TOWN BOARD MEETING AGENDA

PHILIP CARDINALE, Supervisor

November 3, 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	Chairwoman Board of Assessors
Madelyn Sendlewski	Board of Assessors
Paul Leszczynski	Board of Assessors
Mark Kwasna	Highway Superintendent
Maryann Wowak Heilbrunn	Receiver of Taxes
Richard Ehlers	Town Justice
Allen M. Smith	Town Justice

DEPARTMENT HEADS

John J. Hansen	Accounting Department
Leroy E. Barnes, Jr.	Building Department
Andrea Lohneiss	Community Development
Ken Testa	Engineering Department
Richard Hanley	Planning Department
Chief David Hegermiller	Police Department
James Janecek	Recreation Program Coordinator
Judy Doll	Senior Services
John Reeve	Sanitation Department
Michael Reichel	Sewer District
Gary Pendzick	Water Department

PUBLIC COMMENT ON ANY RESOLUTIONS LISTED BELOW:
COMMUNITY DEVELOPMENT AGENCY MEETING:

#14 Authorizes the Chairman to Execute an Agreement between the Riverhead Community Development Agency and ADM Productions in Connection with the Filming of a Video for Goodyear Tire & Rubber Company

REGULAR TOWN BOARD MEETING:

#1003 Scavenger Waste District Budget Adjustment

#1004 Riverhead Sewer District Budget Adjustment

#1005 Calverton Sewer District Budget Adjustment

#1006 General Fund Budget Adjustment

#1007 Recreation Fund Budget Adjustment

#1008 Accepts Draft Environmental Impact Statement Supporting the Special Permit of Tanger Properties, LP (Tanger I Expansion) and Authorizes Town Clerk to Publish and Post Notice of Public Hearing

#1009 Adopts a Local Law to Amend Chapter 95 Entitled, "Taxation" of the Riverhead Town Code (Exemption for Volunteer Fire Fighters and Volunteer Ambulance Workers)

#1010 Appoints a Park Attendant II, Level II to the Recreation Dept. (M. Segal)

#1011 Appoints a P/T Recreation Aide/Skatepark to the Recreation Dept. (M. Segal)

#1012 Appoints Interpreter for Police Department and Justice Court

#1013 Approves Amended Site Plan of Cellular Telephone Company d/b/a AT&T Wireless-Cherry Creek

#1014 Approves Amended Site Plan of Little Flower Children's Services Parking Improvements

#1015 Authorizes Supervisor to Execute Declaration of Covenants and Restrictions 1998 Peconic LLC

#1016 Authorizes Supervisor to Execute Recording Documents Mill Pond Commons-RSD

#1017 Authorizes Supervisor to Release Petty Cash Monies to Receiver of Taxes

#1018	Authorizes the Supervisor to Execute an End User Agreement with Jungle Lasers, LLC for the National Geomatica System
#1019	Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for a Maintenance Mechanic II
#1020	Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for a Town Director of Human Services
#1021	Establishes Expediting Charges in the Fire Protection and Code Enforcement Division
#1022	Establishment of Bank Account
#1023	Exercises an Option to Renew an Agreement with Fundamental Business Service (Parking Violations Enforcement Services)
#1024	Re-Estalishes Terms and Conditions of Employment of Deputy Town Attorney
#1025	Refers the Amended Comprehensive Development Plan of M-GBC, LLC to the Riverhead Planning Board
#1026	Releases Cash Security of Riverhead Bay Motors
#1027	Authorizes Supervisor to Execute Lease Agreement with Cellular Telephone Company d/b/a AT&T Wireless
#1028	Order Establishing Extension 81 to the Riverhead Water District 1998, LLC
#1029	Sets Disposal Fee for Scavenger Waste-RSWD
#1030	Authorizes Town Clerk to Advertise for Bids-Cranberry Street Pump Station-RDS
#1031	Accepts Resignation of Existing Member and Appoints New Member to the Riverhead Landmarks Preservation Committee
#1032	Adopts a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (Downtown Center 1: Main Street (DC-1) Zoning Use District)
#1033	Adopts a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (Downtown Center 2: Waterfront (DC-2) Zoning Use District)
#1034	Adopts a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (Downtown Center 3: Office (DC-3) Zoning Use District)

#1035	Adopts a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (Downtown Center 4: Office/Residential Transition (DC-4) Zoning Use District)
#1036	Adopts a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (Downtown Center 5: Residential (DC-5) Zoning Use District)
#1037	Amends Town of Riverhead Zoning Use District Schedule (Downtown Center 1: Main Street (DC-1) Zoning Use District, Downtown Center 2: Waterfront (DC-2) Zoning Use District, Downtown Center 3: Office (DC-3) Zoning Use District, Downtown Center 4: Office /Residential Transition (DC-4) Zoning Use District, Downtown Center 5: Residential (DC-5) Zoning Use District)
#1038	Amends Zoning Map, Town of Riverhead, Suffolk County, New York
#1039	Pays Bills
#1040	**Ambulance District Budget Adjustment**
#1041	**Grangebel Park Dam Project Budget Adoption**

11/3/04

Adopted

TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY

Resolution # 14

AUTHORIZES THE CHAIRMAN TO EXECUTE AN AGREEMENT BETWEEN THE RIVERHEAD COMMUNITY DEVELOPMENT AGENCY AND ADM PRODUCTIONS IN CONNECTION WITH THE FILMING OF A VIDEO FOR GOODYEAR TIRE & RUBBER COMPANY

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN DENSIESKI:

WHEREAS, ADM Productions desires to film an in-house video at the Calverton Enterprise Park for the Goodyear Tire and Rubber Company for three days: November 10, 11 and 12; and

WHEREAS, ADM Productions has agreed to the terms of the attached license agreement that includes a fee of $2,200 per day and has provided adequate liability insurance.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Chairman is hereby authorized to execute an agreement between ADM Productions and the Riverhead Community Development Agency, which agreement provides for terms under which ADM Productions will be granted the use of certain land at the EPCAL property; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to ADM Productions., 40 Seaview Boulevard, Port Washington, NY, 11933 (Carol Gentile); Andrea Lohneiss, Director, CDA; the Office of Accounting and the Office of the Town Attorney.

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

LICENSE

LICENSE ("License"), made as of the ___ day of November 2005, by and between **THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY**, having an address at 200 Howell Avenue, Riverhead, New York 11901, Attention: Andrea Lohneiss ("Licensor"), and **ADM Productions,** a corporation of the State of New York, having an address at 40 Seaview Boulevard, Port Washington, NY, 11933 Attention: Carol Gentile ("Licensee").

WITNESSETH:

WHEREAS, Licensor desires to license to Licensee, and Licensee desires to license from Licensor, the right to use approximately specific portions of Calverton Enterprise Park, most notably the 7,000 foot runway and associated taxiway, as well as the perimeter access road as depicted on Exhibit A (the "License Premises") upon all of the terms and conditions hereinafter set forth;

NOW, THEREFORE, in consideration of the mutual agreements herein contained, Licensor and Licensee, for themselves, their successors and assigns, hereby agree as follows:

1. **LICENSING**. Upon the terms and conditions hereinafter set forth, Licensor hereby licenses to Licensee, and Licensee hereby Licenses from Licensor, the right to use the License Premises.

2. **TERM OF LICENSE**. The term of this License (the "Term") shall commence on November 10, 2004 (the "License Commencement Date") and shall end on November 12, 2004 (the "Expiration Date") or on such earlier date upon which this License shall expire or be canceled or terminated pursuant to any of the conditions or covenants of this License or pursuant to law. Notwithstanding anything to the contrary contained in this License, Licensor shall have the right, exercisable in its sole discretion, to terminate this License effective immediately upon written notice from Licensor to Licensee, if (i) Licensee shall default under or be in breach, of any of its obligations, representations or warranties hereunder and (ii) such default continues for (x) five days after written notice from Licensor with respect to monetary defaults or (y) thirty days after written notice from Licensor with respect to nonmonetary defaults. If Licensor shall so terminate this License, from and after the termination date neither party hereto shall have any rights or obligations hereunder other than those that, pursuant to the express terms hereof, survive termination of this License; provided that Licensee shall remain liable to Licensor for any default or breach by Licensee that occurred prior to such termination. Furthermore, this License is not, and shall not be construed to be, a lease or a sublease and nothing contained in this License shall be construed as granting to Licensee any interest or right as tenant or subtenant or any other interest or right other than the interest of a Licensee in accordance with the terms and provisions hereof. The rights of the Licensor to terminate this License Agreement shall extend to the Licensee.

3. **CONDITIONS OF LICENSE PREMISES.** Licensee agrees to accept the License Premises "as is," and Licensor shall have no obligation to perform any work or repairs on behalf of Licensee. Licensee acknowledges that no representations with respect to the condition of the License Premises, or with respect to any improvement or fixtures thereon or attached thereto, have been made to it. Licensee acknowledges responsibility for all start-up costs and furnishings

including, but not limited to office equipment, furniture, supplies, copy machine, phone(s) and fax machine, as well as garbage disposal, that are anticipated for the Licensee's use of the premises. Said costs shall be borne by the Licensee. Licensee shall be responsible for cleaning the License Premises.

4. **LICENSE FEE**. The license fee shall be $2,200 per day for a total fee of $6,600, payable in full on or before the Commencement Date.

6. **USE; COVENANTS**. (a) Licensee shall use the License Premises only for the purpose of filming an in-house video for the Goodyear Tire and Rubber Company and are obligated to clean and restore the License Premises, in each case, in accordance with, and subject to, the terms and provisions of this License.

(c) No additions to, or alterations of, the License Premises shall be made without the prior consent of Licensor. Upon revocation or surrender of this License, to the extent directed by Licensor, Licensee shall remove all alterations, additions, betterments and improvements made, or installed, and restore the License Premises to the same, or as good condition as existed on the date of entry under this License, reasonable wear and tear excepted.

(d) Licensee shall be liable for any loss of, or damage to, the Calverton Site incurred in connection with the use and shall make such restoration or repair, or monetary compensation as may be directed by Licensor. Licensee shall maintain, at a minimum, the types and amounts of insurance evidenced by the certificates attached hereto as Exhibit B. Licensee agrees that not less than thirty (30) days prior to the expiration of any insurance required by this License, it will deliver to Licensor's local representative a certificate of insurance or a certified copy of each renewal policy to cover the same risks. Each policy of insurance required hereunder shall name Licensor and the Town of Riverhead as additional insureds. In the event that any item or part of the Calverton Site shall require repair, rebuilding or replacement resulting from loss or damage, the risk of which is assumed under this Section 6, Licensee shall promptly give notice thereof to Licensor and shall, upon demand, either compensate Licensor for such loss or damage, or rebuild, replace or repair the item or items of the Calverton Site so lost or damaged, as Licensor may elect. In the event Licensee shall not have been required to affect such repair, rebuilding, or replacement, and the insurance proceeds allocable to the loss or damage which has created the need for such repair, rebuilding or replacement have been paid to Licensee, Licensee shall promptly refund to Licensor the amount of such proceeds.

(e) Without limiting the generality of any other provision of this Agreement, Licensee hereby covenants and agrees that (i) at all times during the Term, adequate private supervision shall be present at the Calverton Site to protect persons and property at the Calverton Site and (ii) Licensee shall provide ample vehicles, personnel, equipment and containers to clean the License Premises and insure that the same is restored to as good condition, subject to reasonable wear and tear, on the Expiration Date as it was in on the License Commencement Date.

(f) In connection with the performance of work under this License, Licensee agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Licensee agrees to post hereafter in conspicuous places available for employees and applicants for employment, notices to be provided by Licensor setting forth the provisions of

the nondiscrimination clause. Licensee further agrees to insert the foregoing provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

7. **ASSIGNMENT AND LICENSING**. Notwithstanding anything to the contrary contained in this License, Licensee shall not assign this License, License the License Premises in whole or in part or permit Licensee's interest in this License to be vested in any party other than Licensee by operation of law or otherwise. A transfer of more than fifty (50%) percent at any one time or, in the aggregate from time to time, of the stock, partnership or other ownership interests in Licensee, direct or indirectly, shall be deemed to be an assignment of this License.

8. **LICENSOR'S REMEDIES**. (a) If Licensee fails to perform any of its obligations hereunder in accordance with the terms hereof, then, after reasonable notice to Licensee not to exceed thirty (30) days, and an opportunity for Licensee to cure such failure, (except in case of emergency) Licensor may (but shall not be obligated to) cure such failure at the expense of Licensee, and the amount incurred by Licensor in connection with such cure shall be payable by Licensee to Licensor on demand.

(b) Except as provided in Paragraph 2 and in the immediately following sentence, in the event of a breach by Licensee hereunder, Licensor shall be limited to an action at law for damages. Notwithstanding the foregoing, in the event that Licensee holds over after the expiration of the Term, (i) Licensee shall be obligated to pay Licensor an amount equal to $2,200 per diem for each day of the holdover term and (ii) Licensor shall have all of the rights and remedies available to it at law or in equity, including, without limitation, the right to exercise self help and to dispossess Licensee of the License Premises, change the locks on the License Premises, deny Licensee access to the License Premises and take possession of or dispose of any property at the License Premises, all at the cost and expense of Licensee. Except as provided in Paragraph 2, in no event shall Licensor have the right to enjoin the development, production, distribution or exploitation of the event hereunder.

9. **INDEMNITY**. (a) Licensee shall indemnify and hold Licensor harmless from and against any and all claims, actions, liabilities, losses, damages (including, without limitation, consequential and special damages), costs and expenses (including, without limitation, court costs and reasonable attorneys' fees and expenses) arising from or in connection with (i) the use or occupancy by Licensee of the License Premises during the term hereof, or (ii) any work or thing done or any condition created by or any other act or omission of Licensee or its employees, agents, contractors, visitors or licensees, in the License Premises or any other part of the Calverton Site in connection with Licensee's use of the License Premises, or (iii) Licensee's failure to perform any of the obligations imposed on it hereunder.

(b) The foregoing indemnity does not include any claims, actions, liabilities, losses, damages, costs and expenses resulting from Licensor's gross negligence or willful misconduct.

(c) This indemnification on the part of the Licensee shall include the Town of Riverhead, the Town of Riverhead Community Development Agency and all and any of its agents.

10. **BROKERS**. Licensee represents that it has not dealt with any broker or finder with respect to this License. Licensee agrees to indemnify and hold Licensor harmless from and against any and all loss, liability, damage, cost and expense (including, but not limited to, court costs and reasonable attorneys' fees and expenses) which Licensor may incur or sustain in connection with

any claim or action by any broker or finder that may be asserted against Licensor as a result of any conversations, correspondence or other dealings between Licensee and such broker or finder.

11. **NOTICES**. Any notices to be given under this License shall be in writing and shall be sent by registered or certified mail, return receipt requested. If such notice is directed to Licensee, it shall be addressed to Licensee at 40 Seaview Boulevard, Port Washington, NY, 11933 Attention: Carol Gentile, and if such notice is directed to Licensor, it shall be addressed to Licensor at 200 Howell Avenue, Riverhead, New York 11901, Attention: Andrea Lohneiss. Either party may, by notice in writing, direct that future notices be sent to a different address and to the attention of such other people as either Licensor or Licensee shall designate.

12. **HAZARDOUS SUBSTANCES**. (a) Generally. Licensee shall not generate, store, manufacture, refine, transport, treat, dispose of, or otherwise permit to be present on or about the License Premises, any Hazardous Substances (other than Hazardous Substances (x) customarily used in events such as the Event and (y) used, stored, transported, and disposed of in strict compliance with applicable law). As used herein, the term "Hazardous Substances" shall mean any flammables, explosives, radioactive materials, hazardous wastes, hazardous and toxic substances or related materials, asbestos or any materials containing asbestos, or any other hazardous or toxic substance or material as defined by any Federal, State or local environmental law, rule or regulation, including, without limitation, the Resource Conservation and Recovery Act of 1976, as amended from time to time, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended from time to time, the Toxic Substances Control Act, as amended from time to time, the Hazardous Materials Transportation Act, as amended from time to time, and the regulations adopted and the publications promulgated pursuant to each of the foregoing.

(b) Indemnification. Licensee shall indemnify and hold harmless Licensor from and against any and all liabilities, damages, claims, losses, penalties, judgments, causes of action, costs and expenses (including, without limitation, court costs and the reasonable fees and expenses of counsel) which may be incurred by Licensor directly arising out of any breach by Licensee of the obligations imposed upon it under this Section 12. The foregoing indemnity shall survive the expiration or sooner termination of this License.

13. **MISCELLANEOUS**. (a) Merger. All prior understandings and agreements between the parties with respect to the subject matter hereof are merged within this License, which alone fully and completely sets forth the understanding of the parties with respect to the subject matter hereof. This License may not be changed or terminated orally or in any manner other than by a writing signed by the party against whom enforcement of the change or termination is sought.

(b) Successors and Assigns. This License shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and permitted assigns. The term "Licensor," as used in this License, shall mean only the owner from time to time of the License Premises, so that in the event of any transfer or assignment of the License Premises, the transferor or assignor shall be and hereby is entirely freed and relieved of all covenants, obligations and liability of Licensor under this License, and it shall be deemed, without further agreement, that the transferee or assignee has assumed and agreed to perform and observe all obligations of Licensor under this License during the period that such transferee or assignee is the owner of the interest of License Premises.

(c) Licensee represents that this License has been duly authorized, executed and delivered by Licensee and is enforceable against Licensee in accordance with its terms.

(d) Neither Licensor nor any tenant, nor other party now or hereafter having an interest in the Calverton Site, shall have any right of action based upon invasion of privacy, publicity, defamation, or other civil rights, in connection with the exercise of the permission and/or rights herein granted.

IN WITNESS WHEREOF, Licensor and Licensee do hereby execute this License as of the date and year first above written.

LICENSOR:

THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY

By:_____
Name:
Title:

LICENSEE:

ADM PRODUCTIONS

By:_____
Name:
Title:

Client#: 9853 ADMPROD

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY) 10/27/04

PRODUCER
ENATT ASSOCIATES, INC.
3333 NEW HYDE PARK RD
SUITE 400.
NEW HYDE PARK, NY 11042

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
ADM PRODUCTIONS INC
40 SEAVIEW BLVD
PORT WASHINGTON, NY 11050

INSURERS AFFORDING COVERAGE

INSURER A: FEDERAL INSURANCE COMPANY
INSURER B: ILLINOIS NATIONAL INS CO
INSURER C:
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY	79538186	10/18/04	10/18/05	EACH OCCURRENCE	$1,000,000
	X COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	$ 50,000
	CLAIMS MADE X OCCUR				MED EXP (Any one person)	$ 5,000
					PERSONAL & ADV INJURY	$1,000,000
					GENERAL AGGREGATE	$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC				PRODUCTS - COMP/OP AGG	$2,000,000
A	AUTOMOBILE LIABILITY	0473530568	10/18/04	10/18/05	COMBINED SINGLE LIMIT (Ea accident)	$1,000,000
	X ANY AUTO				BODILY INJURY (Per person)	$
	ALL OWNED AUTOS					
	SCHEDULED AUTOS				BODILY INJURY (Per accident)	$
	X HIRED AUTOS					
	X NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident)	$
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	$
	ANY AUTO				OTHER THAN AUTO ONLY: EA ACC	$
					AGG	$
B	EXCESS LIABILITY	TOBEASSIGNED	10/18/04	10/18/05	EACH OCCURRENCE	$3,000,000
	X OCCUR CLAIMS MADE				AGGREGATE	$3,000,000
						$
	DEDUCTIBLE					$
	X RETENTION $10,000					$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	0579538187	10/18/04	10/18/05	WC STATU-TORY LIMITS / OTH-ER	
					E.L. EACH ACCIDENT	$1,000,000
					E.L. DISEASE - EA EMPLOYEE	$1,000,000
					E.L. DISEASE - POLICY LIMIT	$1,000,000
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

DATES OF PRODUCTION: NOVEMBER 10-12TH, 2004
THE CERTIFICATE HOLDER IS INCLUDED AS ADDITIONAL INSURED.

