

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

May 17th , 2005

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

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

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

ELECTED OFFICIALS

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

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

DEPARTMENT HEADS

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

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

Call to Order and Salute to the Flag

*Antonio Santos Glass, Don
Credone*

Approves minutes of May 3rd, 2005

Santos

Offered the minutes to be approved, which

was seconded by

Donsieski

Glass - absent

4 yes 1 absent

REPORTS

Receiver of Taxes: Total Collections: \$59,937,613.22

Police Department: Monthly Report for April, 2005

APPLICATIONS

Site Plans: Living Water Full Gospel Church-Church

Special Events: Riverhead Elks Lodge-June 12-12:30 to 5:30 pm
Elks/Abate Veterans Appreciation Run Barbecue & Band

Martha Clara Vineyards-June 22-Aug.17-11am to 10 pm
Private events, charity functions, fundraisers, tasting room

Riverhead Business Improvement Districts-July 8,9 & 10
Live entertainment for 3 days of musical performers

Railroad Museum of L.I.-Aug 27 & 28th Open House of
Museum property

Garden of Eve LLC- Aug 7th 10 am to 6pm-LI Garlic Festival

CORRESPONDENCE

(No Correspondence received)

PUBLIC HEARINGS

- 7:05 p.m. The Consideration of the designation of the structure as Landmark-Roanoke Avenue School
- 7:15 p.m. The Consideration of a Local Law to amend Chapter 101 entitled, "Vehicles & Traffic" (Roanoke Avenue)
Re-scheduled to June 7th at 7:20 p.m.
- 7:20 p.m. Whether Kenneth I. Wilpon, should be designated the "qualified and eligible sponsor" for the redevelopment of approximately 755 acres of vacant land formerly known as the EPCAL site.

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

#12 Authorizes Chairman of CDA to Execute Contract and
Amendment Thereto with NYS Department of Economic
Development for the 2004-2005 Empire Zone
Administrative Grant

REGULAR TOWN BOARD MEETING:

- #440** Appoints Pump Out Boat Personnel
- #441 Approves Request for Leave of Absence (R. Rywelski)
- #442 Authorizes the Town Clerk to Publish and Post a Help
Wanted Ad for Director for Senior Services
- #443 Authorizes the Town Clerk to Publish and Post a Help
Wanted Ad for Superintendent for Recreation I
- #444 Adoption of Riverhead Town Debt Management Policy
- #445 Authorizes the Town Clerk to Publish and Post a Help a Help
Wanted Ad for Summer Interns in Town Offices
- #446 East Creek Docking Facility Budget Adjustment
- #447 2005 Repainting of Water Tank @ Plant 8 Budget Adoption
- #448 WR Creek Parking & Boat ramp Improvement Budget
Adjustment
- #449 Restates the Town's Intended for Use for the Transfer of
County Owned Property to the Town of Riverhead
- #450 Recreation Program Fund Budget Adjustment
- #451 Awards Bid for Well & Pump Emergency Service Riverhead
Water District
- #452 Establishes Account for Carbon Monoxide Alarms in the Fire
Protection and Code Enforcement Division
- #453 Re-Appoints Members to Suffolk Count/Town of
Riverhead Empire Zone Administrative Board
-

- #454 Authorizes Town Clerk to Publish and Post Public Notice to Consider the Placement of a Speed Hump (Williams Way South, Calverton)
 - #455 Appoints Deputy Town Supervisor (C. Kent)
 - #456 Awards Bid on PreCast Concrete and Associated Items
 - #457 Authorizes Town Clerk to Publish and Post Public Notice of Public hearing to Consider a Proposed Local Law for an Amendment of Chapter 101 Entitled, "Vehicles & Traffic" of the Riverhead Town Code
 - #458 Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for Part Time Senior Citizen Aide
 - #459 Authorizes the Supervisor to Execute an Order of Consent with the New York State Department of Environmental Conservation (Wading River Boat Ramp)
 - #460 Authorizes the Release of Security Bond for Cellular Telephone Company D/b/a AT&T Wireless
 - #461 Authorizes the Release of Security Bond for East End Commons
 - #462 Authorization to Junk Fixed Assets
 - #463 Approves Chapter 90 Application of Church of the Harvest
 - #464 Appoints Student Intern in the Engineering Department (M. Wilhem)
 - #465 Appoints Student Interns in the Accounting Department (J. Cain & J. Magee)
 - #466 Appoints Maintenance Mechanic II in the Buildings & Grounds Department (Z. Rachubka)
 - #467 Appoints a Lifeguard Level II to the Recreation Department (J. McCoy)
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- #468 Adopts a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (Article VII, Business A District (Resort Business), Article XI, Industrial A District (Light Industry), Article XXVII (Office/Service District))
- #469 Accepts Subdivision Bond of Morgan Creek Development, LLC (Subdivision Entitled, "Roanoke Landing")
- #470 General Fund Budget Adjustment
- #471 Water District Budget Adjustment
- #472 Youth Court Budget Adjustment
- #473 Awards Bid-RWD- Replacement of Well No. 5-2 Contract G- General/Mechanical Work
- #474 Classifies Action and Declares Lead Agency on Special Permit Captain Hawkins House, and Refers Special Permit to the Planning Board
- #475 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Repeal Article XII-Industrial B District (General Industry) of Chapter 108 Entitled, "Zoning" of the Riverhead Town Code
- #476 Authorizes the Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend the Riverhead Zoning Use District Map (Deletion of Industrial B District (General Industry))
- #477 Approves Stipulation of Settlement
- #478 A Resolution Authorizing the Issuance of \$68,000 Serial Bonds of the Town Of Riverhead, to Pay the Cost of the Preparation of a Facility Plan (Phase II) for the Calverton
-

Sewer Districts Proposed Advanced Wastewater
Treatment Facility

- #479 In the Matter of the Increase and Improvement of the Facilities of the Riverhead Street Lighting District of the Town of Riverhead
- #480 Classifies Action and Refers Special Permit Petition of Arturo Serrano to the Planning Board
- #481 Authorizes Town Clerk to Publish and Post Notice to Consider a Proposed Local Law to Amend Chapter 92 to the Riverhead Town Code Entitled, "Streets and Sidewalks" (Article III, Obstructions)
- #482 Adopts a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (DC-3)
- #483 Authorizes Town Clerk to Publish and Post Notice to Consider a Proposed Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (article XXI, Business CR District Rural Neighborhood Business)
- #484 Amends Resolution #439 in Opposition to Recommendations by Congress's Joint Committee on Taxation to Limit Charitable Deductions related to Gifts of Land and Conservation Easements
- #485 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 7 of the Riverhead Town Code Entitled, "Business Improvement District"
- #486 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 10 of the Riverhead Town Code Entitled, "Civil Claims" (§ 10.1 Compliance Required, §10.2 Activities covered)
- #487 Pays Bills

Adopted

May 17, 2005

TOWN OF RIVERHEAD

APPOINTS PUMP OUT BOAT PERSONNEL

RESOLUTION # 440

COUNCILWOMAN BLASS

offered the following resolution, which

was seconded by

COUNCILWOMAN SANDERS

RESOLVED, that Joseph Tilton is hereby appointed to serve as a Pump Out Boat Personnel effective May 23, 2005 to and including September 9, 2005 to be paid at the Rate of \$10.00 per hour, and to serve at the pleasure of the Town Board; and

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

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

BE IT FURTHER RESOLVED, that the town Clerk be, and is hereby, directed to forward a certified copy of the Resolution to Joseph Tilton, the Police Department and the Office of Accounting.

Councilwoman Blass offered the resolution to be amended,
Seconded by Councilman Bartunek.

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

MAY 17, 2005

Adopted

TOWN OF RIVERHEAD

APPROVES REQUEST FOR LEAVE OF ABSENCE

RESOLUTION # 441

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

WHEREAS, Regina Rywelski, a Part Time Senior Citizen Aid, has requested a non-paid leave of absence; and

WHEREAS, after careful consideration, the Town Board has granted a 3-month leave of absence.

NOW, THEREFORE, BE IT RESOLVED, that Regina Rywelski's request for a non-paid leave of absence from May 16, 2005 through August 12, 2005 is hereby approved subject to the following condition(s):

(1) To facilitate the proper functioning of the Town offices, the employee shall submit written notice to the Town Supervisor of her intent to return to work, resign, retire or other relief at least thirty (30) days prior to the expiration of the leave of absence, and

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Regina Rywelski, the Nutrition Department, and the Office of Accounting.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

May 17, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 442

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

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

BE IT RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the May 26, 2005 issue of The Traveler Watchman and the May 22, 2005 Sunday edition of Newsday.

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

HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Director of Senior Citizen Services. The Town requests that all applicants have a Bachelor's Degree or better from an accredited college and 4-5 years of administrative experience in the direct delivery of health, social or related services to the aged. Applications are to be submitted to the Accounting Department, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:00pm on 6/3/2005. EOE

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

(Advertisement to be placed in Sunday only edition of Newsday)

DIRECTOR OF SENIOR CTZ SVCS

Rvhd Twn seeks candidates w/BS/BA+
& 4yr exp admin – Apply to Accounting Office
200 Howell Ave Rvhd NY EOE by 6/3/05

May 17, 2005

Adopted

TOWN OF RIVERHEAD

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST
A HELP WANTED AD FOR SUPERINTENDENT OF RECREATION I

RESOLUTION # 443

COUNCILMAN DENSIESKI

offered the following

COUNCILMAN BARTUNEK

resolution, which was seconded by

BE IT RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the May 26, 2005 issue of The Traveler Watchman and the May 22, 2005 Sunday edition of Newsday.

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

HELP WANTED (Advertisement to be placed in the Traveler Watchman)

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Superintendent of Recreation I with a minimum of a Bachelor's Degree from an accredited college and 2 years of supervisory experience in the conduct of a recreational program. 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, June 3, 2005. EOE

BY ORDER OF:

THE RIVERHEAD TOWN BOARD

BARBARA GRATTAN, TOWN CLERK

(Advertisement to be placed in Sunday only edition of Newsday)

SUPERINTENDENT OF RECREATION

Rvhd Twn seeks candidates w/BS/BA
& 2yr exp – Apply to Accounting Office
200 Howell Ave Rvhd NY EOE by 6/3/05

May 17, 2005

Adopted

ADOPTION OF RIVERHEAD TOWN

DEBT MANAGEMENT POLICY

RESOLUTION # 444

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

WHEREAS, the foundation of any well managed debt program is a comprehensive debt policy; and

WHEREAS, a comprehensive and routine analysis of debt capacity provides assurance that the amount of debt issued by the Town is affordable and cost effective; and

WHEREAS, adherence to a debt policy helps to ensure that the Town maintains a sound debt position and that its credit quality is protected; and

WHEREAS, a debt policy is beneficial because it enhances the quality of decisions, rationalizes the decision making process, identifies objectives for staff to implement, demonstrates a commitment to long term financial objectives and is viewed positively by the rating agencies.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the following Debt Management Policy.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

TOWN OF RIVERHEAD, NEW YORK

DEBT MANAGEMENT POLICY

Introduction

The following policy is enacted in an effort to standardize and rationalize the issuance and management of debt by the Town of Riverhead, New York (the "Town"). The primary objective is to establish conditions for the use of debt and to create procedures and policies that minimize the Town's debt service and issuance costs, retain the highest practical credit rating, and maintain full and complete financial disclosure and reporting. The policies apply to all general obligation debt issued by the Town, debt guaranteed by the Town, and any other forms of obligation of indebtedness.

Regular, updated debt policies can be an important tool to insure the use of the Town's resources to meet its commitments to provide needed services to the citizens of the Town and to maintain sound financial management practices. These policies are therefore guidelines for general use, and allow for exceptions in extraordinary conditions.

The Town Board has adopted these policies by resolution. As one function of these policies is to stimulate discussion and broader appreciation of debt issues, these policies will serve as a guideline. Under the recommendation of the Town's Financial Advisor, and /or Bond Counsel, the Town will evaluate its experience under these policies, and will make changes if needed. The Debt Management Policies of the Town can be adjusted at any time by resolution of the Town Board.

Creditworthiness Objectives

Policy 1. Credit Rating: The Town seeks to maintain the highest possible credit ratings for all categories of short-and long-term General Obligation debt that can be achieved without compromising delivery of basic Town services and achievement of adopted Town policy objectives.

The Town recognizes that external economic, natural, or other events may from time to time affect the creditworthiness of its debt. The Town Board remains committed to ensuring the actions within their control are prudent and beneficial to its citizens.

