

**TOWN BOARD MEETING  
AGENDA  
PHILIP CARDINALE, Supervisor**

**August 3<sup>rd</sup>, 2004**

**Edward Densieski, Councilman  
George Bartunek, Councilman**

**Barbara Blass, Councilwoman  
Rose Sanders, Councilwoman**

**Barbara Grattan, Town Clerk  
Dawn Thomas, Town Attorney**

**ELECTED OFFICIALS**

**Laverne Tennenberg  
Madelyn Sendlewski  
Paul Leszczyński  
Mark Kwasna  
Maryann Wowak Heilbrunn  
Richard Ehlers  
Allen M. Smith**

**Chairwoman Board of Assessors  
Board of Assessors  
Board of Assessors  
Highway Superintendent  
Receiver of Taxes  
Town Justice  
Town Justice**

**DEPARTMENT HEADS**

**John J. Hansen  
Leroy E. Barnes, Jr.  
Andrea Lohneiss  
Ken Testa  
Richard Hanley  
Chief David Hegermiller  
James Janecek  
Judy Doll  
John Reeve  
Michael Reichel  
Gary Pendzick**

**Accounting Department  
Building Department  
Community Development  
Engineering Department  
Planning Department  
Police Department  
Recreation Program Coordinator  
Senior Services  
Sanitation Department  
Sewer District  
Water Department**

**PUBLIC COMMENT ON ANY RESOLUTIONS LISTED BELOW:**  
**REGULAR TOWN BOARD MEETING:**

- #677 Y2K Iron Pier Beach Improvement Capital Project  
Budget Adjustment
- #678 Authorizes Town Clerk to Publish and Post Public Notice of  
Public hearing to Consider a Proposed Local Law for an  
Amendment of Chapter 101 (Vehicles & Traffic) of the  
Riverhead Town Code (101-3)
- #679 Rejects Bids for Carriage House Interior Renovations
- #680 Authorizes the Town Clerk to Post and Publish a Notice to  
Bidders for the Carriage House Interior Renovations
- #681 Authorizes the Town Clerk to Post and Publish a Notice to  
Bidders for Annual Asphalt Contract
- #682 Appoints a Full Time Bus Driver in the Nutrition Department  
(C. O'Kula)
- #683 Appoints a Provisional Full Time Account Clerk Typist in the  
Engineering Department (M. McKay)
- #684 Appoints a Maintenance Mechanic II in the Buildings &  
Grounds Department (D. Zebrowski)
- #685 Authorizes the Town Clerk to Publish and Post a Help  
Wanted Ad for Crossing Guard
- #686 Accepts a 5% Security Bond of AT&T Wireless Services, Inc.  
(422 Edwards Avenue, Calverton)
- #687 Authorizes the Town Clerk to Publish and Post Public Notice  
to Consider a Local Law to Amend Chapter 64 of the  
Riverhead Town Code Entitled, "Fire Prevention" (Article  
XXIV Emergency Access for Gated Properties)
- #688 Accepts Cash Security of Suffolk County National Bank  
(ATM)
- #689 Authorizes Town Clerk to Publish and Post Public Hearing  
Notice to Consider the Securing of Building(s) owned by  
Exxon Mobile Corp. Pursuant to Chapter 54 of the Code of  
the Town of Riverhead Entitled, "Unsafe Buildings and  
Collapsed Structures."

- #690 Authorizes Town of Riverhead to Remove Rubbish, Debris and the Cutting of Grass and Weeds from Property Pursuant to Chapter 96 Entitled, "Trash, Rubbish and Refuse Disposal" of the Riverhead Town Code (780 Old Country Rd)
- #691 Authorizes Town of Riverhead to Remove Rubbish, Debris and the Cutting of Grass and Weeds from Property Pursuant to Chapter 96 Entitled, "Trash, Rubbish and Refuse Disposal" of the Riverhead Town Code (11 Midland Street)
- #692 Approves Temporary Sign Permit of Halloween Scene
- #693 Approves Temporary Sign Permit of Kroemer Route 25, LLC
- #694 Approves Temporary Sign Permit of Hudson City Savings Bank
- #695 Approves the Town of Riverhead Police Department's Participation in a Donate-a-Phone Program
- #696 Authorizes the Town Supervisor to File State Form TE-9-A
- #697 Approves Application of North Fork Venture, LLC d/b/a Fauna
- #698 Authorizes the Establishment of a Petty Cash Account for the Town Attorneys
- #699 Authorizes Town Clerk to Post and Publish Public Notice for Public Hearing Regarding a Local Law to Amend Chapter 108 (Zoning) of the Riverhead Town Code (Signs)
- #700 Resolution Calling Public Hearing- Roanoke Landing-Lateral Water Main-RWD
- #701 Refers Proposed Amendment of Chapter 12 of the Riverhead Town Code to the Planning Board
- #702 Amends Site Plan of Suffolk 87 Associates
- #703 Approves Site Plan of Hector Felix Figueroa-Temporary Greenhouse
- #704 Approves Site Plan of Billmark-Temporary Greenhouse
- #705 Approves Amended Site Plan of Riverhead Centre-Pad #6 Hudson City Savings Bank
- #706 Amends Site Plan of Laundry Palace

- #707 Authorizes Town Clerk to Post and Publish Public Notice for Public Hearing Regarding a Local Law to Amend Chapter 108 (Zoning) of the Riverhead Town Code (signs)
- #708 Approves Chapter 90 Application of Dorothy Muma (Breast Cancer H.E. L.P. Benefit to be Held at 1984 Roanoke Avenue)
- #709 Approves Chapter 90 Application of Railroad Museum of Long Island
- #710 Approves Chapter 90 Application of Bonny Ginsberg (Horse Show)
- #711 Authorizes Town Clerk to Post and Publish Public Notice of Public Hearing to Consider the Designation of Certain Structure(s) as a Landmark Pursuant to Chapter 73 Entitled, "Landmarks Preservation" of the Riverhead Town Code (Suffolk Theater, Gandalf House & Howell House)
- #712 Ratifies an Appointment as a Water Safety Instructor Level II to the Riverhead Recreation Department (M. Raynor)
- #713 Re-Appoints and Appoints Members and Accepts Resignation of a Member to the Riverhead Town Landmarks Preservation Commission
- #714 Accepts Retirement of Chester Kowalski in the Buildings & Grounds Department
- #715 Denies Special Permit Application of Martin Rosen
- #716 Pays Bills

August 3, 2004

# Adopted

TOWN OF RIVERHEAD

Y2K IRON PIER BEACH IMPROVEMENT CAPITAL PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 677

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

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

	<u>FROM</u>	<u>TO</u>
406.095031.481900.70050 PARK & REC FEES	\$6,600	
406.071800.547900.70050 CONTINGENCY	2,900	
406.071800.543505.70050 ENGINEERING EXP		\$9,500

**THE VOTE**

*absent*  
 Bartunek  Yes  No      Sanders  Yes  No  
*absent*  
 Blass  Yes  No      Densieski  Yes  No  
 Cardinale  Yes  No

# Adopted

08/04/04

TOWN OF RIVERHEAD

Resolution # 678

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF  
PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW FOR AN  
AMENDMENT OF CHAPTER 101 (VEHICLES & TRAFFIC) OF THE RIVERHEAD  
TOWN CODE**

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI:

**RESOLVED**, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a proposed local law to consider a local law to amend Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code, once in the August 12<sup>th</sup>, 2004 issue of the News Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

**RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to the Highway Department and the Riverhead Police Department.

THE VOTE

Bartunek ~~yes~~ <sup>absent</sup> no Sanders  yes  no

Blass ~~yes~~ <sup>absent</sup> no Densieski  yes  no

Cardinale  yes  no

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

AUGUST 3, 2004

# Adopted

TOWN OF RIVERHEAD

RESOLUTION # 679

REJECTS BIDS FOR CARRIAGE HOUSE INTERIOR RENOVATIONS

COUNCILMAN DENSIESKI offered the following resolution which was  
seconded by COUNCILWOMAN SANDERS.

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the Carriage House Interior Renovations; and

WHEREAS, bids were received, opened and read aloud in the Office of the Town Clerk; and

WHEREAS, the bids received exceed the funds available to accomplish this project.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead be and does hereby reject any and all bids received for the Carriage House Interior Renovations; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Clerk to return any and all bid bonds received in connection with the above; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to all who submitted bids for this project, Kenneth Testa, P.E., Andrea Lohneiss and the Office of Accounting.

THE VOTE

Bartunek absent  yes  no Sanders  yes  no

Blass absent  yes  no Densieski  yes  no

Cardinale  yes  no

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 7th of September, 2002 at 7:20 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 101 of the Riverhead Town Code entitled, "Vehicles & Traffic" as follows:

**§ 101-3. Stop and yield intersections; railroad crossings; parking fields.**

A. Stop intersections. The following intersections are designated as stop intersections, and stop signs shall be erected at such intersections as follows:

<b>Intersection</b>	<b>Stop Sign On</b>	<b>Entrance From</b>
<u>Phillips Lane and Church Lane</u>	<u>Phillips Lane</u>	<u>North</u>

Dated: Riverhead, New York  
August 4, 2004

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

**BARBARA GRATTAN**, Town Clerk

\* Underline represents addition(s)

AUGUST 3, 2004

# Adopted

TOWN OF RIVERHEAD

RESOLUTION # 680

AUTHORIZES THE TOWN CLERK TO POST AND PUBLISH  
A NOTICE TO BIDDERS FOR THE  
CARRIAGE HOUSE INTERIOR RENOVATIONS

COUNCILWOMAN SANDERS offered the following resolution which was  
seconded by COUNCILMAN DENSIESKI.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders for the Carriage House Interior Renovations in the August 12, 2004 issue of the official newspaper for the Town of Riverhead; and

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

THE VOTE

Bartunek <sup>absent</sup> ~~yes~~ \_\_\_ no \_\_\_ Sanders  yes \_\_\_ no \_\_\_  
 Blass <sup>absent</sup> ~~yes~~ \_\_\_ no \_\_\_ Densieski  yes \_\_\_ no \_\_\_  
 Cardinale  yes \_\_\_ no \_\_\_

THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed proposals for the Carriage House Interior Renovations, Riverhead, New York will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 11:00 am August 31, 2004 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and obtained on or about August 13, 2004 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays.

A fee \$100 will be required for each copy of the contract documents.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked "Carriage House Interior Renovations" and must be accompanied by a bid surety as stated in the Instructions to Bidders.

The Town of Riverhead reserves the right to reject any and all bids.

**BY ORDER OF THE RIVERHEAD TOWN BOARD**  
Barbara A. Grattan, Town Clerk

Dated: August 3, 2004

AUGUST 3, 2004

# Adopted

TOWN OF RIVERHEAD

RESOLUTION # 681

AUTHORIZES THE TOWN CLERK TO POST AND PUBLISH  
A NOTICE TO BIDDERS FOR ANNUAL ASPHALT CONTRACT

COUNCILMAN DENSIESKI offered the following resolution which was  
seconded by COUNCILWOMAN SANDERS.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders for the Annual Asphalt Contract in the August 12, 2004 issue of the official Town newspaper for the Town of Riverhead; 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., Mark Kwasna and the Office of Accounting.

THE VOTE  
Bartunek <sup>absent</sup>  yes  no Sanders  yes  no  
Blass <sup>absent</sup>  yes  no Densieski  yes  no  
Cardinale  yes  no  
THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed proposals for the Annual Asphalt Contract will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 11:00 am on August 26, 2004 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and obtained on or about August 13, 2004 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays.

A fee of \$100.00 will be required for each copy of the contract documents.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked "Annual Asphalt Contract".

The Town of Riverhead reserves the right to reject any and all bids.

**BY ORDER OF THE RIVERHEAD TOWN BOARD**  
Barbara A. Grattan, Town Clerk

Dated: August 3, 2004

AUGUST 3, 2004

Adopted

TOWN OF RIVERHEAD

APPOINTS A FULL TIME BUS DRIVER  
IN THE NUTRITION DEPARTMENT

RESOLUTION # 682

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

**WHEREAS**, due to the resignation of an employee there is a vacancy in the Nutrition Department for the position of Full Time Bus Driver, and

**WHEREAS**, the position has been posted, posting #13, applications were received and interviews were conducted, and

**WHEREAS**, Carol O’Kula possesses a clean, valid NYS Commercial Driver’s License, and

**WHEREAS**, it is the recommendation of the Personnel Committee that Carol O’Kula be appointed to said position.

**NOW, THEREFORE, BE IT RESOLVED**, that effective August 4, 2004, the Town Board hereby appoints Carol O’Kula to the position of Full Time Bus Driver as found on Group 4, Step P of the Clerical and Supervisory Salary Schedule.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Carol O’Kula, the Nutrition Department and the Office of Accounting.

THE VOTE

<i>Absent</i> Bartunek <input type="checkbox"/> Yes <input type="checkbox"/> No	Sanders <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>Absent</i> Blass <input type="checkbox"/> Yes <input type="checkbox"/> No	Densieski <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cardinale <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

# Adopted

AUGUST 3, 2004

TOWN OF RIVERHEAD

APPOINTS A PROVISIONAL FULL TIME ACCOUNT CLERK TYPIST IN THE  
ENGINEERING DEPT.

RESOLUTION # 683

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

**WHEREAS** the Town Engineer has requested Margaret McKay, who is currently working as a Part Time Account Clerk Typist, be appointed to the title of Full Time Provisional Account Clerk Typist; and

**WHEREAS**, it has been recommended by the Personnel Committee that the Town Board grant this request; and

**WHEREAS**, the position has been duly posted (Posting #6).

**NOW, THEREFORE, BE IT RESOLVED**, that Margaret McKay is hereby appointed provisionally to the position of Full Time Account Clerk Typist in the Engineering Department at Group 9, Step P of the Salary Administration Schedule effective August 9, 2004.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be, and is hereby, authorized to forward a Certified Copy of this Resolution to Margaret McKay, the Engineering Department and the Office of Accounting.

THE VOTE

<i>Absent</i> Bartunek <input type="checkbox"/> Yes <input type="checkbox"/> No	Sanders <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>Absent</i> Blass <input type="checkbox"/> Yes <input type="checkbox"/> No	Densieski <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cardinale <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Adopted

AUGUST 3, 2004

TOWN OF RIVERHEAD

APPOINTS MAINTENANCE MECHANIC II  
IN THE BUILDINGS & GROUNDS DEPARTMENT

RESOLUTION # 684

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

**WHEREAS**, a vacancy now exists in Buildings & Grounds, and

**WHEREAS**, this position was duly posted, posting #7, advertised and interviews have been conducted, and

**WHEREAS**, the recommendations of the Personnel Committee and the Department Head have been received.

**NOW, THEREFORE, BE IT RESOLVED**, that effective August 30, 2004, David Zebrowski is appointed to the position of Maintenance Mechanic II as found on Group 7, Step P of the Salary Administration Schedule, and

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a Certified Copy of this Resolution to David Zebrowski, the Engineering Department and the Office of Accounting.

THE VOTE

Bartunek <sup>absent</sup>  Yes  No      Sanders  Yes  No  
 Blass <sup>absent</sup>  Yes  No      Densieski  Yes  No  
 Cardinale  Yes  No

# Adopted

AUGUST 3, 2004

## TOWN OF RIVERHEAD

### AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A HELP WANTED AD FOR A CROSSING GUARD

RESOLUTION # 685

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

**BE IT RESOLVED**, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the August 12, 2004 issue of The News Review.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be, and is hereby, directed to forward a Certified Copy of this Resolution to the Accounting Department.

#### THE VOTE

*absent*  
Bartunek  Yes  No  
*absent*  
Blass  Yes  No  
Sanders  Yes  No  
Densieski  Yes  No  
Cardinale  Yes  No

## HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking individuals to serve in the position of Crossing Guard. Applications should be submitted to the Accounting Department, 200 Howell Avenue, Riverhead, NY between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. No applications will be accepted after 4:00 p.m. on Friday, August 20, 2004. EOE

BY ORDER OF:  
THE RIVERHEAD TOWN BOARD  
BARBARA GRATTAN, TOWN CLERK

## TOWN OF RIVERHEAD

Resolution # 686

**ACCEPTS 5% SECURITY BOND OF AT & T WIRELESS SERVICES, INC. (422 EDWARDS AVENUE, CALVERTON)**

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

WHEREAS, Cellular Telephone Company d/b/a AT & T Wireless Services, Inc. has posted a security bond in the sum of Eight Thousand Six Hundred Fifty Dollars (\$8,650) Bond No. CMS 221009 representing the 5% site plan security bond as noted in the approved site plan dated April 6, 2004 Resolution #269 for work located at 422 Edwards Avenue, Calverton, New York, Suffolk County Tax Map # 600-117.-2-8.2 pursuant to Section 108-133 (I) of the Riverhead Town Code; and

WHEREAS, the Town Attorney has reviewed said security bond and deems it to be sufficient in its form.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the 5% performance bond in the sum of Eight Thousand Six Hundred Fifty Dollars (\$8,650) issued to the Town of Riverhead; and,

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Lawrence Re', Munley, Meade, Nielson, Re', 36 North New York Avenue, Huntington, New York 11743, the Building Department; the Planning Department and the Town Attorney's Office.

### THE VOTE

Bartunek	<sup>absent</sup> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Sanders	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Blass	<sup>absent</sup> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Densieski	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cardinale	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

08/03/04

# Adopted

TOWN OF RIVERHEAD

Resolution # 687

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 64 OF THE RIVERHEAD TOWN CODE ENTITLED "FIRE PREVENTION" (Article XXIV Emergency Access For Gated Properties)**

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

**RESOLVED**, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 64 of the Riverhead Town Code entitled, "Fire Prevention" (Article XXIV Emergency Access For Gated Properties) once in the August 12, 2004 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Town Attorney.

**THE VOTE**

Bartunek <sup>absent</sup> ~~yes~~ \_\_\_ no \_\_\_ Sanders  yes \_\_\_ no \_\_\_

Blass <sup>absent</sup> ~~yes~~ \_\_\_ no \_\_\_ Densieski  yes \_\_\_ no \_\_\_

Cardinale  yes \_\_\_ no \_\_\_

THE RESOLUTION  WAS \_\_\_ WAS NOT

THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 17th day of August, 2004 at 2:15 o'clock p.m. to consider a local law to amend Chapter 64 of the Riverhead Town Code entitled, "Fire Prevention" (Article XXIV Emergency Access For Gated Properties) as follows:

ARTICLE XXIV  
**Emergency Access For Gated Properties**

**§ 64-68. When effective.**

This article shall be effective as of the date of enactment of this chapter and shall apply to new construction and any building alterations or change of use that requires compliance with the current New York State code.

**§ 64-69. Security gates.**

The installation of security gates across an emergency vehicle access road shall comply with the provisions of the Fire Code of New York State. Access shall be provided for emergency vehicles as follows and same requires the approval of the Fire Chief and Fire Marshal.

Security gate required features:

- A. Access gate shall be provided with a keypad entry system.
- B. Coded numbers will be designated by the Fire Chief and Police Chief for Fire, Ambulance, and Police department emergency access.
- C. All access gates shall be designed to unlock with a readily accessible manual releasing device and be capable of being locked open during an emergency.
- D. During a power failure, all access gates shall be designed to fail in the open position.
- E. A Knox key box shall be installed at the gate in all gated communities.
- F. Access gate shall not obstruct the required minimum fire department access road.

**§ 64-70. Enforcement.**

This article shall be enforced as permitted by the Municipal Home Rule Law, the Fire Marshal, the Code Enforcement Officers, the Building Inspector or CEO or any other individual duly authorized by a Town Board resolution.

Dated: Riverhead, New York

August 03, 2004

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

\* Underline represents addition(s)

ARTICLE XXIV  
**Emergency Access For Gated Properties**

**§ 64-68. When effective.**

This article shall be effective as of the date of enactment of this chapter and shall apply to new construction and any building alterations or change of use that requires compliance with the current New York State code.