CERTIFICATE HOLDER | ADDITIONAL INSURED; INSURER LETTER:

RIVERHEAD COMMUNITY
DEVELOPMENT AGENCY

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Leslie R Genatt

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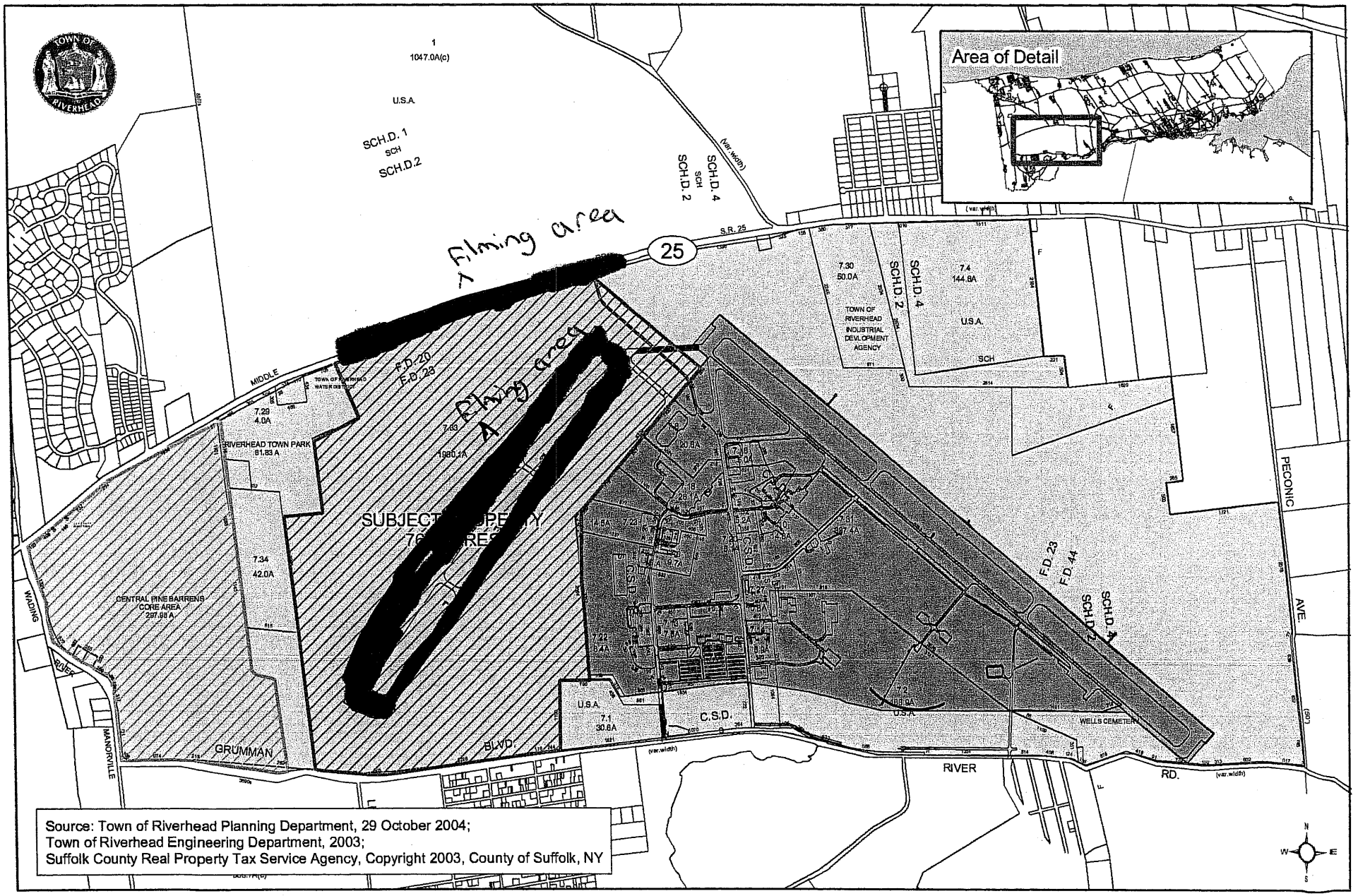

Source: Town of Riverhead Planning Department, 29 October 2004;
Town of Riverhead Engineering Department, 2003;
Suffolk County Real Property Tax Service Agency, Copyright 2003, County of Suffolk, NY

Subject Property

Central Pine Barrens - Core Area

Planned Recreational Park (PRP) Zoning Use District

Planned Industrial Park (PIP) Zoning Use District

Town of Riverhead
Enterprise Park at Calverton (EPCAL)

0 1,000 2,000 Feet

1 inch equals 2,000 feet

OVEMBER 3, 2004

Adopted

TOWN OF RIVERHEAD

SCAVENGER WASTE DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 1003

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK.

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

		FROM	TO
128.081890.546203	PLANT ELECTRICITY	$3,400	
128.081890.542506	PLANT SUPPLIES		$ 700
128.081890.546300	GAS, OIL & DIESEL EXP.		200
128.081890.546400	WATER		2,500

THE VOTE

Bartunek ☒ **Yes** ☐ **No** **Sanders** ☒ **Yes** ☐ **No**

Blass ☒ **Yes** ☐ **No** **Densieski** ☒ **Yes** ☐ **No**

Cardinale ☒ **Yes** ☐ **No**

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OVEMBER 3, 2004

Adopted

TOWN OF RIVERHEAD

RIVERHEAD SEWER DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 1004

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILWOMAN BLASS.

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

		FROM	TO
114.081300.546203	PLANT ELECTRIC & GAS	$3,600	
114.081300.541412	ALARM SYSTEM EXP.		$1,500
114.081300.546300	GAS, OIL & DIESEL EXP.		2,100

THE VOTE

Bartunek ☒ Yes ☐ No Sanders ☒ Yes ☐ No

Blass ☒ Yes ☐ No Densieski ☒ Yes ☐ No

Cardinale ☒ Yes ☐ No

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NOVEMBER 3, 2004

Adopted

TOWN OF RIVERHEAD

CALVERTON SEWER DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 1005

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI.

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

		FROM	TO
124.000000.390599	APPROPRIATED FUND BALANCE	$14,125	
124.081300.546203	ELECTRIC EXP..		$14,125

THE VOTE

Bartunek ☒ Yes ☐ No Sanders ☒ Yes ☐ No

Blass ☒ Yes ☐ No Densieski ☒ Yes ☐ No

Cardinale ☒ Yes ☐ No

NOVEMBER 3, 2004

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 1006

COUNCILMAN DENSIECKI offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK.

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

		FROM	TO
001.000000.390599	APPROPRIATED FUND BALANCE	$4,300	
001.067720.524000	PROGRAM FOR THE AGING, EQUIP.		$4,300
001.000000.390599	APPROPRIATED FUND BALANCE	2,000	
001.016230.524000	POLICE/COURT COMPLEX, EQUIP.		2,000
001.000000.390599	APPROPRIATED FUND BALANCE	3,800	
001.036250.542100	CODE ENFORCEMENT, OFFICE SUPPLIES		1,200
001.036250.541500	CODE ENFORCEMENT, CAR EXPENSES		2,500
001.036250.543403	CODE ENFORCEMENT, EDUCATION		100

THE VOTE

Bartunek ☒ **Yes** ☐ **No** **Sanders** ☒ **Yes** ☐ **No**

Blass ☒ **Yes** ☐ **No** **Densieski** ☒ **Yes** ☐ **No**

Cardinale ☒ **Yes** ☐ **No**

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OVEMBER 3, 2004

Adopted

TOWN OF RIVERHEAD

RECREATION PROGRAM FUND

BUDGET ADJUSTMENT

RESOLUTION # 1007

COUNCILMAN BARTUNEK 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:

		FROM	TO
006.076250.542300	SOFTBALL, FIELD SUPPLIES	$ 200	
006.076260.518700	NON-LEAGUE SPORT PROGRAM, INSTRUCTORS	7,500	
006.076250.543607	SOFTBALL, ASSOC. UMPIRES EXP.		$ 200
006.076260.543900	NON-LEAGUE SPORTS PROGRAM, MISC CONSULT.		7,500

THE VOTE

Bartunek ☒ **Yes** ☐ **No** **Sanders** ☒ **Yes** ☐ **No**

Blass ☒ **Yes** ☐ **No** **Densieski** ☒ **Yes** ☐ **No**

Cardinale ☒ **Yes** ☐ **No**

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Adopted

November 3, 2004

TOWN OF RIVERHEAD

Resolution # 1008

ACCEPTS DRAFT ENVIRONMENTAL IMPACT STATEMENT SUPPORTING THE SPECIAL PERMIT OF TANGER PROPERTIES, LP (TANGER I EXPANSION) AND AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING

COUNCILWOMAN SANDERS offered the following resolution which

was seconded by COUNCILWOMAN BLASS

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Tanger Properties, LP. pursuant to Section 108-44.6 B. and Article XXVIA of the Riverhead Town Code to construct a 136,000sq.ft.single tenant retail facility and related improvements as an expansion of an existing factory outlet complex located upon a 14ac. portion of a 47.7ac. parcel zoned Business F; such property more particularly described as SCTM 0600-118-3-4, and

WHEREAS, the Town Board by resolution #1100 of 10/7/04 and in consideration of Planning Department analysis classified the action as Type I and declared themselves lead agency in the action's SEQR review subsequent to the requisite coordination with involved agencies, and

WHEREAS, the petition was referred to the Riverhead Planning Board for their review and recommendation which Board considered the initial staff SEQR report and an appearance by the applicant and recommended the preparation of an Environmental Impact Statement, and

WHEREAS, the Town Board by resolution #268 of 4/6/04 directed that such an analysis be performed, and

WHEREAS, the applicant provided a draft scope of issues which was circulated among involved agencies prior to the Town Board holding a scoping hearing to elicit public input leading to the transmittal of a final scope of issues to the applicant by the lead agency, and

WHEREAS, the applicant submitted a Draft Environmental Impact Statement to the lead agency on 9/3/04 for a determination of its adequacy with respect to SEQR law and the final scope, and

WHEREAS, the Planning Department and Town Board have reviewed the Draft Environmental Impact Statement, Tanger I Expansion, by Dru Associates, dated September 2004, and after having certain identified deficiencies attended to have found it to be satisfactory and complete with respect to scope, content and adequacy, now

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board hereby accepts the DEIS of Tanger Properties, LP as adequate for review, and

BE IT FURTHER

RESOLVED, that the Planning Department be directed to prepare and file those notices of completion as prescribed by 6NYCRR Part 617.12, and

BE IT FURTHER

RESOLVED, that the Town Clerk be authorized to publish and post the attached notice of public hearing in the official newspaper of the Town of Riverhead, and

BE IT FURTHER

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

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

TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held on the 7th day of December, 2004 at 6:00 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to consider the merits of the Draft Environmental Impact Statement supporting the special permit petition of Tanger Properties, LP in order to allow the of construction of a 136,739 retail use and related site improvements upon real property located on NYS Route 25, Riverhead; such real property more particularly described as Suffolk County Tax Map Parcel Number 0600-118-3-4.

DATED: November 3, 2003
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

11/3/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1009

ADOPTS A LOCAL LAW TO AMEND CHAPTER 95 ENTITLED "TAXATION" OF THE RIVERHEAD TOWN CODE (EXEMPTION FOR VOLUNTEER FIRE FIGHTERS AND VOLUNTEER AMBULANCE WORKERS)

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN DENSIESKI:

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 95, entitled "Taxation" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 19th day of October, 2004 at 7:05 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the local law amending Chapter 95 entitled, "Taxation" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk is hereby authorized to publish the attached notice of adoption once in the News Review newspaper and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Assessor's Office and the Town Attorney's Office.

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

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TOWN OF RIVERHEAD
NOTICE OF ADOPTION

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 95 entitled "Taxation" of the Riverhead Town Code at its regular meeting held on November 3, 2004 as follows:

Chapter 95
Taxation
Exemption for Volunteer Fire Fighters and Volunteer Ambulance Workers

§ 95-36. Exemptions granted.

A. Qualifying residential real property, under § 466-c the New York State Real Property Tax Law, shall be exempt from taxation to the extent of 10% of the assessed value of such property for city, village, town, part-town, special district, county or school district purposes. exclusive of special assessments;~~ however, such exemption shall in no event exceed $3,000 multiplied by the latest state equalization rate for the assessing unit in which such real property is located.~~

Dated: Riverhead, New York
November 3, 2004

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

- Overstrike represents deletion(s)

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11/02/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1010

APPOINTS A PARK ATTENDANT II, LEVEL II TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

RESOLVED, that Meyer Segal is hereby appointed as a Park Attendant II, Level II effective, November 3, 2004 to serve as needed on an at will basis to be paid at the rate of $10.50 per hour, and to serve at the pleasure of the Town Board; and

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

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

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.[1]

THE VOTE

Bartunek ✓ yes ___ no Sanders ✓ yes ___ no

Blass ✓ yes ___ no ___ Densieski ✓ yes ___ no

Cardinale ✓ yes ___ no

THE RESOLUTION ✗ WAS ___ WAS NOT

THEREFORE DULY ADOPTED

[1] Rec. Colleen/ Resolution. Park Attend II Meyer Segal

11/02/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1011

APPOINTS A P/ T RECREATION AIDE/ SKATEPARK TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

RESOLVED, that Meyer Segal hereby is appointed to serve as a P/T Recreation Aide/ Skate Park effective November 3rd, 2004 to serve as needed on an at-will basis and to be paid at the rate of $7.50 per hour, and to serve at the pleasure of the Town Board; and

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

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

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.[1]

THE VOTE

Bartunek ✓ yes ___ no Sanders ✓ yes ___ no

Blass ✓ yes ___ no ___ Densieski ✓ yes ___ no

Cardinale ✓ yes ___ no

THE RESOLUTION ✓ WAS ___ WAS NOT

THEREFORE DULY ADOPTED

[1] Rec. Doris/ Res PT rec aide skate Meyer Segal

11/3/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1012

APPOINTS INTERPRETER FOR POLICE DEPARTMENT AND JUSTICE COURT

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

WHEREAS, the Town, in connection with its municipal operations, requires services consisting of the following: Language Translation; and

WHEREAS, Linda Fell, Contractor, is willing to provide the following services to the Town:
Description of Services: Language Translation – Spanish
Date(s) and Hours of Service: On – call, Flexible

NOW THEREFORE BE IT HEREBY RESOLVED, that the Supervisor is hereby authorized to execute the Agreement in connection with interpreter services of the aforementioned individual; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Linda Fell, 2195 Kerwin Boulevard, Greenport, New York, 11944; Police Chief David Hegermiller; Justice Richard Ehlers; Justice Allen Smith; the Office of Accounting and the Town Attorney's Office.

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

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AGREEMENT

BETWEEN, **THE TOWN OF RIVERHEAD**, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York, hereinafter referred to as **"TOWN"** and **LINDA FELL**, residing at 2195 Kerwin Boulevard, Greenport, New York, 11944, hereinafter referred to as **"CONTRACTOR"**.

W I T N E S S E T H

WHEREAS, the Town, in connection with its municipal operations, requires services consisting of the following: Language Translation; and

WHEREAS, the contractor is willing to provide the following services to the Town:

Description of services:	Language Translation – Spanish
Date(s) and Hours of Services:	On-call, Flexible

IT IS HEREBY AGREED, by the Town and Contractor as follows:

1. That Contractor shall provide and fully perform to the Town's satisfaction the aforementioned services to the Town on the date(s) and times(s) stated above.

2. In return for Contractor's services, the Town shall pay Contractor as follows: The sum of Fifty ($50.00) Dollars for the first (1st) hour of service (two (2) hour minimum) and Thirty-Five ($35.) Dollars for each hour, or part thereof, thereafter. That sum shall be payable after the Contractor performs the services described for the Town and after contractor has filed with the Town of Riverhead, vouchers and any other documents reasonably required for payment.

Dated: Riverhead, New York
November , 2004

TOWN OF RIVERHEAD

By: _____
PHILIP CARDINALE
Town Supervisor

CONTRACTOR

By: _____
LINDA FELL

November 3, 2004

Adopted

TOWN OF RIVERHEAD

Resolution #_____

APPROVES AMENDED SITE PLAN OF CELLULAR TELEPHONE COMPANY D/B/A AT&T WIRELESS - CHERRY CREEK

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

WHEREAS, a site plan and elevations were submitted by Cellular Telephone Company (d/b/a AT&T Wireless) to collocate three (3) sets of antennas with additional equipment cabinets onto an existing tower located at 900 Reeves Avenue, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-18-2-1.3; and

WHEREAS, the Planning Department has reviewed the site plan dated June 21st, 2004, as prepared by Paul Penman, P.E. and elevations dated June 21st, 2004, as prepared by Paul Penman, P.E., has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

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 Receipt Number 2004-0729 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 the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the action to be Unlisted pursuant to 6NYCRR Part 617 and that an Environmental Impact Statement need not be prepared.

BE IT FURTHER

RESOLVED, that the site plan and elevations submitted by Cellular Telephone Company (d/b/a AT&T) to collocate three (3) sets of antennas with additional equipment cabinets onto an existing tower located at Reeves Avenue, Riverhead, New York, site plan dated June 21st, 2004 as prepared by Paul Penman, P.E., and elevations dated June 21st, 2004 as prepared by Paul Penman, 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 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 proves 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, hereby authorizes and consents to the Town of Riverhead to enter premises at Reeves Avenue, Riverhead, New York, to enforce said handicapped parking regulations;

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

11. That all new utilities shall be constructed underground;

12. That pursuant to Section 108-133(I) 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 land clearing and/or 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;

15. That a post construction certification be provided to the Town, from the applicant's engineer; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to, Lawrence C. Re, Esq., Munley, Meade, Nielsen, & Re , 36 North New York Avenue, Huntington, New York 11743, attorneys for applicant, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

Planning Dept.

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

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 2004, made by Cherry Creek, Inc., 900 Reeves Avenue, Riverhead, New York 11901 Declarant:

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto, as provided by Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land, and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

3. 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 all necessary precautions shall be taken to contain all dust, dirt, and sand within property boundaries. Such precautions may include the application of dust down, watering, or proper screening measures.

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. 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, hereby authorizes and consents to the Town of Riverhead to enter premises at 900 Reeves Avenue, Riverhead, New York, to enforce said handicapped parking regulations;

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

11. That all new utilities shall be constructed underground;

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

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

14. That all necessary precautions shall be taken to contain all dust, dirt, and sand within property boundaries. Such precautions may include the application of dust down, watering, or proper screening or other appropriate measures.