Policy 2. Financial Disclosure: The Town is committed to full and complete financial disclosure, and to cooperating fully with rating agencies, institutional and individual investors, Town departments and agencies, other levels of government, and the general public to share clear, comprehensible and accurate financial information. The Town is committed to meeting secondary disclosure requirements on a timely and comprehensive basis.

Policy 3. Capital Planning: To enhance creditworthiness and prudent financial management, the Town is committed to systematic capital planning, intergovernmental cooperation and coordination, and long-term financial planning. Evidence of this commitment to systematic capital planning will be demonstrated through adoption of a three-year Comprehensive Capital Budget.

Purposes and Uses of Debt

Policy 4. Debt Limits: The Town will keep outstanding debt within the limits prescribed by State statute and at levels consistent with its creditworthiness objectives.

Policy 5. Capital Financing: The Town normally will rely on internally generated funds and/or grants and contributions from other governments to finance its capital needs. Debt will be issued for a capital project only when other funding is not available or sufficient.

Policy 6. Asset Life: Town debt will not be issued for periods exceeding the useful life or average useful lives of the project or projects to be financed, as recommended by its Bond Counsel and Financial Advisor.

Debt Standards and Structure

Policy 7. Length of Debt: Debt will be structured for the shortest period consistent with a fair allocation of costs to current and future beneficiaries of users.

Policy 8. Debt Structure: Debt will be structured to achieve the lowest possible net cost to the Town given market conditions, the urgency of the capital project, and the nature and type of security provided. Moreover, to the extent possible, the Town will design the repayment of its overall debt so as to recapture rapidly its credit for future use.

Policy 9. BANs: Use of short-term borrowing, such as bond anticipation notes (BANs) will be undertaken only if the transaction costs plus interest of the debt are less than the cost of internal financing, or available cash is insufficient to meet working capital requirements.

Debt Administration and Process

The following policies apply to all Town debt issuance, including all General Obligation debt as specifically noted.

Policy 10. Investment of Bond Proceeds: All general obligation bonds proceeds shall be invested as part of the Town's Capital Fund, as noted by the Town's investment policies.

Policy 11 Competitive Sale: In general, Town debt will be issued through a competitive bidding process. The Town shall retain the services of a Financial Advisor to administer the competitive bidding process.

Policy 12. Bond Counsel: The Town will retain external bond counsel for all debt issues. All debt issued by the Town will include a written opinion by bond counsel affirming that the Town is authorized to issue the debt, stating that the Town has met all state constitutional and statutory requirements necessary for issuance, and determining the debt's federal income tax status. Bond Counsel will be selected by the Town Board and shall coordinate efforts with the Town's Financial Administrator for the preparation of bond authorizations.

Policy 13 Financial Advisor: The Town will retain an external financial advisor, to be selected by the Town Board. The utilization of the financial advisor for particular bond sale will be at the discretion of the Town Board on a case by case basis and pursuant to the financial advisory services contract. The selection process for financial advisors will require comprehensive municipal debt experience, experience with diverse financial structuring requirements and pricing of municipal securities.

Policy 14 Property Tax Supported Debt Service Thresholds: In order to maintain appropriate budgetary controls and to prevent imposing excessive burden on taxpayers of the Town, it is the intention of the Town Board to limit debt service expenditures supported by local real property taxes to no more than 18% of aggregate budgetary appropriations in the Town's General Fund in any given year.

May 17, 2005

TOWN OF RIVERHEAD

Adopted

Resolution # 445

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST
A HELP WANTED AD FOR SUMMER INTERNS IN TOWN OFFICES**

COUNCILWOMAN BLASS

_____ offered the following

COUNCILWOMAN SANDERS

resolution, which was seconded by _____

BE IT RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the May 26, 2005.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to the Accounting Department.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

HELP WANTED

PLEASE TAKE NOTICE that the Town of Riverhead has seasonal positions for Summer Interns. Applicants must be a student enrolled in college for the Fall of 2005. Applications should be submitted to the Accounting Department, 200 Howell Avenue, Riverhead, NY by June 3, 2005. EOE.

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

May 17, 2005

Adopted

TOWN OF RIVERHEAD

EAST CREEK DOCKING FACILITY

BUDGET ADJUSTMENT

RESOLUTION # 446

COUNCILWOMAN SANDERS

offered the following resolution,

COUNCILMAN DENSIESKI

which was seconded by _____

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

		<u>FROM</u>	<u>TO</u>
122.000000.390599	Appropriated Fund Balance	7,500	
122.072300.542612	Survey Expense		7,500

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Adopted

May 17, 2005

TOWN OF RIVERHEAD

2005 REPAINTING of WATER TANK @ PLANT 8

BUDGET ADOPTION

RESOLUTION # 447

COUNCILMAN DENSIESKI 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:

	<u>FROM</u>	<u>TO</u>
406.083200.482220.30087 Transfer From R & M	547,000	
406.083200.541000.30087 Tank Repainting & Maint		450,000
406.083200.543501.30087 Engineering Expense		63,000
406.083200.543315.30087 Legal Expense		14,000
406.083200.547900.30087 Contingency		20,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

17, 2005

Adopted

TOWN OF RIVERHEAD

WR CREEK PARKING & BOAT RAMP IMPROVEMENT

BUDGET ADJUSTMENT

RESOLUTION # 448

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:

	<u>FROM</u>	<u>TO</u>
406.095031.481900.40121 Special Trust Transfer	35,000	
406.072300.523018.40121 Parking & Boat Ramp Imp		35,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

May 17, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 449

RESTATES THE TOWN'S INTENDED USE FOR THE TRANSFER OF COUNTY OWNED PROPERTY TO THE TOWN OF RIVERHEAD

COUNCILWOMAN BLASS

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

WHEREAS, on July 8, 2004, the Riverhead Town Board approved Resolution No. 632 authorizing the Supervisor to take all necessary steps to effectuate the transfer of title to property on Osborne Avenue known as SCTM No. 0600-126-1-2.3 acquired by the County of Suffolk through tax default; and

WHEREAS, by said Resolution, the Town stated its intent to use said property for affordable housing purposes; and

WHEREAS, pursuant to General Municipal Law 72-h said property has been transferred by the County to the Town by deed that restricts the use of the property exclusively for affordable housing with all right title and interest to said property reverting to the County of Suffolk in the event that the Town uses or attempts to use the property for any purpose other than affordable housing; and

WHEREAS, the Town wishes to modify its intended use of the property to include parking facilities.

NOW, THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby authorizes the Supervisor to take all steps necessary to modify the restriction contained in the deed tendered by the County of Suffolk so as to permit the Town to use the property for uses other than affordable housing; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this Resolution to the County of Suffolk Department of Planning, Division of Real Estate, Thomas A. Isles, Director, Elaine Harrison, Office of the Suffolk County Treasurer, Suffolk County Legislator Michael J. Caracciolo, the Riverhead Town Supervisor, Highway Department, Assessor's Office, Tax Receiver, Town Attorney, Town Engineer and Community Development Office.

THE VOTE
Bartunek X yes ___ no Sanders X yes ___ no
Blass X yes ___ no Densieski X yes ___ no
Cardinale X yes ___ no

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

July 17, 2005

Adopted

TOWN OF RIVERHEAD

RECREATION PROGRAM FUND

BUDGET ADJUSTMENT

RESOLUTION # 45⁰

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:

	<u>FROM</u>	<u>TO</u>
006.000000.390599 Appropriated Fund Balance	1,700	
006.076250.524000 Softball Equipment		1,700
006.000000.390599 Appropriated Fund Balance	3,500	
006.073101.511500 Summer Youth Basketball Personal Service		3,000
006.073101.524000 Summer Youth Basketball Equipment		300
006.073101.542112 Summer Youth Basketball Supplies		200

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

May 17, 2005

Adopted

TOWN OF RIVERHEAD

AWARDS BID FOR WELL & PUMP EMERGENCY SERVICE
RIVERHEAD WATER DISTRICT

RESOLUTION # 451

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

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for well and pump emergency service for the Riverhead Water District; and

WHEREAS, bids were received, opened and read aloud on the 9th day of May, 2005, at 11:00 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York 11901, the date, time and place given in the notice to bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for well and pump emergency service for the Riverhead Water District be and is hereby awarded to Delta Well & Pump Co., Inc.; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Delta Well & Pump Co., Inc., 97 Union Avenue, PO Box 1309, Ronkonkoma, New York, 11779, the Riverhead Water District and the Purchasing Department.

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Denieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

May 17, 2005

Town of Riverhead
Resolution # 452

Adopted

ESTABLISHES ACCOUNT FOR CARBON MONOXIDE ALARMS IN
THE FIRE PROTECTION AND CODE ENFORCEMENT DIVISION

COUNCILWOMAN SANDERS offered the following resolution, was

seconded by COUNCILMAN BARTUNEK.

WHEREAS, the Fire Protection and Code Enforcement Division has requested an account to be established to deposit the donation of \$500.00 that was given by AG Burnham for Carbon Monoxide Alarms and;

NOW THEREFORE BE IT HEREBY RESOLVED, that the Town Board of the Town of Riverhead hereby establish the aforementioned account in the interest of utilizing donated funds for purchasing Carbon Monoxide Alarms and;

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

May 17, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 4539

**RE-APPOINTS MEMBERS TO SUFFOLK COUNTY/TOWN OF RIVERHEAD
EMPIRE ZONE ADMINISTRATIVE BOARD**

COUNCILWOMAN BLASS

offered the following resolution, which was

seconded by **COUNCILWOMAN SANDERS**

WHEREAS, the Town of Riverhead, by Resolution Number 805-1997, authorized submission of an application to the State of New York Empire State Development Corporation for designation of the Calverton Enterprise Park as an Economic Development Zone, now known as Development Zone; and

WHEREAS, on June 3, 1998, Governor George Pataki did announce the designation of new zones to include the Calverton Enterprise Park in the Town of Riverhead, Suffolk County; and

WHEREAS, the implementation of the Empire Zone requires certain actions by the municipality including the establishment of a Zone Administrative Board to be responsible for the operation of the zone and its programs; and

WHEREAS, the Zone Administrative Board must include a representative of a local business, organized labor, community group organization, financial institution, education institution and zone area resident, as well as the Town Supervisor, and active member of the Riverhead Development Corporation, Community Development Agency Director and local utility representative; and

WHEREAS, members of the Zone Administrative Board must be appointed as their terms expire or to fill a vacancy, and as of January 2005 the terms representing the organized labor representative, community group organization, and local business representative did expire; and

WHEREAS, it is the desire of the Town Board of the Town of Riverhead to re-appoint Jack Kennedy representing an organized labor union, George Nunnaro representing a local business, and Bruce Tria representing a community group organization.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Riverhead hereby re-appoints Jack Kennedy, George Nunnaro and Bruce Tria as members of the Empire Zone Administrative Board for a term of three years until January 2008 or until reappointment or replacement by the Riverhead Town Board; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Jim Morgo, Commissioner of Economic Development, Suffolk County; Jack Kennedy, c/o Building 7 Construction Trades; George Nunnaro, Presto-O-Peconic; Bruce Tria, Vice-President, Riverhead Business Improvement District; Riverhead Community Development Agency; Town Attorney; Randy Coburn, Program Director, Empire State Development; and Tracy Stark, Empire Zone Coordinator .

THE VOTE

Sanders Yes ___ No ___ Blass Yes ___ No ___

Densieski Yes ___ No ___ Bartunek Yes ___ No ___

Cardinale Yes ___ No ___

The Resolution Was Was Not ___

5/17/05

Adopted

TOWN OF RIVERHEAD

Resolution # 454

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER THE PLACEMENT OF A SPEED HUMP**

COUNCILMAN BARTUNEK

_____ offered the following resolution, was seconded by

COUNCILMAN DENSIESKI :

WHEREAS, the Town has received numerous complaints by residents regarding the excessive speeding of vehicles in residential areas; and

WHEREAS, the Riverhead Traffic Safety Committee has recommended to the Town Board various measures that may be considered as traffic calming devices, and that one such device is referred to as "Speed Humps"; and

WHEREAS, the Riverhead Town Board has received a petition executed by 31 residents of said subdivision requesting that a speed hump be placed on "Williams Way South" as a means to slow down the vehicular traffic in said area of the subdivision; and

WHEREAS, the Town Board has agreed to place a speed hump on a trial basis as a traffic calming measure.

NOW THEREFORE BE IT RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice once in the May 26, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the public notice to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Riverhead Highway Department; the Riverhead Police Department; the Planning Department and the Office of the Town Attorney.

Councilman Bartunek offered the resolution to be amended, seconded by Councilman Densieski.

All members in favor of amending the resolution.