**§ 64-69. Security gates.**

The installation of security gates across an emergency vehicle access road shall comply with the provisions of the Fire Code of New York State. Access shall be provided for emergency vehicles as follows and same requires the approval of the Fire Chief and Fire Marshal.

Security gate required features:

- A. Access gate shall be provided with a keypad entry system.
- B. Coded numbers will be designated by the Fire Chief and Police Chief for Fire, Ambulance, and Police department emergency access.
- C. All access gates shall be designed to unlock with a readily accessible manual releasing device and be capable of being locked open during an emergency.
- D. During a power failure, all access gates shall be designed to fail in the open position.
- E. A Knox key box shall be installed at the gate in all gated communities.
- F. Access gate shall not obstruct the required minimum fire department access road.

**§ 64-70. Enforcement.**

This article shall be enforced as permitted by the Municipal Home Rule Law, the Fire Marshal, the Code Enforcement Officers, the Building Inspector or CEO or any other individual duly authorized by a Town Board resolution.

TOWN OF RIVERHEAD

Adopted

Resolution # 688

ACCEPTS CASH SECURITY OF SUFFOLK COUNTY NATIONAL BANK (ATM)

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

WHEREAS, Suffolk County National Bank has posted a cash security in the sum of Five Thousand Five Hundred Dollars (\$5,500) representing the 5% site plan security as noted in the approved site plan dated June 1, 2004 Resolution #468 for an Automated Teller Machine located at 1201 Ostrander Avenue, Riverhead, New York, Suffolk County Tax Map # 600-82.-3-7, pursuant to Section 108-133 (I) of the Riverhead Town Code;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the 5% cash security in the sum of Five Thousand Five Hundred Dollars (\$5,500) and,

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Charles Anderson, Suffolk County National Bank, PO Box 900, Riverhead, New York 11901, the Building Department; the Planning Department and the Town Attorney's Office.

THE VOTE

*Absent*  
Bartunek  Yes  No

Sanders  Yes  No

*Absent*  
Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

August 3, 2004

STATUS **Adopted**

**TOWN OF RIVERHEAD**

*Resolution # 689*

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC HEARING NOTICE TO CONSIDER THE SECURING OF BUILDING(S) OWNED BY EXXON MOBIL CORP. PURSUANT TO CHAPTER 54 OF THE CODE OF THE TOWN OF RIVERHEAD ENTITLED, "UNSAFE BUILDINGS AND COLLAPSED STRUCTURES".

COUNCILMAN DENSIESKI offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider the **securing** of certain building(s) purportedly owned by Exxon Mobil Corp., located at 780 Old Country Road, Riverhead, New York 11901, known an designed as Suffolk County Tax #0600-082.00-03-017.00; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Exxon Mobil Corp., 3225 Gallows Rd., Fairfax, VA 22037, the Fire Marshal, the Assessor's Office, Town Engineer's Office; Town Attorney's Office and the Town Building Department

**THE VOTE**

*absent*  
 Bartunek  Yes  No      Sanders  Yes  No  
*absent*  
 Blass  Yes  No      Densieski  Yes  No  
 Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

## TOWN OF RIVERHEAD

### PUBLIC NOTICE

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 26<sup>th</sup> day of August 2004 at 2:00 p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons, to consider whether the owner of real property purportedly owned by Exxon Mobil located at 780 Old Country Road, Riverhead, New York, 11901 known and designated as Suffolk County Tax Map/0600-082.00-03-017.00, should secure the buildings(s) situated on said property so that the health, safety and welfare of the residents of the Town of Riverhead shall not be endangered or, if the building(s) are found to be in an unsafe condition as described pursuant to Chapter 54 of the Code of the Town of Riverhead entitled, "Unsafe Buildings and Collapsed Structures " to be repaired and secured or demolished and removed.

Dated: August 3, 2004  
Riverhead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD  
BARBARA GRATTAN, Town Clerk

August 3, 2004

# Adopted

TOWN OF RIVERHEAD  
Resolution # 690

**AUTHORIZES TOWN OF RIVERHEAD TO REMOVE RUBBISH, DEBRIS AND THE CUTTING OF GRASS AND WEEDS FROM PROPERTY PURSUANT TO CHAPTER 96 ENTITLED, "TRASH, RUBBISH AND REFUSE DISPOSAL" OF THE RIVERHEAD TOWN CODE**

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

**WHEREAS**, Section 96-2. B. of the Riverhead Town Code provides that the Town Board may require the removal of rubbish and debris and the cutting of grass and weeds; and

**WHEREAS**, property located at 780 Old Country Road, Riverhead also known as Suffolk County Tax Map Number 0600-082.00-03-017.00, is not in compliance with the requirements of Chapter 96 of the Riverhead Town Code; and

**WHEREAS**, the Town Board of the Town of Riverhead desires to require the removal of the rubbish and debris and the cutting of the grass at subject property;

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the Town Clerk to serve notice upon Exxon Mobil Corp, 3225 Gallows Road, Fairfax, VA, 22037 by certified mail, returned receipt requested and by regular mail in a plain unmarked wrapper. Such notice is to consist of a certified copy of this resolution and the attached public notice to property owner; and be it further

**RESOLVED**, that pursuant to Chapter 96, Section 96-2E., the administration fees of \$740.00 and all actual expenses incurred by the Town of Riverhead to remove the rubbish/debris, grass and weeds shall be assessed against the owner; and be it further;

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to; Exxon Mobil Corp, 3225 Gallows Road, Fairfax, VA, 22037, the Building Department, Kenneth Testa, P.E., the Tax Receiver's Office and the Office of the Town Attorney.

**THE VOTE**

*absent*  
Bartunek  Yes  No

Sanders  Yes  No

*absent*  
Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that pursuant to Riverhead Town Code, Section 96 of the Town of Riverhead, hereby requires that you cause the property located at **780 Old Country Road, Riverhead, New York**, further described as Suffolk County Tax Map # **600-082.0003-017.00**, to be cleaned of all rubbish, refuse and other debris, and that the weeds and grass be mowed within ten (10) days from the date of this notice.

Dated: August 3, 2004 Riverhead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

August 3, 2004

# Adopted

## TOWN OF RIVERHEAD

Resolution # 691

**AUTHORIZES TOWN OF RIVERHEAD TO REMOVE RUBBISH, DEBRIS AND THE CUTTING OF GRASS AND WEEDS FROM PROPERTY PURSUANT TO CHAPTER 96 ENTITLED, "TRASH, RUBBISH AND REFUSE DISPOSAL" OF THE RIVERHEAD TOWN CODE**

COUNCILMAN DENSIESKI offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

**WHEREAS**, Section 96-2. B. of the Riverhead Town Code provides that the Town Board may require the removal of rubbish and debris and the cutting of grass and weeds; and

**WHEREAS**, property located at 99 Oliver Street, Riverhead also known as Suffolk County Tax Map Number 0600-104.00-02-041.00, is not in compliance with the requirements of Section 96 of the Riverhead Town Code; and

**WHEREAS**, the Town Board of the Town of Riverhead desires to require the removal of the rubbish and debris and the cutting of the grass at subject property;

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the Town Clerk to serve notice upon Jacob Anteby, 32 Curtis Path, East Northport, New York 11731 by certified mail, returned receipt requested and by regular mail in a plain unmarked wrapper. Such notice is to consist of a certified copy of this resolution and the attached public notice to property owner; and be it further

**RESOLVED**, that pursuant to Chapter 96, Section 96-2E., the administration fees of \$740.00 and all actual expenses incurred by the Town of Riverhead to remove the rubbish/debris, grass and weeds shall be assessed against the owner; and be it further;

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to; Jacob Anteby, 32 Curtis Path, East Northport, New York 11731, the Building Department, Kenneth Testa, P.E., the Tax Receiver's Office and the Office of the Town Attorney.

### THE VOTE

<i>absent</i>			
Bartunek	<input type="checkbox"/> Yes <input type="checkbox"/> No	Sanders	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>absent</i>			
Blass	<input type="checkbox"/> Yes <input type="checkbox"/> No	Densieski	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cardinale <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that pursuant to Riverhead Town Code, Section 96 of the Town of Riverhead, hereby requires that you cause the property located 99 Oliver Street, **Riverhead, New York**, further described as Suffolk County Tax Map # **600-104.-2-41**, to be cleaned of all rubbish, refuse and other debris, and that the weeds and grass be mowed within ten (10) days from the date of this notice.

Dated: August 3, 2004  
Riverhead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

August 3, 2004

TOWN OF RIVERHEAD  
Resolution # 692

# Adopted

APPROVES TEMPORARY SIGN PERMIT OF HALLOWEEN SCENE

COUNCILWOMAN SANDERS

offered the following resolution, which was seconded by

COUNCILMAN DENSIESKI

**WHEREAS**, a temporary sign permit and sketch were submitted by Janine Nebbons as agent for Auralee of New York for property located at Tanger Factory Outlet, Suite 409, Riverhead, New York also known as SCTM# 0600/118.00-03-004.00; and

**WHEREAS**, pursuant to Section 108-56 C (5) of the Code of the Town of Riverhead, the application does not require the recommendation of the Architectural Review Board; and

**WHEREAS**, sketch has been approved the three (3) Town Board members;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the temporary sign permit application for Halloween Scene submitted by Janine Nebbons, agent for Auralee of New York and be it

**RESOLVED**, that said temporary sign permit shall expire on November 15, 2004 and the applicant shall remove the affected sign, in its entirety, on or before said date; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Tanger Outlet Center, Att: Janine Nebbons, Suite 200, 1770 West Main Street, Riverhead, New York, 11901, the Planning Department and the Building Department.

**THE VOTE**

<i>absent</i> Bartunek <input type="checkbox"/> Yes <input type="checkbox"/> No	Sanders <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>absent</i> Blass <input type="checkbox"/> Yes <input type="checkbox"/> No	Densieski <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cardinale <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

August 3, 2004

# Adopted

TOWN OF RIVERHEAD  
Resolution # 693

APPROVES TEMPORARY SIGN PERMIT OF KROEMER ROUTE 25, LLC

COUNCILMAN DENSIESKI offered the following resolution, which was seconded by

COUNCILWOMAN SANDERS

**WHEREAS**, a temporary sign permit and sketch were submitted by Kroemer Route 25, LLC for property located at West Main Street, Riverhead, New York also known as SCTM# 119.00-02-007.01; and

**WHEREAS**, pursuant to Section 108-56 C (5) of the Code of the Town of Riverhead, the application does not require the recommendation of the Architectural Review Board; and

**WHEREAS**, sketch has been approved the three (3) Town Board members;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the temporary sign permit application for Kroemer Route 25, LLC submitted by Richard Gherardi and be it

**RESOLVED**, that said temporary sign permit shall expire on ~~November 30, 2004~~ and the applicant shall remove the affected sign, in its entirety, on or before said date; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Richard Gherardi, 11 Bonac Woods Lane, East Hampton, New York 11937, the Planning Department and the Building Department.

### THE VOTE

<i>absent</i> Bartunek <input type="checkbox"/> Yes <input type="checkbox"/> No	Sanders <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>absent</i> Blass <input type="checkbox"/> Yes <input type="checkbox"/> No	Densieski <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cardinale <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

August 3, 2004

# Adopted

TOWN OF RIVERHEAD  
Resolution # 694

APPROVES TEMPORARY SIGN PERMIT OF HUDSON CITY SAVINGS BANK

COUNCILWOMAN SANDERS

\_\_\_\_\_ offered the following resolution, which was seconded by

COUNCILMAN DENSIESKI

**WHEREAS**, a temporary sign permit and sketch were submitted by Ing Clarion & Craig Tagen for property located at Riverhead Center, Pad 6, Riverhead, New York also known as SCTM# 101.00-02-011.01; and

**WHEREAS**, pursuant to Section 108-56 C (5) of the Code of the Town of Riverhead, the application does not require the recommendation of the Architectural Review Board; and

**WHEREAS**, sketch has been approved the three (3) Town Board members;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the temporary sign permit application for Ing Clarion & Craig Tagen submitted by NW Sign Industries for Hudson City Savings Bank and be it

**RESOLVED**, that said temporary sign permit shall expire on **November 30, 2004** and the applicant shall remove the affected sign, in its entirety, on or before said date; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to NW Sign Industries, 360 Crider Ave, Morrestown, New Jersey 08057 the Planning Department and the Building Department.

### THE VOTE

<i>absent</i> Bartunek <input type="checkbox"/> Yes <input type="checkbox"/> No	Sanders <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>absent</i> Blass <input type="checkbox"/> Yes <input type="checkbox"/> No	Densieski <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cardinale <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

August 3, 2004

# Adopted

## TOWN OF RIVERHEAD

Resolution # 695

### APPROVES THE TOWN OF RIVERHEAD POLICE DEPARTMENT'S PARTICIPATION IN A DONATE-A-PHONE PROGRAM

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

**WHEREAS**, the Town of Riverhead Police Department currently conducts a cell phone program where used cell phones are collected and distributed to members of the community in need of an emergency cell phone; and,

**WHEREAS**, the program has been successful in distributing numerous cell phones to senior citizens and victims of domestic violence; and,

**WHEREAS**, the Police Department has accumulated an excess number of cell phones beyond the demand from the community.

**NOW, THEREFORE BE IT RESOLVED**, the Town Board of the Town of Riverhead approves the Police Department's partnership with The Wireless Foundation. The excess cell phones will be turned over to the Foundation in return for up to \$10.00 for newer cell phones and \$1.00 to \$2.00 for older cell phones. The money will be returned to local community organizations in the form of a donation.

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Police Chief David J. Hegermiller and the Office of Accounting.

THE VOTE

Bartunek <sup>absent</sup> ~~yes~~ ~~no~~ Sanders  yes  no  
 Blass <sup>absent</sup> ~~yes~~ ~~no~~ Densieski  yes  no  
 Cardinale  yes  no

THE RESOLUTION  WAS  WAS NOT  
 THEREFORE DULY ADOPTED

Adopted

August 3, 2004

TOWN OF RIVERHEAD

Resolution # 696

AUTHORIZES THE TOWN SUPERVISOR TO FILE STATE FORM TE-9-A

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

WHEREAS, due to safety concerns for all Riverhead residents and all visitors to the Town of Riverhead, the Riverhead Traffic Safety Committee has recommended that the Town of Riverhead install a traffic signal at the intersection of Fresh Pond Road and State Route 25 in the hamlet of Calverton; and

WHEREAS, the Town Board of the Town of Riverhead agrees with this recommendation and believes that a study should be conducted by the New York State Department of Transportation to determine if the installation of a traffic signal at the aforementioned intersection is warranted.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be directed, under Section 1622.1 of the Vehicle and Traffic Law of the State of New York, to file New York State form TE-9-A with the New York State Department of Transportation requesting such study.

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution and New York State form TE-9-A to the New York State Department of Transportation and the Riverhead Traffic Safety Committee.

absent THE VOTE  
 Bartunek absent yes ~~no~~ Sanders  yes  no  
 Blass absent yes ~~no~~ Densieski  yes  no  
 Cardinale  yes  no  
 THE RESOLUTION ~~WAS~~ WAS NOT  
 THEREFORE DULY ADOPTED

7/29/04

# Adopted

TOWN OF RIVERHEAD

Resolution # 697

**APPROVES APPLICATION OF NORTH FORK VENTURE, LLC D/B/A FAUNA**

COUNCILMAN DENSIESKI

offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

**WHEREAS**, North Fork Venture, LLC has submitted a Chapter 90 application for the purpose of conducting a "FaunaFest" having outdoor music and food to be held at Fauna Restaurant, 720 Main Road, Aquebogue, New York, between the hours of 2:00 p.m. and 8:00 p.m. on August 21, 2004 and August 22, 2004; and

**WHEREAS**, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application; and

**WHEREAS**, a certificate of insurance has been received naming the Town of Riverhead as an additional insured.

**NOW THEREFORE BE IT RESOLVED**, that the application of North Fork Venture, LLC for the purpose of conducting "FaunaFest" having outdoor music and food to be held at Fauna Restaurant, 720 Main Road, Aquebogue, New York, between the hours of 2:00 p.m. and 8:00 p.m. on the aforementioned dates is hereby approved; and be it further

**RESOLVED**, that a pre-opening inspection for each event date is to be conducted by the Riverhead Town Fire Marshal. The Fire Marshal shall be contacted at (631) 727-3200 ext. 209 at least three days in advance to schedule an inspection; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to North Fork Venture, LLC, 45 Hamlet Drive, Commack, New York, 11725; Bruce Johnson, Riverhead Fire Marshal and the Riverhead Police Department.

*absent* THE VOTE

Bartunek yes ~~no~~ Sanders  yes ~~no~~

Blass *absent* yes ~~no~~ Densieski  yes ~~no~~

Cardinale  yes ~~no~~

THE RESOLUTION  WAS ~~WAS NOT~~ THEREFORE DULY ADOPTED

AUGUST 3, 2004

# Adopted

## TOWN OF RIVERHEAD

### AUTHORIZES THE ESTABLISHMENT OF A PETTY CASH ACCOUNTS FOR THE TOWN ATTORNEYS

RESOLUTION # 698

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

**WHEREAS**, the Town Board hereby authorizes the establishment of an imprest petty cash account for the Town of Riverhead Town Attorneys in the amount of Two Hundred Dollars (\$200.00) each and an imprest petty cash account for the Town Attorney's Paralegal, in the amount of (\$50.00); and

**WHEREAS**, that said petty cash account is assigned to Town Attorney, Dawn Thomas, Deputy Town Attorney Christopher Kent, Deputy Town Attorney Sean Walter and Paralegal Laura Calamita; and

**WHEREAS**, the Town Attorney is authorized to establish a checking account for said petty cash account.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be, and is hereby, authorized to forward a Certified Copy of this Resolution to the Town Attorney's Office and the Office of Accounting.

#### THE VOTE

Bartunek <sup>absent</sup> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Sanders <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Blass <sup>absent</sup> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Densieski <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cardinale <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Withdrawn

08/04/04

TOWN OF RIVERHEAD

Resolution # 699

**AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE FOR PUBLIC HEARING REGARDING A LOCAL LAW TO AMEND CHAPTER 108 (ZONING) OF THE RIVERHEAD TOWN CODE (SIGNS)**

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS :

**RESOLVED**, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" (Signs) of the Riverhead Town Code once in the August 12<sup>th</sup>, 2004 issue of News Review, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

**RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to the Town Board, Town Attorney, Building Department; the Riverhead; the Planning Board; Architectural Review Board, the Planning Department.

*absent* THE VOTE

Bartunek yes ~~no~~ Sanders  yes ~~no~~  
Blass yes ~~no~~ Densieski  yes ~~no~~  
Cardinale yes ~~no~~

THE RESOLUTION WAS ~~WAS NOT~~  
THEREFORE DULY ADOPTED

Withdrawn

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held on the 7<sup>th</sup> day of September at 7:15 o'clock p.m., at Wading River Congregations Church, North Country Road, Wading River, New York to hear all interested persons to consider a local law to amend Chapter 108 entitled "Zoning" (Signs) of the Riverhead Town Code.