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

_____
CHERRY CREEK INC.

State of New York, County of Suffolk) ss.:

On the ___ day of _____ in the year 2004, 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

November 3rd, 2004

TOWN OF RIVERHEAD

Resolution # 1014

Adopted

APPROVES AMENDED SITE PLAN OF LITTLE FLOWER CHILDREN'S SERVICES
PARKING IMPROVEMENTS

COUNCILMAN DENSIECKI offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK:

WHEREAS, a site plan was submitted by Little Flower Children's Services to allow improvements to an existing parking facility and related improvements, such real property more particularly described as Suffolk County Tax Map Parcel No. 0600-36-1-2; and

WHEREAS, the Planning Department has reviewed a site plan dated July 26th, 2004, as prepared by Michael Marinis, P.E. and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

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 Receipt Number 2004-0910 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 Little Flower Children's Services, 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 was submitted by Little Flower Children's Services, to allow improvements to an existing parking facility and related improvements, site plan prepared by Michael Marinis, P.E., dated July 26th, 2004 are hereby approved by the Town Board 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 proves 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, Little Flower children's Services hereby authorizes and consents to the Town of Riverhead to enter premises at the North Wading River Road, Wading River, 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 new utilities shall be constructed underground;

12. That pursuant to Section 108-133(I) 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 land clearing and/or 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, Grace LoGrande, Executive Director, Little Flower Children's Services, North Wading River Road, Wading River, New York 11722, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

Planning Dept.

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

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 2004, made by Little Flower Children's Services, North Wading River Road, Wading River, New York 11772, New York 11933, Declarant:

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto, as provided by Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land, and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

3. 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, Little Flower Children's Services hereby authorizes and consents to the Town of Riverhead to enter premises at the North Wading River Road, Wading River, New York, to enforce said handicapped parking regulations;

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

10. That all new utilities shall be constructed underground;

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

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

13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

14. That all necessary precautions shall be taken to contain all dust, dirt, and sand within property boundaries. Such precautions may include the application of dust down, watering, or proper screening or other appropriate measures.

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

_____
LITTLE FLOWER CHILDREN'S SERVICES

State of New York, County of Suffolk) ss.:

On the ___ day of _____ in the year 2004, 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

11/3/04

Adopted

AUTHORIZES SUPERVISOR TO EXECUTE
DECLARATION OF COVENANTS AND RESTRICTIONS
1998 PECONIC LLC
RESOLUTION # 1015

Adopted_____

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

WHEREAS, the Riverhead Planning Board has required a Declaration of Covenants and Restrictions to be executed and recorded by 1998 Peconic LLC regarding a three lot subdivision located at Route 25 and Edward Avenue, Calverton, and

WHEREAS, such Declaration has been prepared in the form attached hereto,

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board authorizes the Supervisor to accept the Declaration of 1998 Peconic LLC and execute all necessary recording documents, and be it further

RESOLVED, that the Town Clerk shall forward certified copies of this resolution to the Riverhead Planning Board and John Ciarelli, Esq.

THIS RESOLUTION PREPARED BY RICHARD A. EHLERS FOR THE RIVERHEAD PLANNING BOARD

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

DECLARATION OF
COVENANTS AND RESTRICTIONS

This Declaration made and dated the 6th day of April, 2004 by 1998 Peconic LLC at Calverton with offices at Port Jefferson, New York 11776, hereinafter referred to as the "Declarant" desires to restrict the use and enjoyment of Premises (described in Schedule "A") and has determined to impose on said Premises covenants and restrictions and does hereby declare that said Premises shall be held and shall be conveyed subject to the following covenants and restrictions:

1. Declarant is the owner in fee simple of the real property located in the Town of Riverhead, Suffolk County, New York described in Schedule "A" which is annexed hereto and made a part hereof. SCTM# 0600-117-2-2.5.

2. Declarant has made application to the Planning Board of the Town of Riverhead (hereinafter referred to as the "Town") for approval of a plan to subdivide said premises into three lots and improvements of which the Premises form a part.

3. In consideration of the aforesaid approval, the Declarant declares that the above-described Premises shall be held to the following covenants and restrictions:

a. Lots 1, 2, and 3 shall not be further subdivided;

b. Access to Lots 1, 2, and 3 shall be over the road as drawn on the final plot as "Miller Road" with a curb cut onto Edwards Avenue;

RUNNING thence on the arc of a curve to the right having a radius of 60.00 feet along Lot 1, Subdivision, "1998 Peconic LLC" for a distance of 88.08 feet to Lot 3, Subdivision, "1998 Peconic LLC";

RUNNING through Lot 3, Subdivision, "1998 Peconic LLC" the following five (5) courses and distances:

1. On the arc of a curve to the right having a radius of 60.00 feet for a distance of 135.76 feet,
2. On the arc of a curve to the left having a radius of 25.00 feet for a distance of 27.49 feet,
3. On the arc of a curve to the left having a radius of 122.50 feet for a distance of 53.92 feet,
4. South 05 degrees 22 minutes 50 seconds West 122.48 feet,
5. On the arc of a curve to the right having a radius of 177.50 feet for a distance of 278.82 feet to land now or formerly Edwards Avenue Corp;

RUNNING thence along land now or formerly Edwards Avenue Corp the following two (2) courses and distances:

1. North 84 degrees 37 minutes 10 seconds West 198.32 feet,
2. On the arc of a curve to the left having a radius of 25.00 feet for a distance of 38.15 feet to the easterly side of Edwards Avenue and the point or place of BEGINNING

Each owner of a 1998 Peconic lot shall have an easement on, over, and under the Miller Road for: (1) access, ingress, and egress to said owner's Lot, in common with the other Lot Owners, (2) installation, maintenance, replacement, and reconstruction of all utilities to his, her, or its Lot or the other Lots, including, but not limited to gas, cable television, telephone, electrical power, sewer, water, and drainage, and (3) temporary entrance onto those portions of the Roadway Lots which abut Miller Road for necessary maintenance work to be done to Miller Road or to those utilities as described in this Declaration.

e. The Lot Owners shall bear all of the costs of maintenance, snow removal, repairs, and reconstruction to Miller Road on an equal basis per lot and shall maintain Miller Road in good order and repair and free of accumulation of dir, debris, snow, and ice.

f. The Lot Owners shall inspect Miller Road at least annually and determine the maintenance work required to be performed on Miller Road, including the persons to perform the same and the manner in which such work is to be performed, by a majority vote at a meeting or by unanimous written consent of all of the Lots. Each Lot shall be allocated an equal vote.

g. For each 1998 Peconic Lot, Declarant covenants and agrees to pay the charges imposed by or under this Declaration at any time that Declarant is the owner of that Lot, and each subsequent owner of any 1998 Peconic Lot shall be deemed by acceptance of a deed to that Lot to covenant and agree to pay the charges imposed by or under this Declaration at any time such owner is the owner of that Lot, whether or not said covenant and agreement is set forth or reflected in any deed to that Lot, and those charges together with interest thereon at the maximum legal rate and any cost of collection thereof, including reasonable attorneys' fees, shall be a continuing and binding lien against that Lot and shall be the responsibility of the owner of that Lot and such owners, devisees, personal representatives, successors, and assigns. The obligation of any 1998 Peconic Lot Owner to pay such assessment shall also remain as such owner's personal obligation, notwithstanding a sale of the Lot.

h. Each owner of a 1998 Peconic Lot shall have an easement for drainage purposes from Miller Road over that portion of Lot 3 more particularly bounded and described as follows:

BEGINNING at a point on the southeasterly side of Miller Road, said point being situate the following three (3) courses and distances as measured from the southerly terminus of the arc of a curve connecting the easterly side Edwards Avenue and the southerly side of Miller Road:

1. On the arc of a curve to the right having a radius of 25.00 feet for a distance of 38.15 feet,
2. South 84 degrees 37 minutes 10 seconds East 198.32 feet,
3. On the arc of a curve to the left having a radius of 177.50 feet for a distance of 167.15 feet;

RUNNING thence from said point of beginning on the arc of a curve to the left having a radius of 177.50 feet along the southeasterly side of Miller Road for a distance of 58.51 feet to a point;

RUNNING thence South 67 degrees 27 minutes 35 seconds East through Lot 3, Subdivision, "1998 Peconic LLC" 261.43 feet to land now or formerly Riverhead Charter School;

RUNNING thence South 06 degrees 20 minutes 30 seconds West along land now or formerly Riverhead Charter School 48.01 feet to land now or formerly Miller Estates Corp.;

RUNNING thence North 84 degrees 37 minutes 10 seconds West along land now or formerly Miller Estates Corp 174.70 feet to a point;

RUNNING thence North 48 degrees 34 minutes 22 seconds West through Lot 3, Subdivision, "1998 Peconic LLC" 124.14 to the southeasterly side of Miller Road and the point or place of BEGINNING.

i. If any charge imposed by or under this Declaration is not paid within thirty (30) days after the date imposed, that charge shall bear interest from the date imposed to the date paid at the highest rate permitted by law, and any 1998 Peconic Lot Owner may bring an action at law

to collect payment from the 1998 Peconic Lot Owner obligated to pay the same or to foreclose the lien against that Lot, and there shall be added to the amount of such charges, the cost of preparing and filing of a lien, if any, and of bringing an action or proceeding to collect such charges, including interest, costs, and reasonable attorneys' fees.

j. Any 1998 Peconic Owner, or any prospective purchaser of a Lot, may mail to the other 1998 Peconic Owners by Registered or Certified Mail, Return Receipt Requested, notice claiming that all charges imposed by or under this Declaration with respect to that Lot have been paid and that all liens created by or under this Declaration have been satisfied as of a specified date. The notice shall be mailed no more than fifty (50) and no later than twenty (20) days prior to that date, and if no objection is received ten (10) days prior to that date, then such lack of objection shall be conclusive evidence that all charges and all liens imposed by or under this Declaration have been paid and satisfied.

k. Each 1998 Peconic Owner shall recognize and accept as a condition of the purchase of that Lot that the Town of Riverhead has no responsibility to accept any right-of-way or easement, including Miller Road, as a street or road upon an offer of dedication.

l. Except as otherwise provided in this Declaration, no Lot Owner shall erect, construct, or install any structure, building, or improvement which interferes with any easement provided by this Declaration in, on, or over any of the easement areas shown on the Subdivision Map.

m. Each grantee accepting a deed, mortgage, lease, or other instrument conveying any interest in any 1998 Peconic Lot, whether or not the same incorporates or refers to this Declaration, covenants for himself, herself, or itself and for his, her, or its heirs, personal

representatives, successors, and assigns, to observe, perform and be bound by this Declaration and by the easements shown on the Subdivision Map.

n. The provisions of this Declaration are several, and if any covenant, easement, or restriction or any article, section, subsection, sentence, clause, phrase, or term of this Declaration is declared to be void, invalid, illegal, or unenforceable, for any reason, by the adjudication of any court or other tribunal having jurisdiction, that judgment will not affect the other provisions of this Declaration in any way and those other provisions shall remain in full force and effect.

4. The aforementioned restrictive covenants shall be enforceable by the Town, the Declarant or the successors or assigns of the Declarant by injunctive relief or by any other remedy in equity or at law. The failure of said Town or any person to enforce the same shall not be deemed to affect the validity of this covenant nor to impose any liability whatsoever upon the Town or any officer or employee thereof.

5. These Covenants and Restrictions shall run with the land and shall be binding upon the Declarant, its successors and assigns, and upon all persons or entities claiming under them.

IN WITNESS WHEREOF, the Declarant has hereunto set his hand and seal the day and year first above written.

1998 Peconic LLC

By: Paul Elliott, Member

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

On *August 13, 2004* before me, the undersigned, personally appeared *Paul Elliott*, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Dominica Olszewski
Notary Public

DOMINICA OLSZEWSKI
Notary Public, State of New York
No. 01OL4694611
Qualified in Suffolk County
Commission Expires Nov. 30, ~~19~~ 2005

11/3/04

Adopted

AUTHORIZES SUPERVISOR TO EXECUTE
RECORDING DOCUMENTS
MILL POND COMMONS
RIVERHEAD SEWER DISTRICT

RESOLUTION # 1016

Adopted _____

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

WHEREAS, the Riverhead Planning Board required that the Mill pond Commons Condominium developer deed the premises described in the attached deed to the Riverhead Sewer District, and

WHEREAS, it is necessary for the Supervisor to execute the necessary transfer documents so that the deed may be recorded by the Suffolk County Clerk,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to execute the necessary transfer documents in order for the deed covering the attached premises to be recorded with the Suffolk County Clerk, and be it further

RESOLVED, that the Town Clerk shall forward certified copies of this resolution to Michael Reichel and Frank Isler, Esq.

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

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

3. SOUTH 87 DEGREES 37 MINUTES 30 SECONDS EAST, 125.40 FEET;
4. NORTH 83 DEGREES 13 MINUTES 30 SECONDS EAST, 125.40 FEET;
5. NORTH 87 DEGREES 42 MINUTES 20 SECONDS EAST, 380.00 FEET TO THE CENTERLINE OF SAW MILL BROOK;

RUNNING THENCE ALONG THE CENTERLINE OF SAW MILL BROOK THE FOLLOWING SIX (6) TIE LINE COURSES AND DISTANCES:

1. SOUTH 04 DEGREES 38 MINUTES 31 SECONDS EAST, 44.41 FEET;
2. SOUTH 33 DEGREES 47 MINUTES 16 SECONDS EAST, 174.34 FEET;
3. SOUTH 22 DEGREES 53 MINUTES 22 SECONDS EAST, 37.42 FEET;
4. SOUTH 45 DEGREES 20 MINUTES 41 SECONDS EAST, 35.99 FEET;
5. SOUTH 16 DEGREES 51 MINUTES 12 SECONDS EAST, 52.31 FEET;
6. SOUTH 47 DEGREES 47 MINUTES 52 SECONDS EAST, 119.14 FEET TO THE NORTHERLY SIDE OF ELTON STREET;

RUNNING THENCE SOUTH 68 DEGREES 15 MINUTES 20 SECONDS WEST ALONG THE NORTHERLY SIDE OF ELTON STREET 545.89 FEET TO THE LAND NOW OR FORMERLY OF THEODORE S. PERRY AND THE POINT OR PLACE OF BEGINNING.

DIST: 0600 SECTION: 109.00 BLOCK: 01.00 LOT: 011.002

Title No. SBAP 19742A

DESCRIPTION

SCHEDULE A

PARCEL 1:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING AT RIVERHEAD, TOWN OF RIVERHEAD, COUNTY OF SUFFOLK AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF ELTON STREET, SAID POINT BEING SITUATE, THE FOLLOWING THREE (3) COURSES AND DISTANCES AS MEASURED ALONG THE NORTHERLY SIDE OF ELTON STREET FROM THE NORTHERLY TERMINUS OF THE ARC OF A CURVE CONNECTING THE NORTHERLY SIDE OF ELTON STREET AND THE EASTERLY SIDE OF NORTH HOWELL AVENUE;

1. ON A CURVE TO THE LEFT HAVING A RADIUS OF 24.30 FEET AND A LENGTH OF 38.86 FEET;
2. NORTH 68 DEGREES 22 MINUTES 00 SECONDS EAST, 73.08 FEET;
3. NORTH 68 DEGREES 15 MINUTES 20 SECONDS EAST, 174.00 FEET;

RUNNING THENCE FROM SAID POINT OF BEGINNING NORTH 21 DEGREES 44 MINUTES 40 SECONDS WEST ALONG LAND NOW OR FORMERLY OF THEODORE S. PERRY 200.00 FEET TO A POINT;

RUNNING THENCE SOUTH 68 DEGREES 15 MINUTES 20 SECONDS WEST STILL ALONG LAND NOW OR FORMERLY OF THEODORE S. PERRY AND ALONG LAND NOW OR FORMERLY OF THEODORE PERRY, JR. AND MARGARET PERRY 156.00 FEET TO THE BOUNDARY OF "MAP OF RIVERHEAD GARDEN HOMES";

RUNNING THENCE ALONG THE BOUNDARY OF "MAP OF RIVERHEAD GARDEN HOMES" THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. NORTH 20 DEGREES 01 MINUTES 00 SECONDS WEST, 281.82 FEET;
2. NORTH 81 DEGREES 49 MINUTES 00 SECONDS WEST, 76.22 FEET;
3. NORTH 08 DEGREES 11 MINUTES 00 SECONDS WEST, 175.03 FEET TO THE SOUTHERLY SIDE OF SUFFOLK COUNTY DRAINAGE EASEMENT;

RUNNING THENCE ALONG THE SOUTHERLY SIDE OF SUFFOLK COUNTY DRAINAGE EASEMENT THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

1. NORTH 87 DEGREES 42 MINUTES 40 SECONDS EAST, 23.58 FEET;
2. NORTH 89 DEGREES 15 MINUTES 50 SECONDS EAST, 25.67 FEET;

CONTINUED ON NEXT PAGE

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 1st day of September in the year ~~2003~~ 2004

BETWEEN

DAYSTAR COMMUNITY DEVELOPMENT CORPORATION
722 DEER PARK ROAD
DIX HILLS, NY 11746

party of the first part, and

TOWN OF RIVERHEAD
200 HOWELL AVENUE
RIVERHEAD, NY 11901

party of the second part,

WITNESSETH, that the party of the first part, in consideration of dollars paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

SEE ATTACHED SCHEDULE "A"

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

DAYSTAR COMMUNITY DEVELOPMENT CORPORATIO

BY: _____
SAMUEL HASHIM, Vice President

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1017

AUTHORIZES SUPERVISOR TO RELEASE PETTY CASH MONIES TO RECEIVER OF TAXES

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

RESOLVED, that the Supervisor be and is hereby authorized to release $200.00 to the Receiver of Taxes from the Petty Cash Fund Account established for Petty Cash Fund purposes for the office of Receiver of Taxes, pursuant to Section 64-1 of Town Law.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Maryann Wowak Heilbrunn, Receiver of Taxes, and the Office of Accounting.

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

Tax Receiver

11/3/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1018

AUTHORIZES THE SUPERVISOR TO EXECUTE AN END USER AGREEMENT WITH JUNGLE LASERS, LLC FOR THE NATIONAL GEOMATICA SYSTEM

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

WHEREAS, Jungle Lasers, LLC has developed a proprietary computer hardware and software system known as the National Geomatica System [hereinafter "NatGeo" and/or the "System"]; and

WHEREAS, the System enables municipalities to have access to a unique Geographic Information System, including but not limited to, the display of current Land Use information, and other municipal information as may be added; and

WHEREAS, the successful implementation of the NatGeo System requires the provision of specialized personal and professional services; and

WHEREAS, participation in the System would provide a significant management tool for the Town by enabling the compilation, retrieval, review and analysis of data from the NatGeo website for municipal planning and building department forms and information storage and management and more efficient application procedures, inspections, identification of status of outstanding building permits, and additional analysis by the Town Departments;

NOW, THEREFORE, it is hereby

RESOLVED, that the Supervisor is hereby authorized to execute the attached End User Agreement with Jungle Lasers, LLC., and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Office of the Town Attorney and the Office of Accounting and Jungle Lasers, LLC, 201 Main Street, Allenhurst, NJ.

X:\Chris\NatGeo\authorize agreement Nat Geo.doc

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

END USER AGREEMENT

This Agreement is made as of this 26th day of October 2004, by and between Jungle Lasers LLC, a New Jersey Limited Liability Company, with its principal offices at 201 Main Street Allenhurst, NJ [hereinafter "LICENSOR"] and the Town of Riverhead, a New York Municipal Corporation with offices at 200 Howell Avenue, Riverhead, Suffolk County, New York [hereinafter "LICENSEE" or "END USER"].