THE VOTE

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

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 7th day of June, 2005 at 7:35 o'clock p.m. to consider the placement of a speed hump on a trial basis located on the road entitled, "Williams Way South" located in the "Village Green" subdivision, in Calverton, New York.

Dated: Riverhead, New York
May 17, 2005

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

Adopted

May 17, 2005

TOWN OF RIVERHEAD

ACCEPTS RESIGNATION OF JILL LEWIS

RESOLUTION # 454a

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

WHEREAS, Jill Lewis has submitted a letter of resignation from Executive Assistant and Deputy Supervisor, advising of her intent to resign from her positions as Executive Assistant and Deputy Supervisor, effective May 18, 2005.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby accepts the resignation of Jill Lewis as Executive Assistant and Deputy Supervisor.

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Jill Lewis and the Office of the 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

May 17, 2005

Adopted

TOWN OF RIVERHEAD

APPOINTS DEPUTY TOWN SUPERVISOR

RESOLUTION # 455

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

WHEREAS, the Town of Riverhead has accepted the resignation from Jill Lewis as the Deputy Town Supervisor; and

WHEREAS, the Town Supervisor has five days to appoint a new Deputy Town Supervisor.

NOW, THEREFORE, BE IT RESOLVED, that effective May 18, 2005, Christopher Kent is hereby appointed to the position of Deputy Town Supervisor in which he will serve without compensation.

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, directed to forward a Certified Copy of this Resolution to Christopher Kent, the Supervisor's Office and the Office of Accounting.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

TB 5/17/05

TOWN OF RIVERHEAD

Adopted

Resolution # 456
Adopted May 17, 2005

AWARDS BID ON PRECAST CONCRETE & ASSOCIATED ITEMS

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

WHEREAS, the Town Clerk was authorized to advertise for sealed bids on a "PRECAST CONCRETE DRAINAGE & ASSOCIATED ITEMS" for the use of the Highway Department, and,

WHEREAS, all bids were received and read aloud on the 9th of May at 11:05 A.M. at the Town Hall, 200 Howell Avenue, Riverhead, New York the date, time and place given in the Notice to Bidders, and

WHEREAS, one bid was received,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Precast Concrete Drainage Rings & Associated Items be and is hereby awarded to Suffolk Cement Precast, Inc., PO Box 241, Calverton, New York 11933, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Suffolk Cement Precast and the Riverhead Highway Department.

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

5/17/05

Adopted

TOWN OF RIVERHEAD

Resolution # 457

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

COUNCILWOMAN SANDERS

_____ offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK:

RESOLVED, that the Town Clerk is hereby authorized to post and publish the attached public notice to consider a proposed local law to consider the amendment of Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code, once in the May 26, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

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

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blassi ___ yes ___ no Deneski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 7th day of June, 2005 at 7:20 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 101 of the Riverhead Town Code entitled, "Vehicles & Traffic" as follows:

**Vehicles and Traffic
Article V
Parking, Standing and Stopping**

§ 101-10. Parking prohibited.

The parking of vehicles is hereby prohibited in the locations as follows:

Name of Street	Side	Location
<u>Roanoke Avenue</u>	<u>East</u>	<u>Beginning at its intersection of the northly curb line of East Main Street in a northerly direction approximately 300 feet to its intersection with First Street (western entrance of the municipal parking lot)</u>

Dated: Riverhead, New York
May 17, 2005

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

BARBARA GRATTAN, Town Clerk

- Underline represents addition(s)

May 17, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 458

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST
A HELP WANTED AD FOR PART TIME SENIOR CITIZEN AIDE

COUNCILMAN BARTUNEK 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 May 26, 2005 issue of The Traveler Watchman.

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

HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Part Time Senior Citizen Aide. Applications are to be submitted to the Accounting Department, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:00pm on 6/3/2005. EOE

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

May 17, 2005

Adopted

Town of Riverhead

Resolution # 459

AUTHORIZES THE SUPERVISOR TO EXECUTE AN ORDER ON CONSENT WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (WADING RIVER BOAT RAMP)

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

NOW THEREFORE BE IT HEREBY RESOLVED, that the Supervisor is hereby authorized to execute the attached Order on Consent of the New York State Department of Environmental Conservation; and be it further

RESOLVED, that the Accounting Department is directed to pay the sum of \$3,000.00 as a civil penalty to the New York State Department of Environmental Conservation, said check shall be delivered to the Town Attorney to be forwarded to the NYSDEC with the Order on Consent; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Regional Attorney, NYSDEC Division of Legal Affairs, Region One, Building 40 – SUNY, Stony Brook, New York 11790, Charles Hamilton, NYSDEC Regional Supervisor, Region One, Building 40 – SUNY, Stony Brook, New York 11790, the Office of the Supervisor; Kenneth Testa, P.E.; the Office of the Town Attorney and the Office of Accounting.

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Depaieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

New York State Department of Environmental Conservation
Building 40 - SUNY, Stony Brook, New York 11790-2356
Phone (631) 444-0295
Fax # (631) 444-0297



Denise Sheehan
Acting Commissioner

4/29/2005

Sean M Walter
Town of Riverhead
200 Howell Avenue
Riverhead, NY 11901

RE: NYSDEC v. Town of Riverhead & Terry Contracting Inc
NOV#: 05CN71 & 05CN70

Dear Sir/Madam:

Enclosed please find an Order on Consent in resolution of the above-referenced matter. Please return the Order to Diane Radke, Enforcement Coordinator, at the Department's Regional Office in Stony Brook within ten (10) days of the receipt of this letter. The Order must be signed and notarized, and accompanied by a certified check or money order in the amount of the penalty imposed, made payable to the **New York State Department of Environmental Conservation**. After the Order is executed by the Commissioners designee a conformed copy will be forwarded back to you.

THE NOTARY IS REQUIRED TO FILL IN ALL THE BLANK AREAS ON PAGE 3 OF THE ORDER WITH THE CORRECT INFORMATION. THIS INCLUDES THE DATE and NAME and RESIDENCE OF THE PERSON WHO IS BEING WITNESSED. IN THE CASE OF A CORPORATION, PARTNERSHIP, etc., THE LEGAL NAME OF SAID BUSINESS IS REQUIRED AND THE NAME, TITLE and RESIDENCE OF THE PERSON WHO IS REPRESENTING AND SIGNING OF BEHALF OF THE CORPORATION.

This offer of settlement expires 30 days from the date of receipt without further notice. If the settlement agreement is not returned, executed and with the penalty payment, within the time set out above then this matter will be referred to the legal department for enforcement.

Sincerely,

Charles T. Hamilton
Regional Supervisor
Natural Resources - Region 1

cc: Regional Attorney

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Violation(s) of Articles 15,
and/or 25 and 71, as indicated below, of the
New York State Environmental Conservation
Law, by :

Town of Riverhead
Terry Contracting Inc
- Respondent(s)

(Suffolk County)

ORDER ON CONSENT
FILE NO. 1-

WHEREAS, Article 15, Title 5, of the New York State Environmental Conservation Law (Protection of Waters) prohibits conducting any regulated activities in any of the navigable waters or protected streams of the State without the requisite permit, or in noncompliance with the requisite permit; and

WHEREAS, Article 25, Title 4, of the New York State Environmental Conservation Law, (Tidal Wetlands Act) prohibits conducting any regulated activities on or adjacent to any tidal wetland without the requisite permit, or in noncompliance with the requisite permit; and

WHEREAS, the Department of Environmental Conservation (DEC) has documented a violation of said statutes, specifically Section 25.401.1, Section 15.0501 15-0505.1, and Section _____, in that Respondent(s) caused and/or permitted to be caused,

Failure to submit notice of commencement and to have approved plans available at the work site as required by permit on or before 4/19/05 at Wading River Creek, Creek Road; and

WHEREAS, Respondent(s) has/have affirmatively waived his/her/its/their right to a public hearing in this matter in the manner provided by law and having consented to the entering and issuing of this Order, agree(s) to be bound by the terms and conditions contained herein.

NOW, having considered this matter and being duly advised, it is

ORDERED, that with respect to the aforesaid violation(s), there is hereby imposed upon Respondent(s), a penalty in the sum of Three Thousand (\$3,000.00) Dollars, said penalty to be made payable by certified check or money order to the NYS Department of Environmental Conservation upon signing of this Order ; and it is further

ORDERED, that this Order shall not become effective until it is executed by the Regional Director on behalf of the Commissioner, and the date of execution by the Regional Director shall be the date of execution of this Order; and it is further

ORDERED, that in those instances in which the Respondent(s) desire(s) that any of the provisions, terms or conditions of this Order be changed, (s)he/it/they shall make written application, setting forth the grounds for the relief sought, to the Commissioner, c/o Regional Attorney, New York State Department of Environmental Conservation, Building 40, State University Campus, Stony Brook, New York 11790-2356; and it is further

ORDERED, that Respondent(s) shall strictly adhere to the terms and conditions outlined in this Order and in Parts I, II, and/or III of Schedule A, the compliance schedule attached hereto and made a part hereof; and it is further

ORDERED, that any change in this Order shall not be made or become effective, except as specifically set forth by written order of the Commissioner, such written order being made either upon written application of the Respondent(s) or upon the Commissioner's own findings; and it is further

ORDERED, that this Order shall be deemed binding on the Respondent(s), it/his/her/their successors and assigns and all persons, firms and corporations acting under or for it/him/her/them, including, but not limited to those who may carry on any or all of the operations now being conducted by Respondent(s), whether at the present location or at any other in this State; and it is further

ORDERED, that the failure to pay any penalty amounts due under the terms and conditions of this Order may result in a 22% surcharge in recovery costs and a potential tax refund offset by the Department of Taxation and Finance, and it is further

ORDERED, that a dishonored check fee of Twenty (\$20.00) Dollars will be charged for all checks which are returned for insufficient funds.

Dated: Stony Brook, New York
_____, 2005

Denise Sheehan
Acting Commissioner of Environmental Conservation

By
Peter A. Scully
Regional Director

To: Sean M Walter
Town of Riverhead
200 Howell Avenue
Riverhead, NY 11901

NOV#: 05CN71 & 05CN70

CONSENT BY INDIVIDUAL RESPONDENT

Respondent acknowledges the authority and jurisdiction of the Commissioner of Environmental Conservation of the State of New York to issue the foregoing Order, waives public hearing or other proceedings in this matter, accepts the terms and conditions set forth in the Order and consents to the issuance thereof and agrees to be bound by the provisions, terms and conditions contained herein.

BY (SIGNATURE):

NAME (print):

DATE:

STATE OF _____)

) s.s.:

COUNTY OF _____)

On the ____ day of _____ 2005, before me personally came _____, to me known, who being duly sworn did depose and say that (s)he resides at _____ that (s)he executed the above instrument.

Sworn to before me this ____ day of _____, 200_.

NOTARY PUBLIC

CONSENT BY CORPORATION RESPONDENT

Respondent acknowledges the authority and jurisdiction of the Commissioner of Environmental Conservation of the State of New York to issue the foregoing Order, waives public hearing or other proceedings in this matter, accepts the terms and conditions set forth in the Order and consents to the issuance thereof and agrees to be bound by the provisions, terms and conditions contained herein.

BY (SIGNATURE):

NAME (print):

TITLE:

An individual dually authorized by the respondent corporation to sign on behalf of the corporation and whom may bind respondent corporation to the terms and conditions contained herein.

of _____

(Write in name of corporation)

STATE OF _____)

) s.s.:

COUNTY OF _____)

On the ____ day of _____ 2005, before me personally came _____, to me known, who being duly sworn did depose and say that (s)he resides at _____ that (s)he executed the above instrument.

Sworn to before me this ____ day of _____, 200_.

NOTARY PUBLIC

SCHEDULE A

Compliance Schedule
for
Article(s) 15 and/or 25

I. GENERAL REQUIREMENTS:

Immediately, Respondent (s) shall cease and desist from any and all future violations of the New York State Environmental Conservation Law and the rules and regulations enacted pursuant thereto.

Respondent (s) shall submit photographs of the completed work, if any, required under this schedule, to the Department within five (5) days of its completion.

All submittals to the Department required under this Order shall be made by Respondent (s) as follows:

- 1) One copy to the Legal Affairs Office, Region One, New York State Department of Environmental Conservation, Building 40, S.U.N.Y., Stony Brook, New York 11790-2356;
-and-
- 2) One Copy to Marine Habitat Protection, Region One, New York State Department of Environmental Conservation, Building 40, S.U.N.Y., Stony Brook, New York 11790-2356.

II. REMOVAL REQUIREMENTS:

Within days from the date of the execution of this Order,

Respondent (s) shall have removed the structures and/or fill which are the subject of this Order.

