

SPECIAL TOWN BOARD MEETING SEPTEMBER 29, 2003

- Res. #1069** **Rejects Bids and Reauthorizes Town clerk to Re-publish and Repost Notice to Bidders for Installation of Water Mains and Appurtenances –RDWD 01-57, Ext No. 56B Sunken Ponds Estates, Section 3**
- Res. #1070** **Appoints a Recreation specialist to the Riverhead Recreation Department (Vincent DeMasi)**
- Res. #1071** **Authorizes the Supervisor to Execute an Agreement with DRU Associates, Inc.**
- Res. #1072** **Authorizes Town Clerk to Publish and Post Public Notice to Consider a Proposed Local Law Entitled “Moratorium on Commercial Development”**
- Res. #1073** **Authorizes the Commencement of Litigation Against the Long Island Power Authority**
- Res. #1074** **Supports the Revision the Wild, Scenic and Recreational Rivers Boundary in Accordance with the River Management Plan Submitted by the Town of Riverhead to the New York State Department of Environmental Conservation in 2001**

TOWN OF RIVERHEAD

Resolution # 1069

Adopted

REJECTS BIDS AND REAUTHORIZES TOWN CLERK TO REPUBLISH AND REPOST NOTICE TO BIDDERS FOR INSTALLATION OF WATER MAINS AND APPURTENANCES-RDWD 01-57, EXT NO. 56B-SUNKEN PONDS ESTATES, SECTION 3

~~COUNCILWOMAN SANDERS~~

offered the following resolution, which was seconded by

COUNCILWOMAN BLASS

WHEREAS, this Town Board did authorize the advertisement for bids for Ext. No. 56B-Sunken Ponds Estates, Section 3, and

WHEREAS, bids were received and opened on the day prior to advertised date,

WHEREAS, it is recommended, that this bid be rejected, republished and reposted,

RESOLVED, that the Town Clerk be and is authorized to republish in the October 2, 2003 issue of the Traveler Watchman Newspaper and repost the attached Notice to Bidders with regard to receiving bids for the Construction of Water Mains and Appurtenances RDWD 01-57, Extension No. 56B- Sunken Ponds Estates, Section 3.

RESOLVED, that the Town Clerk shall forward a certified copy to Frank Isler, Esq., H2M Group, Gary Pendzick-Water Supt.

THE VOTE

Sanders	Yes	No	Blass	Yes	No
Densieski	Yes	No	Lull	Yes	No
Kozakiewicz	Yes	No			

THE RESOLUTION WAS WAS NOT
THEREUPON DULY ADOPTED

The Town Board of Riverhead will receive bids for the following contract:

Installation of Water Mains and Appurtenances

Project No.: RDWD 01-57, Ext. No. 56B - Sunken Pond Estates, Section 3

for the Riverhead Water District at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, until 11:00 AM, prevailing time, on **Tuesday October 14, 2003**, at which time and place all bids will be publicly opened and read.

Contract documents, including drawings and technical specifications, are on file at the following offices:

Town Clerk, Town of Riverhead
Town Hall, 200 Howell Avenue
Riverhead, New York 11901

Holzmacher, McLendon & Murrell, P.C.
575 Broad Hollow Road
Melville, New York 11747

Copies of the contract documents may be obtained at the above locations *on or after September 29, 2003* upon deposit of Fifty Dollars (\$50.00) in cash, certified check, bank money order or postal money order, made payable to the TOWN OF RIVERHEAD for each set furnished.

Deposits for Plans and Specifications will be refunded to Bidders who return same in good condition within ten (10) days. Other deposits will either be partially or not refunded if the Plans and Specifications have not been returned in good condition within thirty (30) days after bids have been opened.

Each proposal must be accompanied by a bid bond in the amount of five percent (5%) of the total bid, or a certified check made payable to the TOWN OF RIVERHEAD as assurance that the bid is made in good faith.

The right is reserved to reject any or all bids, to waive any informalities, and to accept the lowest responsible bid.