WHEREAS, Licensor has developed a proprietary computer hardware and software system known as the National Geomatica System [hereinafter "NatGeo" and/or the "System"]; and

WHEREAS, the System enables municipalities to have access to a unique Geographic Information System, including but not limited to, the display of current Land Use information, and other municipal information as may be added; and

WHEREAS, the successful implementation of the NatGeo System requires the provision of specialized personal and professional services; and

WHEREAS, such services are exempt from the public bidding requirements of General Municipal Law §103; and

WHEREAS, participation in the System would provide a significant management tool for Licensee that shall benefit the Licensee and its residents by enabling the compilation, retrieval, review and analysis of data from the NatGeo website for municipal planning and building department forms and information storage and management where the Licensee wishes to include information by department to effectuate more efficient application procedures, inspections, identification of status of outstanding building permits, and additional analysis by the Town Departments;

NOW, THEREFORE, in consideration of the foregoing recitals, and in further consideration of the mutual obligations, terms and conditions contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Licensor and Licensee agree as follows:

1. **Acknowledgement and Acceptance of Agreement**.

LICENSEE hereby acknowledges that by accepting the services provided by Licensor under the terms and conditions of this **End User Agreement** it agrees to be bound by all of its terms and conditions, including any amendments thereto, which amendments shall be in writing and agreed to by and between the parties in similar form as this Agreement, together with the operating rules or policies of Licensor, which are attached hereto and incorporated herein by reference, and which may be amended from time to time and, if amended, published by Licensor and forwarded to Licensee. Conflicts between the language contained in this Agreement and the language contained in the operating rules shall be controlled by the language contained in this Agreement.

2. **Description of Services**.

2.1. Licensor shall provide to Licensee access to the NatGeo Website on the World Wide Web, via the use of authorized passwords as will be agreed upon by the Licensor and Licensee. Licensee will be able to view this information using current versions of Microsoft Internet Explorer versions 5.0 and newer. The Website will be viewable using standard dial-up modem connections or better at speeds of 28.8 kps and higher. Licensor cannot guarantee speed of access, as this is a factor of the Licensee's Internet Service Provider. Licensor shall make all commercially reasonable efforts to maintain availability of access.

Access will enable Licensee to review the following information:

2.1.1 Vector parcel maps of the municipality

2.1.2 Tax Information supplied by the Licensee

2.1.3 Land Use Building Application and Permit information

2.1.4 Other information as mutually agreed upon

2.2 Upon request of the Licensee, Licensor will make available to Licensee, on a monthly basis and/or upon reasonable request of the Licensee, datasets to be utilized for planning and analysis purposes by the Licensee in the Licensee's offices.

3. **Maintaining and Updating Data.**

3.1 In order to update and maintain the Licensee's database, Licensee agrees to submit to Licensor, in the form and manner set forth in Licensor's operating policies, all applications received by Licensee for the following:

3.1.1 Planning board applications and the disposition of same

3.1.2 Zoning board applications and the disposition of same

3.1.3 Site Plan applications and the disposition of same

3.1.4 Building Permits

3.1.5 Certificates of Occupancy

3.1.6 Additional Items as may be mutually agreed upon

4. **Imposition of Application Fees.**

Licensee agrees to establish, as part of its application process, a fee as listed on Exhibit A attached hereto and incorporated herein for each item as listed above in section 3, which fee shall be payable directly to and collected by Licensee. Licensee shall remit such payments to Licensor within thirty (30) days of receipt of monthly invoices from Licensor.

5. **Licensee's Records.**

To insure proper handling and processing of all information the Licensee wishes to include in the G.I.S., Licensee agrees to maintain a sequential numbering system for all information transmitted to the Licensor. In the event such numbering system indicates that applications have been received and processed by the Licensor for which no payments have been forwarded to Licensor, then Licensee shall be responsible for the payment of such fees to Licensor as may be determined to be due. If Licensee disputes the amount determined to be due by Licensor, Licensee shall provide Licensor written notice that it is disputing an assessed fee within fifteen days of receipt of same. If the disputed fee cannot be resolved by the parties within thirty days of receipt of the written notice of dispute, then the parties may forward said dispute to arbitration for resolution.

6. **Mutual Obligations.**

Licensee agrees to provide true, accurate, current and complete information to Licensor for incorporation into the System, in accordance with Licensor's operating rules and policies. Upon receipt of said information, Licensor agrees to process same within one business day for inclusion into its G.I.S., which has been developed for use by Licensee.

7. **Technical Support.**

Licensor shall provide technical support and training in the basic features and functions of the System as accessed on the Internet, including but not limited to all developments and improvements, the transmittal of information to Licensor, receipt and transmittal of payments on behalf of Licensor, and handling of any complaints and/or defects regarding the use of the System which shall be addressed by the Licensor using reasonable commercial efforts within one business day.

8. **Modifications to Operating Rules and Policies.**

Licensor reserves the right to make reasonable changes from time to time to its system wide operating rules and policies. Licensee shall be notified of any such changes on a startup screen that will appear as the first page Licensee views after logging on to the Website which shall describe such changes.

9. **Modifications to Services or System.**

Licensor reserves the right to modify or discontinue, temporarily or permanently, the System with notice to Licensee's System Administrator as hereinafter provided in paragraph 15. Licensee agrees that Licensor, and their respective agents, officers and employees, shall not be liable to Licensee or any third party for any modification or discontinuance of service. Licensor agrees to maintain Licensee's data in an Open Database Connectivity ("ODBC") format.

10. **User Account, Password and Security.**

Licensee shall receive passwords and user names designated for access to the NatGeo System. Licensee may, at its own discretion, allow the general public to view some portions of the G.I.S. The specific portions enabled for public viewing will be determined by the Licensee and will not require any password to view. Licensee is responsible for maintaining the confidentiality of account and any password protected access, and is fully responsible for all activities that occur under Licensee's password or account. Licensee shall notify Licensor immediately of any known or suspected unauthorized use or Licensee's password or user name, or of any known or suspected breach of security.

11. **Conduct.**

11.1 Licensee shall not upload, post, or otherwise transmit to or through the System any material of any kind unless prior consent has been given by Licensor.

11.2 Licensee shall not attempt to gain unauthorized access to the System or any other user or network connected to the System.

11.3 The System is the valuable intellectual property of Licensor. All rights, title and interest in and to the System shall remain with Licensor. Licensee shall have no rights to use the System except those expressly granted herein. Licensee shall have no rights to the source code for any software used in the System or the right to modify the System or to prepare derivative works therefrom. Licensee acknowledges that the source code for the software used in the system is the proprietary and confidential information of Licensor.

11.4 Licensee shall not reverse engineer or decompile the system, or otherwise seek to derive the source code for any software used in the System.

12. **No Resale or Reuse.**

Licensee shall not sell or resell, sublicense or re-license any use of or access to the System. Any commercial use of the images, text, programs or other materials in the System is strictly prohibited. No logo, graphic, image, or other materials found on the System may be copied or retransmitted unless expressly authorized by Licensor in a

separate, written agreement. Notwithstanding the foregoing, the parties hereby agree that all information and datasets within the system belong to Licensee and may be accessed by Licensee and sold and reused by Licensee as it shall determine in its sole discretion. Licensor shall not sell, resell, reuse, distribute or grant access to Licensee's data without the prior written consent of Licensee.

13. **DISCLAIMER OF WARRANTIES**.

13.1 LICENSOR HAS MADE REASONABLE EFFORTS TO MAINTAIN THE NATGEO SITE IN A COMPLETE AND ACCURATE MANNER, AND TO KEEP IT CURRENT, BUT NOTWITHSTANDING ANY STATEMENT THAT MAY APPEAR ON THE SITE, OR ANY ORAL OR WRITTEN REPRESENTATION OR WARRANTY MADE BY ANY AGENT OR REPRESENTATIVE OF LICENSOR, LICENSEE UNDERSTANDS, ACKNOWLEDGES, AND AGREES THAT THE ULTIMATE RESPONSIBILITY IS ON SUBSCRIBER ITSELF TO VERIFY THE ACCURACY OF ALL INFORMATION ON THE SITE. ACCORDINGLY, EXCEPT AS SPECIFICALLY PROVIDED IN THIS AGREEMENT, ALL INFORMATION, FUNCTIONS, CONTENT AND MATERIALS MADE AVAILABLE ON OR ACCESSED THROUGH THE SITE ARE PROVIDED "AS IS". LICENSOR DISCLAIMS ANY EXPRESS OR IMPLIED WARRANTIES, INCLUDING, WITHOUT LIMITATION, PERFORMANCE, ACCURACY, COMPLETENESS, AND THE IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR NON-INFRINGEMENT.

13.2 IN NO EVENT SHALL LICENSOR BE LIABLE FOR: (I) ANY DAMAGES RELATING TO LICENSEE'S USE OF THE SITE, INCLUDING, WITHOUT LIMITATION, THE CONTENT AND ANY ERRORS CONTAINED THEREIN; OR ACTION TAKEN BY LICENSEE IN RELIANCE ON THE SITE OR INFORMATION CONTAINED THEREIN; (II) SPECIAL, INCIDENTAL, INDIRECT OR CONSEQUENTIAL DAMAGES OF ANY KIND, INCLUDING, WITHOUT LIMITATION, THOSE RESULTING FROM LOSS OF USE, DATA OR PROFITS, EVEN IF LICENSOR HAS BEEN SPECIFICALLY ADVISED OF THE POSSIBILITY OF SUCH DAMAGE; (III) ANY CLAIM RELATING TO A THIRD-PARTY LINKED FEATURE; OR (IV) ANY OTHER THEORY OF LIABILITY, ARISING OUT OF OR IN CONNECTION WITH THE USE OR PERFORMANCE OF INFORMATION CONTAINED ON THE SITE EXCEPT LICENSOR'S ACTUAL NEGLIGENCE, MALFEASANCE OR MISFEASANCE.

13.3 LICENSOR DOES NOT WARRANT THAT THE FUNCTIONS CONTAINED ON THE SITE OR ANY MATERIALS OR CONTENT ON THE SITE WILL BE UNINTERRUPTED OR FREE OF ERRORS, THAT DEFECTS WILL BE CORRECTED, OR THAT THE SITE OR THE SERVER THAT MAKES THE SITE AVAILABLE ARE FREE FROM VIRUSES OR OTHER

HARMFUL COMPONENTS. LICENSOR IS NOT RESPONSIBLE FOR ANY BREACH OF SECURITY ASSOCIATED WITH THE TRANSMISSION OF SENSITIVE INFORMATION THROUGH THE SITE OR ANY LINKED SITE UNLESS SAID BREACH IS THE RESULT OF LICENSOR'S NEGLIGENCE, MALFEASANCE OR MISFEASANCE.

13.4 INFORMATION IN THE SYSTEM MAY CONTAIN TECHNICAL INACCURACIES OR TYPOGRAPHICAL ERRORS. IF A TECHNICAL INACCURACY OR TYPOGRAPHICAL ERROR IS DETECTED, THIS INFORMATION MAY BE CHANGED AND UPDATED WITHOUT NOTICE.

14. **Term and Termination**.

14.1 The Licensee may terminate this Agreement at any time for any reason. Such termination will be become effective thirty (30) days after the Licensor receives notice of Licensee's desire to terminate.

14.2 Either party may terminate this Agreement at any time if the other party is in breach of any material term, which breach such party shall fail to cure within thirty (30) days after receipt of notice of same and the other party's intention to terminate. If said breach is not cured within the thirty day cure period, such termination shall become effective automatically upon expiration of the cure period.

15. **Notices**.

All official notices under this Agreement shall be in writing and shall be delivered as set forth below, or to such other addresses as may hereafter be designated by each party. Notices hereunder shall be sent by certified mail, return receipt requested, express delivery, personal delivery, or telecopy. Notices shall be effective when received. In the event the addressee refuses to take delivery, the notice may be given by depositing said notification in the United States mail, postage prepaid and the notice shall be deemed effective from the date of the original notice.

If by or to Licensor:

Dean S. Garfinkel
Jungle Lasers, LLC
201 Main Street
Allenhurst, New Jersey 07711

If by or to Licensee:

Lori Pipczynski
Town of Riverhead
200 Howell Avenue
Riverhead, New York 11901

16. **Severability.**

Any provision of this Agreement that is determined to be invalid or unenforceable will be ineffective to the extent of such determination without invalidating the remaining provisions of this Agreement or affecting the enforceability of such remaining provisions.

17. **Governing Law**

This Agreement and the rights of the parties hereunder shall be governed by and construed in accordance with the laws of the State of New York without regard to its conflicts of law rules. All disputes between the parties shall be resolved by litigation or arbitration in the State of New York, which shall be the exclusive venue and jurisdiction for all such disputes

18. **Effect of Agreement.**

This Agreement (which includes all future amendments which are stated at the Site) embodies the entire understanding between the parties with respect to the subject matter of this Agreement and supersedes any and all prior or contemporaneous understandings and agreements, oral or written, relating to the subject matter.

IN WITNESS WHEREOF, the Parties have caused this agreement to be executed by their duly authorized representatives, as of the day and date first noted above.

Jungle Lasers, LLC	**Town of Riverhead**
By: _____	By: _____
Title: _____	Title: _____
Date: _____	Date: _____

EXHIBIT A

Permit/Application				Fees
Swimming Pool				$15
SFRES				$15
Alteration				$15
Addition				$15
Deck / Accessory				$10
Garage				$10
Mobile / Modular				$10
Commercial				$20
Commercial Alt.				$20
Condo Bldg				$20
Excavation				$10
Sign				$15
Use				$10
Demo				$10
Misc.				$10
LPEU				$10
Electric upgrade				$10
Minor				$25
Major				$50
Site Plan				$50
CAC - Chapter 12				no charge
ZBA				$15

NOVEMBER 3, 2004

Adopted

TOWN OF RIVERHEAD

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A HELP WANTED AD FOR A MAINTENANCE MECHANIC II

RESOLUTION # 1019

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

BE IT RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the November 11, 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 Office.

THE VOTE

Bartunek ☒ **Yes** ☐ **No** **Sanders** ☒ **Yes** ☐ **No**

Blass ☒ **Yes** ☐ **No** **Densieski** ☒ **Yes** ☐ **No**

Cardinale ☒ **Yes** ☐ **No**

Z:\Resolutions\HELP WANTED ADS\RES. HELP WANTED MMII.5.11.04.doc

HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Maintenance Mechanic II. Based on the nature of this position Federal and State laws require that all applicants must be at least 18 years of age. Applicants must also have a minimum of two years experience in a major craft or specialty trade such as carpentry, plumbing, electrical, mechanical or welding and a clean, current CDL. Applications are to be submitted to the Accounting Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:00pm on Friday, November 19, 2004. EOE

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

NOVEMBER 3, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 1020

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A HELP WANTED AD FOR A TOWN DIRECTOR OF HUMAN SERVICES

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

BE IT RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the November 11, 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 Office.

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

HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of a Town Director of Human Services. Applicants must have 4 – 6 years experience in the development of programs in the area of human services, public relations or a related field, 1 – 2 years must include supervising experience. Applications are to be submitted to the Accounting Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY, between the hours of 8:30am and 4:30pm. Monday through Friday. No applications will be accepted after 4:00pm on Friday, November 19, 2004. The Town of Riverhead does not discriminate on the basis of age, race, color, national origin, sex or handicapped status in the employment or provision of services.

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

November 3, 2004

Town of Riverhead
Resolution # 1021

Adopted

ESTABLISHES EXPEDITING CHARGES IN THE FIRE PROTECTION AND CODE ENFORCEMENT DIVISION

COUNCILMAN BARTUNEK offered the following resolution, was seconded by COUNCILMAN DENSIESKI.

WHEREAS, the Fire Protection and Code Enforcement Division has recommended the following charges to assist various title company's needs to expedite their research as follows:

Fire Violations	**$5.00 per page**
Housing Violations	**$5.00 per page**
Building Violations	**$5.00 per page**
Code Violations	**$5.00 per page**
Copies of Additional Documents	**$5.00 per page**
Sign Duplicate of Certificate of Compliance	**$25.00 per page**

(Fire Sprinkler, Fire Alarm, Fixed Extinguishing System, Cooking Exhaust System/Vent Hood, Propane Gas, Retail Sale of Propane and Final Building Inspection)

NOW THEREFORE BE IT HEREBY RESOLVED, that the Town Board of the Town of Riverhead hereby established the aforementioned expediting charges in the interest of assisting title company's needs to expedite their research; and be it

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Fire Protection and Code Enforcement Division and the Office of Accounting.

THE VOTE

Bartunek ☒ Yes ☐ No Sanders ☒ Yes ☐ No

Blass ☒ Yes ☐ No Densieski ☒ Yes ☐ No

Cardinale ☒ Yes ☐ No

The Resolution Was ☒ Was Not ☐
Thereupon Duly Declared Adopted

I:\Fire Protection & CodeEnforcement\Title Comp. Fee. Res.doc

November 3, 2004

Adopted

TOWN OF RIVERHEAD
ESTABLISHMENT OF BANK ACCOUNT

RESOLUTION # 1022

COUNCILMAN DENSIESKI offered the following Resolution which was seconded by COUNCILWOMAN BLASS.

BE IT RESOLVED, that the Supervisor be, and hereby is, authorized to establish an account with SmithBarney Citigroup for the Riverhead Town Historian in the name of the Evelyn Meier Memorial Scholarship Award .

BE IT FURTHER RESOLVED, that the Town Clerk be, and hereby is, authorized to forward a certified copy of this resolution to: Gary Kron, SmithBarney Citigroup, PO Box 9010, Riverhead, NY 11901; Georgette Case, Town Historian, 542 East Main Street, Riverhead, NY 11901 and the Office of Accounting.

THE VOTE

Bartunek [X] Yes [ ] No Sanders [X] Yes [ ] No

Blass [X] Yes [ ] No Densieski [X] Yes [ ] No

Cardinale [X] Yes [ ] No

11/03/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1023

EXERCISES AN OPTION TO RENEW AN AGREEMENT WITH FUNDAMENTAL BUSINESS SERVICE (PARKING VIOLATIONS ENFORCEMENT SERVICES)

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

WHEREAS, on June 4, 2001, the Town of Riverhead entered into an agreement with Fundamental Business Services (FBS) to engage FBS to provide data processing and collection services to assist in the enforcement of Town parking violations, and

WHEREAS, FBS has assisted the Town in enforcing parking violations within the Town, and

WHEREAS, due to the assistance of FBS, the Town has increased compliance with Town parking statutes, increased prompt payments of fines assessed and modified the parking summons forms to assist parking ticket recipients in dealing with the parking tickets they receive, and

WHEREAS, based upon the foregoing, the Town is desirous of extending the agreement with FBS for a period of three years

NOW, THEREFORE,

BE IT RESOLVED, that the Supervisor be and is hereby authorized to execute the attached letter agreement extending the term of the June 4, 2001 agreement through June 3, 2007, and be it further

RESOLVED, that the Town Clerk is directed to forward a copy of this resolution to FBS, 14 Front Street, Hempstead, NY 11550, Hon. Richard Ehlers and Hon. Allen M. Smith, the Office of Accounting and the Office of the Town Attorney.

THE VOTE

Bartunek ✓ yes ___ no Sanders ✓ yes ___ no
Blass ✓ yes ___ no ___ Densieski ✓ yes ___ no
Cardinale ✓ yes ___ no

THE RESOLUTION X WAS ___ WAS NOT
THEREFORE DULY ADOPTED

October 29, 2004

Dennis Farrell, President
Fundamental Business Services, Inc.
14 Front Street
Hempstead, New York 11550

Re: Agreement with Town of Riverhead

Dear Mr. Farrell:

This letter shall confirm our agreement to extend the contract between the Town of Riverhead and FBS for an additional period of three years, from June 4, 2001 through June 3, 2007. A copy of the June 4, 2001 is attached to and incorporated into this letter by reference.

Kindly sign in the space provided below to indicate your concurrence with the extension.

Kindly contact me with any questions you have or if you require further information.