Removal Specifications: none

No Removal Required

III. RESTORATION REQUIREMENTS:

Within days from the date of the execution of this Order,

Respondent(s) shall submit to the Department, an approvable* restoration plan and time schedule for implementation of said plan.

*Approvable in the context of this Order shall mean approvable by the DEC with minimal revision. Minimal revision shall mean that Respondent(s) incorporate(s) the revisions required by the DEC and resubmits the plan for approval within fifteen (15) business days of receipt of the DEC's comments.

This plan shall include:

Regrading

Plantings in disturbed area

Specifications : none

Other:

Upon written approval by the Department, Respondent(s) shall implement the approved restoration plan in accordance with the approved time schedule.

Said maintenance shall ensure a success ratio of at least 85% for a 5 year time frame from completion of plantings.

No Restoration Required.

05/17/05

Adopted

TOWN OF RIVERHEAD

Resolution # 460

AUTHORIZES THE RELEASE OF SECURITY BOND FOR CELLULAR TELEPHONE COMPANY D/B/A/ AT&T WIRELESS

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

WHEREAS, Wireless Access Technologies, Inc. posted a security bond, Bank Check #372876519 dated May 28, 2004 in the amount of Two Thousand Five Hundred Dollars (\$2,500) pursuant to Section 108-133(I) of the Riverhead Town Code; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction and Certificate of Occupancy #19536 dated March 8, 2005 has been issued for said construction.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the security bond in the sum of Two Thousand Five Hundred Dollars (\$2,500) and

BE IT FURTHER RESOLVED, that the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Jim Innes, Wireless Access Technologies, 4217 Ridge Avenue #2, Philadelphia, PA 19129, the Building Department; the Accounting Department, the Town Clerk 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
Thereupon Duly Declared Adopted

05/17/05

Adopted

TOWN OF RIVERHEAD

Resolution # 461

AUTHORIZES THE RELEASE OF SECURITY BOND FOR EAST END COMMONS

COUNCILMAN BARTUNEK

offered the following resolution,

which was seconded by

COUNCILMAN DENSIESKI

WHEREAS, East End Commons Associates, BJ's Wholesale Club posted a check #E0704901 dated October 4, 2000, in the sum of Thirty Five Thousand Four Hundred Two Dollars (\$35,402) for work to be completed at Old Country Road, Riverhead, New York, further described as Suffolk County Tax Map Number 0600 109.-1-19.6, pursuant to Section 108-133(I) of the Riverhead Town Code; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction and Certificate of Occupancy #19593 dated April 7, 2005 has been issued for said construction.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the performance bond in the sum of Thirty Five Thousand Four Hundred Two Dollars (\$35,402) and

BE IT FURTHER RESOLVED, that the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to BJ's Wholesale Club, attention Chris Karen, PO BOX 9607, Natick, MA 01760, the Building Department; the Accounting Department, the Town Clerk 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

Thereupon Duly Declared Adopted

May 17, 2005

Adopted

TOWN OF RIVERHEAD

AUTHORIZATION TO JUNK FIXED ASSETS

RESOLUTION # 462

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

WHEREAS, after careful consideration, the Accounting Department has made a recommendation that this equipment has no residual value and should be junked and taken off the inventory listing. The Accounting Department hereby requests that the Town Board excess this property so that it may be removed from the records.

NOW, THEREFORE BE IT RESOLVED that the Accounting Department is hereby authorized to discard the following items:

<u>Tag #</u>	<u>Description</u>
20822	Hon High Back Chair
7042	Brown Global Chair
23396	Folding Chair
23392	Folding Chair
6595	3 PC work station
7939	Metal Bookcase
931	7 Drawer Desk
9298	Grey File Cabinet
None	Town Attorney Law Books

THE VOTE

Sanders Yes No

Blass Yes No

Bartunek Yes No

Densieski Yes No

Cardinale Yes No

Adopted

5/17/05

TOWN OF RIVERHEAD

Resolution # 463

APPROVES CHAPTER 90 APPLICATION OF CHURCH OF THE HARVEST

COUNCILWOMAN BLASS

_____ offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

WHEREAS, Church of the Harvest has submitted a Chapter 90 Application for the purpose of conducting a bar-b-que, live music and a speaker, to be located in the park area on Lewis Street, Millbrook Gables, Riverhead, New York, to be held on May 21, 2005, between the hours of 5:30 p.m. to 9:00 p.m.; and

WHEREAS, Church of the Harvest has completed and filed a Short Form Environmental Assessment Form in accordance with 6 NYCRR 617, and

WHEREAS, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b), and

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

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

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

NOW THEREFORE BE IT RESOLVED, that Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2), and be it further.

RESOLVED, that the Chapter 90 Application of the Church of the Harvest to conduct a bar-b-que, live music and a speaker, to be located in the park area on Lewis Street, Millbrook Gables, Riverhead, New York, to be held on May 21, 2005, between the hours of 5:30 p.m. to 9:00 p.m. is hereby approved; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee for this event; and be it further

RESOLVED, that this approval is subject to Riverhead Town Code Chapter 81 entitled, "Noise Control" and that applicant shall not exceed the noise limits as defined in Section 81-5 Prohibited Acts.; and be it further

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

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Church of the Harvest, P.O. Box 1086, Riverhead, New York, 11901; the Riverhead Fire Marshal; Chief Hegermiller, Riverhead Police Department and the Office of the Town Attorney.

THE VOTE

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

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

May 17, 2005

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Adopted

TOWN OF RIVERHEAD

APPOINTS STUDENT INTERN
IN THE ENGINEERING DEPARTMENT

RESOLUTION # 464

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

WHEREAS, it is beneficial to the Town to hire student interns to work cooperatively with individual Departments; and

WHEREAS, it is the desire of the Engineering Department to have a Student Intern appointed to work during the summer months to complete various annual projects.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby appoints Matthew Wilhelm to the position of Student Intern in the Engineering Department at the conclusion of his temporary assignment in the Office of the Receiver of Taxes, at the hourly rate of \$10.00 per hour, with a completion date of September 2, 2005.

BE IT FURTHER RESOLVED, that the Town Clerk be, and is hereby, authorized to forward a copy of this resolution to Matthew Wilhelm, the Engineering Department and the Office of Accounting.

THE VOTE

Bartunek Yes No Sanders Yes No
Blass Yes No Densieski Yes No
Cardinale Yes No

May 17, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 465

**APPOINTS STUDENT INTERNS
IN THE ACCOUNTING DEPARTMENT**

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

WHEREAS, it is beneficial to the Town to hire student interns to work cooperatively with individual Departments during the summer months; and

WHEREAS, it is the desire of the Accounting Department to have student interns appointed to work during the summer months to complete the annual capital asset inventory, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby appoints Johanna M. Cain and Joseph W. Magee to the position of Student Interns in the Accounting Department at the hourly rate of pay of \$10.00 per hour effective May 31, 2005 ending September 2, 2005.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Johanna M. Cain and Joseph W. Magee and the Office of Accounting.

THE VOTE

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

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Adopted

MAY 17, 2005

TOWN OF RIVERHEAD

Resolution # 466

APPOINTS MAINTENANCE MECHANIC II
IN THE BUILDING AND GROUNDS DEPARTMENT

COUNCILWOMAN BLASS offered the following

resolution, which was seconded by COUNCILMAN DENSIESKI

WHEREAS, a vacancy now exists in the Building and Grounds Department, and

WHEREAS, this position was duly posted, posting #3, advertised and interviews have been conducted, and

WHEREAS, the recommendation of the Personnel Committee and the Department Head has been received.

NOW, THEREFORE, BE IT RESOLVED, that effective May 18th, 2005 Zygmunt Rachubka is hereby appointed to the position of Maintenance Mechanic II as found on Group 7, Step P of the Operational and Technical Salary Schedule of the CSEA Contract, and

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Zygmunt Rachubka, the Engineering Department, and the Office of Accounting.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

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Adopted

5/17/05

TOWN OF RIVERHEAD

Resolution # 467

APPOINTS A LIFEGUARD LEVEL II TO THE RIVERHEAD RECREATION DEPARTMENT

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

RESOLVED, that Jared McCoy is hereby appointed to serve as a Lifeguard Level II effective May 20, 2005 to and including September 5, 2005, to be paid at the rate of \$11.50 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):

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

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

THE VOTE
Bartunek / yes no Sanders / yes no
Blas / yes no Densieski / yes no
Cardinale / yes no
THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

Adopted

05/17/05

TOWN OF RIVERHEAD

Resolution # 468

ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "Zoning" (ARTICLE VII, Business A District (Resort Business), ARTICLE XI, Industrial A District (Light Industry), ARTICLE XXVIII, Office/Service District)

COUNCILMAN BARTUNEK _____ offered the following resolution,

which 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 of the Riverhead Town Code entitled, "Zoning" (ARTICLE VII, Business A District (Resort Business), ARTICLE XI, Industrial A District (Light Industry), ARTICLE XXVIII, Office/Service District); and

WHEREAS, a public hearing was held on the 19th day of October, 2004 at 7:00 o'clock p.m. at the 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 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 Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the same to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Building Department; the Planning Board; the Planning Department; the Architectural Review Board and 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 of the Riverhead Town Code entitled "Zoning" (ARTICLE VII, Business A District (Resort Business), ARTICLE XI, Industrial A District (Light Industry), ARTICLE XXVIII, Office/Service District) at its regular meeting held on May 17, 2005.

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

Dated: Riverhead, New York
May 17, 2005

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

BARBARA GRATTAN, Town Clerk

CHAPTER 108

ZONING

ARTICLE VII, ~~Business A District (Resort Business)~~

~~§ 108-27. Uses.~~

~~In the Business A (Resort Business) 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, special permit uses and their customary accessory uses:~~

~~A. Permitted uses.~~

- ~~(1) Beach club and yacht club.~~
- ~~(2) Dwellings, one family.~~
- ~~(3) Offices or meeting rooms of philanthropic, fraternal, social, educational or membership organizations.~~
- ~~(4) Park, playground.~~
- ~~(5) Retail store or shop.~~
- ~~(6) Shop for custom work and for making articles to be sold at retail on the premises.~~

~~B. Special permit uses.~~

- ~~(1) Multiple family dwellings, apartment houses and condominiums.~~
- ~~(2) Tavern.~~
- ~~(3) Any recreational use.~~
- ~~(4) Day care center or nursery school.~~
- ~~(5) Bed and breakfast.~~
- ~~(6) Hotel, motel and bootel.~~
- ~~(7) Marina, resort; marina, general.~~
- ~~(8) Restaurant.~~

~~C. Accessory uses. Accessory uses shall include those uses customarily incident to any of the above permitted uses when located on the same lot. Specifically permitted are the following:~~

- ~~(1) Home occupation or profession conducted within the dwelling by the residents thereof.~~
- ~~(2) Private garage, private greenhouse, private boathouse, summer house used exclusively for sleeping or recreational purposes and similar accessory buildings or uses.~~
- ~~(3) A temporary building or shed used during construction of a building or structure on the premises.~~
- ~~(4) Swimming pool constructed in accordance with the provisions of § 108-59 of this chapter.~~
- ~~(5) Boats and trailers. Any boat, house trailer, mobile home, camp trailer or camp car in excess of 15 feet in overall length shall not be stored or kept in the area between the street right of way and the front line of the main building projected to the side lot lines on any lot in the Business A District nor within 10 feet of any side lot or rear lot line, and no such boat or trailer shall be stored or maintained in such manner as to constitute an attractive nuisance or hazard to children.~~

- ~~(6) — A game center, except as to a dwelling.~~
~~D. — Prohibited uses. Prohibited uses shall include:~~
~~(1) — Flea markets.~~

~~§ 108-28. General lot, yard and height requirements.~~

~~No principal building 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.~~

~~§ 108-29. Lot area.~~

- ~~A. — No two family dwelling shall be erected or converted on a lot having an area of less than 40,000 square feet and having a width of less than 150 feet.~~
~~B. — No multiple family dwelling, apartment house, garden apartment or condominium shall be erected on a lot of less than six acres and having a width of less than 200 feet. There shall be no less than 8,000 square feet of lot area for each 800 square feet of floor area.~~
~~C. — Hotels, motels, boatels and boardinghouses shall be erected on a lot having an area of not less than 2,000 square feet for each 600 square feet of floor area and having a width of not less than 70 feet.~~
~~D. — All other buildings and structures shall be erected on a lot having an area of not less than 20,000 square feet and having a width of not less than 100 feet.~~