A copy of the entire text of the proposed local law may be reviewed at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Dated: Riverhead, New York  
August 3, 2004

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD**

**BARBARA GRATTAN, Town Clerk**

8/3/04

# Adopted

TOWN OF RIVERHEAD

RESOLUTION CALLING PUBLIC HEARING  
ROANOKE LANDING  
LATERAL WATER MAIN  
RIVERHEAD WATER DISTRICT  
RESOLUTION # 700

ADOPTED \_\_\_\_\_

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

WHEREAS, a petition has been filed by the owners of Roanoke Landing Subdivision located along the north side of Sound Avenue in Riverhead, for the installation of a lateral water main of the Riverhead Water District, and

WHEREAS, a map and plan has been proposed by H2M, consulting engineers to the Riverhead Water District, and

WHEREAS, the subdivision is already located within the existing Extension No. 23 of the Riverhead Water District and in order to provide service to the proposed development, new water main will connect to this existing main at two locations in order to service both of the proposed roadways (Louis Court and Roanoke Court). Approximately 4,100 feet of eight inch water main will need to be installed within the interior roadways of the development in order to service the thirty-two new dwelling units. Additional connections to an existing 12" main on Dolphin Way and an existing 6" main on Waterview Court are also required, and

WHEREAS, the map and plan is available for review and inspection at the Office of the Riverhead Town Clerk, 200 Howell Avenue, Riverhead, New York, during normal business hours, and

WHEREAS, all costs associated with this lateral shall be borne by the petitioner with an estimated cost of \$222,000 and the petitioner will be required to pay key money in the amount of \$2,500 for each proposed dwelling unit for a total cost of \$80,000. This cost represents the infrastructure costs to the Riverhead Water District to service these additional residences, and

WHEREAS, the Town Board desires to call a public hearing to consider the aforementioned petition,

PREPARED BY FRANK ISLER FOR RIVERHEAD WATER DISTRICT

NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and is hereby authorized to publish and post a Notice of Public Hearing to be held on the 7th day of September, 2004, at 7:05 P.M. at the Wading River Church, North Country Road, Wading River, New York, to hear all interested persons with regard to the petition of Roanoke Landing Development to provide service to the proposed development, new water main will connect to this existing main at two locations in order to service both of the proposed roadways (Louis Court and Roanoke Court). Approximately 4,100 feet of eight inch water main will need to be installed within the interior roadways of the development in order to service the thirty-two new dwelling units. Additional connections to an existing 12" main on Dolphin Way and an existing 6" main on Waterview Court are also required, and

NOW, THEREFORE, BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish a copy of this resolution in full in the August 26, 2004, edition of the News Review, and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to H2M, Gary Pendzick, Frank Isler, Esq., and the applicant.

BY ORDER OF THE RIVERHEAD TOWN BOARD  
Barbara Grattan, Town Clerk

Dated: August 3, 2004  
Riverhead, NY

THIS RESOLUTION PREPARED BY FRANK A. ISLER  
FOR THE RIVERHEAD WATER DISTRICT

THE VOTE

Bartunek	<del>absent</del> <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Sanders	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Blass	<del>absent</del> <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Densieski	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
	Cardinale	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

August 3, 2004

**Adopted**

**TOWN OF RIVERHEAD**

Resolution # 701

**REFERS PROPOSED AMENDMENT OF CHAPTER 12 OF THE  
RIVERHEAD TOWN CODE TO THE PLANNING BOARD**

COUNCILMAN DENSIESKI offered the following resolution which  
was seconded by COUNCILWOMAN SANDERS

**WHEREAS**, in response to Congress' adoption of the Coastal Zone Management Act, the New York State Legislature has enacted the Coastal Erosion Hazard Areas Act (codified as Article 34 of the Environmental Conservation Law and implemented by 6 NYCRR Part 505), and

**WHEREAS**, the policy and purpose of the Act and its regulations was to identify those areas of New York's coastline most prone to damage from erosion and to regulate development and activities in those areas so as to protect the shoreline's natural protective features and prevent premature damage or destruction of improperly placed construction, and

**WHEREAS**, subsequent to public hearing upon and filing of the State's identified erosion hazard areas, the affected jurisdictions were offered the opportunity for home rule administration of the State law under Section 34-0105 of the Act and Part 505.16 of the regulations subject to the review and certification of the Commissioner of the NYSDEC as to the adequacy and conformance of the local law to the minimum standards promulgated by the Commissioner under Section 34-0108 and Part 505.17, and

**WHEREAS**, the Town of Riverhead elected to pursue that opportunity, created and adopted on 3/5/91 Local Law 1-1991 known as Chapter 12 of the Town Code (Coastal Erosion Hazard Areas) and submitted that code to the Commissioner of the NYSDEC for review; whose certification and approval dated 5/23/91 caused it to become effective 6/12/91, and

**WHEREAS**, the Town of Riverhead has created proposed amendments to Chapter 12, and

**WHEREAS**, pursuant to Section 34-0105 4., Part 505.18 and to Section 12-37 B.(1) of Chapter 12, the Commissioner must be notified of the proposed amendment for review and certification, and

**WHEREAS**, Section 12-37 B.(3) requires the amendments be referred to the Riverhead Planning Board for their review and recommendations at least 30 days prior to the public hearing connected with its adoption, now

**THEREFORE, BE IT**

**RESOLVED**, that the Town Clerk be directed to refer the proposed amendment to Chapter 12 of the Town Code to the Riverhead Planning Board for their review and recommendation and is hereby authorized to forward a certified copy of this resolution to the Planning Board and to the Planning Department.

**THE VOTE**  
Bartunek absent ~~yes~~ ~~no~~ Sanders  yes  no  
Blass absent ~~yes~~ ~~no~~ Densieski  yes  no  
Cardinale  yes  no  
**THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED**

## Chapter 12, COASTAL EROSION HAZARD AREAS

[HISTORY: Adopted by the Town Board of the Town of Riverhead 3-5-1991 as L.L. No. 1-1991. Amendments noted where applicable.]

### GENERAL REFERENCES

Planning Board -- See Ch. 30.

Bays and creeks -- See Ch. 47.

Beaches and recreation centers -- See Ch. 48.

Environmental quality review -- See Ch. 61.

Waterways -- See Ch. 106.

Wetlands, floodplains and drainage -- See Ch. 107.

Zoning -- See Ch. 108.

Marina regulations -- See Ch. A113.

### § 12-1. Statutory authority.

Pursuant to the provisions of Article 34 of the New York State Environmental Conservation Law and § 10 of the Municipal Home Rule Law, the Town of Riverhead, County of Suffolk, State of New York, hereby enacts, by Local Law No. 1 of 1991, this chapter.

### § 12-2. Title.

This chapter shall be known and may be cited as the "Town of Riverhead Coastal Erosion Hazard Area Law."

### § 12-3. When effective.

This chapter shall take effect 20 calendar days from certification by the Commissioner of the New York State Department of Environmental Conservation, which is the date of this chapter's adoption and filing, pursuant to § 27 of the Municipal Home Rule Law, or the date of filing the official maps, whichever is later.

### § 12-4. Purpose.

The Town of Riverhead hereby assumes the responsibility and authority to implement and administer a coastal erosion management program within its jurisdiction pursuant to Article 34 of New York State Environmental Conservation Law. In addition, it is the purpose of this chapter to:

- A. Establish standards and procedures for minimizing and preventing damage to structures from coastal flooding and erosion and to protect natural protective features and other natural resources.
- B. Regulate, in coastal areas subject to coastal flooding and erosion, land use and development activities so as to minimize or prevent damage or destruction to man-made property, natural protective features and other natural resources and to protect human life.
- C. Regulate new construction or placement of structures in order to place them a safe distance from areas of active erosion and the impact of coastal storms to ensure that these structures are not prematurely destroyed or damaged due to improper siting, as well as to prevent damage to natural protective features and other natural resources.
- D. Restrict public investment in services, facilities or activities which are likely to encourage new permanent development in erosion hazard areas.
- E. Regulate the construction of erosion protection structures in coastal areas subject to serious erosion to assure that when the construction of erosion protection structures is justified, their construction and operation will minimize or prevent damage or destruction to man-made property, private and public property, natural protective features and other natural resources.

## § 12-5. Findings.

A. The Town of Riverhead finds that the coastal erosion hazard area:

(1) Is prone to erosion from action of the Long Island Sound and related water bodies. Such erosion may be caused by the action of waves, currents running along the shore and wind-driven water and ice. Such areas are also prone to erosion caused by the wind, runoff of rainwater along the surface of the land or groundwater seepage, as well as by human activities such as construction, navigation and certain forms of recreation.

(2) Experiences coastal erosion which causes extensive damage to publicly and privately owned property and to natural resources as well as endangering human lives. When this occurs, individuals and private businesses suffer significant economic losses, as do the Town and the state economies, either directly through property damage or indirectly through loss of economic return. Large public expenditures may also be necessary for the removal of debris and damaged structures and replacement of essential public facilities and services.

(3) Experiences erosion-related problems that are often contributed to by man's building without considering the potential for damage to property, by undertaking activities which destroy natural protective features, such as dunes or vegetation, by building structures intended for erosion prevention which may exacerbate erosion conditions on adjacent or nearby property and by water action produced by wakes from boats.

(4) Is the subject of programs which foster erosion protection structures, either with private or public funds, which are costly, often only partially effective over time and may even be harmful to adjacent or nearby properties. In some sections of the town, major erosion protection structures of great length would be required to effectively reduce future damages due to erosion.

(5) Incorporates nearshore areas which dissipate a substantial amount of wave energy before it is expended on beaches, bluffs or dunes by causing waves to collapse or break. Nearshore areas also function as reservoirs of sand, gravel and other unconsolidated material for beaches. Sandbars, which are located in nearshore areas, control the orientation of incoming waves and promote the development of ice cap formations, which help protect shorelines during winter storms. The roots of aquatic vegetation in nearshore areas bind fine grained silts, clays and organic matter to form a cohesive bottom that resists erosion.

(6) Incorporates beaches which buffer shorelands from erosion by absorbing wave energy that otherwise would be expended on the toes of bluffs or dunes. Beaches that are high and wide protect shorelands from erosion more effectively than beaches that are low or narrow. Beaches also act as reservoirs of sand or other consolidated material for longshore littoral transport and offshore sandbar and shoal formation.

(7) Incorporates dunes which prevent over-topping and store sand for coastal processes. High, vegetated dunes provide a greater degree of protection than low, unvegetated ones. Dunes are of the greatest protective value during conditions of storm-induced high water. Because dunes often protect some of the most biologically productive areas as well as developed coastal areas, their protective value is especially great. The key to maintaining a stable dune system is the establishment and maintenance of beach grass or other vegetation on the dunes and assurance of a supply of nourishment sand to the dunes.

(8) Incorporates bluff areas which protect shorelands and coastal development by absorbing the often destructive energy of open water. Bluffs are a source of depositional material for beaches and other unconsolidated natural protective features.

(9) Includes natural features as identified by the State of New York and by the Town of Riverhead and that the Riverhead Town Board finds that by this regulation, the Town of Riverhead hereby retains and exercises its home rule powers.

~~B. — The adoption of this chapter has been mandated by the State of New York and by the New York State Department of Environmental Conservation. But for this mandate, this Town Board would not adopt this chapter.~~

#### **§ 12-6. Definitions.**

The following terms, as used in this chapter, have the meanings indicated, unless the context clearly requires otherwise:

~~THE PLANNING BOARD — The local official(s) responsible for administering and enforcing this chapter.~~

ACCESSORY BUILDING — building without a permanent foundation, with a maximum floor area of one hundred (100) square feet or less, a maximum height of twelve (12) feet or less, located in the rear yard in a residentially zoned area when constructed by homeowner or tenant. Said building shall not be permitted 25 feet landward limit of a bluff, five (5) feet from a property line, ten (10) feet from any other building and sixty (60) feet from a side street line and rear street line. With the exception of the removal grass groundcover no Vegetation shall be removed trimmed, cut or cleared to construct said accessory building.

BEACH -- The zone of unconsolidated earth that extends landward from the mean low-water line to the seaward toe of a dune or bluff, whichever is most seaward. Where no dune or bluff exists landward of a beach, the landward limit of a beach is 100 feet landward from the place where there is a marked change in material or physiographic form or from the line of permanent vegetation, whichever is most seaward. Shorelands subject to seasonal or more frequent overwash or inundation are considered to be "beaches."

BLUFF -- Any bank or cliff with a precipitous or steeply sloped face adjoining a beach or a body of water. The waterward limit of a "bluff" is the landward limit of its waterward natural protective feature. Where no beach is present, the waterward limit of a "bluff" is the mean low water. The landward limit is ~~25~~ 50 feet landward of the receding edge or, in those cases where there is no discernible line of active erosion, ~~25~~ 50 feet landward of the point of inflection on the top of the "bluff." The point of inflection is that point along the top of the "bluff" where the trend of the land slope changes to begin its descent to the shoreline.

COASTAL EROSION HAZARD AREA MAP -- The final map, as approved by the Riverhead Town Board, and any amendments thereof, issued by the Commissioner of the New York State Department of Environmental Conservation, which delineates the boundaries of coastal erosion hazard areas subject to regulation under this chapter.

COASTAL WATERS -- The Long Island Sound.

COASTLINE -- The lands adjacent to the town's coastal waters.

CODE ENFORCEMENT OFFICIAL — The officer or other designated authority charged with the administration and enforcement of this code, or duly authorized representative.

CONSERVATION ADVISORY COUNCIL OF THE TOWN OF RIVERHEAD — a town board appointed council consisting of (9) members, as its function, shall advise the Planning Board of the Town of Riverhead in the promotion, development, management and protection of its natural resources, and such Council shall engage in those functions authorized by the provisions of the General Municipal Law § 239-x.

DEBRIS LINE -- A linear accumulation of waterborne debris deposited by high waters on a beach.

DUNE -- A ridge or hill of loose, windblown or artificially placed earth, the principal component of which is sand.

EROSION -- The loss or displacement of land along the coastline due to the action of waves, currents, wind-driven water, waterborne ice or other impacts of storms. It also means the loss or displacement of land due to the action of wind, runoff of surface waters or groundwaters or groundwater seepage.

EROSION HAZARD AREA -- An area of the coastline which is a Regulated area or a natural protective feature area.

EROSION PROTECTION STRUCTURE -- A structure specifically designed to reduce or prevent erosion, such as a groin, jetty, revetment, breakwater or artificial beach nourishment project.

EXISTING STRUCTURE -- A structure and appurtenances in existence or one where construction has commenced or one where construction has not begun but for which a building permit has been issued prior to the effective date of this chapter.

GRADING -- A redistribution of sand or other unconsolidated earth to effect a change in profile.

MAJOR ADDITION -- An addition to a structure resulting in a 25% or greater increase in the ground area coverage of the structure, other than an erosion protection structure or a pier, dock or wharf. The increase will be calculated as the ground area coverage to be added, including any additions previously constructed under a coastal erosion management permit, divided by the ground area coverage of the existing structure, as defined in "existing structure."

MEAN LOW WATER -- The appropriate average low water level for a given body of water at a given location, determined by reference to hydrological information concerning water levels or other appropriate tests.

MOVABLE STRUCTURE -- A structure designed and constructed to be readily relocated with minimum disruption of the intended use. Mobile homes and structures built on skids or piles and not having a permanent foundation are examples of "movable structures."

NATURAL PROTECTIVE FEATURE -- A nearshore area, beach, bluff, primary dune, secondary dune or marsh, and their vegetation. (SEE DEFINITIONS HEREIN)

NATURAL PROTECTIVE FEATURE AREA -- A land and/or water area containing natural protective features, the alteration of which might reduce or destroy the protection afforded other lands against erosion or high water or lower the reserve of sand or other natural materials available to replenish storm losses through natural processes.

NEARSHORE AREA -- Those lands under water beginning at a mean low water line and extending waterward in a direction perpendicular to the shoreline to a point where the mean low water depth is 15 feet or to a horizontal distance of 1,000 feet from the mean low water line, whichever is greater.

NORMAL MAINTENANCE -- Periodic replacement or repair of same-kind structural elements or protective coatings which do not change the size, design or function of a functioning structure. A functioning structure is one which is fully performing as originally designed at the time that normal maintenance is scheduled to begin. Normal maintenance of a structure does not require a coastal erosion management permit.

PERSON -- Any individual, public or private corporation, political subdivision, government agency, public improvement district, partnership, association, firm, trust, estate or any other legal entity whatsoever.

PLANNING BOARD -- The local official(s) responsible for administering and enforcing this chapter.

**POINT OF INFLECTION** -- That point along the top of the bluff where the trend of the land slope changes to begin its descent to the shoreline.

**PRIMARY DUNE** -- The most waterward major dune where there are two or more parallel dunes within a coastal area. Where there is only one dune present, it is the "primary" one. Occasionally one or more relatively small dune formations exist waterward of the primary dune. These smaller formations will be considered to be part of the primary dune for the purposes of this chapter. The waterward limit of a primary dune is the landward limit of its fronting beach. The landward limit of the primary dune is 25 feet landward of its landward toe.

**RECEDING EDGE** -- The most landward line of active erosion or, in cases where there is no discernible line of active erosion, the most waterward line of permanent vegetation.

**RECESSION RATE** -- The rate, expressed in feet per year, at which an eroding shoreline moves landward.

**REGULATED ACTIVITY** -- The construction, modification, restoration or placement of a structure or major addition to a structure or any action or use of land which materially alters the condition of land, including grading, excavating, dumping, mining, dredging, filling or other disturbance of soil or any activity which alters or disturbs the existing natural protective features, which includes trimming and clearing of vegetation, "Regulated activity" does not include routine agricultural operations involving cultivation and harvesting or the implementation of practices recommended in a soil and water conservation plan, as defined in § 3(12) of the Soil and Water Conservation Districts Law, provided that such agricultural operations and implementation of practices will not be construed to include any activity that involves the construction or placement of a structure. "Regulated activity" does not include the restoration of a preexisting, nonconforming structure which is damaged or destroyed by events not related to coastal flooding or erosion. [Amended 10-7-2003 by L.L. No. 19-2003]

**RESTORATION** -- The reconstruction without modification of a structure, the cost of which equals or exceeds 50% of the estimated full replacement cost of the structure at the time of restoration. Modifications, however, may be allowed if they do not exceed preexisting size limits and are intended to mitigate impacts to natural protective features and other natural resources.

**SECONDARY DUNE** -- The major dune immediately landward of the primary dune. The waterward limit of a "secondary dune" is the landward limit of its fronting primary dune. The landward limit of a "secondary dune" is 25 feet landward of its landward toe.

**SIGNIFICANT FISH AND WILDLIFE HABITAT** -- Those habitats which are essential to the survival of a large portion of a particular fish or wildlife population; support rare or endangered species; are found at a very low frequency within a geographic area; support fish or wildlife populations having significant commercial or recreational value; or that would be difficult or impossible to replace.

**STRUCTURAL HAZARD AREA** -- Those shorelands located landward of natural protective features and having shorelines receding at a long-term average recession rate of one foot or more per year. The inland boundary of a structural hazard area is calculated by starting at a landward limit of the fronting natural protective feature and measuring along a line perpendicular to the shoreline a horizontal distance landward which is 40 times the long-term average annual recession rate.

**STRUCTURE** -- Any object constructed, installed or placed in, on or under land or water, including but not limited to a building or permanent shed; deck; in-ground and

aboveground pool; garage; mobile home; road; public service distribution, transmission or collection system; tank; dock; pier; wharf; groin; jetty; seawall; bulkhead; breakwater; revetment; artificial beach nourishment; or any addition to or alteration of the same.

TOE -- The lowest point on a slope of a dune or bluff.

UNREGULATED ACTIVITY -- Excepted activities that are not regulated by this chapter, which include but are not limited to elevated walkways or stairways constructed solely for pedestrian use and built by an individual property owner for the limited purpose of providing noncommercial access to the beach; docks, piers, wharves or structures built on floats, columns, open timber piles or other similar openwork supports with a top surface area of less than 200 square feet or which are removed in the fall of each year; normal beach grooming or cleanup; maintenance of structures when normal and customary and/or in compliance with an approved maintenance program; planting vegetation and sand fencing so as to stabilize or entrap sand in primary dune and secondary dune areas in order to maintain or increase the height and width of dunes; routine agricultural operations, including cultivation or harvesting, and the implementation of practices recommended in a soil and water conservation plan as defined in § 3(12) of the Soil and Water Conservation Districts Law; provided, however, that agricultural operations and implementation of practices will not be construed to include any activity that involves the construction or placement of a structure. In addition, the restoration of a preexisting, nonconforming structure damaged or destroyed by events not related to coastal flooding or erosion is considered an "unregulated activity."