Very truly yours,

DAWN C. THOMAS

AGREEMENT

AGREEMENT dated June 4, 2001 between Town of Riverhead, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York 11901 (hereafter referred to as Town) and FUNDAMENTAL BUSINESS SERVICE, INC., 14 Front Street, Hempstead, New York, 11550 (hereafter referred to as FBS).

WHEREAS, the Town wishes to engage the services of a company providing data processing and collection services to assist in the enforcement and collection of outstanding Town parking violations, and

WHEREAS, FBS has been selected to perform these services,

NOW, THEREFORE,

IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. The term of this agreement will commence on the date above written and will continue for a period of three (3) years with an option to renew for an additional three year period upon thirty (30) days written notice unless terminated sooner pursuant to the provisions of paragraph 21 herein.

2 FBS shall transcribe all records of outstanding parking summonses and all information contained therein from the original appearance tickets/summonses located at Town of Riverhead.

3. The Town agrees to cooperate with FBS in providing access to the aforesaid information.

4. FBS shall obtain from the Department of Motor Vehicles the name, address and vehicle registration numbers from the information, including license plate numbers, as found on the aforesaid tickets/summonses.

5. FBS shall engage in skip tracing procedures, if necessary, to locate delinquent violators.

6. FBS shall notify all aforesaid violators of the outstanding tickets/summonses, on a form which has been approved by the Town prior to transmission.

7. FBS shall forward copies of all correspondence received from violators or other sources which result from the aforesaid notification, and shall notify the Town of Riverhead of the results of said correspondence and compliance or lack thereof.

8. FBS shall maintain monthly account files which reflect the amount of fines remitted as a result of the efforts of FBS and shall provide copies of such reports to the Town on a monthly basis.

9. FBS shall repeat notification to delinquent violators by two additional notices as set forth herein on forms approved by the Town at thirty (30) day intervals, unless payment is sooner made.

10. FBS shall provide a warning to all delinquent violators that failure to respond to the aforesaid three (3) notices may result in the entry of a civil judgment.

11. FBS on behalf of and at the direction of the Town of Riverhead shall prepare and docket civil default judgments in certain instances where violators fail to respond to the aforesaid three (3) notices.

12. FBS shall provide all responding violators with information regarding all outstanding summonses, including summons number, date and place of violation, license plate number and amount of fine due.

13. FBS on behalf of and at the direction of the Town of Riverhead shall notify the Department of Motor Vehicles of eligible scofflaws with three (3) or more unanswered violations.

14. FBS agrees to devote reasonable best efforts to recover the full amount of the accounts placed for collection through persistent and diligent activity which shall be at all times legal and ethical and in compliance with applicable Government (Federal, State and Local) rules and regulations including without limitation, the Federal Fair Debt Collection Practices Act. FBS shall endeavor to maintain and preserve the violator's good will toward the Town.

15. FBS shall maintain all records in relation to this agreement and perform services as required herein at and from its own business premises.

16. All fines remitted in response to the efforts of FBS shall be remitted directly to the Town.

17. The parties further agree that all correspondence to be sent to scofflaws and violators shall be subject to the prior approval of the Town.

18. FBS agrees to hold the Town harmless and indemnify against any liability imposed upon the Town as a result of acts committed by FBS in connection with this Agreement. This paragraph shall apply reciprocally against the Town.

19. It is understood that FBS' relationship to the Town is that of an independent contractor and not its employee or agent. Any arrangements made by FBS with outside agents or attorneys shall be solely FBS' responsibility and shall in no way constitute or incur additional obligation on the part of the Town. The Town's obligation is limited to payment to FBS of compensation earned in accordance with this agreement.

20. FBS shall be compensated on a contingent basis and shall be entitled to:

- **Thirty percent fee (30%) of commissionable fines and penalties paid thirty-one (31) days from issuance**
- **Scofflaw processing @ $1.90 per plate**
- **Amnesty Program @ $1.90 per plate**

In addition, all costs of operation incurred by FBS in furtherance of the services enumerated, excluding statutory court and filing fees and fees imposed by the Department of Motor Vehicle directly upon the Town, shall be borne solely by contractor. The compensation due FBS shall be based upon a percentage of that actually collected and not upon the face amount of the summons/ticket. FBS shall submit invoices and be compensated pursuant to customary Town billing procedures.

21. Either party may terminate this agreement by giving written notice by registered or certified mail upon thirty (30) days notice. In the event this agreement is so terminated, FBS shall return to Town all accounts and related records.

The Town will be responsible to FBS for fees due as a result of the collection efforts of FBS but shall incur no other liability as a result of such cancellation.

This agreement sets forth all of the terms and conditions of the agreement and may only be changed by a writing executed by both parties.

Dated: March 17, 2004 **Fundamental Business Service, Inc.**

By_____

Dated: June 4, 2001 **Town of Riverhead**

By Robert F. Kozakiewicz

Adopted

November 3, 2004

TOWN OF RIVERHEAD

Resolution # 1024

RE- ESTABLISHS TERMS AND CONDITIONS OF EMPLOYMENT OF DEPUTY TOWN ATTORNEY

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

WHEREAS, on April 15, 2003, the Town Board appointed Mary C. Hartill, Esq., as part-time Deputy Town Attorney, and

WHEREAS, the Town Board wishes to re-establish and modify the terms and conditions of the employment of the Deputy Town Attorney, and

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the terms and conditions of the employment of Deputy Town Attorney Mary C. Hartill as set forth in resolution #75 of 2004 shall be modified as follows:

ARTICLE VIII

HEALTH INSURANCE

1. The Town shall pay, on Hartill's behalf, one hundred (100%) percent of the cost of either the individual or family coverage for hospitalization under the Town Health Insurance Program, which shall be at least equal to the January 1, 1991 NYS Empire Core Plan Plus Medical and Psychiatric Enhancements. These plans shall also provide that the Town pays for one hundred (100%) percent coverage for Hartill if she retires from the Town and Town shall also pay to the extent of fifty (50%) percent coverage on the premiums for his family. Notwithstanding the foregoing, Hartill may elect to be reimbursed for health insurance she purchases through Suffolk County in amount less than or equal to the cost of the Town Health Insurance Program.

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Mary C. Hartill, Esq., c/o Riverhead Town Attorney's Office, 200 Howell Avenue, Riverhead, New York, 11901, the Office of Accounting and the Town Attorney's Office.

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

NOVEMBER 3RD, 2004

Adopted

TOWNOF RIVERHEAD

Resolution # 1025

REFERS THE AMENDED COMPREHENSIVE DEVELOPMENT PLAN OF M-GBC LLC TO THE RIVERHEAD PLANNING BOARD

COUNCILMAN BARTUNEK OFFERED THE FOLLOWING RESOLUTION, WAS SECONDED BY COUNCILMAN DENSIESKI.

Whereas, by Resolution dated 17 June 2003, the Riverhead Town Board did approve the Comprehensive Development Plan of M-GBC LLC to allow for the development of an Industrial Park at the former Calverton Naval Weapons Industrial Reserve Plant pursuant to Section 108-228 of the Riverhead Zoning Ordinance, and

WHEREAS, M-GBC LLC desires to amend the approved Comprehensive Development Plan, and

WHEREAS, the M-GBC LLC has submitted an amended Comprehensive Development Plan to the Riverhead Planning Department as prepared by Cameron Engineering and Associates, LLC.and dated October 2004.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk be authorized to publish and post the following notice of public hearing; and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is herby authorized to forward a certified copy of this resolution to the Riverhead Planning Board; the Riverhead Planning Department, the Riverhead Building Department and the Office of the Town attorney.

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

TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING

Please take notice that a public hearing will be held on the 7th day of December 2004 at 7: 05 o'clock p.m. at Riverhead Town Hall 200 Howell Avenue, Riverhead, New York to consider the amended Comprehensive Development Plan of M-GBC LLC to allow the development of an Industrial Park of 31 lots, roadways, parking areas and related improvements upon the former Calverton Naval Industrial Reserve Plant located at Swan Pond Road, Calverton, New York.

DATED: November 3rd, 2004
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

11/3/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1026

RELEASES CASH SECURITY OF RIVERHEAD BAY MOTORS

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILWOMAN BLASS:

WHEREAS, by Resolution #1348 dated December 16, 2003, the Riverhead Town Board did accept a certified check in the amount of $5,000.00 from Riverhead Bay Motors to ensure landscaping improvements were to be completed in the Spring of 2004 at their newly constructed motor vehicle sales facility, more particularly described as Suffolk County Tax Map #0600-101-2-13, 16, 17 and 18; and

WHEREAS, by memorandum from Vincent A. Gaudiello, P.E. at John J. Raynor, P.E., & L.S., dated October 6, 2004, said landscaping improvements have been satisfactorily completed.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the security submitted in the amount of $5,000.00; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Martin Sendlewski, AIA, 215 Roanoke Avenue, Riverhead, New York, 11901, the Building Department; the Planning Department; the Assessor's Office and the Office of the Town Attorney.

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

W:\Laura Calamita\bonds\BONDREL.doc

11/3/04

Adopted

AUTHORIZES SUPERVISOR TO EXECUTE
LEASE AGREEMENT WITH
CELLULAR TELEPHONE COMPANY
d/b/a AT&T WIRELESS
RESOLUTION # 1027

Adopted _____

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

WHEREAS, a Public Hearing was held on the 16th day of March, 2004, wherein all persons wishing to be heard were heard regarding the proposed lease agreement with Cellular Telephone Company d/b/a AT&T Wireless to lease certain space located at Route 58 tank site, Riverhead, for the installation and operation of wireless antennas and appurtenances, and

WHEREAS, a copy of the proposed lease agreement is on file with the Riverhead Town Clerk,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to execute a lease agreement with Cellular Telephone Company d/b/a AT&T Wireless, and be it further

RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to Gary Pendzick, Frank Isler, Esq., and Michael Gerard at Cellular Telephone Company, and be it further

RESOLVED, that a fully executed copy of the lease agreement shall be filed with the Riverhead Town Clerk.

THE ABOVE RESOLUTION PREPARED BY FRANK A ISLER ON BEHALF OF THE RIVERHEAD WATER DISTRICT

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

11/3/04

Adopted

TOWN OF RIVERHEAD

ORDER ESTABLISHING EXTENSION 81
TO THE RIVERHEAD WATER DISTRICT
1998 PECONIC LLC

RESOLUTION # 1028

Adopted_____

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

WHEREAS, a petition has been filed by the developers for the proposed 1998 Peconic LLC subdivision in Calverton, New York, covering property located near the intersection of Middle Country Road (NYS Route 25) and Edwards Avenue in Calverton, to provide water facilities to their parcel of land located just outside the boundaries of the existing Water District, and

WHEREAS, a map and plan detailing the proposed construction of water mains and appurtenances has been prepared by H2M, consulting engineers to the Riverhead Water District for an extension to the Riverhead Water District to be known as Extension No. 81, wherein approximately 1,200 linear feet of eight inch diameter water main to be installed through the subdivision which connects to existing twelve inch water mains on Edwards Avenue and Middle Country Road, along with necessary easements to facilitate the connections, and and

WHEREAS, all costs associated with this extension shall be borne by the petitioner with an estimate cost of $88,000 and no public monies shall be expended for this extension, and

WHEREAS, the petitioner will be required to pay key money in the amount of $22,500 as calculated in the subject report, and

WHEREAS, the Town Board called a public hearing for October 5, 2004, which hearing was held and all persons wishing to be heard were heard,

NOW, THEREFORE, BE IT

RESOLVED that the Town Board, upon the proceeding and record of the hearing had herein, determines that the extension to the Riverhead Water District to be known as Extension No. 81 as shown on Exhibit A attached is in the best interest of the district and will benefit the property to be served, which extension shall serve property located near the intersection of Middle Country Road (NYS Route 25) and Edwards Avenue in Calverton, and

BE IT FURTHER RESOLVED that the Town Board determines that the installation of the water mains and appurtenances is a Type II action pursuant to the State Environmental Quality Review Act which will not have a significant impact upon the environment, and

BE IT FURTHER RESOLVED, that this extension is conditioned and shall not become effective until the conditions contained herein are complied with, and

BE IT FURTHER RESOLVED, that the cost of the installation of aid mains and appurtenances is $88,000, all being constructed subject to the following conditions:

1. The owners grant a permanent, unobstructed subsurface easement for the installation and maintenance of water mains and appurtenances within the proposed extension;

2. The developer will deposit cash, bank or certified check with the Town of Riverhead prior to the award of the bid covering the cost of construction in the amount of $88,000 and key money in the amount of 22,500;

3. That the petitioner execute an acknowledgment evidencing their acceptance of the terms and conditions of this resolution and agree to be bound by it before it shall become effective; such acknowledgment to be filed with the Town Clerk, and it is further

RESOLVED, that when the conditions called for herein have been completed, the Town Clerk shall cause a copy of this Order to be recorded in the Office of the Clerk of Suffolk County and filed with the New York State Comptroller, and it is further

RESOLVED, that the Town Clerk forward a certified copy of the resolution to Frank Isler, Esq., H2M, Superintendent Gary Pendzick, and the applicant.

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

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

H2MGROUP

EXHIBIT "A"

RIVERHEAD WATER DISTRICT
ENGINEERING REPORT
FOR
PROPOSED EXTENSION NO. 81
1998 PECONIC LLC

H2M PROJECT NO.: RDWD 04-54

DESCRIPTION OF EXTENSION

AUGUST 2004

All this certain lot, parcel of land, said property being known as District 0600, Section 117, Block 2, Lot 2.5 situated and lying and being at Calverton, Town of Riverhead, County of Suffolk and State of New York bounded and described as follows:

BEGINNING at a point formed by the southerly right-of-way of Middle Country Road (NYS Rte. 25) and the easterly right-of-way of Edwards Avenue and having a radius of approximately 12 feet and a length of approximately 23 feet. Traveling easterly along the southerly right-of-way of Middle Country Road (NYS Rte. 25) a distance of approximately 135 feet to a POINT OF BEGINNING.

From said POINT OF BEGINNING, running easterly along the southerly right-of-way of Middle Country Road the following two bearings and distances:

1.	S 67° - 19′-30″ E	192.77 feet
2.	S 75° - 07′-30″ E	163.37 feet

to a point known as the westerly property line of Section 99, Block 2, Lot 9.1 and the southerly right-of-way of Middle Country Road (NYS Route 25).

THENCE running southerly, easterly and westerly along the property line of Section 117, Block 2, Lot 2.5 the following seven bearings and distances:

1.	S 06° - 21′-00″ W	263.95 feet
2.	S 77° - 13′-30″ E	165.70 feet
3.	S 07° - 16′-30″ W	222.00 feet
4.	S 04° - 41′-30″ W	126.00 feet
5.	S 06° - 20′-30″ W	96.01 feet
6.	N 84° - 37′-10″ W	418.59 feet
7.	N 84° - 37′-10″ W	198.32 feet

THENCE running westerly along the southerly property line of Section 117, Block 2, Lot 2.5 along a curve running to the left with a radius of 25.00 feet and a length of 38.15 feet to a point known as the easterly right-of-way of Edwards Avenue and the northerly property line of Section 117, Block 2, Lot 2.3.

THENCE running northerly along the easterly right-of-way of Edwards Avenue the following two bearings and distances:

1.	N 07° - 56′-50″ E	23.90 feet
2.	N 05° - 22′-50″ E	607.96 feet

to a point formed by the easterly right-of-way line of Edwards Avenue and the southerly property line of Section 99, Block 2, Lot 27.

THENCE running easterly and northerly along the property line of Section 117, Block 2, Lot 2.5 the following two bearings and distances:

1.	S 84° - 37′-10″ E	143.22 feet
2.	N 05° - 22′-50″ E	205.39 feet

to the said POINT OF BEGINNING.

END OF DESCRIPTION

11/3/04

Adopted

SETS DISPOSAL FEE FOR
SCAVENGER WASTE

RIVERHEAD SCAVENGER WASTE DISTRICT

Adopted_____

RESOLUTION # 1029

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

WHEREAS, in accordance with Section 88-42 of the Riverhead Town Code, the Town Board may set the fee for the disposing of scavenger waste at the Scavenger Waste Treatment Plant,

NOW, THEREFORE, BE IT

RESOLVED, that the fee the for disposing of scavenger waste at the Scavenger Waste Treatment Plant shall be 6.5 cents ($.065) per gallon, effective November 15, 2004, and be it further

RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to Michael Reichel and the Accounting Department.

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

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

10/19/04

Adopted

AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS
CRANBERRY STREET PUMP STATION
RIVERHEAD SEWER DISTRICT

RESOLUTION # 1030
Adopted

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

RESOLVED, that the Town Clerk be and is authorized to publish in the November 4, 2004, edition of The News Review and post the attached Notice to Bidders with regard to receiving bids for the Cranberry Street Pump Station contracts, and be it further

RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to Frank Isler, Esq., H2M, and Michael Reichel.

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

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

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

H2M GROUP
NOTICE TO BIDDERS

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

GENERAL & MECHANICAL CONSTRUCTION – CONTRACT NO. RDSD 0305-G

ELECTRICAL CONSTRUCTION – CONTRACT NO. RDSD 0305-E

SUPPLY OF SUBMERSIBLE SEWAGE PUMPS AND APPURTENANCES

for the **Commercial Sewer District Extension Cranberry Street Sewage Pump Station Reconstruction** for the Riverhead Sewer District at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, at 10:00 AM prevailing time, on Thursday, December 2, 2004, at which time and place the bids will be publicly opened and read.

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

Town Clerk, Town of Riverhead
Town Hall, 200 Howell Avenue
Riverhead, New York 11901
(631) 727-3200

Holzmacher, McLendon & Murrell, P.C.
575 Broad Hollow Road
Melville, New York 11747
(631) 756-8000 (Ext. 1433)

Copies of the contract documents may be obtained at the Riverhead Town Hall (Town Clerk's Office) on or after November 4, 2004, upon deposit of One Hundred Dollars ($100.00) in cash, certified check, bank money order or postal money order, made payable to the TOWN OF RIVERHEAD for each set furnished. Deposits for Plans and Specifications will be refunded to Bidders as described in the Information To Bidders section of the Specifications.

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

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

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

ACTING AS THE GOVERNING BODY
OF THE RIVERHEAD SEWER DISTRICT

BARBARA GRATTAN, TOWN CLERK

11/3/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1031

ACCEPTS RESIGNATION OF EXISITING MEMBER AND APPOINTS NEW MEMBER TO THE RIVERHEAD LANDMARKS PRESERVATION COMMISSION

COUNCILWOMAN SANDERS offered the following resolution, was seconded by COUNCILWOMAN BLAS:

WHEREAS, the Riverhead Town Board has adopted a local law designated to conserve the prime agricultural lands of the Town; and

WHEREAS, such local law provides for the creation and conservation of a landmarks preservation commission to manage certain efforts related to the agricultural lands conservation; and

WHEREAS, such local law empowers the Town Board to appoint the members of the Landmarks Preservation Commission; and

WHEREAS, Miles Kucera has submitted a letter of resignation from his position on the Riverhead Landmarks Preservation Commission effective November 3, 2004 ; and

WHEREAS, Stephanie Bail has expressed a desire to serve as a member on the aforementioned commission.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Riverhead Town Board hereby accepts the resignation of Miles Kucera from the Riverhead Landmarks Preservation Commission; and be it further

RESOLVED, that the Riverhead Town Board hereby appoints Stephanie Bail to fill a three year unexpired term (resignation of Miles Kucera) to the Landmarks Preservation Commission; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Miles Kucera; Stephanie Bail; the Riverhead Landmarks Preservation Commission; the Riverhead Planning Department; the Office of the Town Attorney and the Office of Accounting.