~~§ 108-30. Yard requirements.~~

- ~~A. — No building 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. — For all other buildings or structures, there shall be an unoccupied front yard area 25 feet in depth.~~

~~§ 108-31. Residential use.~~

~~Any single family residential use in the Business A District shall conform to all requirements for a residential use in the agricultural use district.~~

~~§ 108-31.1. Review of site plan.~~

~~Before issuing a building permit, each application, other than single family residences, together with the accompanying site plan, shall be subject to the site plan review requirements of this chapter.~~

~~§ 108-32. Living area.~~

- ~~A. — For a single family dwelling, exclusive of attached garages, carports, unenclosed porches and breezeways, there shall be provided not less than 900 square feet of living area for the first story, but a maximum of 200 square feet of area of the second story may be used and applied to the area requirement for the first story.~~

B. — ~~For two-family dwellings, exclusive of attached garages, carports, unenclosed porches and breezeways, there shall be provided not less than 1,600 square feet of living area for the first story, but a maximum of 700 square feet of area of the second story may be used and applied to the area requirement for the first story.~~

~~§ 108-33. Additional requirements.~~

~~Where a multiple-family dwelling, apartment house, garden apartment or condominium consists of more than one principal building, there shall be a minimum distance between such principal buildings of 50 feet. All buildings shall be erected, reconstructed or altered so as to be situate 60 feet from the lines of the lot.~~

~~ARTICLE XI, Industrial A District (Light Industry)~~

~~§ 108-45. Uses.~~

~~In the Industrial A District (Light Industry), 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 two of the following permitted uses, special exception or special permit uses and their customary accessory uses:~~

~~A. — Permitted uses.~~

- ~~(1) — Agriculture.~~
- ~~(2) — Assembly hall.~~
- ~~(3) — (Reserved).~~
- ~~(4) — Bottling works.~~
- ~~(5) — Building trade shops.~~
- ~~(6) — Cold storage plant.~~
- ~~(7) — Farms.~~
- ~~(8) — Greenhouse, plant nursery and garden.~~
- ~~(9) — Ice cream manufacture.~~
- ~~(10) — Marina.~~
- ~~(11) — Motor vehicle, mobile home, trailer or boat sales or rental.~~
- ~~(12) — Newspaper offices; job printing establishment.~~
- ~~(13) — Offices.~~
- ~~(14) — (Reserved).~~
- ~~(15) — Poultry processing plant.~~
- ~~(16) — Repair shops for household and/or personal appliances.~~
- ~~(17) — (Reserved).~~
- ~~(18) — Telephone exchange.~~
- ~~(19) — Trucking station.~~
- ~~(20) — Vegetable and fruit processing.~~
- ~~(21) — Vehicle repair.~~
- ~~(22) — Vocational school.~~
- ~~(23) — Warehouse.~~

~~B. — Special permit uses.~~

- ~~(1) — Airport, when authorized by special permit of the Town Board.~~

- (2) — ~~Sports arena, when authorized by special permit of the Town Board.~~
 - (3) — ~~Hotels, when authorized by special permit of the Town Board.~~
 - (4) — ~~Restaurant, by special permit of the Town Board.~~
 - (5) — ~~Nonnuisance industry, by special permit of the Town Board, except that sand mining as defined in the Environmental Conservation Law is a prohibited use under this district.~~
 - (6) — ~~Wholesale business (nonnuisance), by special permit of the Town Board.~~
 - (7) — ~~Dog and horse training, to include but not be limited to care, grooming, exercising, schooling and exhibiting, by special permit of the Town Board.~~
 - (8) — ~~Camps of Types 1, 3, 4, 5 and 6, by special permit of the Town Board. All Type 2 camp applications filed with the Town Board prior to December 5, 1972, may be considered by the Town Board pursuant to the special permit provisions of this chapter and, if granted, they are hereby deemed permitted and conforming.~~
 - (9) — ~~(Reserved).~~
 - (10) — ~~Tavern, by special permit of the Town Board.~~
 - (11) — ~~Outdoor theater, golf driving range, archery, outdoor swimming pool and similar outdoor recreational uses, by special permit of the Town Board.~~
 - (12) — ~~Lumberyard, by special permit of the Town Board.~~
 - (13) — ~~National cemetery, by special permit of the Town Board.~~
 - (14) — ~~Any other recreational use, by special permit of the Town Board.~~
 - (15) — ~~Body and fender repair shop, by special permit of the Town Board.~~
 - (16) — ~~Motor vehicle repair shop, by special permit of the Town Board.~~
- C. — ~~Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above permitted uses when located on the same lot. Specifically permitted are the following:~~
- (1) — ~~Customary accessory uses, buildings or structures incidental to any of the permitted uses.~~
 - (2) — ~~Private garages or off street parking and truck loading areas.~~

~~§ 108-46. General lot, yard and height requirements.~~

~~A. — No building 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. — Any lot in nonconforming residential use or subsequently divided to leave a nonconforming residential use as a separate lot must be divided so that such residential lot complies with the provisions for lot area, width and yard requirements of Agriculture A District of this chapter. Any subsequent alterations or enlargements of the building shall comply with the requirements of Agriculture A District of this chapter.~~

~~§ 108-47. Additional requirements.~~

~~A. — Gasoline service station.~~

~~(1) — A gasoline service station may not be erected within a radius of 1/2 mile from any existing gasoline service station, measured between the principal buildings, and may not be erected within a radius of 500 feet from a residence use district.~~

(2) — There must be filed with an application for a special permit an affidavit setting forth the names and addresses of all the owners of real property situate within a radius of 1,000 feet from the proposed site as measured from the line of the property which is the subject of the application, which affidavit shall set forth proof of service by certified mail, return receipt requested, of notice of public hearing on the application having been sent to all such property owners not less than 30 days prior to the hearing. The notice of public hearing shall set forth that an application for a proposed gasoline service station has been filed with the Town Board; a description of the proposed site, together with a map thereof; a description of the proposed type of operation; the names and addresses of the applicants and all persons having an interest in the said premises; and the time and place of the public hearing before the Town Board, together with a statement that all persons wishing to be heard in connection with the application should appear before the Town Board at the time specified therein.

(3) — Any permit granted shall be conditioned upon the lot being used for retail sale of motor fuels, lubricants and other motor vehicle supplies, including spark plugs, batteries, tires and other customary minor parts for the repair, servicing and upkeep of motor vehicles, not including body and fender work; upon all repair work being performed inside a building and only between the hours of 7:00 a.m. and 9:00 p.m., prevailing time; except for emergencies; and upon there being no storage of dismantled vehicles on the lot. Violations of any of these conditions shall cause a revocation of the permit, and the failure to enforce the revocation because of any violation shall not constitute a waiver as to future or continued violations.

§ 108-47.1. Review of site plan.

Before issuing a building permit, each application, together with the accompanying site plan, shall be subject to the site plan review requirements of this chapter.

ARTICLE XXVIII, Office/Service District

§ 108-142. Purpose.

The purpose of this Article is to provide opportunity for the location of business and professional office, research facilities, institutional uses and similar activities in a well-planned, open setting in areas which are not necessarily appropriate for commercial or industrial activity or low density residential development. In this area, such uses can be established in an attractive environment and serve both as a means of preserving the open qualities of an area and as a transition between more intense and less intense uses.

§ 108-143. Uses.

No building or premises shall be used and no building shall be erected, reconstructed, altered or added to unless otherwise provided in this Article, except for the following permitted uses, special exception or special permit uses and the customary accessory uses:

A. — Permitted uses.

- (1) — Office buildings for businesses, governmental and professional uses, including administrative training, data processing, publication, financial and sales offices and related facilities in connection with such office uses.
- (2) — Offices or agencies for scientific or technical development, including laboratories, libraries, administrative training, data processing, publication, financial offices and related facilities in connection with such uses, provided that:
- (a) — No machinery or equipment shall be installed and no labor shall be engaged upon the premises for the manufacture, processing or assembly of goods or articles, except the manufacturing, processing or assembly of pilot prototypes or experimental products in which the close supervision by scientific personnel of a permitted research laboratory is required.
- (b) — All mechanical and other apparatus and manual services employed in such use shall be devoted to scientific research and technical development of manufactured, processed or compounded products.
- (c) — No such process shall involve the handling, storage or discharge of explosives or permit upon the premises any virus or other type of infectious organisms identified with diseases of animals or humans.
- (d) — No manufacturing, processing or assembly of goods or articles of any kind for sale shall be permitted on the premises, except for the sale of pilot prototypes or experimental products which are the result of the end product of scientific research, development or engineering.
- (e) — No offensive noises, gases, fumes, smoke, odors, dust, effluent or vibrations shall emanate from such use, and no waste products shall be discharged therefrom of a character to create a nuisance or to be injurious to health.
- (f) — The grounds and exterior of all buildings shall be kept and maintained in conformity with the prevailing standards of adjacent residential neighborhoods.
- (3) — Offices for service businesses in which no merchandise or physical product is sold, traded or serviced, such as but not limited to insurance, real estate, accounting and travel agency.
- (4) — Telephone exchanges.
- (5) — Computer centers.
- (6) — Radio and television studios.
- (7) — Bank and financial institutions.
- (8) — Conference centers.
- (9) — Public utility structures and utility rights of way, excluding garages or storage yards. Electric substations shall not be permitted, except by special permit.
- (10) — Museums, art galleries (but not public auction rooms), libraries or other cultural centers.
- (11) — Churches, religious schools, community centers, social clubs, lodges and civic clubs.
- (12) — Single family residences which have a minimum lot area of 40,000 square feet and are of sufficient lot area to allow conformance with the off street parking schedule for the Business PB District.
- (13) — Funeral homes and undertaking establishments.
- (14) — Restaurants (not including diners, cafeterias, drive up types, fast food facilities, luncheonettes, coffee shops, automats, canteens, delicatessens, take-out types) which

provide for all food consumed upon the premises and require printed menu and table service, including catering facilities.

(15) Professional offices, offices, and service uses as defined by the following:

- (a) — Accountants.
- (b) — Architects.
- (c) — Artists.
- (d) — Attorneys.
- (e) — Audiologists.
- (f) — Bookkeepers.
- (g) — Chiropractors.
- (h) — Dentists.
- (i) — Draftsmen.
- (j) — Engineers.
- (k) — Income tax preparers.
- (l) — Insurance agents or brokers.
- (m) — Interior designers.
- (n) — Journalists.
- (o) — Medical doctors.
- (p) — Nursery schools.
- (q) — Optometrists.
- (r) — Osteopaths.
- (s) — Podiatrists.
- (t) — Photographers.
- (u) — Physical therapists.
- (v) — Real estate agents or brokers.
- (w) — Surveyors.

B. — Special permit uses.

(1) — The cutting, processing, polishing and mounting of precious stones, including the incidental sale thereof on the premises.

(2) — The production, processing and assembly of small, light or microscopic or electronic parts or precision instruments in which the close supervision by scientific personnel of a permitted research laboratory is required.

(3) — Transient hotels or motels, provided that:

(a) — There shall not be less than 3,000 square feet of lot area per rentable sleeping room (up to two beds) contained therein if water and sewer systems are provided. Where water and sewer systems are not provided, 6,000 square feet per unit is required.

(b) — Off-street parking space for each rentable room in a transient hotel or motel shall be provided within 100 feet of the ground floor entrance nearest to such accommodations, and designated by the room number thereof.

(c) — Said hotel or motel shall be set back not less than 75 feet from any street and not less than 50 feet from any other lot line.

(d) — As accessory to any such hotel or motel there may be a restaurant within the principal structure, provided that there is an additional off-street parking area on the basis of one parking unit for each four seats of such restaurant.

(4) — Institutions for higher learning, including colleges, universities, junior colleges, technical schools, seminaries and convents, along with accompanying service and

administration buildings, dormitories, fraternity and sorority houses and customary indoor and outdoor recreation facilities, such as playfields, gymnasiums and stadiums, subject to the following:

(a) — The minimum lot area shall be 10 acres of contiguous land.

(b) — No building, parking or loading area or recreation facility shall be nearer than 200 feet to any street or lot line.

(c) — Each such recreation facility shall be operated primarily as an adjunct to some cultural, social or athletic activity of such institution of higher learning and not leased or otherwise operated primarily for the purpose of gain or profit.

(5) — Health spas, provided that there is a central water hookup to the Riverhead Water District. This facility must also have sewer service or an on-site wastewater system which must be approved by the Suffolk County Department of Health Services.

(6) — A use which provides for the location of a business, research facility, professional office, service or institutional use which is considered by the Town Board to be as a permitted, special permit or accessory use and serves to achieve the goal of development which is well planned, is an open setting and acts as a transition between more intense and less intense uses.