VEGETATION -- Plant life capable of surviving and successfully reproducing in the area or region and which is compatible with the environment of the coastal erosion hazard area.

#### **§ 12-7. Establishment of areas; map.**

The coastal erosion hazard area is hereby established to classify land and water areas within the Town of Riverhead, based upon shoreline recession rates or the location of natural protective features. The boundaries of the area are established on the final map prepared by the New York State Department of Environmental Conservation under § 34-0104 of the New York State Environmental Conservation Law and by the Town of Riverhead, which adopts and incorporates the final map entitled "Coastal Erosion Hazard Area Map of the Town of Riverhead."

#### **§ 12-8. Permit required for regulated activities.**

No person may engage in any regulated activity in an erosion hazard area as depicted on the Coastal Erosion Hazard Area Map of the Town of Riverhead, as amended, and/or a Natural Protective Feature or Natural Protective Feature Area as defined in § 12-6 herein, without first obtaining a coastal erosion management permit. No coastal erosion management permit is required for unregulated activities.

#### **§ 12-9. Standards for issuance.**

A coastal erosion management permit will be issued only with a finding by the ~~administrator~~ Planning Board that the proposed regulated activity:

- A. Is reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the proposed activity requires a shoreline location.
- B. Is not likely to cause a measurable increase in erosion at the proposed site and at other locations.
- C. Prevents, if possible, or minimizes adverse effects on natural protective features and their functions and protective values, existing erosion protection structures and natural resources.

#### **§ 12-10. Structural hazard area restrictions.**

The following restrictions apply to regulated activities within Regulated areas:

- A. A coastal erosion management permit is required for the installation of public service distribution, transmission or collection systems for gas, electricity, water or wastewater. Systems installed along the shoreline must be located landward of the shoreline structures.
- B. The construction of nonmovable structures or placement of major nonmovable additions to an existing structure is prohibited.
- C. Permanent foundations may not be attached to movable structures, and any temporary foundations are to be removed at the time the structure is moved. Below-grade footings will be allowed if satisfactory provisions are made for their removal.
- D. No movable structure may be located closer to the landward limit of a bluff than 25 50 feet. (See bluff definitions herein).

(1) Notwithstanding the forgoing, one (1) movable accessory building without a permanent foundation, with a maximum floor area of one hundred (100) square feet or less, a maximum height of twelve (12) feet or less, located in the rear yard, shall be excepted from the provisions of Subsection 12-10 D in a residentially zoned area when constructed by homeowner or tenant. Said accessory building shall not be permitted 25 feet landward limit of a bluff, five (5) feet from a property line, ten (10) feet from any other building and sixty (60) feet from a side street line and rear street line. Said accessory building shall not require a Building Permit nor a Coastal Erosion Management Permit.

(2) With the exception of the removal grass groundcover, no Vegetation shall be removed trimmed, cut or cleared to construct said accessory building.

E. No movable structure, including an accessory building pursuant to Subsection 12-10 D(1), may be placed or constructed such that, according to accepted engineering practice, its weight places excessive groundloading on a bluff.

F. Plans for landward relocation of movable structures must be included with each application for a permit. Movable structures which have been located within a Regulated area pursuant to a coastal erosion management permit must be removed before any part of the structure is within 10 feet of the receding edge. The last owner of record, as shown on the latest assessment roll, is responsible for removing that structure and its foundation, unless a removal agreement was attached to the original coastal erosion management permit. With the attachment of a removal agreement to the coastal erosion management permit, the landowner or the signator is responsible for the landward relocation of movable structures. Removal agreements may be made when the last owner of record and the owner of the structure are different, with the approval of the Town at the time the permit is issued.

G. Debris from structural damage which may occur as a result of sudden unanticipated bluff edge failure, dune migration or wave or ice action must be removed within 60 days of the damaging event.

H. Any grading, excavation or other soil disturbance conducted within a Regulated area must not direct surface water runoff over a bluff face.

I. Dumping, filling or other disturbance of soil or any activity which alters or disturbs the existing Natural Protective Feature and/or Natural Protective Feature Areas which includes trimming and clearing of vegetation without a coastal zone management permit.

#### **§ 12-11. Nearshore area restrictions.**

The following restrictions apply to regulated activities in nearshore areas:

- A. Excavating, grading, mining or dredging which diminishes the erosion protection afforded by a nearshore area is prohibited, except construction or maintenance of navigation channels, bypassing sand around natural and man-made obstructions and artificial beach nourishment, all of which require a coastal erosion management permit.
- B. Clean sand or gravel of an equivalent or slightly larger grain size is the only material which may be deposited within nearshore areas. Any deposit will require a coastal erosion management permit.
- C. All development is prohibited in nearshore areas unless specifically provided for by this chapter.

**§ 12-12. Beach area restrictions.**

The following restrictions apply to regulated activities in beach areas:

- A. Excavating, grading or mining which diminishes the erosion protection afforded by beaches is prohibited.
- B. Clean sand or gravel of an equivalent or slightly larger grain size is the only material which may be deposited within beach areas. Any deposit will require a coastal erosion management permit, which may be issued only for expansion or stabilization of beaches.
- C. Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved, in writing, by the administrator-Planning Board
- D. All development is prohibited on beaches unless specifically provided for by this chapter.

**§ 12-13. Dune area restrictions.**

The following restrictions apply to regulated activities in dune areas:

- A. In primary dune areas:
  - (1) Excavating, grading or mining of primary dunes is prohibited.
  - (2) Clean sand of a compatible type and size is the only material which may be deposited. Any deposit requires a coastal erosion management permit.
  - (3) All deposits must be vegetatively stabilized using species tolerant of the conditions at the site and must be placed so as to increase the size of or restore a dune or dune area.
  - (4) Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved, in writing, by the administrator-Planning Board
  - (5) Nonmajor additions to existing structures are allowed on primary dunes pursuant to a coastal erosion management permit and subject to permit conditions concerning the location, design and potential impact of the structure on the primary dune.
  - (6) Stone revetments or other erosion protection structures compatible with primary dunes will only be allowed at the waterward toe of primary dunes and must not interfere with the exchange of sand between primary dunes and their fronting beaches.
- B. In secondary dune areas:
  - (1) All deposits must be clean sand of a compatible type and size, and all grading must be performed so as to increase the size of or restore a dune or former dune area.
  - (2) Excavating, grading or mining must not diminish the erosion protection afforded by them.
  - (3) Nonmajor additions to existing structures are allowed on secondary dunes pursuant to a coastal erosion management permit.
  - (4) Permitted construction, reconstruction, restoration or modifications must be built on adequately anchored pilings such that at least three feet of open space exists between

the floor joists and the surface of the secondary dune, and the permitted activity must leave the space below the lowest horizontal structural members free of obstructions.

C. All other activities and development in dune areas are prohibited unless specifically provided for by this chapter.

D. The restoration of existing structures on dune areas that are damaged or destroyed by events not related to coastal flooding or erosion may be undertaken without a coastal erosion management permit.

#### **§ 12-14. Bluff area restrictions.**

A. The following activities are prohibited on bluffs:

- (1) Excavating or mining, except when in conjunction with conditions stated in a coastal erosion management permit issued for minor alterations in construction of an erosion protection structure or for provision of shoreline access.
- (2) All development, unless specifically allowed by § 12-13 of this chapter.
- (3) Disturbance of active bird nesting and breeding areas, unless such disturbance is pursuant to a specific wildlife management activity approved through a coastal erosion management permit.
- (4) Soil disturbance that directs surface water runoff over a bluff face.
- (5) Dumping, filling or other disturbance of soil or any activity which alters or disturbs the existing Natural Protective Feature and/or Natural Protective Feature Areas which includes trimming and clearing of vegetation without a coastal zone management permit.

#### **B. Activities specifically allowed under this section are:**

- (1) Minor alteration of a bluff done in accordance with conditions stated in a coastal erosion management permit issued for new construction, modification or restoration of an erosion protection structure.
- (2) Bluff cuts done in accordance with conditions stated in a coastal erosion management permit issued for the provision of shoreline access, where:
  - (a) The cut is made in a direction perpendicular to the shoreline.
  - (b) The ramp slope may not exceed one to six (1:6).
  - (c) The side slopes may not exceed one to three (1:3) unless terraced or otherwise structurally stabilized.
  - (d) The side slopes and other disturbed nonroadway areas must be stabilized with vegetation or other approved physical means.
  - (e) The completed roadway must be stabilized and drainage provided for.
- (3) New construction, modification or restoration of walkways or stairways done in accordance with conditions of a coastal erosion management permit.
- (4) Nonmajor additions to existing structures pursuant to a coastal erosion management permit.
- (5) Trimming and clearing of vegetation in done in accordance with conditions stated in a Coastal Zone Management Permit as issued by the Town of Riverhead Planning Board.
- (6) The placement of one (1) movable accessory building without a permanent foundation, with a maximum floor area of one hundred (100) square feet or less, a maximum height of twelve (12) feet or less, located in the rear yard in a residentially zoned area when constructed by homeowner or tenant. Said accessory building shall not be permitted 25 feet landward limit of a bluff, five (5) feet from a property line, ten (10) feet from any other building and sixty (60) feet from a side street line and rear street line.

Said accessory building shall not require a Building Permit or a Coastal Erosion Management Permit.

(2) With the exception of the removal grass groundcover, no Vegetation shall be removed trimmed, cut or cleared to construct said accessory building.

C. The restoration of existing structures on bluff areas that are damaged or destroyed by events not related to coastal flooding or erosion may be undertaken without a coastal erosion management permit.

#### **§ 12-15. Erosion protection structures.**

The following requirements apply to the construction, modification or restoration of erosion protection structures:

A. The construction, modification or restoration of erosion protection structures must:

(1) Not be likely to cause a measurable increase in erosion at the development site or at other locations.

(2) Minimize and, if possible, prevent adverse effects upon natural protective features, existing erosion protection structures and natural resources, such as significant fish and wildlife habitats.

B. All erosion protection structures must be designed and constructed according to generally accepted engineering principles and demonstrate a likelihood of success in controlling long-term erosion. The protective measures must have a reasonable probability of controlling erosion on the immediate site for a minimum of 30 years.

C. All materials used in such structures must be durable and capable of withstanding inundation, wave impacts, weathering and other effects of storm conditions for a minimum of 30 years. Individual component materials may have a working life of less than 30 years only when a maintenance program ensures that they will be regularly maintained and replaced as necessary to attain the required 30 years of erosion protection.

D. A long-term maintenance program must be included with every permit application for construction, modification or restoration of an erosion protection structure. The maintenance program must include specifications for normal maintenance of degradable materials. To assure compliance with the proposed maintenance programs, a bond may be required.

#### **§ 12-16. Traffic control.**

Motorized and nonmotorized traffic must comply with the following restrictions:

A. Motor vehicles must not travel on vegetation, must operate waterward of the debris line and, when no debris line exists, must operate seaward of the line of mean high water.

B. Motor vehicle traffic is prohibited on primary dunes, except for officially designated crossing areas, and on bluffs.

C. Pedestrian passage across primary dunes must utilize elevated walkways and stairways or other specially designed dune crossing structures.

#### **§ 12-17. Applicability.**

The requirements of this chapter do not apply to emergency activities that are necessary to protect public health, safety or welfare, including preventing damage to natural resources. Whenever emergency activities are undertaken, damage to natural protective features and other natural resources must be prevented, if possible, or minimized.

#### **§ 12-18. Notification to The Planning Board.**

The The Planning Board must be notified by the person responsible for taking the emergency measures within two working days from the commencement of an emergency measure and a description of the problem and activities provided. The description must

be in written form, outline the public health or safety or resource for which protection was sought and relate the measures which were taken to secure the protection.

**§ 12-19. Improper or insufficient notification.**

If the ~~administrator-Planning Board~~ determines that a regulated activity has been undertaken without a coastal erosion management permit and does not meet the emergency activity criteria, then the ~~administrator-Planning Board~~ will order the immediate cessation of the activity. In addition, the ~~administrator-Planning Board~~ may require:

- A. Removal of any structure that was constructed or placed without a coastal erosion management permit; and
- B. The return to former conditions of any natural protective feature that was excavated, mined or otherwise disturbed without a coastal erosion management permit.

**§ 12-20. Variances.**

Strict application of the standards and restrictions of this chapter may cause practical difficulty or unnecessary hardship. When this can be shown, such standards and restrictions may be varied or modified, provided that the following criteria are met:

- A. No reasonable, prudent, alternative site is available.
- B. All responsible means and measures to mitigate adverse impacts on natural systems and their functions and values have been incorporated into the activity's design at the property owner's expense.
- C. The development will be reasonably safe from flood and erosion damage.
- D. The variance requested is the minimum necessary to overcome the practical difficulty or hardship which was the basis for the requested variance.
- E. Where public funds are utilized, the public benefits must clearly outweigh the long-term adverse effects.

**§ 12-21. Format and procedure.**

Any request for a variance must be in writing and specify the standard, restriction or requirement to be varied and how the requested variance meets the criteria of § 12-20 of this chapter. The burden of demonstrating that the requested variance meets those criteria rests entirely with the applicant.

**§ 12-22. Fees for variances.**

Each variance request must be accompanied by the required fee or fees as established by the Town legislative body under separate resolution.

**§ 12-23. Expiration.**

Any construction activity allowed by a variance granted by the Coastal Erosion Hazard Board of Review must be completed within one year from the date of approval or approval with modifications or conditions. Variances expire at the end of this one-year period without further hearing or action by the Coastal Erosion Hazard Board of Review.

**§ 12-24. Coastal Erosion Hazard Board of Review.**

The Town of Riverhead Zoning Board of Appeals is hereby designated as the Coastal Erosion Hazard Board of Review and has the authority to:

- A. Hear, approve, approve with modification or deny requests for variances or other forms of relief from the requirements of this chapter.
- B. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by The Planning Board and/or Ordinance Inspector in the enforcement of this chapter, including any order requiring an alleged violator to stop, cease and desist.

**§ 12-25. Appeal.**

The Coastal Erosion Hazard Board of Review may, in conformance with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the administrator-Planning Board, including stop or cease-and-desist orders. Notice of such decision will forthwith be given to all parties in interest. The rules and procedures for filing appeals are as follows:

- A. Appeals must be filed with the Municipal Clerk within 30 days of the date of the adverse decision.
- B. All appeals made to the Coastal Erosion Hazard Board of Review must be in writing on standard forms prescribed by the Board. The Board will transmit a copy to the Commissioner of the New York State Department of Environmental Conservation for his information.
- C. All appeals must refer to the specific provisions of this chapter involved, specify the alleged errors, the interpretation thereof that is claimed to be correct and the relief which the appellant claims.

**§ 12-26. Appeal to Court.**

Any person or persons, jointly or severally, aggrieved by a decision by the Coastal Erosion Hazard Board of Review or any officer, department or Board of the Town may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules.

**§ 12-27. Fees for permits and appeals. [Amended 12-16-2003 by L.L. No. 28-2003]**

Applications for coastal erosion management permits and appeals must be accompanied by a money order or personal check made payable to the Town of Riverhead as follows:

- A. Construction or placement of structures other than erosion-protection structures, docks, piers and wharves: \$90.
- B. Excavation, grading, mining or filling at:
  - (1) One hundred cubic yards or less: \$50.
  - (2) One hundred to 1,000 cubic yards: \$100.
  - (3) One thousand one cubic yards or greater: \$200.
- C. Dredging at:
  - (1) One hundred cubic yards or less: \$50.
  - (2) One hundred to 1,000 cubic yards: \$100.
  - (3) One thousand one cubic yards or greater: \$200.
- D. Construction or modification of docks, piers or wharves:
  - (1) Fixed docks: \$70.
  - (2) Solid-fill docks: \$100.
  - (3) Floating docks on piles or fixed dock, ramp and float combination: \$50.
- E. Construction or modification of erosion-protection structures:
  - (1) Structures not exceeding 100 linear feet: \$100.
  - (2) Structures greater than 100 linear feet: \$200.
- F. Appeal of coastal erosion permit denial: \$100.
- G. Any project or activity not described in this section: \$100.

**§ 12-28. Coastal erosion management permit.**

A coastal erosion management permit will be issued for regulated activities which comply with the general standards restrictions and requirements of the applicable sections of this chapter, provided that the following are adhered to:

- A. The application for a coastal erosion management permit must be made upon the form provided by the administrator-Planning Board and must include the following minimum information:
  - (1) A description of the proposed activity.

(2) A topographical survey drawn to a suitable scale showing the location and natural features of the proposed activity, as well as a depiction of those boundaries appearing on the approved Coastal Erosion Hazard Area Map.

(3) Any additional information the ~~administrator~~ Planning Board may require to properly evaluate the proposed activity.

B. Each application for a coastal erosion management permit:

(1) Must be accompanied by the required fee or fees as established in section §12-27 herein.

(2) Must be received by the Planning Board and shall be referred to the Conservation Advisory Council of the Town of Riverhead for an advisory report and recommendation. Such report shall be issued to the Planning Board within (62) days from the date of referral.

C. Permits will be issued by and bear the name and signature of the Chairman of and will specify:

(1) The activity or operation for which the permit is issued.

(2) The address or location where the activity or operation is to be conducted.

(3) The name and address of the permittee.

(4) The permit number and date of issuance.

(5) The period of permit validity. If not otherwise specified, a permit will expire one year from the date of issuance.

(6) The terms and conditions of the approval.

D. When more than one coastal erosion management permit is required for the same property or premises under this chapter, a single permit may be issued listing all activities permitted and any conditions, restrictions or bonding requirements. Revocation of a portion or portions of such consolidated permits will not invalidate the remainder.

E. A coastal erosion management permit may be issued with such terms and conditions as are necessary to ensure compliance with the policies and provisions of this chapter and the policies of the Town of Riverhead.

F. When an application is made for a coastal erosion management permit, a variance thereto or other form of approval required by this chapter and such activity is subject to other permit, variance, hearing or application procedures required by another federal, state or local regulatory agency pursuant to any federal, state or local law or ordinance, the Planning Director shall, at the request of the applicant, consolidate and coordinate the application, permit, variance and hearing procedures as required by each regulatory agency into a single, comprehensive hearing and review procedure. However, nothing contained in this section shall be deemed to limit or restrict any regulatory agencies which are properly a party to such a consolidated review proceeding from the independent exercise of such discretionary authority with respect to the issuance, denial or modification of such permits, variances or other forms of approval as they may have been granted by law.

#### **§ 12-29. Bonds.**

The Town may require a bond or other form of financial security. Such bond or security must be in an amount, with such surety and conditions as are satisfactory to the town, so as to ensure compliance with the terms and conditions stated in the coastal erosion management permit.

#### **§ 12-30. Duties of The Planning Board.**

The authority for administering this chapter is hereby conferred upon the ~~administrator~~ Planning Board. The ~~administrator~~ Planning Board has the power and duty to:

- A. Apply the regulations, restrictions and standards or other provisions of this chapter.
- B. Explain to applicants the map which designates the land and water areas subject to regulation and advise applicants of the standards, restrictions and requirements of this chapter.
- C. Review and take appropriate actions on completed applications.
- D. Issue and sign all approved permits.
- E. Serve as the primary liaison with the New York State Department of Environmental Conservation.
- F. Keep official records of all permits, inspections, inspection reports, recommendations, actions of the Coastal Erosion Hazard Board of Review and any other reports or communications relative to this chapter or request for information from the New York State Department of Environmental Conservation.
- G. Perform normal and customary administrative functions required by the Town Code relative in and relating to this chapter.
- H. Have, in addition, the powers and duties as are established in or reasonably implied from this chapter as are necessary to achieve its stated purpose.