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

Z:\landmarksappoint.res.doc

11/3/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1032

ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE (DOWNTOWN CENTER 1: MAIN STREET (DC-1) ZONING USE DISTRICT)

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

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 13th day of September, 2004 at 1:55 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the proposed local law was referred to the Suffolk County Planning Commission in accordance with General Municipal Law §239-m.

NOW THEREFORE BE IT RESOLVED, that the proposed Local Law is a Type I action pursuant to 6 NYCRR §617.4(b)(2) but that no further State Environmental Quality Review compliance is required because the adoption of the subject Local Law is being carried out in conformance with the conditions and thresholds established for such action in the Generic Environmental Impact Statement prepared and accepted for the Town of Riverhead Comprehensive Plan and its Findings Statement on November 3, 2003, and be it further

RESOLVED, that a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the News Review newspaper and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Planning Board; the Riverhead

Planning Department; the Riverhead Building Department and the Office of the Town Attorney.

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

TOWN OF RIVERHEAD
NOTICE OF ADOPTION

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" (Downtown Center 1: Main Street (DC-1) Zoning Use District) of the Riverhead Town Code at its special meeting held on November 3, 2004 as follows:

§ 108.__ Downtown Center 1: Main Street (DC-1) Zoning Use District

1. Purpose and Intent.

The intent of the Downtown Center 1: Main Street (DC-1) Zoning Use District is to allow, maintain, and foster a traditional downtown character along Main Street, with a pedestrian-friendly streetscape, active ground-floor uses, a 24-hour presence from upper-story residential, with a compact walkable scale.

2. Uses.

In the DC-1 Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

A. Permitted Uses

(1) Retail stores
(2) Banks
(3) Personal service businesses
(4) Indoor public markets
(5) Art galleries and studios
(6) Museums, libraries, aquariums and other cultural attractions
(7) Restaurants, cafés, bakeries with retail sale on premises, banquet facilities, specialty food stores, ice cream parlors
(8) Theaters and cinemas
(9) Offices, on upper stories
(10) Real estate and professional offices on the ground floor
(11) Schools (including business and secretarial)
(12) Places of worship
(13) Residential units on upper floors with a minimum unit size of 650 square feet
(14) Bed and breakfast establishments
(15) Townhouses upon lots with frontage along public highways other than New York State Route 25.

Subsequent to the date of enactment of this Local Law, upon the issuance of Certificates of Occupancy for 500 residential units, such residential units as set forth in 108__ 2(A)(12) shall be prohibited within the DC-1 Zoning Use District.

B. Special Permit Uses.

(1) Hotels
(2) Marinas
(3) Taverns
(4) Indoor recreation facilities
(5) Day care, nursery schools
(6) Dormitories, on upper floors
(7) Retail stores with greater than 10,000 square feet of gross leasable floor area.

C. Accessory uses.

Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically permitted are the following:

(1) Artists' studios, provided that they occupy 40 percent or less of a principal residence or are located in a detached accessory building on a residential parcel, and do not exceed 1,000 square feet of floor area.

D. Prohibited uses.

(1) All ground-floor offices, with the exception of real estate and professional offices.
(2) Office-only buildings
(3) Ground-floor residential units, with the exception of townhouse uses.
(4) Flea markets, with the exception of farmers markets
(5) Gas stations, car washes, and other automobile-oriented uses
(6) Drive-thru windows for restaurants and banks
(7) Antennae for wireless providers

3. Lot, yard, bulk, & height requirements.

A. No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified.

4. Supplementary requirements.

A. The following design and parking standards shall apply:

Design Standards.

(1) The principal building entrance and front shall face the primary street frontage and sidewalk. Secondary building entrances on the south side of Main Street shall face the Peconic Riverfront.
(2) At least 75 percent of linear width of the front façade shall be comprised of transparent windows. Where shade is desired, awnings are encouraged. Windows may not be obscured more than ten (10) percent by opaque banners, or either permanent or temporary advertisements or signs.
(3) Building shape, massing, and siting should reflect the prevalent character of surrounding buildings on the block.
(4) Facades of commercial buildings that face sidewalks or pedestrian walkways shall be required to have variations in façade plane, piers, or other architectural features.
(5) Signage in the DC-1 Zoning Use District shall be provided in accordance with §108-56, the Riverhead Sign Ordinance.
(6) Buffering and Transitions:
    a. Trash and/or dumpster areas shall be screened by wood fences or landscaping, or a combination thereof pursuant to §98-8.
    b. Buffer plantings or landscaping or opaque fences, preferably wood fences, shall be provided between commercial businesses and adjoining residential uses.
    c. Deliveries and loading activities shall to the extent possible be restricted to the hours between 8 AM and 5 PM on weekdays.

B. Parking Standards

(1) The number of off-street parking spaces in the DC-1 Zoning Use District shall be provided in accordance with §108-60, the Riverhead Parking Schedule.
(2) Where credible evidence is provided by traffic counts or data by a licensed traffic engineer, up to 20 percent reduction in off-street parking may be permitted for shared parking, where the peak parking of two or more uses occurs at different times.
(3) Parking requirement may be reduced with payment of a fee in lieu of providing off-street parking as provided for in § 108-60.
(4) Off-street parking shall not be permitted in the front yard. Parking shall be sited to rear of buildings, away from street frontage(s) when possible, or to the side of buildings. In all cases, garages and parking areas shall be

recessed at least five (5) feet from the primary front façade plane of the main building, and at least fifteen (15) feet back from the front property line.

(5) Parking may also be located fully below buildings, partially below grade in a building, or at-grade within a building, provided it is fully enclosed and no entry is provided facing a public street or front yard. Structured parking that is partially below grade shall be screened from the street by steps, trellises, or screens.

(6) Curb cuts to parking lots and garages shall be minimized by sharing driveways for access to adjacent parking lots. However, curb cuts and driveways are prohibited along the front property line for properties less than thirty (30) feet in width; in these situations, parking must be accessed from a rear alley, side street, or shared rear lot.

(7) Curb cuts, driveways, and garages shall meet the following dimensional regulations:

   a. Curb cuts and driveways at the front property line leading to parking areas of ten (10) or fewer spaces shall not exceed ten (10) feet in width along any point.

   b. Curb cuts and driveways at the front property line leading to parking areas of eleven (11) or more spaces shall not exceed fourteen (14) feet in width at any point.

   c. The maximum width of garage entryways facing a front street shall not exceed eighteen (18) feet.

Dated: Riverhead, New York
November 3, 2004

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

11/3/04

Adopted

TOWN OF RIVERHEAD

Resolution #_1033_

ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE (DOWNTOWN CENTER 2: WATERFRONT (DC-2) ZONING USE DISTRICT)

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

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 13th day of September, 2004 at 2:00 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the proposed local law was referred to the Suffolk County Planning Commission in accordance with General Municipal Law §239-m.

NOW THEREFORE BE IT RESOLVED, that the proposed Local Law is a Type I action pursuant to 6 NYCRR §617.4(b)(2) but that no further State Environmental Quality Review compliance is required because the adoption of the subject Local Law is being carried out in conformance with the conditions and thresholds established for such action in the Generic Environmental Impact Statement prepared and accepted for the Town of Riverhead Comprehensive Plan and its Findings Statement on November 3, 2003, and be it further

RESOLVED, that a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the News Review newspaper and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Planning Board; the Riverhead

Planning Department; the Riverhead Building Department and the Office of the Town Attorney.

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

TOWN OF RIVERHEAD
NOTICE OF ADOPTION

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" (Downtown Center 2: Waterfront (DC-2) Zoning Use District) of the Riverhead Town Code at its special meeting held on November 3, 2004 as follows:

§ 108.__ Downtown Center 2: Waterfront (DC-2) Zoning Use District

(1) Purpose and Intent.

The intent of the Downtown Center 2: Waterfront (DC-2) Zoning Use District is to create a downtown waterfront area that meets the combined goals of continuous pathways and public waterfront access, generous open space and landscaping, and watershed protection through limits on impervious surfaces.

(2) Uses.

In the DC-2 Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

A. Permitted Uses

(1) Marina, resort
(2) Retail stores

B. Special Permit Uses

(1) Hotels, inns, and bed and breakfast establishments
(2) Indoor recreation facilities

C. Accessory uses

Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically permitted are the following:

(1) Restaurants, cafes, cafeterias
(2) Outdoor storage of boats and other watercraft as an accessory use to a marina

D. Prohibited uses

(1) Offices
(2) Gas stations, car washes, and other automobile-oriented uses
(3) Drive-thru windows for restaurants and banks

(3) Lot, yard, bulk, & height requirements.

A. No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified.

B. In order to foster environmental conservation as well as preservation of the Town's scenic and rural quality, properties shall provide a contiguous open space area equal to at least thirty (30) percent of the lot area. Such open space areas shall use native plant species to enhance the appearance and function of the riverfront as ecological habitat. In order to protect the health of the river, the use of lawns and other plantings which rely on fertilizers and herbicides is strongly discouraged at the rear of lots facing the river.

(4) Supplementary requirements

The following design and parking requirements shall apply:

A. Design Standards.

(1) All properties shall provide a pedestrian easement for a walking trail that connects to existing trails or provides the ability to connect to future trails on adjacent properties. Trails shall be at least four (4) feet wide and constructed of a permeable surface.
(2) New buildings and all other elements of the site plan, including access, parking areas and landscaped open space, shall be sited to preserve and enhance pedestrian pathways to, and view corridors of, the Peconic River.
(3) All buildings in the DC-2 Zoning Use District shall provide entries to both a public street and the Peconic River walkway or trail.
(4) For building facades facing West or East Main Street, at least 50 percent of the linear width of the façade shall be comprised of transparent windows. Where shade is desired, awnings are encouraged. Windows

windows. Where shade is desired, awnings are encouraged. Windows may not be obscured more than ten (10) percent by opaque banners, or either permanent or temporary advertisements or signs.

(5) Signage in the DC-2 Zoning Use District shall be provided in accordance with §108-56, the Riverhead Sign Ordinance.

(6) Buffering and Transitions:

a. Trash and/or dumpster areas shall be screened by wood fences or landscaping, or a combination thereof, pursuant to §98-8.

b. Buffer plantings or landscaping or opaque fences, preferably wood fences, shall be provided between commercial businesses and adjoining residential uses.

c. Deliveries and loading activities shall to the extent possible be restricted to the hours between 8:00 AM and 5:00 PM on weekdays.

B. Parking Standards.

(1) The number of off-street parking spaces in the DC-2 Zoning Use District shall be provided in accordance with §108-60, the Riverhead Parking Schedule

(2) Where credible evidence is provided by traffic counts or data by a licensed traffic engineer, up to 20 percent reduction in off-street parking may be permitted for shared parking, where the peak parking of two or more uses occurs at different times.

(3) Parking requirement may be reduced with payment of a fee in lieu of providing off-street parking as provided for in § 108-60.

(4) Off-street parking shall not be permitted in the front yard. Parking shall be sited to rear of buildings, away from street frontage(s) when possible, or to the side of buildings. In all cases, garages and parking areas shall be recessed at least five (5) feet from the primary front façade plane of the main building, and at least fifteen (15) feet back from the front property line.

(5) Parking may also be located fully below buildings, partially below grade in a building, or at-grade within a building, provided it is fully enclosed and no entry is provided facing a public street or front yard. Structured parking that is partially below grade shall be screened from the street by steps, trellises, or screens.

(6) Curb cuts to parking lots and garages shall be minimized by sharing driveways for access to adjacent parking lots. However, curb cuts and driveways are prohibited along the front property line for properties less than thirty (30) feet in width; in these situations, parking must be accessed from a rear alley, side street, or shared rear lot.

(7) Curb cuts, driveways, and garages shall meet the following dimensional regulations:

a. Curb cuts and driveways at the front property line leading to parking areas of ten (10) or fewer spaces shall not exceed ten (10) feet in width along any point.

b. Curb cuts and driveways at the front property line leading to parking areas of eleven (11) or more spaces shall not exceed fourteen (14) feet in width at any point.

c. The maximum width of garage entryways facing a front street shall not exceed eighteen (18) feet.

(8) In order to soften the appearance of parking lots, parking lots shall be landscaped with ground cover, grasses or low shrubs for at least 15 percent of their land area. This landscaping requirement is in addition to the 30 percent parcelwide landscaping mentioned above.

(9) In order to provide shade, parking lots with twenty-one (21) or more spaces shall have "orchard" planting: 1 tree per 10 off-street spaces. Such trees shall be spread throughout the parking lot and along the edges.

(10) In order to provide recharge of the groundwater basin and minimize runoff into water bodies, at least one of the following stormwater management techniques shall be used in parking lots where underlying soils support infiltration of precipitation to the groundwater:

a. Where sanding and salting are not used in the winter, low-traffic or seasonal parking-overflow areas of the parking lot shall be surfaced with porous pavement or gravel.

b. Landscaped areas of the parking lot shall be sited, planted, and graded in a manner to provide infiltration and detention of runoff from paved areas.

Dated: Riverhead, New York
November 3, 2004

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

11/3/04

TOWN OF RIVERHEAD

Adopted

Resolution # 1034

ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE (DOWNTOWN CENTER 3: OFFICE (DC-3) ZONING USE DISTRICT)

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

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 13th day of September, 2004 at 2:05 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the proposed local law was referred to the Suffolk County Planning Commission in accordance with General Municipal Law §239-m.

NOW THEREFORE BE IT RESOLVED, that the proposed Local Law is a Type I action pursuant to 6 NYCRR §617.4(b)(2) but that no further State Environmental Quality Review compliance is required because the adoption of the subject Local Law is being carried out in conformance with the conditions and thresholds established for such action in the Generic Environmental Impact Statement prepared and accepted for the Town of Riverhead Comprehensive Plan and its Findings Statement on November 3, 2003, and be it further

RESOLVED, that a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the News Review newspaper and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Planning Board; the Riverhead

Planning Department; the Riverhead Building Department and the Office of the Town Attorney.

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

TOWN OF RIVERHEAD
NOTICE OF ADOPTION

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" (Downtown Center 3: Office (DC-3) Zoning Use District) of the Riverhead Town Code at its special meeting held on November 3, 2004 as follows:

§ 108.__ Downtown Center 3: Office (DC-3) Zoning Use District

(1) Purpose and Intent.

The intent of the Downtown Center 3: Office (DC-1) Zoning Use District is to allow, maintain, and foster a traditional downtown character, similar to that of the Downtown Center 1: Main Street (DC-1) Zoning Use District, but with lower intensities. The DC-3 Zoning Use District complements the State Supreme Court of Suffolk County complex by allowing a moderate-intensity mix of uses, with ground-floor offices and retail and a greater mix of housing types.

(2) Uses.

In the DC-3 Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

A. Permitted Uses

(1) Retail stores
(2) Banks
(3) Personal services businesses
(4) Funeral homes
(5) Art galleries and studios
(6) Restaurants, cafes, bakeries with retail sales on premises, banquet facilities, ice cream parlors
(7) Offices and professional offices
(8) Governmental offices or other public offices
(9) Museums, libraries and other cultural attractions
(10) Schools (including business and secretarial)
(11) Places of worship
(12) Townhouses
(13) Parking facilities

B. Special Permit Uses

(1) Hotels
(2) Taverns
(3) Indoor recreation facilities

(4) Day care, nursery schools
(5) Bed and breakfast establishments
(6) Dormitories
(7) Single-family dwelling units

C. Accessory uses

Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically permitted are the following:

(1) Home occupations, but not in apartment buildings

D. Prohibited uses

(1) Gas stations, car washes, and other automobile-oriented uses
(2) Drive-thru windows for restaurants and banks

(3) Lot, yard, bulk, & height requirements.

A. No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified.

B. New buildings in the Downtown Center Zoning Use Districts shall comply with the lot, yard, bulk, & height requirements of the Zoning Schedule. However, the Town Board shall have discretion during site plan approval to increase front yard setbacks based on the existing setbacks of adjacent structures, so as to maintain a unified street wall pattern.

C. Exemptions.

Bay windows, unenclosed porches, and other front and side projections shall be exempt from the calculation of building area, so as to encourage a variety in façade design. However, such projections shall be required to meet the setback requirements of the Zoning Schedule.

C. Supplementary requirements

The following design and parking standards shall apply:

A. Design Standards

(1) The principal building entrance and front shall face the primary street frontage and sidewalk.
(2) For ground-floor commercial space, at least 50 percent of the linear width of the front façade shall be comprised of transparent windows. Where shade is desired, awnings are encouraged. Windows may not be obscured more than 20 percent by opaque banners, or either permanent or temporary advertisements or signs.
(3) Building shape, massing, and siting should reflect the prevalent character of surrounding buildings on the block.
(4) Facades of commercial buildings that face sidewalks or pedestrian walkways shall be broken up into bays of no more than 30 feet in width, through use of variations in façade plane, piers, or other architectural features.
(5) Signage in the DC-3 Zoning Use District shall be provided in accordance with §108-56, the Riverhead Sign Ordinance.
(6) Buffering and Transitions:
    a. Trash and/or dumpster areas shall be screened by wood fences or landscaping, or a combination thereof, pursuant to §98-8.
    b. Buffer plantings or landscaping or opaque fences, preferably wood fences, shall be provided between commercial businesses and adjoining residential uses.
    c. Deliveries and loading activities shall to the extent possible be restricted to the hours between 8:00 AM and 5:00 PM on weekdays.

B. Parking Standards

(1) The number of off-street parking spaces in the DC-3 Zoning Use District shall be provided in accordance with §108-60, the Riverhead Parking Schedule.
(2) Where credible evidence is provided by traffic counts or data by a licensed traffic engineer, up to 20 percent reduction in off-street parking may be permitted for shared parking, where the peak parking of two or more uses occurs at different times.
(3) Parking requirement may be reduced with payment of a fee in lieu of providing off-street parking as provided for in § 108-60.

(4) Off-street parking shall not be permitted in the front yard. Parking shall be sited to rear of buildings, away from street frontage(s) when possible, or to the side of buildings. In all cases, garages and parking areas shall be recessed at least five (5) feet from the primary front façade plane of the main building, and at least fifteen (15) feet back from the front property line.

(5) Parking may also be located fully below buildings, partially below grade in a building, or at-grade within a building, provided it is fully enclosed and no entry is provided facing a public street or front yard. Structured parking that is partially below grade shall be screened from the street by steps, trellises, or screens.

(6) Curb cuts to parking lots shall be minimized by sharing driveways for access to adjacent parking lots.

(7) In order to provide shade, parking lots with twenty-one (21) or more spaces shall have "orchard" planting: 1 tree per 10 off-street spaces. Such trees shall be spread throughout the parking lot and along the edges.

(8) In order to soften the appearance of parking lots, parking lots shall be landscaped with ground cover, grasses or low shrubs for at least 15 percent of their land area.

(9) In order to provide recharge of the groundwater basin and minimize runoff into water bodies, at least one of the following stormwater management techniques shall be used in parking lots where underlying soils support infiltration of precipitation to the groundwater:

   a. Where sanding and salting are not used in the winter, low-traffic or seasonal parking-overflow areas of the parking lot shall be surfaced with porous pavement or gravel.

   b. Landscaped areas of parking lots shall be planted, situated and graded in a manner to provide infiltration and detention of runoff from paved areas.

Dated: Riverhead, New York
November 3, 2004

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

11/3/04

TOWN OF RIVERHEAD

Adopted

Resolution #1035

ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE (DOWNTOWN CENTER 4: OFFICE/RESIDENTIAL TRANSITION (DC-4) ZONING USE DISTRICT)

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

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 13th day of September, 2004 at 2:10 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the proposed local law was referred to the Suffolk County Planning Commission in accordance with General Municipal Law §239-m.