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD
SUFFOLK COUNTY, NEW YORK

ACTING AS THE GOVERNING BODY
OF THE RIVERHEAD WATER DISTRICT

BARBARA GRATTAN, TOWN CLERK

DATED: September 29, 2003

Adopted

9/29/03

TOWN OF RIVERHEAD

Resolution # 1070

**APPOINTS A RECREATION SPECIALIST
TO THE RIVERHEAD RECREATION DEPARTMENT**

COUNCILWOMAN SANDERS offered the following resolution,
which was seconded by COUNCILWOMAN BLASS

RESOLVED, that Vincent DeMasi is hereby appointed to serve as a Recreation Specialist with the working title of a Music Instructor, effective October 6th, 2003, to and including December 31, 2003, to be paid at the rate of \$30.00 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that this position is subject to the following condition(s):

All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start date.

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

1

THE VOTE

Sanders	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Densieski	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Lull	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS WAS NOT
THEREUPON DULY ADOPTED

¹ Resolution Rec Specialist Vincent DeMasi

Tabled

1986

09/29/03

TOWN OF RIVERHEAD

Resolution # 1071

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH DRU ASSOCIATES, INC.

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILWOMAN SANDERS:

WHEREAS, The Town Board of the Town of Riverhead and the New York State Department of Environmental Conservation are desirous of restoring the Fresh Pond wetland system in Baiting Hollow to a healthy condition by correcting the tidal flow from the Long Island Sound which was lost due to storms that occurred in 1991 and 1992, and

WHEREAS, Dru Associates, Inc., an ecological consulting company, has made a proposal to provide a background map of the Fresh Pond Wetland system to better enable the Town of Riverhead to work with the DEC to develop appropriate plans and to obtain the necessary permits to complete the project, and

WHEREAS, the Town of Riverhead wishes to engage Dru Associates, Inc. to facilitate the Fresh Pond wetland system restoration process,

NOW, THEREFORE, be it hereby

RESOLVED that the Town Board authorizes the Supervisor to execute an agreement between Dru Associates, Inc. and the Town of Riverhead in accordance with the proposal of Dru Associates dated September 23, 2003, which provides that Dru Associates will create a topographic map with key elevations of the beachfront and key inland areas, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Dru Associates, Inc., the Town Attorney, the Town Engineer and the Office of Accounting.

Y:\Dawn\resolutions\authorize dru associates.doc

THE VOTE

Sanders	Yes	No	Blass	Yes	No
Densieski	Yes	No	Lull	Yes	No
Kozakiewicz	Yes	No			

THE RESOLUTION WAS NOT THEREFORE, BE IT HEREBY

Tabled

1087
Adopted

10/07/03

TOWN OF RIVERHEAD

Resolution # 1072

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

COUNCILWOMAN BLASS offered the following resolution, which was
COUNCILWOMAN SANDERS
seconded by _____

RESOLVED, that the Town Clerk be and is hereby authorized to publish
and post the attached public notice to consider a local law entitled, "Moratorium
on Commercial 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.

THE VOTE
Sanders Yes ___ No ___ Blass Yes ___ No ___
Densieski ___ 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 7:20 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 Commercial Development" as follows:

A LOCAL LAW creating a new Chapter 110 of the Code of the Town of Riverhead entitled: "Moratorium of Commercial Development within the Town of Riverhead".

BE IT ENACTED by the Town Board of the Town of Riverhead as follows:

SECTION 1.

110-001. 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 that commercial development will be well planned on a site basis instead of sprawled along Riverhead's road.

With the intent on establishing a comprehensive means of managing commercial development, the Town's Comprehensive Plan consultant, Abeles, Phillips, Preiss & Shapiro ("A, P, P & S"), has developed a draft chapter for the Comprehensive Plan entitled "Business Districts Element"

With regard to Riverhead's opportunities for commercial development A, P, P & S stated as follows:

"In the future, if retail development is concentrated downtown, the hamlet centers, and on Route 58, and reduced elsewhere, it will generate a higher value, greater satisfaction and a larger consumer draw. In downtown, the challenge is to retool Main Street for tourism, while protecting and enhancing the historic building fabric and managing traffic and parking demands. On Route 58 the challenge is to ensure that new development does not replicate the problems associated with older strip development, and instead "gives back to the community by protecting open space and trees, improving the design of commercial buildings, signs and parking lots, and maintaining lush greenery along the roadway. Elsewhere, the challenge is to develop hamlet centers that are more concentrated in size and have the complementary cultural amenities and tourist attractions needed to succeed as specialty shopping centers."

In an effort to enable to Town to achieve the goals outlined above, A, P, P & S has proposed significant changes to zoning which will impact commercial development in all commercial districts within the Town.