C. — Accessory uses. The following accessory uses shall be permitted, provided that none shall be within 50 feet of any lot line:

(1) — Retail or personal service uses that are specifically designed as accessory to principal uses, such as but not limited to pharmacy, lunch counters, lunch stands, newsstands, barbershops and beauty parlors and shoe repair, provided that said retail or personal service accessory use shall have no separate exterior entrance and no exterior signs advertising said retail or personal service use. In addition, said accessory retail or personal service use shall not comprise more than 0.5% of the gross floor area of the principal uses to which it is accessory.

(2) — Restaurants (not including diners, luncheonettes, drive-in and fast food facilities) for the use of executives, employees and visitors of the principal use.

(3) — Lodgings for visitors of the principal use.

(4) — Indoor and outdoor recreation facilities for the exclusive use of employees, and guests of the principal use, and their families.

(5) — In-service training schools for employees of the principal use.

(6) — Private garages for the storage and service of motor vehicles owned by the owner of the principal use or the executives or employees thereof, or visitors thereto, including the sale to them, but not to the public generally, of gasoline, oil and minor accessories.

(7) — Central heating and power plants accessory to the principal use and the service of all structures on the premises.

(8) — Fully enclosed storage facilities incidental to the principal use.

(9) — Maintenance and utility shops incidental to the principal use.

(10) — Off-street parking and loading. Said areas shall not be nearer than 50 feet to any lot line or street, and if generally adjacent to any street or any residence district, shall be suitably screened by a landscaped strip of at least 25 feet in width, containing a shrubbery screen complying with all requirements set forth in the site plan and landscaping sections of this chapter, Article XXVI and § 108-64.1.

(11) — Accessory signs subject to the applicable provisions of the sign regulations of the Town of Riverhead, § 108-56 of this chapter.

(12) — Other customary accessory uses incidental to the principal use on the site.

(13) — Trash compactors and dumpsters which are screened from sight.

D. — Nonpermitted uses. No building structure, premise or lot in the Office/Service District shall be occupied for any of the following uses:

(1) — Retail sales of consumer merchandise, unless the use is of the type permitted under § 108-143C(1) of this Article.

(2) — Personal service uses, such as but not limited to pharmacy, lunch counters, newsstands, barbershops, beauty parlors, shoe repairs and dry cleaners, unless of the type provided for under § 108-143C(1) of this Article.

(3) — Theaters and cinemas.

(4) — Game rooms.

(5) — Mixed use buildings, except those provided under § 108-143C(1) of this Article.

(6) — Gasoline service stations and auto repair facilities.

(7) — Wholesale businesses, warehouses, building material and storage and sale, including storage of coal, coke, fuel oil or junk.

(8) — Building, plumbing and electrical contractors.

(9) — Cold storage plants and food processing plants.

(10) — Motor vehicle sales, including the sale of recreational vehicles, trailers and boats.

(11) — Car washes.

(12) — Printing plants.

§ 108-144. General lot, yard and height requirements.

A. — The minimum lot area shall be 80,000 square feet, unless otherwise specified.

B. — The minimum lot width shall be 300 feet, unless otherwise specified.

C. — The maximum building area, unless otherwise specified, shall be 15%.

D. — Minimum yards.

(1) — The minimum yards unless otherwise specified, shall be as follows:

(a) — Front: 100 feet.

(b) — Side: 50 feet.

(c) — Rear: 100 feet.

(2) — No building or structure will be permitted in required yards and no parking will be permitted within 25 feet of any property lines.

E. — The maximum height shall be 35 feet.

F. — A nonconforming lot separately owned and not adjoining any lot or land in the same ownership at the effective date of the creation of the Office/Service Zoning Use District and not adjoining any lot or land in the same ownership at any time subsequent to such date may be used, or a building or structure may be erected on such lot for use in accordance with all the other applicable provisions of the Zoning Ordinance, provided that proof of such separate ownership is submitted in the form of an abstract of title showing the changes of title to said lot, which abstract shall be in the usual form, shall be certified by an attorney or a company regularly doing such work in Suffolk County or by a corporation duly licensed to examine and insure title or real property in Suffolk County and shall contain a certification that no contiguous property was owned by an owner of the property involved since the date of the previously applicable Zoning Ordinance. Such lot shall be granted relief for side and rear yard dimensions as follows:

(1) — ~~The total dimensions of both side yards for a principal building shall be computed on the basis of 0.4 of the lot width; however, no side yard dimension shall be less than 0.4 of the total dimensions of both side yards computed as aforesaid, and no side yard dimension shall be less than 10 feet.~~

(2) — ~~The total rear yard dimension for a principal building shall be computed on the basis of 0.3 of the lot depth; however, no dimension for the rear yard of the principal building shall be less than 30 feet.~~

§ 108-145. Special requirements.

A. — ~~Off-street parking.~~

(1) — ~~Required parking for all principal and accessory uses shall be computed on the Town of Riverhead Parking Schedule except as follows:~~

Use — ~~Minimum Number of Parking spaces~~

Nonmedical offices — ~~1 per 200 square feet of net leasable area~~

Retail and service use — ~~1 per 200 square feet of net leasable area~~

(2) — ~~Required parking spaces shall be 10 feet wide and 20 feet long and shall be provided upon the same lot as the use to which they are accessory, except that required parking spaces may be provided by utilizing, on a shared use basis, parking facilities, including required parking for office buildings, situated on one or more adjacent lots; provided that agreements, satisfactory to the Town Attorney, assure the continued existence of such shared use parking to serve such hotel uses as long as they may exist. In no event shall such agreements for shared parking be terminated without the consent of the Town and unless the premises will provide parking facilities for its own use in accordance with all requirements of this section. In no event shall such parking and loading spaces be located in any residential district.~~

B. — ~~Off-street loading. One loading unit 15 feet wide by 45 feet long shall be provided for each 15,000 square feet of restaurant, service, banquet and meeting room space. No loading area shall be located within required front yards or driveways or blocking access to a required parking space.~~

C. — ~~Freshwater wetlands. No site preparation, grading, filling, excavating or development affecting property containing an identified wetlands shall begin prior to review by the appropriate authority. In the case of properties containing wetlands 12.4 acres or more or individual smaller wetlands determined to be of unusual importance, the reviewing agency shall be the New York State Department of Environmental Conservation under the authority of the Article 24 and Title 23 of Article 71 of the Environmental Conservation Law. In the case of properties containing wetlands of less area, the reviewing agency shall be the Riverhead Town Board under the authority of Town of Riverhead Local Law No. 5-1976, Chapter 107 of the Riverhead Town Code.~~

* Underline represents addition(s)

* Overstrike represents deletion(s)

5/17/05

Adopted

TOWN OF RIVERHEAD

Resolution # 469

**ACCEPTS SUBDIVISION BOND OF MORGAN CREEK DEVELOPMENT, LLC
(SUBDIVISION ENTITLED, "ROANOKE LANDING")**

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

WHEREAS, by Resolution #79 adopted on September 15, 2004, the Riverhead Planning Board conditionally approved the final plat entitled, "Roanoke Landing", having one of the conditions of final approval being the submission and filing of a performance bond in the amount of \$1,025,000.00 in connection with improvements to be completed within said subdivision; and

WHEREAS, Morgan Creek Development, LLC has submitted Westchester Fire Insurance Company Subdivision Bond #K0 71 50 18 0 in the amount of One Million Twenty Five Thousand and 00/100 (\$1,025,000.00) Dollars; and

WHEREAS, said subdivision Bond is found to be acceptable in connection with improvements to be completed in the subdivision entitled "Roanoke Landing".

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead be and hereby accepts Westchester Fire Insurance Company Subdivision Bond #K0 71 50 18 0 in the amount of One Million Twenty Five Thousand and 00/100 (\$1,025,000.00) Dollars for improvements to be completed in the aforementioned subdivision; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Barnosky & Lamb, LLP, 534 Broadhollow Road, Suite 210, Melville, New York, 11747, Attn: Mr. Eugene Barnosky; John Raynor, P.E., L.S., P.C., P.O. Box 720, Water Mill, New York, 11976, Attn: Vincent Gaudiello, P.E.; the Planning Department; the 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

May 17, 2005

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 470

COUNCILMAN DENSIESKI

offered the following resolution,

COUNCILMAN BARTUNEK

which was seconded by _____

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

	<u>FROM</u>	<u>TO</u>
001.000000.390599 Appropriated Fund Balance	3,800	
001.013300.524000 Tax Receiver, Equipment		3,800
001.000000.390599 Appropriated Fund Balance	22,500	
001.016250.524175 Bldg & Grounds, Trucks		22,500
001.000000.390599 Appropriated Fund Balance	200	
001.067720.524000 Senior Ctz Program, Equipment		200

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

May 17, 2005

Adopted

TOWN OF RIVERHEAD
WATER DISTRICT
BUDGET ADJUSTMENT

RESOLUTION # 471

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:

		<u>FROM</u>	<u>TO</u>
112.000000.350599	APPROPRIATED FUND BALANCE	35,000	
112.083100.512500	O/T		35,000
112.000000.350599	APPROPRIATED FUND BALANCE	42,000	
112.083100.524175	TRUCKS		42,000
112.000000.350599	APPROPRIATED FUND BALANCE	3,000	
112.083100.542113	POSTAGE EXPENSE		3,000
112.000000.350599	APPROPRIATED FUND BALANCE	4,000	
112.083200.542400	UNIFORM EXPENSE		4,000
112.000000.350599	APPROPRIATED FUND BALANCE	4,000	
112.083200.549000	MISC EXPENSE		4,000
112.000000.350599	APPROPRIATED FUND BALANCE	5,000	
112.083200.543401	EDUCATION EXPENSE		5,000

THE VOTE

Bartunek Yes No Sanders Yes No
 Blass Yes No Densieski Yes No
 Cardinale Yes No

May 17, 2005

Adopted

TOWN OF RIVERHEAD
YOUTH COURT SCHOLARSHIP FUND
BUDGET ADJUSTMENT
RESOLUTION # 472

COUNCILWOMAN BLASS

_____ offered the following resolution,

COUNCILMAN BARTUNEK

which was seconded by _____.

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

	<u>FROM</u>	<u>TO</u>
025.092705.471000 Gifts & Donations	\$ 850	
025.073100.544300 Scholarship Expense		\$ 850

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

5/17/05

Adopted

**AWARDS BID
RIVERHEAD WATER DISTRICT
REPLACEMENT OF WELL 5-2
CONTRACT G - GENERAL/MECHANICAL WORK**

RESOLUTION # 473

Adopted _____

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

WHEREAS, this Town Board did authorize the advertisement for bids for the replacement of Well 5-2, Contract G, and

WHEREAS, the Town Clerk was authorized to advertise for such bids, and

WHEREAS, all bids received were opened and read aloud on the date and time advertised in the notice, and

WHEREAS, by letter dated May 13, 2005, H2M, consulting engineers to the Riverhead Water district, did recommend that the bid be awarded as follows:

Philip Ross Industries, Inc.
Of Wyandanch, NY
\$103,000.00

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the replacement of Well 5-2, Contract G, General/Mechanical Work, be and is hereby awarded to:

Philip Ross Industries, Inc.
Of Wyandanch, NY
\$103,000.00

And be it further

RESOLVED, that the town clerk forward certified copies of this resolution to the above named contractor, Frank A. Isler, Esq., H2M, Riverhead Water District and the Accounting Department, and be it further

RESOLVED, that the Town Clerk is hereby authorized to return to all the unsuccessful original bidders their respective bid security, and be it further

RESOLVED, that upon completion of fully executed contracts and the filing of said contract with the town Clerk, the town clerk is hereby authorized to release to the successful bidder the bidder's bid security.

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

Adopted

May 17, 2005

TOWN OF RIVERHEAD

Resolution # 474

**CLASSIFIES ACTION AND DECLARES LEAD AGENCY
ON SPECIAL PERMIT CAPTAIN HAWKINS HOUSE,
AND REFERS PETITION TO THE PLANNING BOARD**

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 Jeffrey Hallock, member Jamesport Realty, LLC pursuant to Section 108-282B.(2) and Article XXVIA of the Riverhead Town Code, to convert an existing residence into a five room, 60 seat Country Inn and Restaurant which will occupy the site with a second existing dwelling on a 2.9ac. parcel zoned Rural Corridor (RLC); such property more particularly described as SCTM 0600-69-2-10, and

WHEREAS, a Full Environmental Assessment Form and supporting documentation was submitted as part of the petition, and

WHEREAS, the Riverhead Planning Department has reviewed these materials and has determined the petition to be an Unlisted action pursuant to 6NYCRR Part 617 for which coordinated review is optional and in this case unnecessary, and

WHEREAS, the Riverhead Planning Department has prepared a staff SEQR report outlining the project impacts, and

WHEREAS, the Town Board desires the recommendations of the Riverhead Planning Board respecting planning and zoning issues prior to a determination of significance, now

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declares itself to be the lead agency for the special permit application of the Captain Hawkins House which it classifies as an Unlisted action, and

BE IT FURTHER

RESOLVED, that this classification be considered effective on any related site plan approval, and

BE IT FURTHER

RESOLVED, that the Town Clerk be directed to refer the petition to the Riverhead Planning Board for their review and recommendation and is hereby authorized to forward a certified copy of this resolution to the Planning Department and to the applicant or his agent.