**§ 12-31. Enforcement.**

The authority for enforcing this chapter is hereby conferred upon the ~~Ordinance Inspector~~ Code Enforcement Official. The ~~Ordinance Inspector~~ Code Enforcement Official has the power and duty to:

- A. Transmit written notice of violations to property owners or to other responsible persons.
- B. Perform compliance inspections.
- C. Prepare and submit reports to the ~~administrator~~ Planning Board
- D. ~~Have powers and duties as are established in or reasonably implied from this chapter as are necessary to achieve its stated purpose.~~ Post a stop order in a form approved by the Town Board. Said stop order shall be posted at the site of said violation. It shall be a further violation of this chapter to remove said stop order or to continue the use or construction specified in said stop order until the violation is corrected or adjudicated.
- E. ~~Have powers and duties as are established in or reasonably implied from this chapter as are necessary to achieve its stated purpose.~~

**§ 12-32. Interpretation.**

The provisions, regulations, procedures and standards of this chapter will be held to be the minimum requirements necessary to carry out the purposes of this chapter.

**§ 12-33. Conflicts.**

The provisions of this chapter will take precedence over any other laws, ordinances or codes in effect in the Town to the extent that the provisions of this chapter are more stringent than such other laws, ordinances or codes. A coastal erosion management permit issued pursuant to this chapter does not relieve the permit applicant from the responsibility of obtaining other permits or approvals as may be necessary nor does it convey any rights or interest in real property.

**§ 12-34. Severability.**

The provisions of this chapter are severable. If any clause, sentence, paragraph, subdivision, section or part is adjudged invalid by a court of competent jurisdiction, the effect of such order or judgment does not affect or invalidate any other provisions of this chapter or their application to other persons and circumstances.

**§ 12-35. Environmental review.**

All regulated activities are subject to the review procedures required by the New York State Environmental Quality Review Act (SEQR), Article 8 of the New York State Environmental Conservation Law. The applicant may be required to submit information necessary for compliance with SEQR in addition to information required under this chapter.

#### **§ 12-36. Penalties for offenses.**

~~A violation of this chapter is hereby declared to be an offense punishable by a fine not exceeding \$250 or imprisonment for a period not to exceed six months, or both. Each day's continued violation of this chapter will constitute a separate additional violation. For any and every violation of this chapter, the owner or general agent of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation of this chapter has been committed or shall exist, and any builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in any such violation of this chapter, shall, upon conviction thereof, be liable to a fine or penalty not exceeding \$5,000 per day from the day of discovery of the incident, continuing until an approved restoration plan is enacted, or imprisonment for a period not to exceed (6) months, or both. Nothing herein will prevent the proper local authorities of the Town from taking such other lawful actions or proceedings as may be necessary to restrain, correct or abate any violation of this chapter.~~

#### **§ 12-37. Amendment procedure.**

A. The Town Board may, on its motion or on petition or on recommendation from , amend, supplement or repeal the provisions, regulations, procedures or standards of this chapter.

B. When an amendment is duly proposed, the Town Board must:

- (1) Notify the Commissioner of the New York State Department of Environmental Conservation, in writing, of all proposed amendments and whether such amendment conforms to the minimum standards of a certified program.
- (2) Issue public notice and conduct a hearing on all proposed amendments pursuant to the Municipal Home Rule Law § 20.
- (3) Refer the proposed amendment at least 30 days prior to the public hearing, in writing, to , unless initiated thereby, for its review of the amendment and its report to the Town Board of recommendations thereon, including a full statement of reasons for such recommendations.

#### **§ 12-38. Certification by Commissioner.**

After enactment the amendment must be sent to the Commissioner of Environmental Conservation for certification.

#### **§ 12-39. Recording of amendments.**

After an amendment to this chapter has been initially reviewed and found to be in conformance by the Commissioner of the New York State Department of Environmental Conservation, has completed the public hearing process and intergovernmental review, has been finally approved and adopted by the Town Board and has been certified by the Commissioner of the New York State Department of Environmental Conservation, the Town Clerk will, as prescribed by § 27 of the Municipal Home Rule Law:

A. Record the amending local law in the Municipal Clerk's Minute Book and in the Recorded Book of Local Laws.

B. File the amending local law within five days after adoption as follows:

- (1) One copy in the Clerk's office.
- (2) One copy in the office of the State Comptroller.
- (3) Three copies in the office of the Secretary of State.
- (4) One copy with the Commissioner of the New York State Department of Environmental Conservation.

August 3<sup>rd</sup>, 2004

TOWN OF RIVERHEAD

Adopted

Resolution # 702

AMENDS SITE PLAN OF SUFFOLK 87 ASSOCIATES

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI:

**WHEREAS**, a site plan and elevations were submitted by Suffolk 87 Associates for replacement doors at an existing building located at 1101 Old Country Road, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-108-4-14.5, and

**WHEREAS**, Suffolk 87 Associates, has requested that an amendment to the aforementioned site plan be approved by the Riverhead Town Board, and

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

**WHEREAS**, this Town Board has reviewed the modification aforementioned; and

**WHEREAS**, the site plan amendment fee in the amount of \$500.00, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 2004- of the Office of the Financial Administrator of the Town of Riverhead;

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Town Board of the Town of Riverhead does amend the site plan approval of Suffolk 87 Associates as depicted by the site plan prepared by William G. Els, LS. dated June 10, 1986 and elevations prepared by Robert Steven Boshart, Jr., AIA dated May 16<sup>th</sup>, 2004.

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Suffolk 87 Associates, Attn: Robert Mileski, 86 Maple Avenue, Morristown, New Jersey, 07960, the Riverhead Planning Department, Building Department, Town Engineer, Assessors' Office, and Office of the Town Attorney.

THE VOTE

Bartunek absent yes \_\_\_ no \_\_\_ Sanders ✓ yes \_\_\_ no \_\_\_

Blass absent yes \_\_\_ no \_\_\_ Densieski ✓ yes \_\_\_ no \_\_\_

Cardinale ✓ yes \_\_\_ no \_\_\_

THE RESOLUTION ✓ WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

August 3rd, 2004

# Adopted

TOWN OF RIVERHEAD

Resolution # 703

**APPROVES SITE PLAN OF HECTOR FELIX FIGUEROA- TEMPORARY GREENHOUSE**

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

**WHEREAS**, a site plan and elevations were submitted by Hector Felix Figueroa for a temporary greenhouse located at Horton Avenue, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-48-2-1.10; and

**WHEREAS**, the Planning Department has reviewed the site plan dated July 9th, 2004 as prepared by Young and Young L.S., and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

**WHEREAS**, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a(n) Type II Action pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; and

**WHEREAS**, a copy of the site plan has been marked and initialed 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 submitted by Hector Felix Figueroa for a temporary greenhouse, located at Horton Avenue, Riverhead, New York, site plan dated July 9th, 2004, as prepared by Young and Young, L.S. 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 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 and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
7. That the use of the structure(s) approved herein shall be limited solely to agricultural production and that there shall be no retail use conducted therein; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Hector Felix Figueroa, 244 Horton Avenue, Riverhead, New York, the Riverhead Planning Department, Riverhead Building Department, and Office of the Town Attorney.

THE VOTE

Bartunek	<del>yes</del>	<del>no</del>	Sanders	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<del>yes</del>	<del>no</del>	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
			Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

## DECLARATION AND COVENANTS

**THIS DECLARATION**, made the \_\_\_\_\_ day of \_\_\_\_\_, 2004, made by Hector Felix Figueroa, residing at 244 Horton Avenue, Riverhead, New York, Declarant.

### WITNESSETH:

**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 and any restrictions imposed as a condition of the site plan approval granted herein;
3. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;

5. 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;
6. That the use of the structure(s) approved herein shall be limited solely to agricultural production and that there shall be no retail use conducted therein.

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

---

HECTOR FELIX FIGUEROA

STATE OF NEW YORK )

: ss.:

COUNTY OF SUFFOLK )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_ before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

---

NOTARY PUBLIC

August 3<sup>rd</sup>, 2004

**Adopted**

TOWN OF RIVERHEAD

Resolution # 704

**APPROVES SITE PLAN OF BILLMARK - GREENHOUSE**

**COUNCILWOMAN SANDERS** \_\_\_\_\_ offered the following resolution, which was  
seconded by **COUNCILMAN DENSIESKI** \_\_\_\_\_:

**WHEREAS**, a site plan and elevations were submitted by Billmark, LLC to construct a 27,900 sq. ft. greenhouse together with related site improvements at the southeast corner of Doctors Path and Northville Turnpike, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-65-6-10; and

**WHEREAS**, the Planning Department has reviewed the site plan dated last June 6<sup>th</sup>, 2003, as prepared by John C. Ehlers, L.S., and elevations dated March 25<sup>th</sup>, 2004, as prepared by Christopher G. Dudek, P.E. 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 an Environmental Impact Statement need not be prepared; and

**WHEREAS**, a copy of the site plan has been marked and initialed 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 Billmark, LLC for construction of a 27,900 sq. ft. greenhouse together with related site improvements located at southeast corner of Doctors Path and Northville Turnpike, Riverhead, New York, site plan dated last June 6<sup>th</sup>, 2003, as prepared by John C. Ehlers, L.S., and elevations dated March 25<sup>th</sup>, 2004, as prepared by Christopher G. Dudek, P.E. 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 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 and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
7. That the use of the structure(s) approved herein shall be limited solely to agricultural production and that there shall be no retail use conducted therein; and be it further

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

*absent* THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
			Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no

THE RESOLUTION ~~WAS~~  WAS NOT  
THEREFORE DULY ADOPTED

## DECLARATION AND COVENANTS

**THIS DECLARATION**, made the \_\_\_\_\_ day of \_\_\_\_\_, 2004, made by Billmark, LLC, residing at 67 Avery Avenue, Patchogue, New York 11772 Declarant.

### WITNESSETH:

**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 and any restrictions imposed as a condition of the site plan approval granted herein;
3. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;

5. 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;
6. That the use of the structure(s) approved herein shall be limited solely to agricultural production and that there shall be no retail use conducted therein.

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

---

BILLMARK, LLC.

STATE OF NEW YORK )

: ss.:

COUNTY OF SUFFOLK )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_ before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

---

NOTARY PUBLIC

August 3<sup>rd</sup>, 2004

# Adopted

TOWN OF RIVERHEAD

Resolution # 705

**APPROVES AMENDED SITE PLAN OF RIVERHEAD CENTRE – PAD #6**  
**HUDSON CITY SAVINGS BANK**

**COUNCILMAN DENSIESKI**

offered the following resolution,

which was seconded by **COUNCILWOMAN SANDERS** :

**WHEREAS**, a site plan and elevations were submitted by Searles, Stromski, Associates, for construction of a 6,100 sq. ft. single story structure, along with related site improvements, located at Riverhead Centre, Old County Road, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-101-02-11.1; and

**WHEREAS**, the Planning Department has reviewed the site plan dated July 28<sup>th</sup>, 2004, as prepared by Searles, Stromski, Associates and elevations dated May 24<sup>th</sup>, 2004, as prepared by Searles, Stromski, Associates; and

**WHEREAS**, the proposed floor area conforms to the maximum floor area for the premises as established by a Use Permit issued for the premises by the Riverhead Town Board by Resolution Number 572 of 2002.

**WHEREAS**, the Town Board has carefully considered the merits of the site plan application, the SEQRA record to date, the report of the Planning Department, as well as all other relevant Planning, Zoning and Environmental information; and

**WHEREAS**, a copy of the site plan has been marked and initialed 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**, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Check Number 2004 - 113455 of the Office of the Financial Administrator of the Town of Riverhead; and

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that in the matter of the site plan application of Hudson City Savings Bank, the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the Action to be Type II pursuant to 6NYCRR Part 617.

## BE IT FURTHER

**RESOLVED**, that the site plan and elevations submitted by Searles, Stromski, Associates, for construction of a 6,100 sq. ft. single story structure, located at Riverhead Centre, Old County Road, Riverhead, New York 11901, site plan dated July 28<sup>th</sup>, 2004, as prepared by Searles, Stromski, Associates, and elevations dated May 24<sup>th</sup>, 2004, as prepared by Searles, Stromski, Associates, 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 review 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. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
7. That 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 and the Code of the Town of Riverhead, 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, ING Clarion Partners, hereby authorizes and consents to the Town of Riverhead to enter premises at Old Country Road, 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. That 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 equivalent 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 all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Searles, Stromski and Associates, 131 Route 25A, Rocky Point, New York 11778, New York 11901, agents for ING Clarion Partners, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

THE VOTE

Bartunek <i>absent</i>	yes	no	Sanders <input checked="" type="checkbox"/>	yes	no
Blass <i>absent</i>	yes	no	Densieski <input checked="" type="checkbox"/>	yes	no
Cardinale <i>absent</i>	yes	no			

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

## DECLARATION AND COVENANTS

**THIS DECLARATION**, made the \_\_\_\_\_ day of \_\_\_\_\_, 2004, made by ING Clarion Partners, Declarant:

### WITNESSETH:

**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. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. 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 and the Code of the Town of Riverhead, 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, ING Clarion Partners hereby authorizes and consents to the Town of Riverhead to enter premises at Old Country Road, 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. That 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 pose 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 all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

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

---

ING Clarion Partners

STATE OF NEW YORK )

: ss.:

COUNTY OF SUFFOLK )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_ before me, the undersigned, \_\_\_\_\_ personally \_\_\_\_\_ appeared

\_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

---

NOTARY PUBLIC

Adopted

August 3<sup>rd</sup>, 2004

8-17-04

TOWN OF RIVERHEAD

RESOLUTION # 706

AMENDS SITE PLAN OF LAUNDRY PALACE

**COUNCILWOMAN SANDERS**

offered the following resolution,

which was seconded by **COUNCILMAN DENSIESKI**

WHEREAS, by Resolution #11144, dated November 20<sup>th</sup>, 2001, the Riverhead Town Board did approve construction of a 6,900 sq. ft. Laundromat, located at the southwest corner of Old Country Road (CR58) and Harrison Avenue, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-102-2-14.3 & 0600-102-3-6; and

WHEREAS, Mitchell D. Newman, agent for the Laundry Palace, has requested that a modification of said site plan approval be approved by the Riverhead Town Board as requested by Suffolk County DPW. Modifications to include 5' sidewalk on Old Country Road, 12' dedication along entire frontage of CR58, cross access to adjacent parcels and change curb cut radius to 25'; and

WHEREAS, the Planning Department has reviewed the site plan as prepared by Newman Design Group and dated July 2, 2004 and has recommended that the Town Board grant such amendment; and

WHEREAS, this Town Board has reviewed the amendment aforementioned; and

WHEREAS, the site plan fee, as required by Section 108-131 B (3) of the Code of the Town of Riverhead has been received and deposited as per Check Number 2004-3112 of the Office of the Financial Administrator.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of Riverhead does hereby amend the site plan approval of Laundry Palace as depicted by the revised site plan prepared by Newman Design Group, dated July 2nd, 2004 as redlined by the Planning Department; and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Mitchell D. Newman, agent for Laundry Palace, Newman Design Group, 210 West Rogues Path, Gold Spring Hills, New York 11743, the Riverhead Planning Department, Building Department, Town Engineer, Assessors' Office and the Office of the Town Attorney.

COUNCILWOMAN SANDERS offered the resolution to be brought off the table, seconded by COUNCILMAN DENSIESKI. All members in favor of untabling the resolution.

COUNCILWOMAN SANDERS offered the resolution with amendments, seconded by COUNCILMAN DENSIESKI.

ALL MEMBERS IN FAVOR OF ADOPTION

Tabled

Tabled

absent THE VOTE

Bartunek	yes	no	Sanders	yes	no
Blass	yes	no	Densieski	yes	no
Cardinale	yes	no		yes	no

THE RESOLUTION WAS NOT

08/04/04

# Adopted

TOWN OF RIVERHEAD

Resolution # 707

**AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE FOR PUBLIC HEARING REGARDING A LOCAL LAW TO AMEND CHAPTER 108 (ZONING) OF THE RIVERHEAD TOWN CODE (SIGNS)**

COUNCILMAN DENSIESKI

offered the following resolution,

COUNCILWOMAN SANDERS

which was seconded by \_\_\_\_\_:

**RESOLVED**, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" (Signs) of the Riverhead Town Code once in the August 12<sup>th</sup>, 2004 issue of News Review, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

**RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to the Town Board, Town Attorney, Building Department; the Riverhead; the Planning Board; Architectural Review Board, the Planning Department.

*absent* THE VOTE

Bartunek *absent*  yes  no Sanders  yes  no

Blass *absent*  yes  no Densieski  yes  no

Cardinale  yes  no

THE RESOLUTION  WAS  WAS NOT THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held on the 7<sup>th</sup> day of September at 7:15 o'clock p.m., at Wading River Congregations Church, North Country Road, Wading River, New York to hear all interested persons to consider a local law to amend Chapter 108 entitled "Zoning" (Signs) of the Riverhead Town Code.

A copy of the entire text of the proposed local law may be reviewed at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Dated: Riverhead, New York  
August 3, 2004

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD**

**BARBARA GRATTAN, Town Clerk**

§ 108-3. Definitions.

Definitions

-As used in this Section, the following terms shall have the meanings set forth herewith:

**AGRICULTURAL SIGN, SEASONAL** - a temporary sign which advertises the availability of a particular product grown on the premises;

**ANIMATED OR MOVING SIGN** - any sign or part of a sign which changes physical position by manifesting either kinetic or illusory movement or rotation occasioned by natural, manual, mechanical, electrical, or other means, or which gives the visual impression of such movement or rotation;

**AWNING, FIXED** - a non-operable, non-illuminated shelter with a semi-permanent covering of cloth or similar material on a framework, that is supported from the exterior wall of a building;

**AWNING, MOVABLE** - a temporary, operable shelter with a semi-permanent covering of cloth or similar nonrigid material on a framework, that is supported from the exterior wall of a building;

**AWNING SIGN** - a sign, that is painted on, printed on, or affixed flat against the surface of an awning;

**BACKLIT AWNING** - an internally illuminated fixed awning with graphics or copy applied to the visible surface of the awning;

**BANNER** - a promotional activity sign with words or symbols on fabric or non-rigid material with no enclosing framework;

**BULLETIN BOARD SIGN** - a sign which identifies an institution or organization on the premises of which it is located and which may contain the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages;

**CANOPY, ATTACHED** - a rigid, multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. May be illuminated by means of internal or external sources;

**CANOPY, FREESTANDING** - a rigid multi-sided structure covered with fabric, metal, or other material and supported by columns or posts embedded in the ground. May be illuminated by means of internal or external sources;

**CANOPY SIGN** - a sign affixed or applied to the exterior facing surface or surfaces of an attached or freestanding canopy;

**CHANGEABLE SIGN** - a sign whose informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means. Changeable signs include both manually and electrically activated

**COMMERCIAL OR INDUSTRIAL COMPLEX** - a group of businesses which are located on a single parcel, or on contiguous parcels under the same ownership, and which utilize common off-street parking and access;

**CONSTRUCTION SIGN** - a temporary sign which identifies the parties involved in the construction on premises and/or the proposed use of the property;

**COPY** - the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form;

**DIRECTORY SIGN** - an aggregate sign containing a list of the names of the establishments located within a commercial or industrial complex;

**ELECTRONIC MESSAGE CENTER** - a computer-programmed display of temporary messages by means of individual lamps or flippers;

**FACADE** - the entire building front including the parapet;

**FACE OF A SIGN** - the area of a sign on which the copy is placed;

**FIBER OPTICS** - thin, transparent fibers of glass or plastic that are enclosed by material of a lower index of refraction and that transmit light throughout their length by internal reflections. Fiber optics shall only be approved through the site plan process.