Over the past several years, the Town has seen an increase in commercial development proposals. This development pressure has increased, possibly as a result of the impending zoning changes that will result from the adoption of the Comprehensive Plan and the Town has recently experienced a significant increase of site plan and special permit project applications in commercial districts. The influx of these development applications going forward under outdated policies and procedures will impair the effectiveness of the aforementioned proposed zoning changes and seriously impede the Town's ability to implement the objectives of forthcoming update to the Comprehensive Plan. It is expected that the final version the Comprehensive Plan will be adopted by this Board in October 2003 and Town of Riverhead will be ready to be implement new zoning in accordance with the plan in approximately six months from the effective date of this local law.

Pending the adoption of the update to the Comprehensive Plan, a moratorium on the approval of site plans or special permits on lands within the Town's commercial districts 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 moratorium is not a building moratorium. Those applicants for development who have obtained valid building permits are exempted from the moratorium. Likewise, those applicants for development who have received site plans or special permit approval are exempted. This local law recognizes the need to balance planning needs with business concerns. Those applicants for development who have invested considerable time and money and received their final approvals, building permits, site plan approvals or special permits are exempt from the moratorium.

The law also provides a number of 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 minimum community gains can be accomplished.

In short, sound planning will lead to a higher quality of life for all of Riverhead's citizens. By briefly pausing for a six (6) month period, rather than for a longer period, in order to enact the recommendations of the Comprehensive Plan, the Town is making a important investment for the future and upholding its commitments and obligations to its citizens.

110-002. 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. 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.

110-003 Applicability.

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

110-004. Processing of Site Plan and Special Permit Applications Prohibited.

The Town Board of the Town of Riverhead shall not issue any commercial site plan or special permit approvals during the pendency of this moratorium. At the request of an applicant, the Town Board may continue to process applications for site plan approval or for Special Permits. However, the Town Board shall not grant any approvals, preliminary or final, for any site plans or special permits.

110-005. Time Period.

This Chapter shall apply for a period of six (6) months from the effective date hereof. This Chapter shall expire after said six (6) month period unless and until this time period is extended by the Town Board after adoption of a subsequent Local Law.

110-006 Applications excluded.

The following applications are excluded from this Chapter:

- (1) Commerical properties having previously received building permits, site plan or special permit approvals prior to the effective datet hereof.
- (2) 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.

110-007 Exemptions.

a) Supersession:

The provisions concerning exemption contained herein supersede any contrary provisions of the Town Code of the Town of Riverhead as well as the Town Law of the State of New York § § 267, 267-a, 267-b, 267-c, 274-a, 274-b and Town Law of the State of New York § 276. Specifically, this Local Law shall supersede 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 are hereby superseded by this Local Law.

(b) Exemption Criteria and Procedure for Obtaining an Exemption

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:

- (ii) The impact of the development of the applicant's premises and the surrounding area;
- (iii) The environmental significance, if any, of the applicant's parcel and the proposed development's impact upon the environment, including existing transportation resources;
- (iv) Compatibility of the proposed development with the aesthetic resources of the community and with the existing community character;
- (v) Compatibility of the proposed development with the recommendations of Comprehensive Plan as adopted.

(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.

110-008 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.

110-009 Effective Date.

This Local Law shall take effect upon the filing of this Local Law with the Secretary of State pursuant to the Municipal Home Rule Law.

A LOCAL LAW creating a new Chapter 110 of the Code of the Town of Riverhead entitled: "Moratorium of Commercial Development within the Town of Riverhead".

BE IT ENACTED by the Town Board of the Town of Riverhead as follows:

SECTION 1.

110-001. 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 that commercial development will be well planned on a site basis instead of sprawled along Riverhead's road.

With the intent on establishing a comprehensive means of managing commercial development, the Town's Comprehensive Plan consultant, Abeles, Phillips, Preiss & Shapiro ("A, P, P & S"), has developed a draft chapter for the Comprehensive Plan entitled "Business Districts Element"

With regard to Riverhead's opportunities for commercial development A, P, P & S stated as follows:

"In the future, if retail development is concentrated downtown, the hamlet centers, and on Route 58, and reduced elsewhere, it will generate a higher value, greater satisfaction and a larger consumer draw. In downtown, the challenge is to retool Main Street for tourism, while protecting and enhancing the historic building fabric and managing traffic and parking demands. On Route 58 the challenge is to ensure that new development does not replicate the problems associated with older strip development, and instead "gives back to the community by protecting open space and trees, improving the design of commercial buildings, signs and parking lots, and maintaining lush greenery along the roadway. Elsewhere, the challenge is to develop hamlet centers that are more concentrated in size and have the complementary cultural amenities and tourist attractions needed to succeed as specialty shopping centers."