NOW THEREFORE BE IT RESOLVED, that the proposed Local Law is a Type I action pursuant to 6 NYCRR §617.4(b)(2) but that no further State Environmental Quality Review compliance is required because the adoption of the subject Local Law is being carried out in conformance with the conditions and thresholds established for such action in the Generic Environmental Impact Statement prepared and accepted for the Town of Riverhead Comprehensive Plan and its Findings Statement on November 3, 2003, and be it further

RESOLVED, that a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the News Review newspaper and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a

certified copy of this resolution to the Riverhead Planning Board; the Riverhead Planning Department; the Riverhead Building Department and the Office of the Town Attorney.

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

TOWN OF RIVERHEAD
NOTICE OF ADOPTION

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" (Downtown Center 4: Office/Residential Transition (DC-4) Zoning Use District) of the Riverhead Town Code at its special meeting held on November 3, 2004 as follows:

§ 108.__ Downtown Center 4: Office/Residential Transition (DC-4) Zoning Use District

(1) **Purpose and Intent.**

The intent of the Downtown Center 4: Office/Residential Transition (DC-4) Zoning Use District is to allow, maintain, and foster a downtown neighborhood of homes and offices that is less intensive than the Downtown Center 1: Main Street (DC-1) and Downtown Center 3: Office (DC-3) Zoning Use Districts. The DC-4 Zoning Use District does not allow for any retail or personal services.

(2) Uses.

In the DC-4 Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

A. Permitted Uses.

(1) Offices, professional and public
(2) Single-family dwelling units
(3) Townhouses
(4) Places of worship
(5) Funeral homes

B. Special Permit Uses.

(1) Home professional offices
(2) Bed and breakfast establishments
(3) Day care facilities, nursery schools

C. Accessory uses.

Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically permitted are the following:

(1) Artists' studios, provided that they occupy 40 percent or less of a principal residence or are located in a detached accessory building on

a residential parcel, and do not exceed 1,000 square feet of floor area.

(2) Dormitories supporting a place of higher education

(3) Home occupations

D. Prohibited uses.

(1) Retail stores and personal services

(3) Lot, yard, bulk, & height requirements.

A. No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified.

B. New buildings in the Downtown Center Zoning Use Districts shall comply with the lot, yard, bulk, & height requirements of the Zoning Schedule. However, the Town Board shall have discretion during site plan approval to increase front yard setbacks based on the existing setbacks of adjacent structures, so as to maintain a unified street wall pattern.

C. Exemptions.

Bay windows, unenclosed porches, and other front and side projections shall be exempt from the calculation of building area, so as to encourage a variety in façade design. However, such projections shall be required to meet the setback requirements of the Zoning Schedule.

(4) Supplementary Requirements

The following design and parking standards shall apply.

A. Design Standards

(1) The principal building entrance and front shall face the primary street frontage and sidewalk.

(2) Building shape, massing, and siting should reflect the prevalent character of surrounding buildings on the block, while allowing for freedom of architectural style.

(3) Where shade is desired for commercial buildings, awnings are encouraged. Windows may not be obscured more than 20 percent by opaque banners, or either permanent or temporary advertisements or signs.

(4) Front porches are encouraged for all entries. Porches, where provided, shall have minimum dimensions of eight (8) feet in depth and fifteen (15) feet in width.

(6) Signage in the DC-4 Zoning Use District shall be provided in accordance with §108-56, the Riverhead Sign Ordinance.

(7) Buffering and Transitions:

a. Trash and/or dumpster areas shall be screened by wood fences or landscaping, or a combination thereof, pursuant to §98-8.

b. Buffer plantings or landscaping or opaque fences, preferably wood fences, shall be provided between commercial businesses and adjoining residential uses.

c. Deliveries and loading activities shall to the extent possible be restricted to the hours between 8:00 AM and 5:00 PM on weekdays.

B. Parking Standards

(1) The number of off-street parking spaces in the DC-4 Zoning Use District shall be provided in accordance with §108-60, the Riverhead Parking Schedule.

(2) Where credible evidence is provided by traffic counts or data by a licensed traffic engineer, up to 20 percent reduction in off-street parking may be permitted for shared parking, where the peak parking of two or more uses occurs at different times.

(3) Parking requirement may be reduced with payment of a fee in lieu of providing off-street parking as provided for in § 108-60.

(4) Structured parking is prohibited in the DC-4 Zoning Use District. Attached or freestanding garages are permitted for residential use.

(5) Off-street parking shall not be permitted in the front yard. Parking shall be sited to rear of buildings, away from street frontage(s) when possible, or to the side of buildings. In all cases, garages and parking areas shall be recessed at least five (5) feet from the primary front façade plane of the main building, and at least fifteen (15) feet back from the front property line.

(6) Curb cuts to parking lots shall be minimized by sharing driveways for access to adjacent parking lots. However, curb cuts and driveways are prohibited along the front property line for properties less than thirty (30) feet in width; in these situations, parking must be accessed from a rear alley, side street, or shared rear lot.

(7) Curb cuts, driveways, and garages shall meet the following dimensional regulations:

a. Curb cuts and driveways at the front property line leading to parking areas of ten (10) or fewer spaces shall not exceed ten (10) feet in width along any point.

b. Curb cuts and driveways at the front property line leading to parking areas of eleven (11) or more spaces shall not exceed fourteen (14) feet in width at any point.

c. The maximum width of garage entryways facing a front street shall not exceed eighteen (18) feet.

(8) In order to soften the appearance of parking lots, parking lots shall be landscaped with ground cover, grasses or low shrubs for at least 15 percent of their land area.

(9) In order to provide shade, parking lots with twenty-one (21) or more spaces shall have "orchard" planting: 1 tree per 10 off-street spaces. Such trees shall be spread throughout the parking lot and along the edges.

(10) In order to provide recharge of the groundwater basin and minimize runoff into water bodies, at least one of the following stormwater management techniques shall be used in parking lots where underlying soils support infiltration of precipitation to the groundwater:

a. Where sanding and salting are not used in the winter, low-traffic or seasonal parking-overflow areas of the parking lot shall be surfaced with porous pavement or gravel.

b. Landscaped areas of parking lots shall be planted, situated and graded in a manner to provide infiltration and detention of runoff from paved areas.

Dated: Riverhead, New York
November 3, 2004

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

11/3/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1036

ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE (DOWNTOWN CENTER 5: RESIDENTIAL (DC-5) ZONING USE DISTRICT)

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

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 13th day of September, 2004 at 2:15 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the proposed local law was referred to the Suffolk County Planning Commission in accordance with General Municipal Law §239-m.

NOW THEREFORE BE IT RESOLVED, that the proposed Local Law is a Type I action pursuant to 6 NYCRR §617.4(b)(2) but that no further State Environmental Quality Review compliance is required because the adoption of the subject Local Law is being carried out in conformance with the conditions and thresholds established for such action in the Generic Environmental Impact Statement prepared and accepted for the Town of Riverhead Comprehensive Plan and its Findings Statement on November 3, 2003, and be it further

RESOLVED, that a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the News Review newspaper and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Planning Board; the Riverhead

Planning Department; the Riverhead Building Department and the Office of the Town Attorney.

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

TOWN OF RIVERHEAD
NOTICE OF ADOPTION

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" (Downtown Center 5: Residential (DC-5) Zoning Use District) of the Riverhead Town Code at its special meeting held on November 3, 2004 as follows:

§ 108.__ Downtown Center 5: Residential (DC-5) Zoning Use District

1. Purpose and Intent.

The intent of the Downtown Center 5: Residential (DC-5) Zoning Use District is to allow, maintain, and foster a downtown residential neighborhood enlivened with live/work spaces and home occupations.

2. Uses.

In the DC-5 Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

A. Permitted Uses

(1) Single-family and two-family dwelling units
(2) Townhouses
(3) Places of worship
(4) Schools

B. Special Permit Uses.

(1) Day care facilities and nursery schools.

C. Accessory uses.

Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically permitted are the following:

(1) Artists' studios, provided that they occupy 40 percent or less of a principal residence or are located in a detached accessory building on a residential parcel, and do not exceed 1,000 square feet of floor area.
(2) Home occupations
(3) Home professional offices

D. Prohibited uses.

(1) Apartment buildings
(2) Residential health care facilities
(3) Dormitories

3. Lot, yard, bulk, & height requirements.

A. No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified.

B. New buildings in the Downtown Center Zoning Use Districts shall comply with the lot, yard, bulk, & height requirements of the Zoning Schedule. However, the Town Board shall have discretion during site plan approval to increase front yard setbacks based on the existing setbacks of adjacent structures, so as to maintain a unified street wall pattern.

C. Exemptions.

Bay windows, unenclosed porches, and other front and side projections shall be exempt from the calculation of building area, so as to encourage a variety in façade design. However, such projections shall be required to meet the setback requirements of the Zoning Schedule.

4. Supplementary requirements.

A. Design Standards

(1) To the maximum extent possible, housing should exhibit variations in massing, finishes, features, and colors within each block in order to provide variety and interest at the street.
(2) The principal building entrance and front shall face the primary street frontage and sidewalk.
(3) Front porches are encouraged for all individual entries to residential buildings.
(4) Building shape, massing, and siting should reflect the prevalent character of surrounding buildings on the block, while allowing for freedom of architectural style.

(5) Trash and/or dumpster areas shall be screened by wood fences or landscaping, or a combination thereof, pursuant to §98-8.

B. Parking Standards

(1) The number of off-street parking spaces in the DC-5 Zoning Use District shall be provided in accordance with §108-60, the Riverhead Parking Schedule.

(2) Garages or parking areas shall be located to the rear or side of a building. No surface parking spaces shall be allowed within 15 feet of the front property line. At-grade garages and/or parking areas in all cases shall be recessed at least 5 feet from the primary front façade plane of the main building, and at least 15 feet back from the front property line.

(3) In order to soften the appearance of parking lots, parking lots shall be landscaped with ground cover, grasses or low shrubs for at least 15 percent of their land area.

(4) In order to provide shade, parking lots with twenty-one (21) or more spaces shall have "orchard" planting: 1 tree per 10 off-street spaces. Such trees shall be spread throughout the parking lot and along the edges.

(5) In order to provide recharge of the groundwater basin and minimize runoff into water bodies, at least one of the following stormwater management techniques shall be used in parking lots where underlying soils support infiltration of precipitation to the groundwater:

a. Where sanding and salting are not used in the winter, low-traffic or seasonal parking-overflow areas of the parking lot shall be surfaced with porous pavement or gravel.

b. Landscaped areas of the parking lot shall be sited, planted, and graded in a manner to provide infiltration and detention of runoff from paved areas.

Dated: Riverhead, New York
November 3, 2004

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

11/3/04

Adopted

TOWN OF RIVERHEAD

Resolution #_1037_

AMENDS TOWN OF RIVERHEAD ZONING USE DISTRICT SCHEDULE (DOWNTOWN CENTER 1: MAIN STREET (DC-1) ZONING USE DISTRICT, DOWNTOWN CENTER 2: WATERFRONT (DC-2) ZONING USE DISTRICT, DOWNTOWN CENTER 3: OFFICE (DC-3) ZONING USE DISTRICT, DOWNTOWN CENTER 4: OFFICE/RESIDENTIAL TRANSITION (DC-4) ZONING USE DISTRICT, DOWNTOWN CENTER 5: RESIDENTIAL (DC-5) ZONING USE DISTRICT)

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

WHEREAS, the Town Clerk was authorized to publish and post a public notices to hear all interested persons to consider amending Chapter 108 which amendments would implement the commercial components of the Town of Riverhead Comprehensive Plan adopted on November 3, 2003; such local laws entitled Downtown Center 1: Main Street, Downtown Center 2: Waterfront, Downtown Center 3: Office, Downtown Center 4: Office/Residential Transition, and Downtown Center 5: Residential, and

WHEREAS, the requisite public hearings necessary to adopt the aforementioned districts as well as the amended bulk schedule were held on September 13, 2004, at Riverhead Town Hall, located at 200 Howell Avenue, Riverhead, NY, and all interested persons were heard; and

WHEREAS, the Town Board has adopted amendments to Chapter 108 entitled "Zoning" to create the Downtown Center 1: Main Street, Downtown Center 2: Waterfront, Downtown Center 3: Office, Downtown Center 4: Office/Residential Transition, and Downtown Center 5: Residential Zoning Use Districts, and

WHEREAS, the amended zoning use districts with their respective performance criteria should be reflected in the Zoning Use District Schedule.

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead Zoning Use District Schedule shall be amended as specified in the attached notice of adoption; and be it further

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

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

TOWN OF RIVERHEAD
NOTICE OF ADOPTION

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted an amended Zoning Use District Schedule, Town of Riverhead, Suffolk County at its special meeting held on November 3, 2004 as follows:

Town of Riverhead
Commercial Districts Schedule of Dimensional Regulations
Adopted 11-3-2004 by L.L. No. – 2004

			Building lot coverage (footprint)					Floor area ratio (FAR)				Side yards, interior lots			
Zoning Use District	Min. lot area (square feet)	Min. lot width at front street (feet)	Maximum without sewer (%)	Maximum with sewer (%)	Maximum with Transfer of Develop. Rights (%)	Maximum impervious surface (%)	Maximum height of buildings (feet)	Maximum without sewer	Maximum with sewer	Maximum with Transfer of Develop. Rights	Minimum front yard depth (feet)	Min. depth for each (feet)	Min. combined depth for 2 sides (feet)	Min. depth, Side yards, corner lots facing side street (feet)	Minimum rear yard depth (feet)
DC-1: Main Street	5,000	50	NA	80	100	100	60 (N1) (N2)	NA	4.00	5.00	0	0	0	0	0
DC-2: Waterfront	5,000	50	NA	35	NA	50	35	NA	1.25	NA	15	15	30	15	100
DC-3: Office	5,000	50	NA	50	NA	80	35	NA	1.50	NA	15 (N3)	10	20	10	25
DC-4: Office/Residential Transition	5,000	50	NA	35	NA	60	35	NA	1.00	NA	15 (N3)	10	20	10	25
DC-5: Residential	5,000	50	NA	35	NA	60	35	NA	0.70	NA	15 (N3)	10	20	10	25

NOTES:

N1: Maximum height for townhouse uses shall be thirty-five (35) feet.

N2: Not to exceed five (5) stories

N3: Front porches may extend up to five (5) feet into the front yard, provided that they are at least five (5) feet back from the front property line.

Dated: Riverhead, New York
November 3, 2004

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

Adopted

11/3/04

TOWN OF RIVERHEAD

Resolution #1038

AMENDS ZONING MAP, TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK

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

WHEREAS, the Town Clerk was authorized to publish and post public notices to hear all interested persons to consider amending Chapter 108 which amendments would implement the commercial components of the Town of Riverhead Comprehensive Plan adopted on November 3, 2003; and

WHEREAS, the map was published in conjunction with the proposed amendments to the text of Chapter 108 for the proposed Downtown Center 1: Main Street, Downtown Center 2: Waterfront, Downtown Center 3: Office, Downtown Center 4: Office/Residential Transition, and Downtown Center 5: Residential Zoning Use Districts, which were held on the 13th day of September, 2004 at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notices, and all persons wishing to be heard were heard, and

WHEREAS, that the amended map was referred to the Suffolk County Planning Commission in accordance with General Municipal Law §239-m,

NOW THEREFORE BE IT RESOLVED, that the adoption of the amendment to the Zoning Map is a Type I action pursuant to 6 NYCRR §617.4(b)(2) but that no further State Environmental Quality Review compliance is required because the adoption of the subject Local Law is being carried out in conformance with the conditions and thresholds established for such action in the Generic Environmental Impact Statement prepared and accepted for the Town of Riverhead Comprehensive Plan and its Findings Statement on November 3, 2003, and be it further

RESOLVED, that the attached Zoning Map, Town of Riverhead, Suffolk County, New York be and is hereby adopted as specified in the attached notice

of adoption; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the News Review and to post same on the signboard at Town Hall; and be it further

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

THE VOTE

Bartunek ✓ yes ___ no Sanders ✓ yes ___ no

Blass ✓ yes ___ no ___ Densieski ✓ yes ___ no

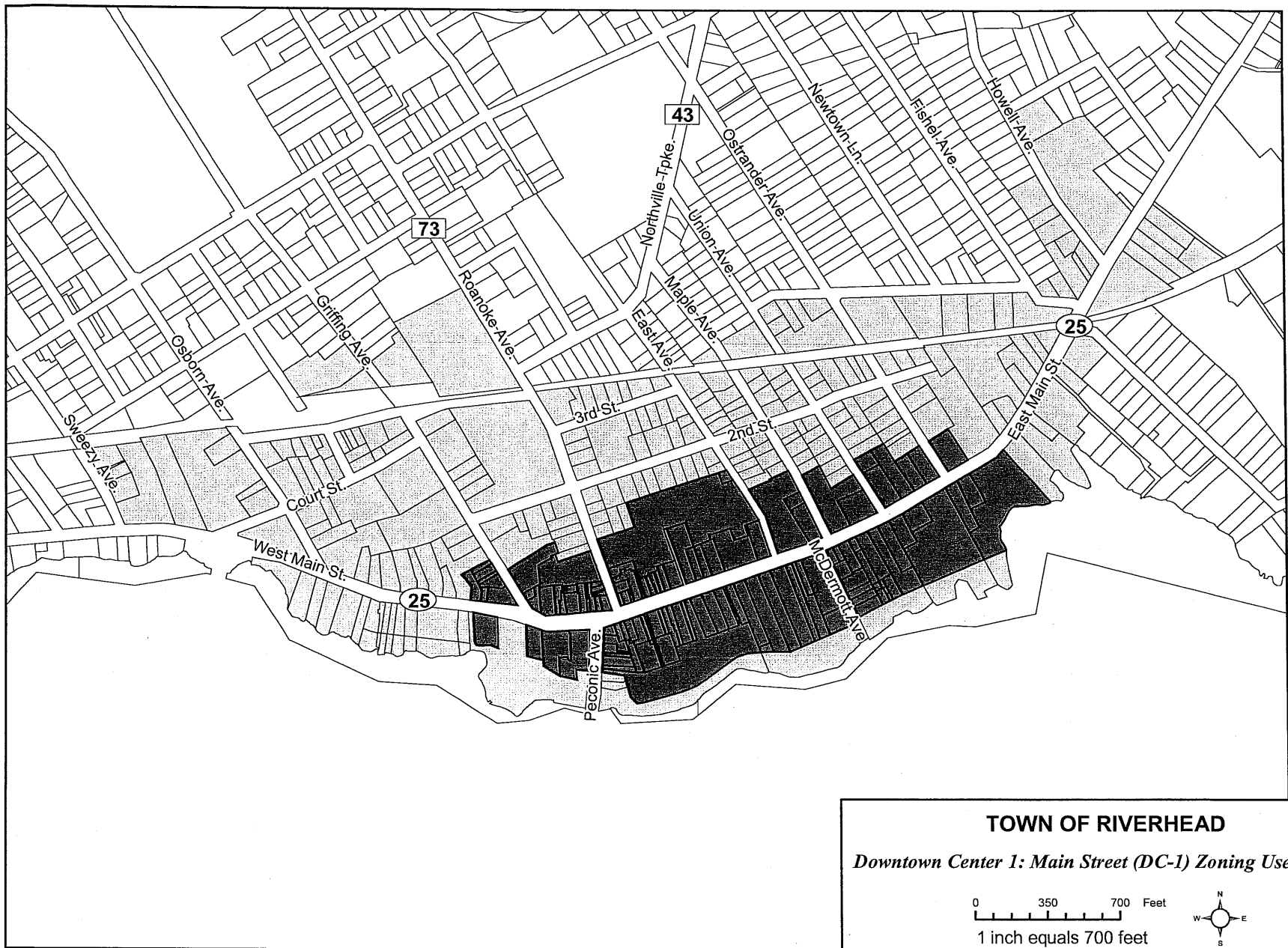
Cardinale ✓ yes ___ no

THE RESOLUTION X WAS ___ WAS NOT

THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD
NOTICE OF ADOPTION

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted an amended Zoning Map, Town of Riverhead, Suffolk County at its special meeting held on November 3, 2004 as follows:



TOWN OF RIVERHEAD

Downtown Center 1: Main Street (DC-1) Zoning Use District

0 350 700 Feet

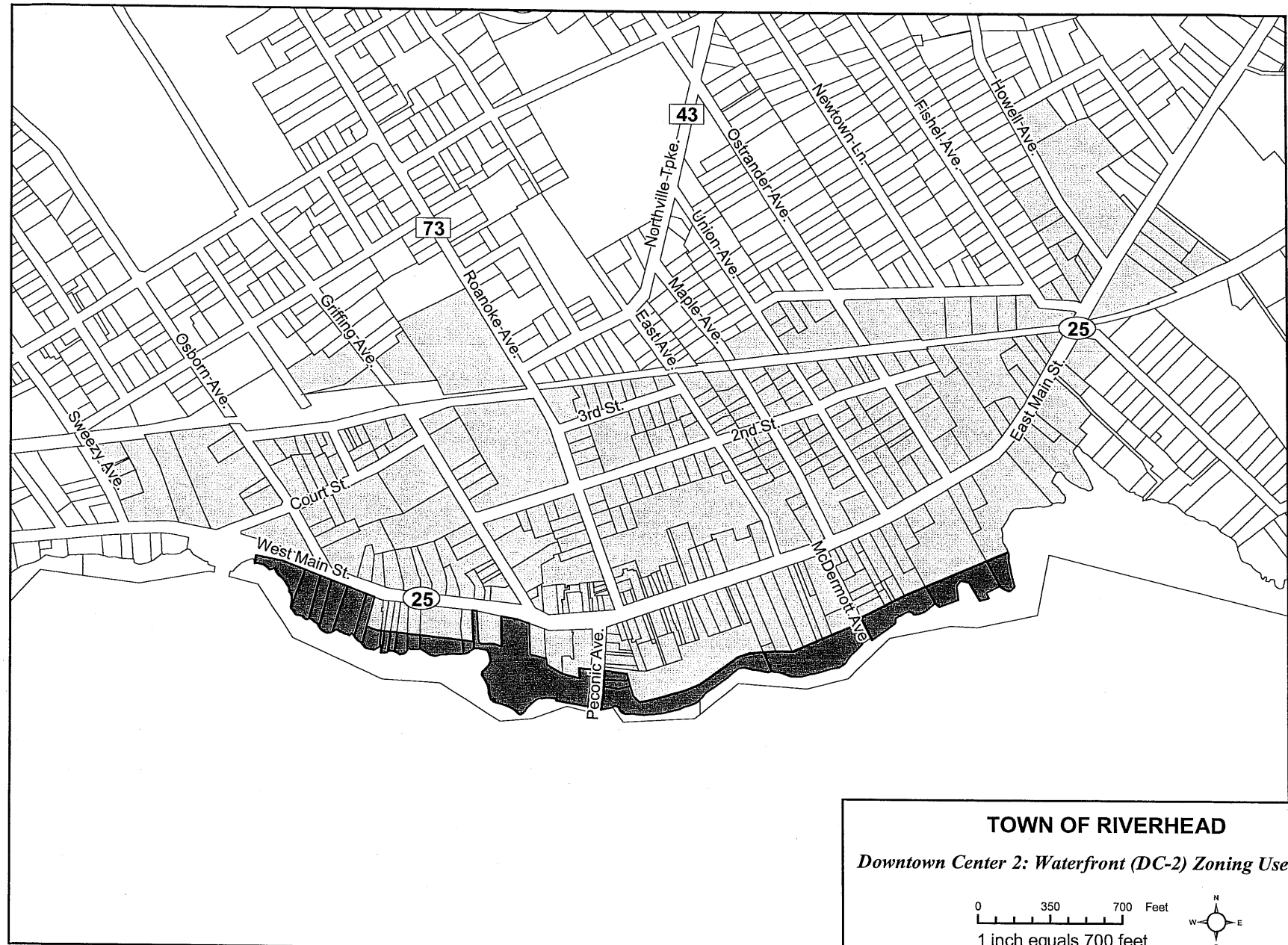
1 inch equals 700 feet

N W E S

Source: Town of Riverhead Planning Department, 3 November 2004;
Suffolk County Real Property Tax Service Agency, Copyright 2003, County of Suffolk, NY

DC-1: Main Street

Downtown Center Zoning Use Districts



DC-2: Waterfront

Downtown Center Zoning Use Districts

TOWN OF RIVERHEAD

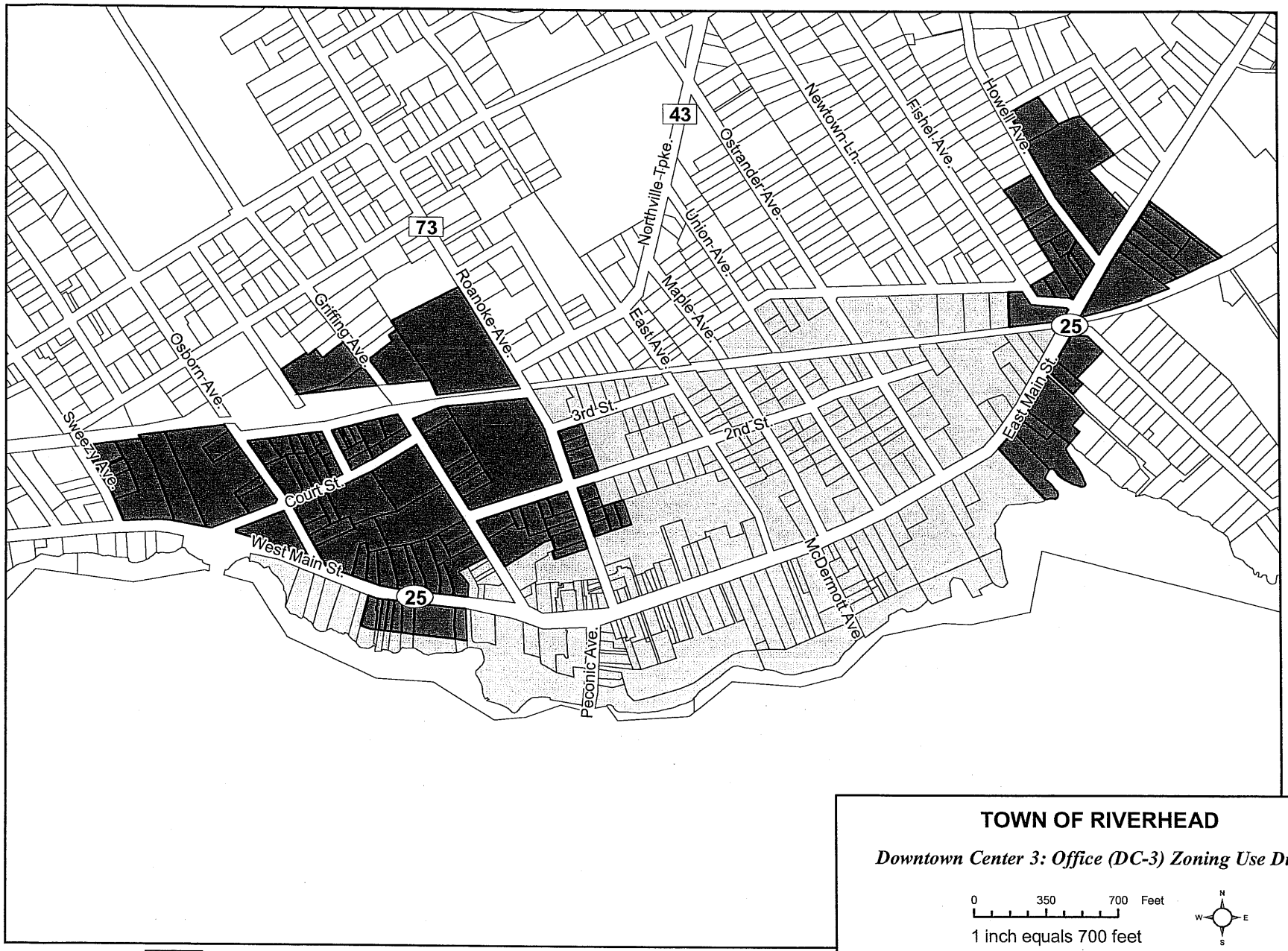
Downtown Center 2: Waterfront (DC-2) Zoning Use District

0 350 700 Feet

1 inch equals 700 feet

N W E S

Source: Town of Riverhead Planning Department, 3 November 2004;
Suffolk County Real Property Tax Service Agency, Copyright 2003, County of Suffolk, NY



TOWN OF RIVERHEAD

Downtown Center 3: Office (DC-3) Zoning Use District

0 350 700 Feet

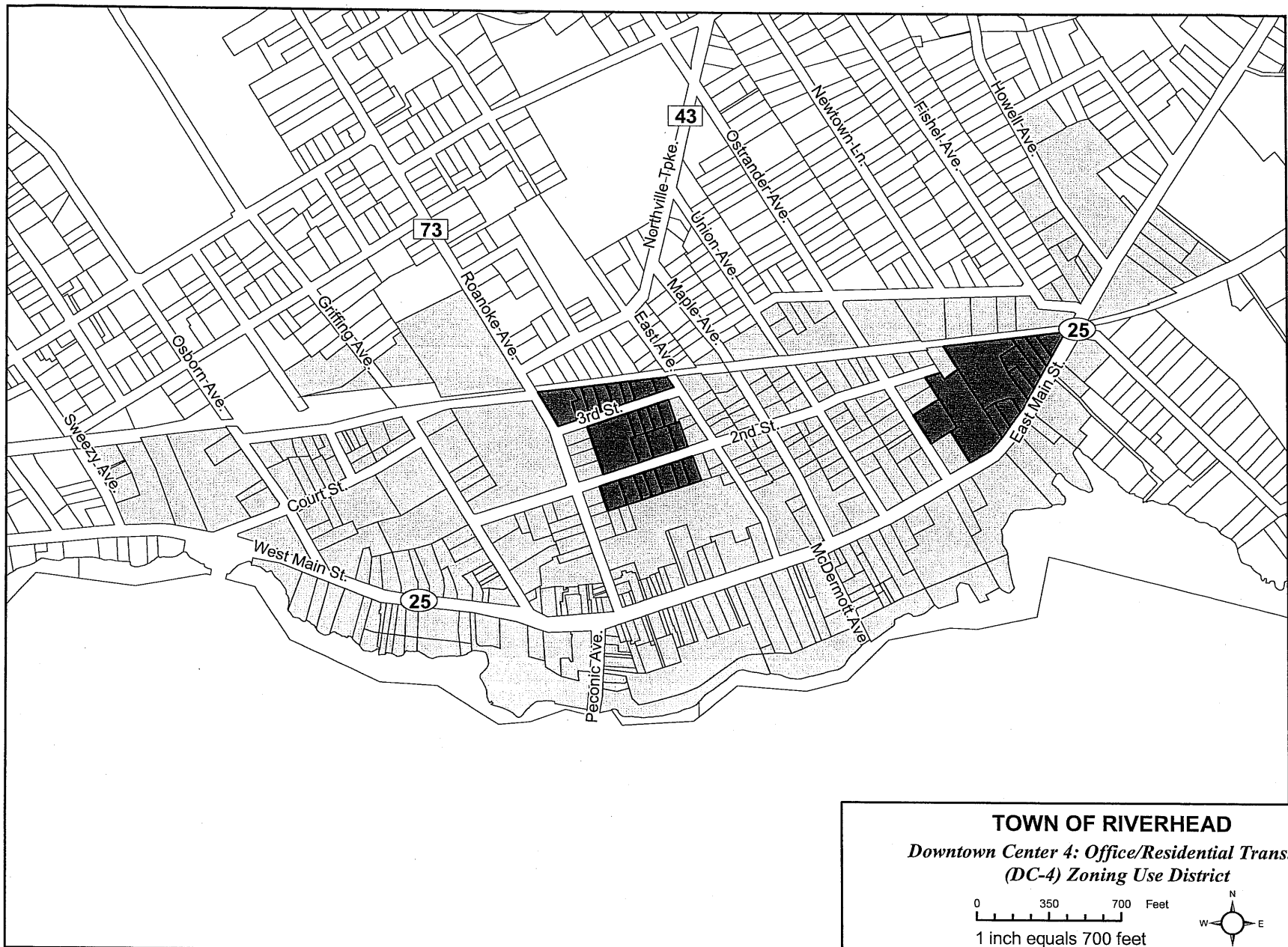
1 inch equals 700 feet

N W E S

Source: Town of Riverhead Planning Department, 3 November 2004;
Suffolk County Real Property Tax Service Agency, Copyright 2003, County of Suffolk, NY

DC-3: Office

Downtown Center Zoning Use Districts



DC-4: Office/Residential Transition

Downtown Center Zoning Use Districts

TOWN OF RIVERHEAD

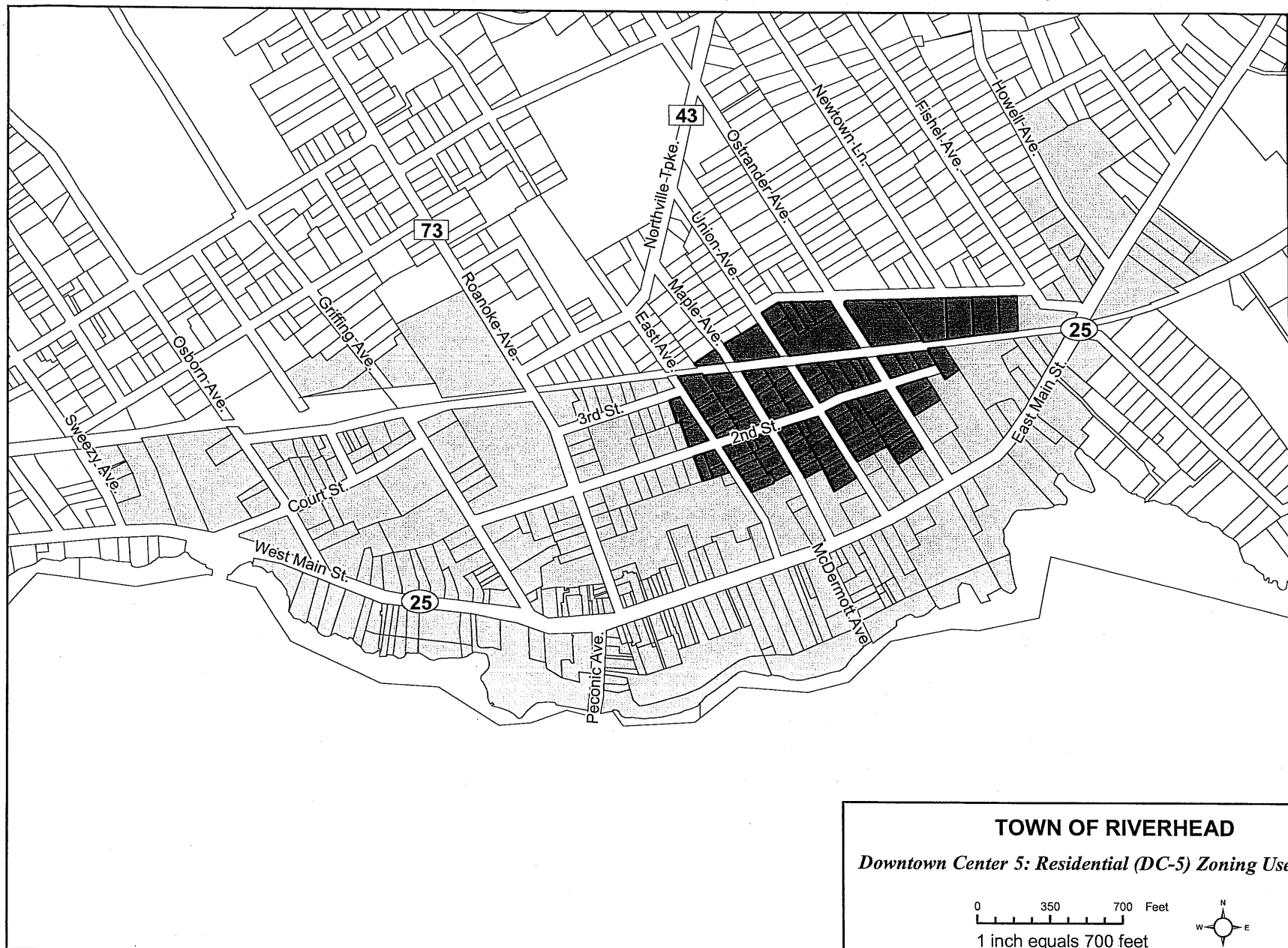
Downtown Center 4: Office/Residential Transition (DC-4) Zoning Use District

0 350 700 Feet

1 inch equals 700 feet

N W E S

Source: Town of Riverhead Planning Department, 3 November 2004;
Suffolk County Real Property Tax Service Agency, Copyright 2003, County of Suffolk, NY



TOWN OF RIVERHEAD

Downtown Center 5: Residential (DC-5) Zoning Use District

0 350 700 Feet

1 inch equals 700 feet

N W E S

Source: Town of Riverhead Planning Department, 3 November 2004;
Suffolk County Real Property Tax Service Agency, Copyright 2003, County of Suffolk, NY

DC-5: Residential

Downtown Center Zoning Use Districts

Dated: Riverhead, New York
November 3, 2004

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

11.03.04

ADOPTED

TOWN OF RIVERHEAD

Resolution # 1039

PAYS BILLS

THE VOTE

5 Yes's

The Resolution Was ☒ Thereupon Duly Declared Adopted

NOVEMBER 16, 2004

TOWN OF RIVERHEAD

Adopted

AMBULANCE DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 1040

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI.

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

		FROM	TO
120.000000.390599	APPROPRIATED FUND BALANCE	$60,000	
120.045400.524100	NEW VEHICLE ACQUISITION		$60,000

THE VOTE

Bartunek ☒ **Yes** ☐ **No** **Sanders** ☒ **Yes** ☐ **No**

Blass ☒ **Yes** ☐ **No** **Densieski** ☒ **Yes** ☐ **No**

Cardinale ☒ **Yes** ☐ **No**

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NOVEMBER 3, 2004

Adopted

TOWN OF RIVERHEAD

GRANGEBEL PARK DAM PROJECT

BUDGET ADOPTION

RESOLUTION # 1041

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILWOMAN BLASS.

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

		FROM	TO
406.071100.493000.40116	US FED & WILDLIFE GRANT	56,000	
406.071100.523011.40116	CONSTRUCTION.		$39,000
406.071100.543505.40116	ENGINEERING EXP.		17,000

THE VOTE

Bartunek ☒ Yes ☐ No Sanders ☒ Yes ☐ No

Blass ☒ Yes ☐ No Densieski ☒ Yes ☐ No

Cardinale ☒ Yes ☐ No

Z:\Budget Adopt.TBM\11.3.04.TBM\Grangebel.Park.doc