	Osborne Avenue	67,324.46
406.051100.541301.45062	Roanoke Avenue	160,380.52
406.051100.541301.45061	Corwin Street	15,451.20
406.051100.541301.45053	Ziemacki Lane	3,583.20
406.051100.541301.45052	N. Country Road	54,445.54
406.051100.541301.45046	Manor Lane	166,462.41
406.051100.541301.45055	Ostrander Avenue	60,479.47
406.051100.541301.45047	Tuthills Lane	<u>88,616.72</u>
	TOTAL	<u>\$829,927.46</u>

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Highway Department and the Office of Accounting.

THE VOTE

~~ABSENT~~
 Sanders Yes No Blass Yes No

~~ABSENT~~
 Densieski Yes No Lull Yes No

Kozakiewicz Yes No

The Resolution Was Was Not
 Thereupon Duly Declared Adopted

SEPTEMBER 25, 2003

TOWN OF RIVERHEAD

RIVERHEAD SEWER EFFLUENT REUSE PILOT PROJECT (PHASE I)

BUDGET ADJUSTMENT

RESOLUTION # 1067

COUNCILMAN LULL offered the following resolution, which
was seconded by COUNCILWOMAN BLASS

BE IT RESOLVED, that the Supervisor be, and is hereby, authorized to establish the following budget adjustment:

		<u>FROM</u>	<u>TO</u>
406.092705.421050.20023	DEVELOPER FEES	\$208,000	
406.081300.523017.20023	IRRIGATION IMP PROGRAM		\$135,000
406.081300.543504.20023	ENGINEERING EXPENSE		73,000

THE VOTE

ABSENT
 Sanders Yes No Blass Yes No
ABSENT
 Densiński Yes No Lull Yes No
 Kozakiewicz Yes No

September 25, 2003

Adopted

TOWN OF RIVERHEAD
RESOLUTION # 1068
AUTHORIZES TOWN CLERK TO PUBLISH AND POST THE ATTACHED HELP
WANTED AD

COUNCILWOMAN BLASS offered the following resolution which was
seconded by COUNCILMAN LULL.

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached Help Wanted Ad for engineering candidates in the in the October 5th and 12th issue of the Newsday; and

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

ABSENT THE VOTE
Senders ABSENT Yes ___ No ___ Bless / Yes ___ No ___
Densleski ___ Yes ___ No ___ Lull / Yes ___ No ___
ABSENT Kozakiewicz / Yes ___ No ___
THE RESOLUTION WAS X WAS NOT ___
THEREUPON ABSENT ADOPTED

TOWN OF RIVERHEAD
HELP WANTED

ENGINEER – Eastern LI Township seeking Engineer candidates for busy municipal engineering department. BS in Engineering required with 5 yrs of project development and construction management exp. PE preferred but not required. Excellent benefits and growth potential. Competitive salary. Send resume with salary requirement to: Town Engineer, Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY 11901 or fax to 631-369-3045. No phone calls.