In an effort to enable to Town to achieve the goals outlined above, A, P, P & S has proposed significant changes to zoning which will impact commercial development in all commercial districts within the Town.

Over the past several years, the Town has seen an increase in commercial development proposals. This development pressure has increased, possibly as a result of the impending zoning changes that will result from the adoption of the Comprehensive Plan and the Town has recently experienced a significant increase of site plan and special permit project applications in commercial districts. The influx of these development applications going forward under outdated policies and procedures will impair the effectiveness of the aforementioned proposed zoning changes and seriously impede the Town's ability to implement the objectives of forthcoming update to the Comprehensive Plan. It is expected that the final version the Comprehensive Plan will be adopted by this Board in October 2003 and Town of Riverhead will be ready to be implement new zoning in accordance with the plan in approximately six months from the effective date of this local law.

Pending the adoption of the update to the Comprehensive Plan, a moratorium on the approval of site plans or special permits on lands within the Town's commercial districts 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 moratorium is not a building moratorium. Those applicants for development who have obtained valid building permits are exempted from the moratorium. Likewise, those applicants for development who have received site plans or special permit approval are exempted. This local law recognizes the need to balance planning needs with business concerns. Those applicants for development who have invested considerable time and money and received their final approvals, building permits, site plan approvals or special permits are exempt from the moratorium.

The law also provides a number of 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 minimum community gains can be accomplished.

In short, sound planning will lead to a higher quality of life for all of Riverhead's citizens. By briefly pausing for a six (6) month period, rather than for a longer period, in order to enact the recommendations of the Comprehensive Plan, the Town is making a important investment for the future and upholding its commitments and obligations to its citizens.

110-002. 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. 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.

110-003 Applicability.

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

110-004. Processing of Site Plan and Special Permit Applications Prohibited.

The Town Board of the Town of Riverhead shall not issue any commercial site plan or special permit approvals during the pendency of this moratorium. At the request of an applicant, the Town Board may continue to process applications for site plan approval or for Special Permits. However, the Town Board shall not grant any approvals, preliminary or final, for any site plans or special permits.

110-005. Time Period.

This Chapter shall apply for a period of six (6) months from the effective date hereof. This Chapter shall expire after said six (6) month period unless and until this time period is extended by the Town Board after adoption of a subsequent Local Law.

110-006 Applications excluded.

The following applications are excluded from this Chapter:

1997

(1) Commerical properties having previously received building permits, site plan or special permit approvals prior to the effective datet hereof.

(2) 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.

110-007 Exemptions.

a) Supersession:

The provisions concerning exemption contained herein supersede any contrary provisions of the Town Code of the Town of Riverhead as well as the Town Law of the State of New York § § 267, 267-a, 267-b, 267-c, 274-a, 274-b and Town Law of the State of New York § 276. Specifically, this Local Law shall supersede 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 are hereby superseded by this Local Law.

(b) Exemption Criteria and Procedure for Obtaining an Exemption

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:

(ii) The impact of the development of the applicant's premises and the surrounding area;

(iii) The environmental significance, if any, of the applicant's parcel and the proposed development's impact upon the environment, including existing transportation resources;

(iv) Compatibility of the proposed development with the aesthetic resources of the community and with the existing community character;

(v) Compatibility of the proposed development with the recommendations of Comprehensive Plan as adopted.

(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.

110-008 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.

110-009 Effective Date.

This Local Law shall take effect upon the filing of this Local Law with the Secretary of State pursuant to the Municipal Home Rule Law.