**FLAG** - a piece of fabric used as a symbol of a nation, group of nations, state, or any governmental agency, or any recognized nonprofit organization, or a marine signaling device. A flag, which does not conform to this definition, shall be deemed a sign and shall be subject to the restrictions for a freestanding sign;

**FLASHING SIGN** - any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever (see also, Animated Sign);

**FREESTANDING SIGN** - a sign which is displayed either directly on the ground or on a pole or other support and is supported neither wholly nor in part by a building;

**FRONTAGE, BUILDING** - the length of an outside building wall on or parallel to a public right of way;

**GOVERNMENT SIGN** - any temporary or permanent sign erected and maintained by the; City, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public, service, property, or facility;

**GRADE** - the uppermost surface of the ground directly below the sign or immediately adjacent to the support. Where the uppermost surface has been artificially raised for landscaping or other purpose, grade shall be measured from the level of the nearest curb of a public street;

**ILLEGAL SIGN** - a sign, which does not meet the requirements of this Code and which, has not received legal nonconforming status;

**ILLUMINATED SIGN** - a sign lighted by or exposed to artificial lighting, either by lamps within the sign, or by lamps directed towards the sign;

**INCIDENTAL SIGN** - a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business;

**INDIRECT ILLUMINATION** - illumination of a sign by an external light source which is shielded from direct visibility of those viewing the sign by hoods or translucent material;

INFORMATIONAL SIGN - see On-Premises Directional Sign;

INNOVATIVE SIGN - any sign that does not conform to the standards of this Section but which, in the opinion of the Architectural Review Board and the Town Board, will contribute in a positive manner to the aesthetic quality of an area due to its harmony with the design theme of the building it identifies or the area in which it is located;

INTERNAL ILLUMINATION - an artificial lighting source contained within the structure of the sign. The light is projected through a transparent or semi-opaque surface that serves as the face (fascia) of the sign, and may project onto the wall surface behind the sign;

INTERNALLY LIT BOX SIGN - a metal sign case containing a fluorescent light source within, which light source is projected through glass or plastic facing containing a message. This is not to be confused neon, channel letters, or backlit channel letters.

MAINTENANCE - for the purposes of this ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or, structure of the sign;

MARQUEE, ATTACHED - a fixed, constructed permanent canopy or rooflike structure of rigid materials which may contain a means for changeable lettering thereon, supported by and extending more than twelve (12) inches from the facade of a theater, hotel, banquet facility, or sports arena;

MARQUEE, FREESTANDING - a sign naming a facility and containing a list of the current features at a theater or a list of the current events at a hotel or banquet facility or a sports arena by means of changeable lettering;

MARQUEE SIGN - any sign attached to or supported by a marquee;

MARQUEE SPACE - an area, which is a subordinate part of a freestanding sign and which, is intended for the display of temporary messages by means of changeable lettering. (See also: Changeable Sign).

MONUMENT SIGN - a sign mounted directly to the ground with a maximum height not to exceed six (6) feet. A monument sign shall be subject to the same provisions as a freestanding sign, except for height;

MENU BOARD SIGN - a sign that is displayed for the use of "drive-thru" fast food restaurant patrons to identify the food and prices available at that facility;

NAMEPLATE - a nonelectric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants;

NEON SIGN - a sign comprised of discharge lamps of visible glass tubing illuminated by neon gas. Neon tubing which surrounds a window shall be deemed a sign pursuant to this Section;

NONCONFORMING SIGN - a sign which was legally installed under laws or ordinances in effect prior to the effective date of the ordinance codified in this title or subsequent revisions, but which is in conflict with the design and sign type provisions of this Chapter;

OFF-PREMISES SIGN - a sign that identifies or communicates a message related to an activity conducted, a service rendered, entertainment, or a commodity sold, which is not the primary activity, service, or commodity provided on the premises where the sign is located (e.g., billboards or outdoor advertising);

**OFF-PREMISES DIRECTIONAL SIGN** - a sign that indicates the actual legal name or registered trade name and/or commercial logo of any use within the Town, as well as information necessary to advise travelers where to leave the main highway so as to locate such use. Such signs shall only be permitted along a public highway;

**ON-PREMISES DIRECTIONAL SIGN** - a sign used to direct pedestrian and/or vehicular traffic to businesses and parking areas on the site where the sign is located. Such a sign may contain the name or logo of an establishment, but no advertising copy. It may contain a logo provided that the logo may not comprise more than 20% of the sign area;

**ON-PREMISES SIGN** - a sign that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold, on the premises upon which the sign is located;

**PAINTED SIGN** - a sign painted on a window or a wall, or a decal or similar application of permanent material with an adhesive surface;

**PARAPET** - the extension of a false front or wall above a roofline.

**POLITICAL SIGN** - a temporary sign indicating the name and/or picture of an individual seeking election or appointment to a public office, or relating to a proposition or change of law in a public election or referendum, or pertaining to the advocacy by persons, groups, or parties of political views or policies;

**PORTABLE SIGN** - a freestanding sign not permanently located upon a foundation, or a sign not permanently affixed to a structure or building;

**PROJECTING SIGN** - a sign not exceeding 4 inches in thickness, which is attached at a right angle from a wall or other essentially vertical plane of a building or structure, which is wholly or partly dependent upon the building for support, and which projects more than 12 inches from said building;

**REAL ESTATE SIGN** - a temporary sign which advertises the availability of the subject premises, or a portion thereof, for sale, rental, or lease;

**ROOF SIGN** - a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects in whole or in part, above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or above the eave line of a building with a real or applied mansard roof

**ROOFLINE** - the top edge of a roof or building parapet, whichever is higher, excluding any mansards cupolas, pylons, chimneys, or minor projections

**SHOPPING CENTER** - a group of at least three retail businesses which function as an integral unit on a single parcel or on contiguous parcels under the same ownership and which utilize common off-street parking, access, and aesthetic considerations;

**SIGN** - any object, device, display, or structure, including a flag, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images, together with a framework, background, material structure, component parts, and bracing materials;

**SIGN AREA** - the area of a sign shall be the entireface of a sign including the advertising surface and any framing, trim, or molding. The area of any sign lacking clear and distinct borders shall be determined by the smallest rectangle that encompasses all of the letters and/or symbols that make up the sign, together with the area outside that rectangle of a different color or material than the general finish of the building or window, whether painted or applied. In the case of lettering and/or symbols applied or painted upon the natural color of the building, or on a window, the area of the sign is that smallest rectangle encompassing

all of the lettering and/or symbols plus twenty (20) percent of that area. The support pole(s) of a freestanding sign shall not be calculated in the area of such a sign, provided there is no written advertising copy on said poles;

**SIGN PERMIT** - a permit required pursuant to the provisions of this Chapter;

**SIGNABLE AREA** - for individual wall signs shall be the area of one rectangle on a wall, within the respective height limits set forth, which is unbroken by major architectural features such as doors, windows, columns, or architectural protrusions. Only one signable area is permitted per building elevation per business. Only the portion of the building that is occupied by the business shall be used in calculating the signable wall area. A business fronting onto more than one public right-of-way may not combine permitted signable area for one wall with that of another wall for the purpose of placing the combined area, or any part of the combined area, on one wall. The signable area for window signs shall be determined by the Architectural Review Board through the sign permit process.

**SOFFIT SIGN** - a sign affixed to the underside of a roof overhang, and perpendicular to the wall, adjacent to a store or a commercial premise.

**STREET FRONTAGE** - the length of the site upon which a business is located that abuts a public right-of-

**STREET FURNITURE** - man-made, above ground items that are usually found in street rights-of-way, including such items as benches, landscaping walls, newsracks, newsstands, trash receptacles, phone booths, and the like;

**SUBDIVISION IDENTIFICATION SIGN** - a freestanding or wall sign identifying a filed subdivision, condominium complex, or residential development;

**SUPER-GRAPHICS** - a painted, applied, neon, or mosaic sign which covers all or a major portion of a building facade when utilized to advertise a product or service available on the site or to identify the building. Super-graphics shall only be approved through the site plan process;

**TEMPORARY SIGNS** - a sign of cloth, paper, canvas, fabric, plywood, or other light material, designed to be displayed for a short period of time with the intent to remove such sign upon the expiration of the time period (See also: Banner);

**WALL SIGN** - a sign fastened to or painted on an exterior wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign. A wall sign shall not project above the height of the building wall face. Said height shall be the vertical distance from the average level of the ground surrounding the building to the lowest point of the roof. Such a sign may not project more than twelve inches beyond the vertical plane of the buildings, nor shall it contain copy on the sides or the edges, or it shall be considered as a projecting sign;

**WINDOW SIGN** - a permanent sign, which is painted in, applied, or attached to, the interior side of a window or glass doors, or which is inside a window and mounted within three feet of a window.

## § 108-56. Signs.

### Purpose

It is the express purpose of this Section to regulate existing and proposed signs in order to: perpetuate the open character and rural appearance of the Town; promote good community planning and a positive aesthetic environment; protect property values; recognize the economic importance and attractiveness of properly-sited and well-designed signs; preserve the historic character and architectural heritage of the Town; provide a more enjoyable and pleasing community; coordinate the type, placement and scale of signs within the various zoning use districts to recognize the commercial communication requirements of all sectors of the business community; reduce distraction and obstructions which may cause motorists confusion, impair visibility, and lead to accidents; reduce hazards that may be caused by signs overhanging, projecting into, or otherwise obstructing public rights-of-way; avoid detracting from the legitimate identification of businesses, street names, or street numbers. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs.

Formatted: Justified, Right: 0",  
Tabs: 5.5", Left

A. The following signs are permitted in any use district with a permit:

(1) One (1) real estate sign not exceeding eight (8) square feet in area, except that a filed subdivision may have a sign not exceeding twenty-four (24) square feet, advertising the sale or lease of the premises on which it is erected and set back not less than twenty-five (25) feet from any side line and fifteen (15) feet from the front and rear property line.

(2) Nameplates and professional signs.

(a) One (1) nameplate or professional sign not exceeding two (2) square feet in area, bearing only the name and profession and/or occupation of the resident and set back not less than twenty-five (25) feet from any side line and five (5) feet from the front and rear property line.

(b) One (1) professional association or professional corporation sign, not exceeding five (5) square feet in area, bearing only the name and profession and/or occupation of the resident professional association or corporation and set back not less than twenty-five (25) feet from any side line and five (5) feet from the front and rear property line. Members of the professional association or corporation may attach a nameplate, bearing only their name, not exceeding two (2) square feet in area, to the professional association or corporation sign. When a professional association or corporation sign has been erected pursuant to this subsection, a member of the professional association or corporation

## § 108-56. Signs.

### Purpose

It is the express purpose of this Section to regulate existing and proposed signs in order to: perpetuate the open character and rural appearance of the Town; promote good community planning and a positive aesthetic environment; protect property values; recognize the economic importance and attractiveness of properly-sited and well-designed signs; preserve the historic character and architectural heritage of the Town; provide a more enjoyable and pleasing community; coordinate the type, placement and scale of signs within the various zoning use districts to recognize the commercial communication requirements of all sectors of the business community; reduce distraction and obstructions which may cause motorists confusion, impair visibility, and lead to accidents; reduce hazards that may be caused by signs overhanging, projecting into, or otherwise obstructing public rights-of-way; avoid detracting from the legitimate identification of businesses, street names, or street numbers. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs.

Formatted: Justified, Right: 0",  
Tabs: 5.5", Left

A. The following signs are permitted in any use district with a permit:

(1) One (1) real estate sign not exceeding eight (8) square feet in area, except that a filed subdivision may have a sign not exceeding twenty-four (24) square feet, advertising the sale or lease of the premises on which it is erected and set back not less than twenty-five (25) feet from any side line and fifteen (15) feet from the front and rear property line.

(2) Nameplates and professional signs.

(a) One (1) nameplate or professional sign not exceeding two (2) square feet in area, bearing only the name and profession and/or occupation of the resident and set back not less than twenty-five (25) feet from any side line and five (5) feet from the front and rear property line.

(b) One (1) professional association or professional corporation sign, not exceeding five (5) square feet in area, bearing only the name and profession and/or occupation of the resident professional association or corporation and set back not less than twenty-five (25) feet from any side line and five (5) feet from the front and rear property line. Members of the professional association or corporation may attach a nameplate, bearing only their name, not exceeding two (2) square feet in area, to the professional association or corporation sign. When a professional association or corporation sign has been erected pursuant to this subsection, a member of the professional association or corporation

may not erect a separate professional sign enumerated in § 108-56A(2)(a) on the same premises.

(3) Temporary signs not exceeding eight (8) square feet in area, bearing only the name and occupation of the contractor or architect and set back not less than twenty-five (25) feet from any side line and fifteen (15) feet from the front and rear property line. Such signs are permitted only during the period of construction of a building or structure.

B. Permitted signs in business, farm or industrial use districts without a permit. [Repealed 5-17-1977]

C. [Amended 5-17-1977; 3-6-1979; 7-3-1979; 8-20-1985] The following signs are permitted in any business or industrial use district with a permit by the Riverhead Town Board:

(1) One (1) wall sign per building wall face displayed, attached to or incorporated in a building wall face. Wall signs shall not project more than twelve (12) inches beyond the face of the wall and shall not exceed the height of said building wall face. Said height shall be the vertical distance from the mean level of the ground surrounding the building to the lowest point of the roof. One (1) sign, either or wall, in area shall not exceed twenty-five percent (25%) of the total area of the building wall face. "Building wall face" shall include any area occupied by doors or windows. No or wall sign shall extend beyond the exterior dimensions of the structure to which it is attached. The and wall signs set forth in the following diagram are deemed to comply with the provisions of this subsection. EN On multiple-story buildings, each tenant shall be permitted one (1) wall sign displayed on the wall face of the story occupied by that tenant, such that on multistory buildings there may be more than one (1) wall sign per building wall face, but the aggregate area of all such signs shall not exceed the twenty-five-percent of the total wall area of the. (2) Specifically permitted and exempt from Subsection C(1) above are all signs displayed, attached to or incorporated on a window which are of a temporary nature not exceeding a time period of two (2) weeks, covering not more than twenty-five percent (25%) of the window area or seasonal agricultural sign.

(3) The area of a wall or window sign shall be determined by measuring the smallest rectangle that encompasses all of the letters or borders or symbols that make up the sign, whether painted or applied. [Signs are defined for Subsection C(1) and (2) above only]

(4) Interiorly lit, lightbox-type signs shall be prohibited in the Business DC Zoning Use Districts. [Added 10-6-1987]

Deleted: roof or

Deleted: roof

Deleted: Additional signs, either roof or wall, in area shall not exceed ten percent (10%) of the total area of the building wall face or a maximum of eighty (80) feet, whichever is less

Deleted: roof

Deleted: roof

Deleted: no

Deleted: said

Deleted: and ten-percent provisions heretofore set forth in this subsection

Deleted: ¶  
¶

Deleted: , together with the area outside the rectangle of a different color or material other than the general finish of the building or window,

Deleted: Classification

(5) [Added 3-1-1994] A temporary business sign may be permitted in any business or industrial use district with a permit from the Riverhead Town Board without referral to the Architectural Review Board if it meets the following conditions:

- (a) On premises.
- (b) No more than one hundred (100) square feet in total area.
- (c) Not exceeding fifteen (15) feet in vertical height from the mean land of the ground surrounding the sign. Said height may be varied by the Town Board in order to prevent an obstruction to visibility.

(d) Said temporary sign permit shall be for a duration of three months. Upon written request of the applicant, a three month extension of the duration of the temporary sign permit may be granted at the sole and absolute discretion of the Town Board. Any extension of the duration of a temporary sign permit shall require a written acknowledgement from at least three members of the Town Board and shall not require the adoption of a resolution of the Town Board. In the event that the sign is not removed after the expiration of the permit, the Town Board shall be authorized to remove the sign at the owner's sole expense and which shall constitute a lien against the property.

Deleted: set

(f) A temporary sign permit may be issued by the Building Department upon receipt of written acknowledgment from at least three members of the Town Board. Such acknowledgement shall not require the adoption of a resolution by the Town Board.

D. The following signs are permitted in any residence use district upon the issuance of a permit therefor. [Repealed 1-20-1976]

E. The following signs are permitted in any farm use district upon the issuance of a permit therefor. [Repealed 1-20-1976]

F. The following signs are permitted in any business or industrial use district upon the issuance of a permit therefor. [Repealed 1-20-1976]

G. The following signs are permitted in all use districts, except residence use districts, upon the issuance of a nonrenewable permit therefor for which no fee will be charged. [Repealed 5-17-1977]

H. Signs for which a permit is required shall have affixed on the face thereof the assigned permit number, which shall be at least two (2) inches in height.

Formatted: Underline

Deleted: . [Repealed 5-17-1977]¶

I. [Amended 1-20-1976; 5-17-1977] The following signs are permitted in any nonresident use district upon the issuance of a permit therefor:

(1) One (1) freestanding, nonflashing, nonmoving, on-premises sign, not exceeding thirty-two (32) square feet in sign area and not exceeding ten (10) feet in vertical height from the mean land of the ground surrounding the sign. Said sign shall be twenty-five (25) feet from each side and fifteen (15) feet from the front and/or rear property line. [Amended 8-20-1985; 9-16-1986]

(2) For the purpose of this section, double-sided signs shall be treated as one (1) sign. [Amended 8-20-1985]

(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-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 (1) sign, pursuant to the provisions of this section, the marquee portion of such sign shall remain thirty-two (32) square feet. [Added 3-6-1979; amended 5-7-1991 by resolution]

J. Anything to the contrary in this chapter notwithstanding, any nonconforming billboard or flashing or moving sign other than a time and temperature display permitted by the Town Board of the Town of Riverhead in accordance with the further provisions of this chapter, wherever located, shall become an unlawful structure on January 20, 1979, and shall thereupon be removed. [Added 1-20-1976; amended 5-17-1977]

K. Any owner of any such nonconforming sign who alleges that the period herein provided for amortization of such sign is unreasonable as to a particular sign may apply to the Zoning Board of Appeals for an extension of time for amortization of such sign. [Added 1-20-1976; amended 11-8-1978; 4-3-1979]

L. Any sign not included in Subsection J above but violative of any section of this chapter, wherever located, shall become an unlawful structure on January 20, 1979, and shall thereupon be removed. [Added 5-17-1977; amended 11-8-1978]

M. If any sign described in Subsection J or L above is not removed in accordance with the above provisions, the Town of Riverhead is empowered to remove said sign and bill and collect the expense of removal from the appropriate parties, including but not limited to the owner of the sign, the owner of the real property upon which the sign is located, the lessee of the real property upon which the sign is located, the lessee of the sign owner or any other interest holder. [Added 5-17-1977]

N. Shopping center signs. [Added 5-17-1977]

(1) Each shopping center shall, as a whole, be allowed one (1) freestanding directory sign on the premises to be used for the exclusive purpose of notifying the public of the names of the various business establishments located within the shopping center. No advertising of any sort shall be allowed on such sign other than to identify the shopping center itself. Said sign shall not exceed ~~twenty~~, (20) feet in height, measured from the top of said sign to the mean level of the ground surrounding the support of said sign. Each business establishment name shall occupy no more than ~~sixteen~~, (16) square feet in total area. An additional portion of said sign may identify the shopping center itself but may not exceed thirty-two (32) square feet. Said sign shall comply with all other applicable sections of this Code. [Amended 12-6-1977; 3-6-1979]

- Deleted: thirty
- Deleted: five
- Deleted: 35
- Deleted: ten
- Deleted: 0

(2) A permit issued by the Building Inspector shall be required for each shopping center directory sign erected or maintained pursuant to this section. The application for said permit must contain an architect's drawing of said directory sign as well as a survey indicating the dimensions of said sign, its location and setbacks. The Building Inspector shall refer said applications, drawing(s), survey(s) and other supporting papers to the Town Board for its approval and recommendations. No such permit shall be issued until the Town Board has reviewed and approved said plans.