09/29/03

TOWN OF RIVERHEAD

Resolution No. 1073**AUTHORIZES THE COMMENCEMENT OF LITIGATION
AGAINST THE LONG ISLAND POWER AUTHORITY**

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

WHEREAS the Long Island Power Authority (LIPA) maintains a 23 KV transmission system which runs, in part, between a substation on West Main Street, New York through Orient Point, New York, and

WHEREAS, LIPA maintains a 23 KV transmission system which runs from in or about Shoreham, New York to a substation located on West Main Street in Riverhead, and

WHEREAS, the Town believes that LIPA completed the work necessary to upgrade the transmission facility between Shoreham and West Main Street in Riverhead from 23 KV to 69 KV without completing the necessary SEQRA review, and

WHEREAS, on September 25, 2003, the LIPA Board of Trustees voted to undertake to change the 23 transmission system running from West Main Street, Riverhead, New York, through a substation located in Jamesport, New York to a 69 KV system, and

WHEREAS, on September 25, 2003, LIPA determined that the change of the system to be located between West Main Street and the Jamesport substation should be completed using overhead wires and new overhead metal monopoles utilizing the path it currently takes through the Town's business districts, residential areas and active agricultural production areas, and

WHEREAS, it is likely that the transmission system as planned by LIPA will be in place for in excess of 100 years and that it will continue to have adverse impacts on the Town's community goals and objectives, aesthetic resources and agricultural resources, and

WHEREAS, the Town board believes that the new 69 KV transmission system should be constructed completely underground

along the Town's existing roadway system in a "state of the art" manner similar to that which was done in Southampton Town,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the commencement of litigation, seeking injunctive relief if necessary, against the Long Island Power Authority and any other necessary parties to review the determination of the Long Island Power Authority made September 25, 2003 regarding the transmission facilities located between West Main Street, Riverhead, New York and the Jamesport substation, and be it further

RESOLVED, that the above litigation may also address any upgrade work done on the system running from in or about Shoreham, New York to West Main Street which may not have been done in accordance with any applicable laws, rules or regulations, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution be forwarded to the Supervisor, Town Board, Town Engineer, Town Attorney, Office of Accounting, Frank Isler, Esq., G.S. Peter Bergen, Esq.,

THE VOTE

Sanders absent ~~Yes~~ ~~No~~ Blass Yes ~~No~~ absent

Densieski Yes ~~No~~ Lull ~~Yes~~ ~~No~~

Kozakiewicz Yes ~~No~~

THE RESOLUTION WAS WAS NOT ~~_____~~

THEREUPON DULY ADOPTED

09/29/03

TOWN OF RIVERHEAD

Resolution No. 1074**Adopted**

**SUPPORTS THE REVISION THE WILD, SCENIC AND RECREATIONAL
RIVERS BOUNDARY IN ACCORDANCE WITH THE RIVER
MANAGEMENT PLAN SUBMITTED BY THE TOWN OF RIVERHEAD TO
THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION IN 2001**

COUNCILWOMAN BLASS offered the following resolution, which was

seconded by **COUNCILMAN DENSIESKI**

WHEREAS, in 2001, the Town of Riverhead Planning Director on behalf of the Town Board prepared and submitted a River Management Plan supporting the revision of the boundary of the Wild, Scenic and Recreational Rivers Act (WSRR) as it applies to the Town's property located at the former Naval Weapons Reserve Plant now known as Enterprise Park at Calverton (EPCAL) to the New York State Department of Environmental Conservation (DEC), and

WHEREAS, the River Management Plan submitted by the Town was developed with the participation of the DEC and was designed to better protect the EPCAL site's existing natural resources which impact the Peconic River, while simultaneously reducing the impact of the WSRR on portions of EPCAL property that were already developed by the United States Navy or where there are not natural resources requiring the its protection, and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby requests that the DEC accept the River Management Plan submitted by the Town, and be it further

RESOLVED, that the Town Board of the Town of Riverhead requests that the DEC conduct the necessary review of the River Management Plan submitted and that the necessary public hearing be scheduled, and be it further

RESOLVED, that the Town Attorney is authorized to direct the publication of the necessary public hearing upon receiving direction to do

so from the Administrative Law Judge assigned to hear the matter, and be it further

RESOLVED, that in accordance with the WSRR boundary revision requested, the Town supports the extension of the buffer/set back zone that currently runs through the EPCAL property off of Grumman Boulevard through the Navy Property that it expects to be transferred to the Town following remediation of the parcel by the Navy, and be it further,

RESOLVED, that that Town Clerk be directed to forward a copy of this resolution to the Town Planning Director, CDA Director, New York State Department of Environmental Conservation, Town Attorney and the Office of Accounting.

THE VOTE
Sanders ~~Yes~~ absent No Blass Yes No absent
Densieski Yes No Lull Yes No
Kozakiewicz Yes No
THE RESOLUTION WAS WAS NOT
THEREUPON DULY ADOPTED