(3) The term "directory sign" shall mean any sign containing a list of names of business establishments located within a shopping center. EN

O. [Added 5-17-1977] A time-temperature display may be permitted in commercial Zoning Use Districts, only by special permit of the Town Board if it meets the following conditions:

- Deleted: Business D
- Deleted: (General Business)

- (1) On premises.
- (2) Attached to the building wall.
- (3) No more than thirty-two (32) square feet in total area.
- (4) No more than two (2) colors inclusive of background color of building wall.
- (5) A minimum time interval of five (5) seconds between flashed readings of time and temperature.
- (6) Three hundred (300) lineal feet from any existing time and temperature display.

P. Off-premises directional signs. [Added 12-6-1977; amended 3-6-1979; 7-3-1979; 5-7-1996]

(1) One (1) standardized off-premises directional sign, in accordance with the further provisions of this subsection, may be allowed per applicant, based upon the necessity for said off-premises directional sign as shown by the applicant. Upon showing of undue

hardship, the Town Board may allow one (1) additional directional sign, but under no circumstances shall more than one (1) additional sign be allowed, nor shall any two (2) signs bearing the same information face the same lane of traffic.

(2) Off-premises directional signs shall be a maximum of twelve (12) inches in height and forty-eight (48) inches in width. They shall be constructed of three-fourths-inch exterior-grade plywood with black paint on all edges and on the reverse side. The face of the sign shall consist of white reflective Helvetica Medium lettering on Ronan Dark Blue (also known as "Riverhead Town Blue") background with a three-fourths-inch white nonreflective border set one (1) inch within the edges of the sign. Commercial logos may be displayed in the customary colors.

(3) A maximum of two (2) lines of copy shall be permitted. Where two (2) lines are used, one (1) line shall be four (4) inches in height and one (1) line shall be two and one-half (2 1/2) inches in height. A white arrow, either vertical or diagonal and pointing in the general direction to be followed, shall display distances therein, stated to the nearest mile. Where the stated distance would be less than one (1) mile, it shall be omitted. Arrows pointing to the right of vertical shall be on the right side of the sign, and arrows pointing left of vertical shall be on the left side of the sign, as appropriate. Businesses to the left shall appear above businesses to the right. Where more than one (1) business lies in the same direction, those closer than appear above those more distant.

(4) Posts shall be four-by-four-inch ACQ or similar lumber, painted white, with pointed tops. Two (2) posts shall support each sign installation. Said posts shall be eight (8) feet in height from the average grade of the ground surrounding the sign. The initial advertiser shall provide and maintain said posts and may enter into an agreement with subsequent advertisers for continued maintenance. Signs constructed with direct or indirect illumination must obtain an electrical permit and inspection pursuant to Chapter 52 of the Town Code of the Town of Riverhead.

Deleted: CCA

(5) A maximum of three (3) business signs shall be permitted on each sign installation. The top of the uppermost sign shall be set six (6) inches below the top of the posts. Signs shall be spaced three (3) inches apart.

(6) There shall be no exclusive right to any location. An advertiser shall not prohibit subsequent advertisers which have obtained necessary approvals.

(7) Where more than one (1) installation is permitted within close proximity, said installations shall be no closer than two hundred (200) feet apart.

(8) Off-premises directional signs shall be located as follows and shall be subject to the prior approval, in writing, of the New York State Department of Transportation, the Suffolk County Department of Public

Works, the Riverhead Superintendent of Highways or the owner of private property, as applicable:

(a) All signs shall be set back at least fifteen feet from the pavement or five feet from the sidewalk, whichever is greater. Under no circumstances shall the sign be placed in the public right of way.

(b) The sign shall face the flow of traffic nearest it.

(c) Not less than two hundred (200) feet approaching and two hundred (200) feet beyond a traffic control or device, railroad grade crossing, or public highway intersection with a federal, state or county route.

(d) Not less than one hundred (100) feet approaching and one hundred (100) feet beyond town highway intersections.

(9) In its deliberation of the permit, public safety, including but not limited to visibility of and by motorists as well as pedestrians relative to the proposed sign location, shall be a primary consideration.

(10) The town may establish in any zoning use district special public information centers, wherein directional signs may be located.

Q. Mobile signs. Mobile signs standing on the ground or attached to vehicles or trailers shall be prohibited, except signs painted on registered vehicles identifying the owner and utilized in the conduct of such business. Vehicles or trailers may not be used primarily for on- or off-premises advertising. [Added 3-6-1979]

R. A theater marquee, i.e., a canopy with lettering thereon, extending more than one (1) foot from a theater is specifically permitted. [Added 3-6-1979]

S. A soffit sign, i.e., a sign affixed to the underside of a roof overhang adjacent to a store or other commercial premises, is allowed, provided that said sign does not exceed eight by thirty-six (8 x 36) inches. [Added 3-6-1979]

T. Political signs. A political sign may be a sign, poster, banner or other promotional device relating to a general, primary or special election, as the same are defined in the Election Law of the State of New York. Political signs shall be allowed on premises within the Town of Riverhead for a period not to exceed sixty (60) days from the date of the posting of the bond provided for herein. All political signs shall conform in terms of size, location, setback and all other conditions as may be set forth in the further provisions of this chapter. Prior to displaying any political sign, a bond in the sum of one hundred dollars (\$100.) per candidate must be posted with the Town Clerk. Said bond shall

**Deleted:** Where there is no curb or sidewalk: six (6) feet from the outside shoulder of the highway, but not less than eight (8) feet from the pavement to the near edge of the sign. ¶

(b) . Where there is a curb but no sidewalk: four (4) feet from the curb to the near edge of the sign. ¶

(c) . Where there is a curb and sidewalk: two (2) feet from the inside edge of the sidewalk to the near edge of the sign.

**Deleted:** d

**Deleted:** e

**Deleted:** f

**Deleted:** (10) . An annual renewal fee of fifty dollars (\$50.) shall be required as a condition of the permit. Said fee shall constitute a guaranty on the part of the applicant that the sign shall be maintained in good repair.

**Deleted:** 1

guarantee compliance with the provisions of this subsection. Written permission of the owner of any land used for political signs must be obtained prior to erection of the sign. No political sign may be erected or maintained on or in a public right-of-way or upon utility poles. The existence of political signs in violation of these provisions relating to private property, public rights-of-way or utility poles shall act to forfeit the aforesaid bond and to allow the town to remove said signs. [Added 3-6-1979]

U. The town may establish in any district special public information centers wherein directional signs approved by the Town Board may be located. [Added 3-6-1979]

V. Any sign permitted in this town must relate to an existing on-going business. Accordingly, any sign remaining after the expiration of a business shall be removed within ninety, (90) days from said demise. After said ninety, ninety day period, said sign shall be in violation and, if not removed, the town shall remove same and the cost of said removal shall be attributed to the owner of said sign and/or premises. [Added 3-6-1979]

Deleted: one hundred eighty

Deleted: 180

Deleted: one-

Deleted: hundred-

Deleted: eighty-day

W. Historic signs, pursuant to the provisions of § 108-3; special permit. The Zoning Board of Appeals may find that a particular sign is a historic sign. In making such a finding, the Zoning Board must find that the proposed sign is of significant historic quality in terms of age or design or by reason of its relationship to an historic renovation project. The Zoning Board of Appeals, pursuant to its special permit powers, may allow the construction, repair and maintenance of historic signs upon such terms as may be just and proper in addition to, or to the exclusion of, any other signs permitted by this Code. [Added 3-6-1979]

X. Projecting signs. A sign, extending not more than two (2) feet, perpendicular to a wall face, not lower than seven and one-half (7 1/2) feet from the ground and not higher than fifteen (15) feet from the ground and no larger than eight (8) square feet. Such signs may be double-faced, but may not exceed four (4) inches in depth. [Added 7-3-1979]

Y. Nonconforming signs. [Added 10-2-1979]

(1) Any wall sign, on-premises freestanding sign, shopping center sign, off-premises directional sign or projecting sign legally existing on that effective date of §108-56 of the Town Code of the Town of Riverhead or any section replacing or superceding that section, may be continued, although such sign does not thereafter conform to the regulations of the district in which it is located.

Deleted: roof or

Deleted: January 20, 1976

(2) No nonconforming use may be reestablished where such nonconforming use has been discontinued for a period of six (6) months.

(3) Nothing in this chapter shall prevent the complete restoration within six (6) months of a sign destroyed by an accidental cause such as fire, flood, explosion, riot, act of God or act of the public enemy. Such restored sign shall not exceed the dimensions of the sign destroyed.

Z. [Added 6-18-1991; amended 6-2-1992; 11-2-1992] Computerized electronic message and time/temperature centers shall be permitted by special permit of the Town Board in the \_\_\_\_\_ (new district names) \_\_\_\_\_ Districts only and shall be subject to the following conditions:

- (1) On-premises only.
- (2) Freestanding, accessory to and incorporated within the main sign structure, subject to the following conditions:
  - (a) Freestanding sign: no more than thirty (30) square feet in total area, and an aggregate square footage of all signs on the sign structure shall not exceed fifty (50) square feet.
  - (b) Freestanding directory sign: no more than thirty (30) square feet in total area, and an aggregate square footage of the computerized electronic message center and the shopping center identification shall not exceed fifty (50) square feet. Each business establishment name shall be permitted, in addition to the fifty (50) square feet, no more than ten (10) square feet in total area.
- (3) Minimum display necessary to convey intended message.
- (4) A minimum of three hundred (300) linear feet from any other existing computerized electronic message center.
- (5) No horizontal traveling or vertical scrolling moving messages, animation or graphics shall be permitted.
- (6) A minimum time interval of five (5) seconds between flashed readings of a message.
- (7) The total number of computerized electronic message centers shall not exceed one (1) computerized electronic message center for each directory or freestanding sign at the premises.
- (8) At no time shall both a marquee and an computerized electronic message center be permitted on the same premises.
- (9) Signs are to be subject to Architectural Review Board review and recommendation.

**Deleted:** Business B, Business C (with the exceptions of Route 25 and the Hamlet of Wading River), Office/Service and Business E Highway Commercial/Service Zoning Use

§108-56.1. Penalties for offenses for violations of §108-56:  
In accordance with the provisions of §108-78, any sign installed without the benefit of a permit shall be punishable with a penalty not to exceed One thousand (\$1000.) Dollars. Further, as provided in §52-10 E, application fees shall be tripled for any sign erected without the required permit.

**Deleted:** § 108-56.1. Penalties for offenses against sign provisions. [Added 10-19-1993; amended 8-2-1994]¶  
Any sign installed without benefit of a sign permit pursuant to § 108-56 of the Riverhead Town Code shall be charged a civil penalty of five hundred dollars (\$500.) in addition to the sign permit and application fee as specified in § 52-10 of the Riverhead Town Code. Said civil penalty shall be due and payable upon application for a sign permit.

8/3/04

# Adopted

TOWN OF RIVERHEAD

Resolution # 708

**APPROVES CHAPTER 90 APPLICATION OF DOROTHY MUMA (Breast Cancer H. E. L. P. Benefit to be Held at 1984 Roanoke Ave)**

COUNCILWOMAN SANDERS offered the following resolution, was seconded by

COUNCILMAN DENSIESKI :

**WHEREAS**, Dorothy Muma has submitted a Chapter 90 Application for the purpose of conducting a Breast Cancer H. E. L. P. benefit having approximately 90 guests in attendance to be held at 1984 Roanoke Ave, Riverhead, New York, between the hours of 10:00 a.m. and 6:00 p.m. on Sunday, August 8, 2004; and

**WHEREAS**, a certificate of insurance has been received naming the Town of Riverhead; and

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

**NOW THEREFORE BE IT RESOLVED**, that the application of Dorothy Muma for the purpose of conducting a Breast Cancer H. E. L. P. benefit having approximately 90 guests in attendance to be held at 1984 Roanoke Ave, Riverhead, New York, between the hours of 10:00 a.m. and 6:00 p.m. on Sunday, August 8, 2004 is hereby approved; and be it further

**RESOLVED**, that a fire safety inspection by the Town Fire Marshal is required prior to the commencement of this event. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 209, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Dorothy Muma, 1984 Roanoke Ave, Riverhead, New York, 11901; Source Water Co., Inc. DBA: Tweeds Restaurant and Buffalo Bar, c/o Edwin Tuccio 193 Griffing Avenue, Riverhead, New York, 11901; the Riverhead Fire Marshal; the Riverhead Police Department and the Office of the Town Attorney.

THE VOTE

Bartunek absent ~~yes~~ ~~no~~ Sanders  yes  no

Blass absent ~~yes~~ ~~no~~ Densieski  yes  no

Cardinale  yes  no

THE RESOLUTION  WAS  WAS NOT THEREFORE DULY ADOPTED

**Adopted**

8/3/04

TOWN OF RIVERHEAD

Resolution # 709

**APPROVES CHAPTER 90 APPLICATION OF RAILROAD MUSEUM OF LONG ISLAND**

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

**WHEREAS**, Railroad Museum of Long Island has submitted a Chapter 90 Application for the purpose of conducting a festival, which will include an amusement park train, inflatable trampoline and model train displays and exhibits to be located at 416 Griffing Avenue, Riverhead, New York on August 28<sup>th</sup> and 29<sup>th</sup>, 2004 between the hours of 10:00 a.m. and 4:00 p.m.; and

**WHEREAS**, the applicant has requested the application fee be waived due to its not-for-profit status; and

**WHEREAS**, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

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

**NOW THEREFORE BE IT RESOLVED**, that the application of Railroad Museum of Long Island for the purpose of conducting a festival, which will include an amusement park train, inflatable trampoline and model train displays and exhibits to be located at 416 Griffing Avenue, Riverhead, New York on August 28<sup>th</sup> and 29<sup>th</sup>, 2004 between the hours of 10:00 a.m. and 4:00 p.m., is hereby approved; and be it further

**RESOLVED**, that the Town Board of the Town of Riverhead hereby waives the application fee for this event; and be it further

**RESOLVED**, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 209, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Railroad Museum of Long Island, P.O. Box 726, Greenport, New York, 11944; the Riverhead Fire Marshal and Chief Hegermiller, Riverhead Police Department.

W:\Laura Calamita\chap90\RRMuseum.res.doc

**THE VOTE**

Bartunek	<u>absent</u>		
Blass	<u>yes</u>	<u>no</u>	Sanders <input checked="" type="checkbox"/> <u>yes</u> <input type="checkbox"/> <u>no</u>
	<u>yes</u>	<u>no</u>	Densieski <input checked="" type="checkbox"/> <u>yes</u> <input type="checkbox"/> <u>no</u>
			Cardinale <input checked="" type="checkbox"/> <u>yes</u> <input type="checkbox"/> <u>no</u>

**THE RESOLUTION  WAS  WAS NOT THEREFORE DULY ADOPTED**

8/3/04

# Adopted

TOWN OF RIVERHEAD

Resolution # 710

**APPROVES CHAPTER 90 APPLICATION OF BOBBY GINSBERG**  
**(HORSE SHOWS)**

**COUNCILWOMAN SANDERS**

\_\_\_\_\_ offered the following resolution, was seconded by

**COUNCILMAN DENSIESKI**  
\_\_\_\_\_ :

**WHEREAS**, Bobby Ginsberg has submitted a Chapter 90 Application for the purpose of conducting three (3) horse shows to be held at the Abbess Farm, Rte. 25, Calverton, New York, between the hours of 7:30 a.m. and 6:00 p.m., on the following dates:

- August 12<sup>th</sup> through 14<sup>th</sup>, 2003
- August 19<sup>th</sup> through 21<sup>st</sup>, 2004
- August 24<sup>th</sup> through 28<sup>th</sup>, 2004; and

**WHEREAS**, three certificates of insurance naming the Town of Riverhead as an additional insured has been received; and

**WHEREAS**, the Town Attorney of the Town of Riverhead has reviewed all documents including the certificates of insurance regarding said application.

**NOW THEREFORE BE IT RESOLVED**, that the application of Bobby Ginsberg for the purpose of conducting three (3) horse shows to be held at the Abbess Farm, Rte. 25, Calverton, New York, between the hours of 7:30 a.m. and 6:00 p.m. on the aforementioned dates is hereby approved; and be it further

**RESOLVED**, that this approval is **subject to** receipt of a notarized statement and collection of fee if required from the property owner of Abbess Farm authorizing these events to take place on their property on the aforementioned dates no later than August 9, 2004; and be it further

**RESOLVED**, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 209, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

**RESOLVED**, that the applicant shall supply appropriate emergency medical personnel for the

operational period of the event; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Bobby Ginsberg, P.O. Box 1355, Bridgehampton, New York, 11932; Bruce Johnson, Riverhead Fire Marshal and Chief Hegermiller, Riverhead Police Department.

**THE VOTE**  
Bartunek <sup>absent</sup> ~~yes~~ \_\_\_ no \_\_\_ Sanders  yes \_\_\_ no \_\_\_  
Blass <sup>absent</sup> ~~yes~~ \_\_\_ no \_\_\_ Densieski  yes \_\_\_ no \_\_\_  
Cardinale  yes \_\_\_ no \_\_\_  
THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

8/3/04

# Adopted

TOWN OF RIVERHEAD

Resolution # ~~711~~

**AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER THE DESIGNATION OF CERTAIN STRUCTURE(S) AS A LANDMARK PURSUANT TO CHAPTER 73 ENTITLED, "LANDMARKS PRESERVATION" OF THE RIVERHEAD TOWN CODE (SUFFOLK THEATER, GANDALF HOUSE & HOWELL HOUSE)**

**COUNCILMAN DENSIESKI**

\_\_\_\_\_ offered the following resolution,

which was seconded by **COUNCILWOMAN SANDERS** \_\_\_\_\_:

**WHEREAS**, pursuant to Article IV of Chapter 73 of the Riverhead Town Code, a procedure exists for designation of landmarks; and

**WHEREAS**, the Town Board of the Town of Riverhead desires to have the Suffolk Theater, the Gandalf House and the Howell House attain landmark status and have submitted the appropriate applications to the Landmarks Preservation Commission for consideration; and

**WHEREAS**, proper notice of receipt of these applications have been given to the owners of all property located within two hundred fifty (250) feet of the exterior boundary lines of the subject parcel; and

**WHEREAS**, the Landmarks Preservation Commission has carefully considered the merits of these applications and have approved them for landmark status; and

**WHEREAS**, the Town Board in its discretion may call a public hearing on these applications and wishes to exercise its option.

**NOW THEREFORE BE IT RESOLVED**, that the Town Clerk is hereby directed to publish and post the attached Notice of Public Hearing, once in the August 12, 2004 edition of the News Review, the official newspaper for this purpose and to cause such additional notification as is required pursuant to Article IV, Section 73-7 (E) of the Riverhead Town Code; and be it further

**RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to the Landmarks Preservation Commission; the Building Department; the Assessor's Office and the Office of the Town Attorney.

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 7th day of September, 2004 at 7:10 p.m. at Wading River Congregational Church, North Country Road, Wading River, New York, to consider the designation of the following structures as landmarks:

Suffolk Theater	Suffolk County Tax Map #0600-129-1-7
Gandalf House	Suffolk County Tax Map #0600-48-4-2
Howell House Suffolk	Suffolk County Tax Map #0600-129-5-1

Dated: Riverhead, New York  
August 3, 2004

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD**

BARBARA GRATTAN, Town Clerk

*absent* THE VOTE  
Bartunek ~~yes~~ no Sanders yes ~~no~~  
*absent* Blass ~~yes~~ no Densieski yes ~~no~~  
Cardinale yes ~~no~~  
THE RESOLUTION ~~WAS~~ WAS NOT  
THEREFORE DULY ADOPTED

# Adopted

8/03/04

## TOWN OF RIVERHEAD

Resolution # 712

### RATIFIES AN APPOINTMENT AS A WATER SAFETY INSTRUCTOR LEVEL II TO THE RIVERHEAD RECREATION DEPARTMENT

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

**RESOLVED**, that Michelle Raynor is hereby appointed to serve as a Water Safety Instructor Level II effective June 4, 2004 to and including September 6, 2004, to serve as needed on an at will basis, to be paid at the rate of \$11.00 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):

1. All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start date.
2. Subject to Suffolk County Lifeguard Certifications.
3. Current CPR Certifications

**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.

*absent* THE VOTE

Bartunek	<u>absent</u>	yes	no	Sanders	<input checked="" type="checkbox"/>	yes	no
Blass	<u>absent</u>	yes	no	Densieski	<input checked="" type="checkbox"/>	yes	no
				Cardinale	<input checked="" type="checkbox"/>	yes	no

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

8/3/04

# Adopted

TOWN OF RIVERHEAD

Resolution # 713

**RE-APPOINTS AND APPOINTS MEMBERS AND ACCEPTS RESIGNATION OF A MEMBER TO THE RIVERHEAD TOWN LANDMARKS PRESERVATION COMMISSION**

COUNCILMAN DENSIESKI

offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

**WHEREAS**, Chapter 73 of the Riverhead Town Code entitled, "Landmarks Preservation Commission" causes the establishment of an advisory body to the Town Board known as the Landmarks Preservation Commission consisting of seven (7) members; and

**WHEREAS**, the Landmarks Preservation Commission has requested that the Town Board re-appoint members to the Commission; and

**WHEREAS**, Laurel Sisson has submitted a letter of resignation from her position as a member of the Landmarks Preservation Commission.

**NOW THEREFORE BE IT HEREBY RESOLVED**, the Riverhead Town Board hereby re-appoints members for a three year term to the Landmarks Preservation Commission as follows:

Nancy Gilbert Term: 8/2004 to 3/2007  
Thomas Sledjeski, Esq. Term: 8/2004 to 8/2007

and be it further

**RESOLVED**, that the Town Board hereby accepts the resignation of Laurel Sisson, whose term was to expire in March 2006; and be it further

**RESOLVED**, that the Riverhead Town Board hereby appoints Vince Taldone to fill the vacancy due to the resignation of Laurel Sisson, which term will expire in March 2006; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Landmarks Preservation Commission.

:c:\msword\reso\appoint.res

<b>THE VOTE</b>					
Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
			Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no

THE RESOLUTION  WAS  WAS NOT THEREFORE DULY ADOPTED

8/03/04

TOWN OF RIVERHEAD

Adopted

Resolution # 714

**ACCEPTS THE RETIREMENT OF CHESTER KOWALSKI  
IN THE BUILDINGS & GROUNDS DEPARTMENT**

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

**WHEREAS**, the Town has received a retirement date from the NYS Retirement System for Chester Kowalski effective August 7, 2004,

**NOW, THEREFORE, BE IT RESOLVED**, that this Town Board hereby accepts the retirement of Chester Kowalski.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be, and is hereby, directed to forward a Certified Copy of this Resolution to Chester Kowalski, the Buildings & Grounds Department and the Office of Accounting.

THE VOTE

<i>Absent</i>	Bartunek <input type="checkbox"/> Yes <input type="checkbox"/> No	Sanders <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>Absent</i>	Blass <input type="checkbox"/> Yes <input type="checkbox"/> No	Densieski <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Cardinale <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

08/03/04

Adopted

TOWN OF RIVERHEAD

Resolution # 715

**DENIES SPECIAL PERMIT APPLICATION OF MARTIN ROSEN**

Councilman Densieski offered the following resolution, which was seconded by Councilwoman Sanders,

**WHEREAS**, an application was submitted to the Town Board for a special permit pursuant to Articles XXVIA and XXXXI of the Riverhead Town Code to legalize an existing 161 foot telecommunications tower with two equipment sheds and the right to add amateur radio antennas without the need for additional special permits for future ham radio antennas on premises fronting on a right of way located off of Sound Avenue, Jamesport, such premises being more particularly described as Suffolk County Tax Map No. 0600-2-2-3.2; and

**WHEREAS**, the existing 161 foot tower was originally constructed as a HAM radio tower pursuant to a building permit issued pursuant to an erroneous legal opinion, and

**WHEREAS**, following the construction of the HAM tower the applicant permitted wireless communications equipment to be attached to the tower without the benefit of any of the required permits,

**WHEREAS**, in January 2001, the building permit and certificate of compliance for the tower were revoked as being in violation of the Town Code of the Town of Riverhead, and

**WHEREAS**, the applicant was issued several summonses pursuant to the Town Code of the Town of Riverhead relating to the attachment of wireless equipment to the existing tower, and

**WHEREAS**, the prosecution of the summonses in the Riverhead Justice Court was adjourned pending the applicant's application to legalize the existing structure and the wireless communications equipment that were place thereon, and

**WHEREAS**, the Martin Rosen thereafter submitted an application for special permit pursuant to Riverhead Town Code §108-216 and 108-213D(1), and

**WHEREAS**, pursuant to resolution 787 of 2003 the Town Board declared them Lead Agency pursuant 6 NYCRR 617 and Article 23 of the Environmental Conservation Law, classified the petition as "Unlisted" and not subject to coordinated review, and referred the petition to the Town of Riverhead Planning Board for its report and recommendation, and

**WHEREAS**, the Town of Riverhead Planning Board adopted a resolution dated December 19, 2003 recommending the approval of the special permit subject to site plan approval in accordance with Article XXVI of the Town Code of the Town of Riverhead, and

**WHEREAS**, the applicant sought a variance from the provisions of §108-216(B)(4) to all the existing tower to maintain a front yard depth of 104.4 feet and an easterly side yard width of 37 feet and a westerly side yard depth of 74.8 feet instead of the required 190 feet each, these side required set backs being primarily for safety purposes, and

**WHEREAS**, on April 24, 2003, the Town of Riverhead Zoning Board of appeals granted the relief sought by the petitioner, and

**WHEREAS**, the matter was thereafter referred to the Suffolk County Planning Commission in accordance with §239-m of the General Municipal Law, and,

**WHEREAS**, on January 5, 2004, the Suffolk County Planning Commission determined that the application was a matter for local determination, and

**WHEREAS**, on March 3, 2004 the Town Board held a public hearing on the matter in accordance with Chapter 108 of the Town Code of the Town of Riverhead, and

**WHEREAS**, testimony was given by the applicant, applicant's counsel, and several other witnesses presented by the applicant, and

**WHEREAS**, public hearing was continued to the next regularly scheduled Town Board meeting held open for at the applicant's request to continue the submission of supporting documentation, and

**WHEREAS**, all testimony at the public hearing was taken under oath, and

**WHEREAS**, the Town Board has carefully considered the merits of the petition, the determination of the Zoning Board of Appeals dated December 19, 2003, the SEQRA record created to date, the recommendation of the Riverhead Planning Board, the recommendation

of the Suffolk County Planning Commission, the sworn testimony given at the public hearings, as well as all relevant planning, zoning and environmental information,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board hereby finds:

FIRST: That the subject premises lies within the Business A Zoning Use District;

SECOND: That the petition seeks approval for an illegal existing HAM radio tower and four existing beeper antenna attachments;

THIRD: That the petition requests a special permit pursuant to Article XXXXI of the Riverhead Town Code entitled "Wireless Communications Towers";

FOURTH: That the §108-211 of the Riverhead Town Code of the Riverhead Town Code states that "it is in the public interest to specifically regulate the siting and installation of wireless communications facilities, and, inter alia, to minimize the total number of towers throughout the Town;

FIFTH: That the existing tower was originally constructed as a HAM radio tower with a building permit dated June 4, 1999, which permit was issued following an erroneous opinion of the then Town Attorney, which opinion stated that HAM radio towers could not be regulated by the Town;

SIXTH: That the Article XXXXI of the Town Code of the Town of Riverhead allows the construction of HAM radio towers as an accessory use to a primary residence Business A zoning use district when the structure is less than 50 feet in height.

SEVENTH: That the construction of a 161 foot wireless communications tower requires a special permit,

EIGHTH: That, in accordance with Article XXXXI of the Town of Riverhead:

"No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the Town Board that no existing tower, structure or alternative technology not requiring the construction/alteration of new towers or structures cannot accommodate the applicants proposed antenna."

NINTH: That because the existing HAM tower is not a legal structure, the attachment of wireless equipment cannot be legitimately considered "co-location" as required by the Town Code and that the application must be considered as one for a new tower under Article XXXXI of the Riverhead Town Code.

TENTH: The sworn testimony given at the public hearing and the continuations thereof, together with the written submissions fail to establish that the equipment proposed to be located on the applicant's tower could not be located on another existing facility and provide coverage for a "gap" in the cellular service coverage in the area. Specifically, no credible scientific evidence was presented to the Town Board establishing that a service gap existed in the subject geographical area. The only testimony directed at this issue were conclusory statements by the applicant and Melvyn Oshen.

ELEVENTH: The sworn testimony given at the public hearing and the continuations thereof, together with the written submissions fail to establish that no existing tower, structure or alternative technology not requiring the construction/alteration of new towers or structures cannot accommodate the applicant's proposed antenna. Specifically, the only testimony directed at this issue was given by the applicant's witness Dan Hurley. Mr. Hurley testified that he was contacted on April 28, 2004 to look for alternative sites for Mr. Rosen's tower. Mr. Hurley testified that he contacted Key Span to discuss co-locating his equipment on their existing 300 foot tower on property within close proximity to the applicant's. Mr. Hurley stated that there were no other comparable sites other than the Key Span site that would be suitable for his beeper equipment. Mr. Hurley stated that as of the date of the hearing he was awaiting a response from Key Span as to whether space would be available on that tower. The applicant provided no credible testimony regarding the possibility of co-locating of his HAM operation.

TWELFTH: Howard Iko testified for the applicant and stated that he was involved with the applicant for five years on the project. He further testified that a large portion of the operation conducted at the applicant's site was related to his HAM radio operation. Mr. Iko further testified that he is a resident of New Jersey. Mr. Iko's HAM equipment is not permitted to be located on the applicant's property under any circumstances.

FIFTEENTH: Testimony at the public hearing revealed that the size, use and nature and intensity of the operations were not in

harmony with the orderly development of the district. Specifically, the Business A zoning use district allows the construction of single family residences. Testimony at the public hearing revealed that the site contained bright lighting, security cameras, alarms and tall fencing which is not consistent with potential residential use.

**BE IT FURTHER,**

**RESOLVED** that based upon the foregoing findings and pursuant to Article VII, Article XXXXI and Article XXVIA of the Town Code of the Town of Riverhead, the Town Board hereby determines and further finds that:

a) the applicant failed to provide any credible evidence that a wireless communications “service gap” existed in the area where the tower was proposed to be constructed.

b) the applicant has failed to demonstrate to the reasonable satisfaction of the Town Board that no existing tower, structure or alternative could not accommodate the applicant’s proposed wireless communication equipment,

c) the applicant failed to show that no suitable towers or structures are located within the geographic area which meet the applicant’s engineering requirements.

d) the applicant failed to provide proof that the location of the proposed wireless equipment on another tower or structure would cause electromagnetic interference with the equipment proposed to be installed on the applicant’s wireless communications tower.

e) the applicant failed to provide any testimony that the costs of co-locating the wireless equipment would be unreasonable or that the use of alternative technology would not be suitable.

f) the applicant failed to submit any credible evidence that the subject property is his primary of residence.

f) the applicant failed to demonstrate that the proposed use was consistent with the orderly development of the community.

**BE IT FURTHER,**

**RESOLVED**, that based upon the foregoing, the Town Board of the Town of Riverhead hereby denies the special permit of Martin Rosen, and be it further

**RESOLVED**, that copies of this resolution be forwarded to the Planning Department, Town Attorney, Building Department, Martin Rosen and Joseph Nemeth, Esq..

THE VOTE

Bartunek <sup>absent</sup> ~~yes~~ ~~no~~ Sanders  yes  no  
Blass <sup>absent</sup> ~~yes~~ ~~no~~ Densieski  yes  no  
Cardinale  yes  no

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

# Adopted

RESOLUTION # 716 ABSTRACT #32-04 JULY 29, 2004 (TBM 08/03/04)				
COUNCILWOMAN SANDERS COUNCILMAN DENSIESKI offered the following Resolution which was seconded by				
FUND NAME		CD - 07/15/04	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1	0.00	\$ 126,700.48	\$ 126,700.48
TEEN CENTER FUND	5	0.00	\$ 111.30	\$ 111.30
RECREATION PROGRAM FUND	6	0.00	\$ 5,423.93	\$ 5,423.93
R.I.F.T.A. FUND	23	0.00	\$ 762.30	\$ 762.30
ECONOMIC DEVELOPMENT ZONE FUND	30	0.00	\$ 90.63	\$ 90.63
HIGHWAY FUND	111	0.00	\$ 6,464.28	\$ 6,464.28
WATER DISTRICT	112	0.00	\$ 14,211.95	\$ 14,211.95
REPAIR & MAINTENANCE RESERVE F	113	0.00	\$ 25,346.00	\$ 25,346.00
RIVERHEAD SEWER DISTRICT	114	0.00	\$ 2,833.30	\$ 2,833.30
REFUSE & GARBAGE COLLECTION DI	115	0.00	\$ 3,953.13	\$ 3,953.13
STREET LIGHTING DISTRICT	116	0.00	\$ 239.74	\$ 239.74
PUBLIC PARKING DISTRICT	117	0.00	\$ 839.61	\$ 839.61
BUSINESS IMPROVEMENT DISTRICT	118	0.00	\$ 5,579.02	\$ 5,579.02
AMBULANCE DISTRICT	120	0.00	\$ 2,380.45	\$ 2,380.45
CALVERTON SEWER DISTRICT	124	0.00	\$ 4,423.00	\$ 4,423.00
RIVERHEAD SCAVANGER WASTE DIST	128	0.00	\$ 476.32	\$ 476.32
WORKERS' COMPENSATION FUND	173	0.00	\$ 2,680.49	\$ 2,680.49
RISK RETENTION FUND	175	0.00	\$ 8,490.67	\$ 8,490.67
UNEMPLOYMENT INSURANCE RESERV	176	0.00	\$ 2,325.00	\$ 2,325.00
GENERAL FUND DEBT SERVICE	384	0.00	\$ 166,892.23	\$ 166,892.23
TOWN HALL CAPITAL PROJECTS	406	0.00	\$ 70,696.54	\$ 70,696.54
MUNICIPAL FUEL FUND	625	0.00	\$ 3,638.18	\$ 3,638.18
MUNICIPAL GARAGE FUND	626	0.00	\$ 6,020.61	\$ 6,020.61
TRUST & AGENCY	735	0.00	\$ 16,543.94	\$ 16,543.94
COMMUNITY PRESERVATION FUND	737	0.00	\$ 200,000.00	\$ 200,000.00
CALVERTON PARK - C.D.A.	914	0.00	\$ 1,443.00	\$ 1,443.00
<b>TOTAL ALL FUNDS</b>		<b>0.00</b>	<b>\$ 678,566.10</b>	<b>\$ 678,566.10</b>

THE VOTE

Bartunek absent ~~yes~~ no Sanders ✓ yes no

Blass absent ~~yes~~ no Densieski ✓ yes no

Cardinale ✓ yes no

THE RESOLUTION X WAS ✓ WAS NOT THEREFORE DULY ADOPTED

RESOLUTION # 716 ABSTRACT #31-04 JULY 22, 2004 (TBM 08/03/04)				
COUNCILWOMAN SANDERS offered the following Resolution which was seconded by				
COUNCILMAN DENCIESKI				
FUND NAME		CD - 07/15/04	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1	5,500,000.00	786,884.70	6,286,884.70
POLICE ATHLETIC LEAGUE	4	15,000.00	527.07	15,527.07
TEEN CENTER	5	16,000.00		16,000.00
RECREATION PROGRAM FUND	6	135,000.00	37,021.11	172,021.11
SR NUTRITION SITE COUNCIL	7	3,000.00		3,000.00
D.A.R.E. PROGRAM FUND	8	2,500.00		2,500.00
CHILD CARE CENTER BUILDING FUN	9	48,000.00	49.53	48,049.53
R.I.F.T.A. FUND	23	54,000.00	3,624.76	57,624.76
TOWN BOARD SPECIAL PROGRAM	24	275,000.00		275,000.00
YOUTH COURT SCHOLARSHIP FUND	25	1,000.00		1,000.00
SENIOR CITIZEN DAY CARE CENTER	27	53,000.00	2,089.06	55,089.06
COMMUNITY P.E.T.S. SHELTER	28	10,000.00		10,000.00
ANIMAL SPAY & NEUTERING PROGRA	29	0.00	130.00	130.00
ECONOMIC DEVELOPMENT ZONE FUNI	30	68,000.00	5,333.94	73,333.94
HIGHWAY FUND	111	860,000.00	171,914.81	1,031,914.81
WATER DISTRICT	112	690,000.00	108,984.38	798,984.38
REPAIR & MAINTENANCE	113	1,710,000.00		1,710,000.00
RIVERHEAD SEWER DISTRICT	114	1,620,000.00	27,619.22	1,647,619.22
REFUSE & GARBAGE COLLECTION DI	115	1,000,000.00	203,650.57	1,203,650.57
STREET LIGHTING DISTRICT	116	535,000.00	25,725.26	560,725.26
PUBLIC PARKING DISTRICT	117	112,000.00	3,235.68	115,235.68
BUSINESS IMPROVEMENT DISTRICT	118	28,000.00	198.69	28,198.69
AMBULANCE DISTRICT	120	260,000.00	173.32	260,173.32
EAST CREEK DOCKING FACILITY FU	122	0.00	826.53	826.53
CALVERTON SEWER DISTRICT	124	150,000.00	4,009.25	154,009.25
RIVERHEAD SCAVANGER WASTE DIST	128	745,000.00	26,361.22	771,361.22
SEWER DISTRICT FUND	130	5,000.00		5,000.00
WORKERS' COMPENSATION FUND	173	840,000.00	9,791.17	849,791.17
RISK RETENTION FUND	175	460,000.00	18,523.38	478,523.38
UNEMPLOYMENT INSURANCE FUND	176	50,000.00		50,000.00
CDBG CONSORTIUM ACOUNT	181	0.00	8,096.67	8,096.67
PUBLIC PARKING DEBT	381	4,000.00		4,000.00
SEWER DISTRICTS DEBT SERVICE	382	30,000.00	54,251.55	84,251.55
WATER DEBT	383	315,000.00		315,000.00
GENERAL FUND DEBT SERVICE	384	10,200,000.00		10,200,000.00
SCAVENGER WASTE DEBT	385	10,000.00		10,000.00
TOWN HALL CAPITAL PROJECTS	406	0.00	321,343.39	321,343.39
CHIPS (80051)	451	2,500.00		2,500.00
YOUTH SERVICES CAP PROJECT	452	31,000.00	2,248.37	33,248.37
SENIORS HELP SENIORS CAP PROJE	453	0.00	3,194.05	3,194.05
EISEP CAP PROJECT	454	0.00	379.51	379.51
MUNICIPAL FUEL FUND	625	400,000.00	9,128.45	409,128.45
MUNICIPAL GARAGE FUND	626	45,000.00	30,292.33	75,292.33
TRUST & AGENCY	735	0.00	2,283,584.11	2,283,584.11
SPECIAL TRUST	736	1,400,000.00		1,400,000.00
COMMUNITY PRESERVATION FUND	737	1,000,000.00	26,400.00	1,026,400.00
CALVERTON PARK - C.D.A.	914	300,000.00	4,957.30	304,957.30
				0.00
<b>TOTAL ALL FUNDS</b>		<b>28,983,000.00</b>	<b>4,180,549.38</b>	<b>33,163,549.38</b>