THE VOTE

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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

Adopted

5/17/05

TOWN OF RIVERHEAD

Resolution # 475

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO REPEAL ARTICLE XII - INDUSTRIAL B DISTRICT (GENERAL INDUSTRY) OF CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE

COUNCILWOMAN BLOSS _____ offered the following resolution, was seconded by
COUNCILMAN DENSIESKI _____ :

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to repeal Article XII - Industrial B District (General Industry) of Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the May 26, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law to be posted on the sign board of the Town; and be it further

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

THE VOTE
Bartunek yes ___ no ___ Sanuers yes ___ no ___
Blass yes ___ no ___ Densieski yes ___ no ___
Cardinale yes ___ no ___
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 7th day of June, 2005 at 7:10 o'clock p.m. to consider a local law to repeal Article XII - Industrial B District (General Industry) of Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**Chapter 108
Zoning**

~~ARTICLE XII, Industrial B-District (General Industry)~~

~~§ 108-48. Uses.~~

~~In the Industrial B-District (General Industry), 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 two of the following permitted uses, special exception or special permit uses and their customary accessory uses:~~

~~A. Permitted uses.~~

- ~~(1) Agriculture.~~
- ~~(2) Automobile laundry.~~
- ~~(3) Building contractor storage and/or equipment yard.~~
- ~~(4) Dry cleaning or laundry plant.~~
- ~~(5) Greenhouse, plant nursery and garden.~~
- ~~(6) Ice cream manufacture.~~
- ~~(7) Newspaper offices; job printing establishment.~~
- ~~(8) Offices.~~
- ~~(9) Printing and publishing plant.~~
- ~~(10) Repair shops for household and/or personal appliances.~~
- ~~(11) Restaurant, except that a drive-in restaurant shall be permitted only by special permit of the Town Board.~~
- ~~(12) Storage yard: building material, feed or similar nonhazardous material.~~

~~B. Special permit uses.~~

- ~~(1) Airport, when authorized by special permit from the Town Board.~~
- ~~(2) A nonnuisance industry, by special permit of the Town Board.~~
- ~~(3) Loading, hauling and/or processing of sand, gravel, shale or topsoil, by special permit of the Town Board, except that sand mining as defined in the Environmental Conservation Law is a prohibited use under this district.~~
- ~~(4) Wholesale business (nonnuisance), by special permit of the Town Board.~~
- ~~(5) Dog and horse training, to include but not be limited to care, grooming, exercising, schooling and exhibiting, by special permit of the Town Board.~~
- ~~(6) Gas service station, by special permit of the Town Board.~~
- ~~(7) Camps of Types 1, 3, 4, 5 and 6, by special permit of the Town Board.~~

- ~~(7) Camps of Types 1, 3, 4, 5 and 6, by special permit of the Town Board.~~
- ~~(8) (Reserved)~~
- ~~(9) Any other use, except for multiple family dwelling, apartment house, garden apartment or condominium and camp of Type 2, not hereinbefore permitted, may be established by special permit of the Town Board.~~
- ~~(10) Any other recreational use, by special permit of the Town Board.~~
- ~~(11) Body and fender repair shop, by special permit of the Town Board.~~
- ~~(12) Motor vehicle repair shop, by special permit of the Town Board.~~

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

- ~~(1) Customary accessory uses, buildings or structures incidental to any of the permitted uses.~~
- ~~(2) Private garages or off-street parking and truck loading areas.~~
- ~~(3) Retail sales related to permitted uses.~~

~~§ 108-49. General lot, yard and height requirements.~~

- ~~A. No building shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule EN 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. Any lot in nonconforming residential use or subsequently divided to leave a nonconforming residential use as a separate lot must be divided so that such residential lot complies with the provisions for lot area, width and yard requirements of Agriculture A District of this chapter. Any subsequent alterations or enlargements of the building shall comply with the requirements of Agriculture A District of this chapter.~~

~~§ 108-50. Additional requirements.~~

~~A. Gasoline service stations.~~

- ~~(1) A gasoline service station may not be erected within a radius of 1/2 mile from any existing gasoline service station, measured between the principal buildings, and may not be erected within a radius of 500 feet from a residence use district.~~
- ~~(2) There must be filed with an application for a special permit an affidavit setting forth the names and addresses of all the owners of real property situate within a radius of 1,000 feet from the proposed site as measured from the line of the property which is the subject of the application, which affidavit shall set forth proof of service by certified mail, return receipt requested, of notice of public hearing on the application having been sent to all such property owners not less than 30 days prior to the hearing. The notice of public hearing shall set forth that an application for a proposed gasoline service station has been filed with the Town Board; a description of the proposed site, together with a map thereof; a description of the proposed type of operation; the names and addresses of the applicants and all persons having an interest in the said premises; and the time and place of the public hearing before the Town Board, together with a statement that all persons~~

~~_____ wishing to be heard in connection with the application should appear before the Town Board at the time specified therein.~~

~~(3) Any permit granted shall be conditioned upon the lot's being used for retail sale of motor fuels, lubricants and other motor vehicle supplies, including spark plugs, batteries, tires and other customary minor parts for the repair, servicing and upkeep of motor vehicles, not including body and fender work; upon all repair work being performed inside a building and only between the hours of 7:00 a.m. and 9:00 p.m., prevailing time, except for emergencies; and upon there being no storage of dismantled vehicles on the lot. Violations of any of these conditions shall cause a revocation of the permit, and the failure to enforce the revocation because of any violation shall not constitute a waiver as to future or continuing violations.~~

~~§ 108-50.1. Review of site plan.~~

~~Before issuing a building permit, each application, together with the accompanying site plan, shall be subject to the site plan review requirements of this chapter. EN~~

Dated: Riverhead, New York
May 17, 2005

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

BARBARA GRATTAN, Town Clerk

* Overstrike represents deletion(s)

5/17/05

Adopted

TOWN OF RIVERHEAD

Resolution # 476

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND THE RIVERHEAD ZONING USE DISTRICT MAP
(DELETION OF INDUSTRIAL B DISTRICT [GENERAL INDUSTRY])

COUNCILMAN BARTUNEK

_____ offered the following resolution, was seconded by

COUNCILWOMAN BLASS

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend the Riverhead Zoning Use District Map to reflect the deletion of the Industrial B District (General Industry), once in the May 26, 2005 issue of the Traveler-Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law to be posted on the sign board of the Town; and be it further

RESOLVED, that the Riverhead Zoning Use District Map shall be amended as specified in the attached notice of public hearing; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Riverhead Planning Department; the Riverhead Planning Board; the Riverhead Zoning Board of Appeals; 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 a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 7th day of June, 2005 at 7:15 o'clock p.m. to consider a local law to amend the Riverhead Zoning Use District Map to reflect the deletion of the Industrial B District (General Industry) from said map as follows:

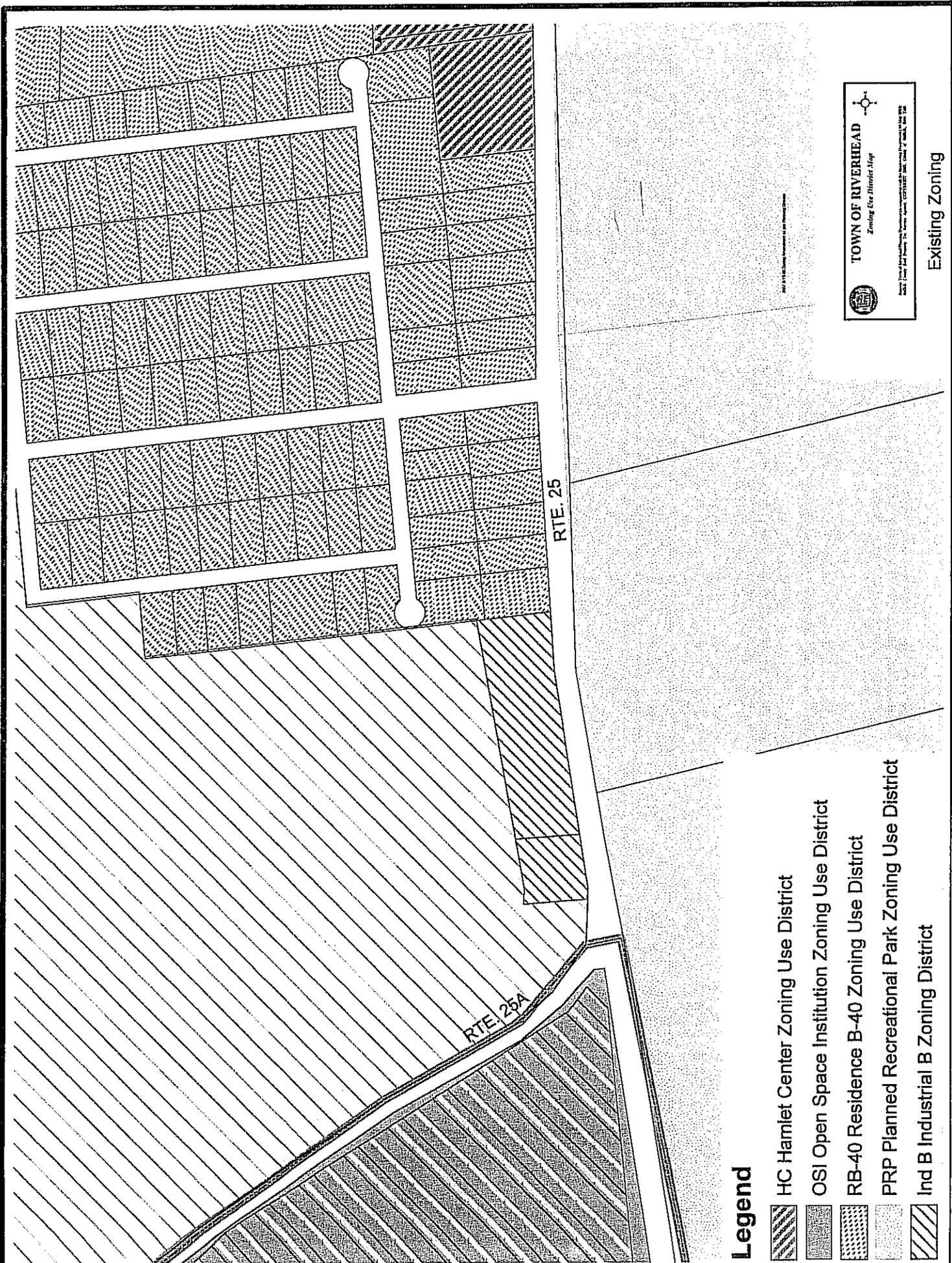
Dated: Riverhead, New York
May 17, 2005

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

BARBARA GRATTAN, Town Clerk

PLANNED

PLANNED



Legend

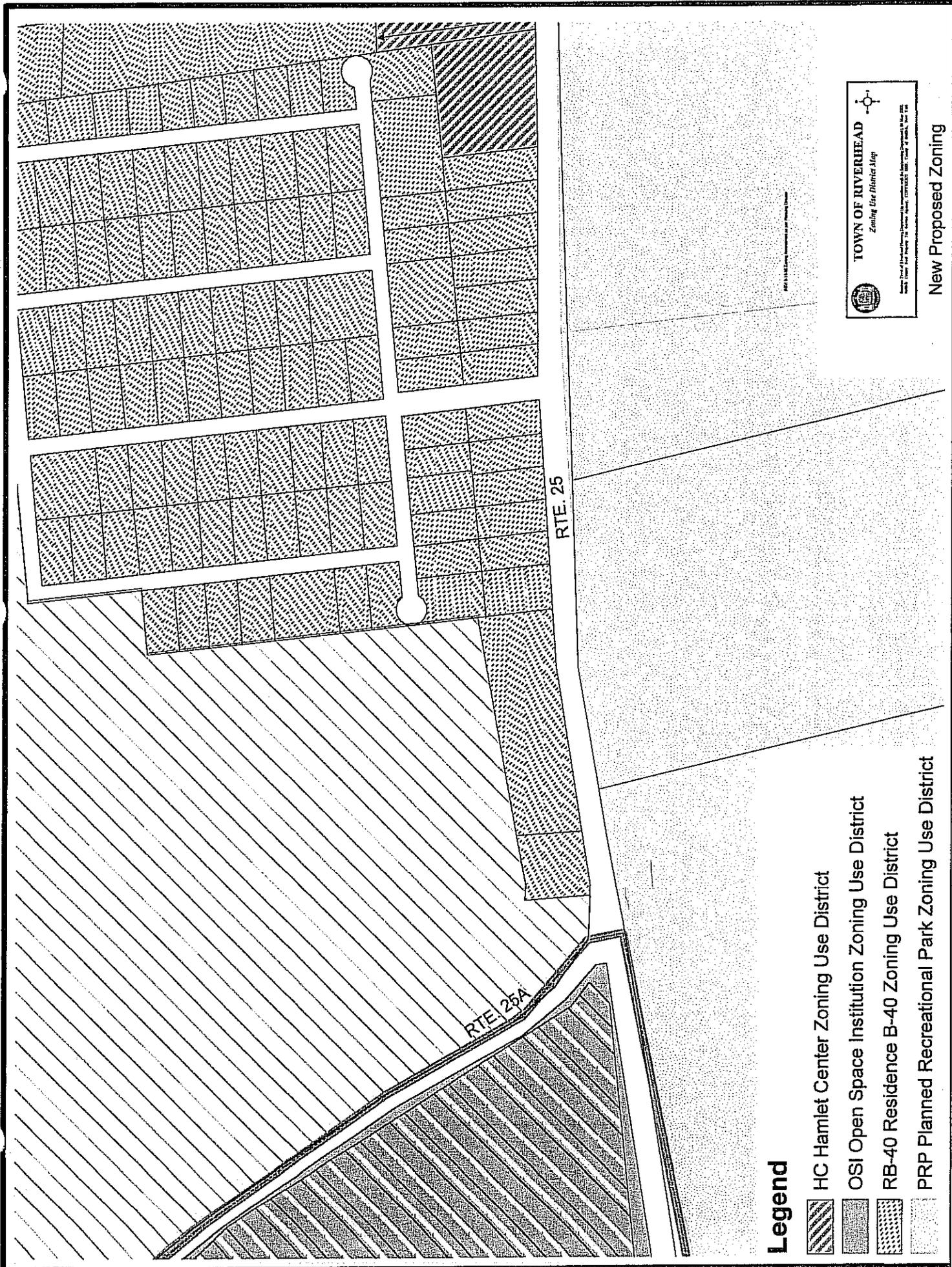
-  HC Hamlet Center Zoning Use District
-  OSI Open Space Institution Zoning Use District
-  RB-40 Residence B-40 Zoning Use District
-  PRP Planned Recreational Park Zoning Use District
-  Ind B Industrial B Zoning District

TOWN OF RIVERHEAD
Zoning Use District Map



Map of Town of Riverhead Zoning Use Districts as of 1/1/2011. All other zoning use districts are shown in gray. This map is for informational purposes only and does not constitute a contract or warranty of any kind.

Existing Zoning



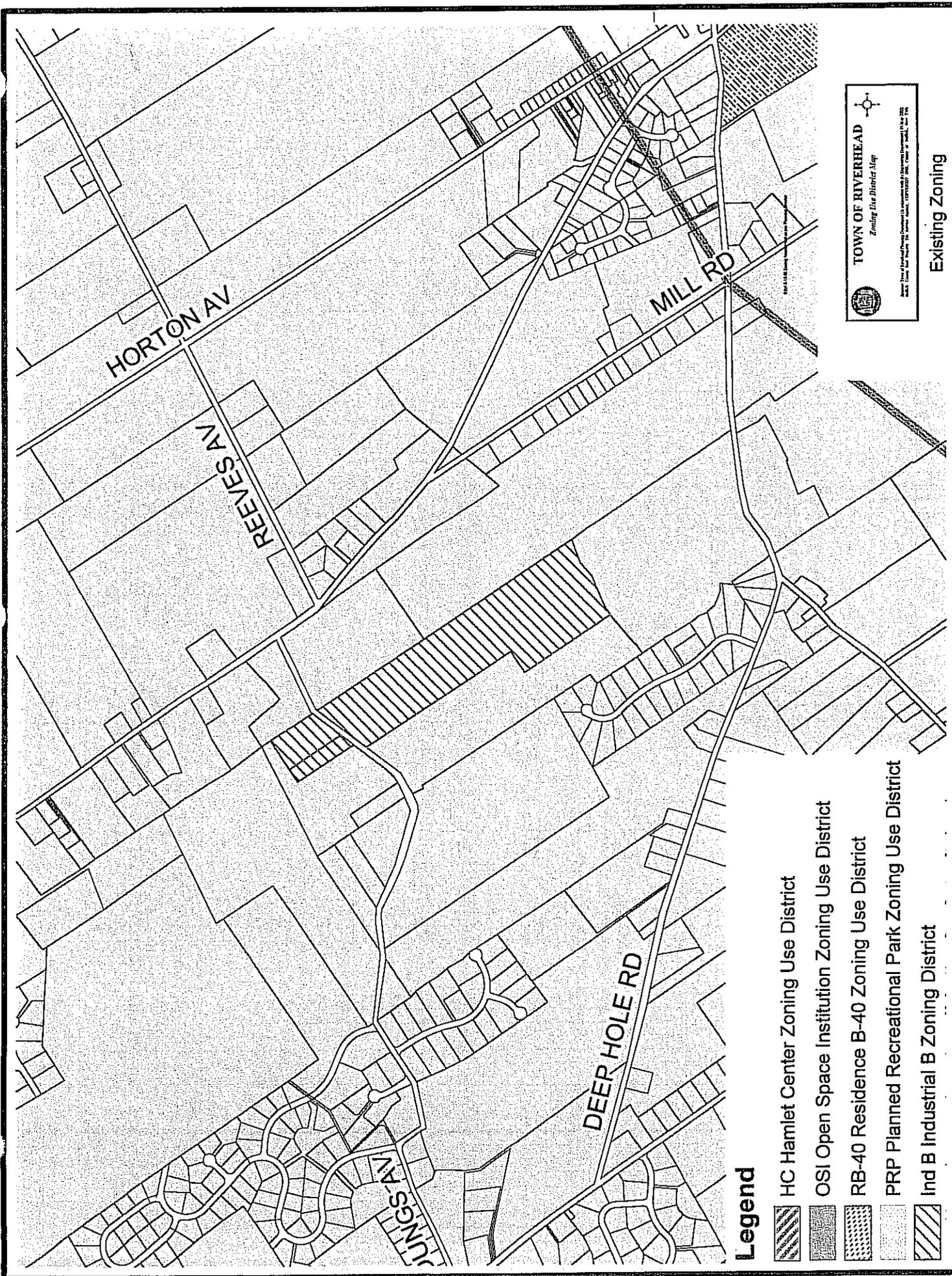

TOWN OF RIVERHEAD
 Zoning Use District Map

 Date: 10/1/2014
 Prepared by: [Name]
 Scale: 1" = 100'

New Proposed Zoning

Legend

-  HC Hamlet Center Zoning Use District
-  OSI Open Space Institution Zoning Use District
-  RB-40 Residence B-40 Zoning Use District
-  PRP Planned Recreational Park Zoning Use District



HORTON AV

REVES AV

MILL RD

DEER HOLE RD

KINGS AV

TOWN OF RIVERHEAD
Zoning Use District Map



This map has been prepared for general informational purposes only. It is not intended to be used as a legal document. The Town of Riverhead is not responsible for any errors or omissions on this map.

Existing Zoning

Legend

-  HC Hamlet Center Zoning Use District
-  OSI Open Space Institution Zoning Use District
-  RB-40 Residence B-40 Zoning Use District
-  PRP Planned Recreational Park Zoning Use District
-  Ind B Industrial B Zoning District

HORTON AV

REEVES AV

DEER HOLE RD

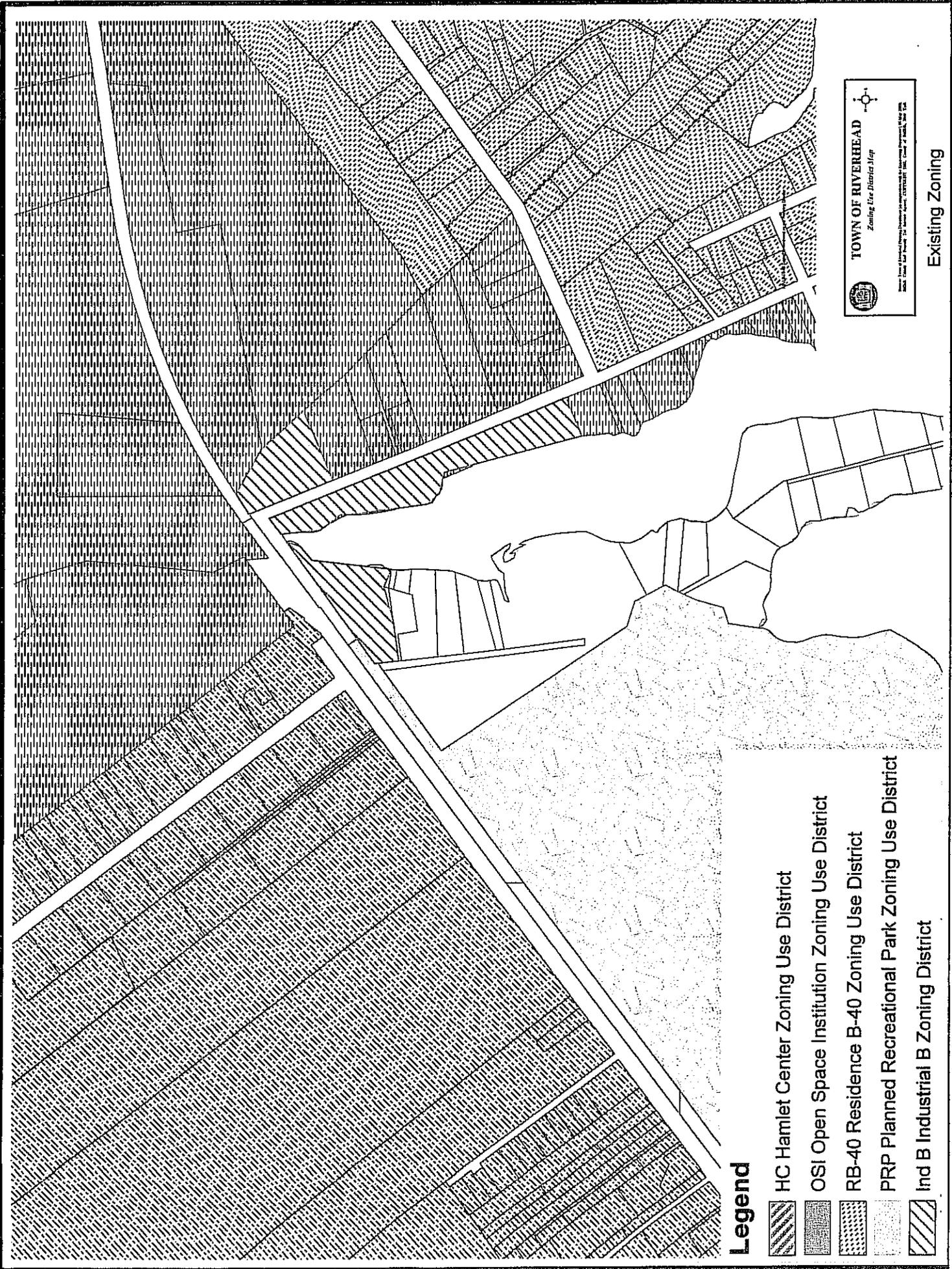

TOWN OF RIVERHEAD
Zoning Use District Map

Some Uses of Land in this District are subject to the provisions of the State Environmental Conservation Law, Chapter 267, Section 267-10, and the State Environmental Conservation Law, Chapter 267, Section 267-11.

New Proposed Zoning

Legend

 APZ Agricultural Protection Zoning Use District



Legend

- HC Hamlet Center Zoning Use District
- OSI Open Space Institution Zoning Use District
- RB-40 Residence B-40 Zoning Use District
- PRP Planned Recreational Park Zoning Use District
- Ind B Industrial B Zoning District

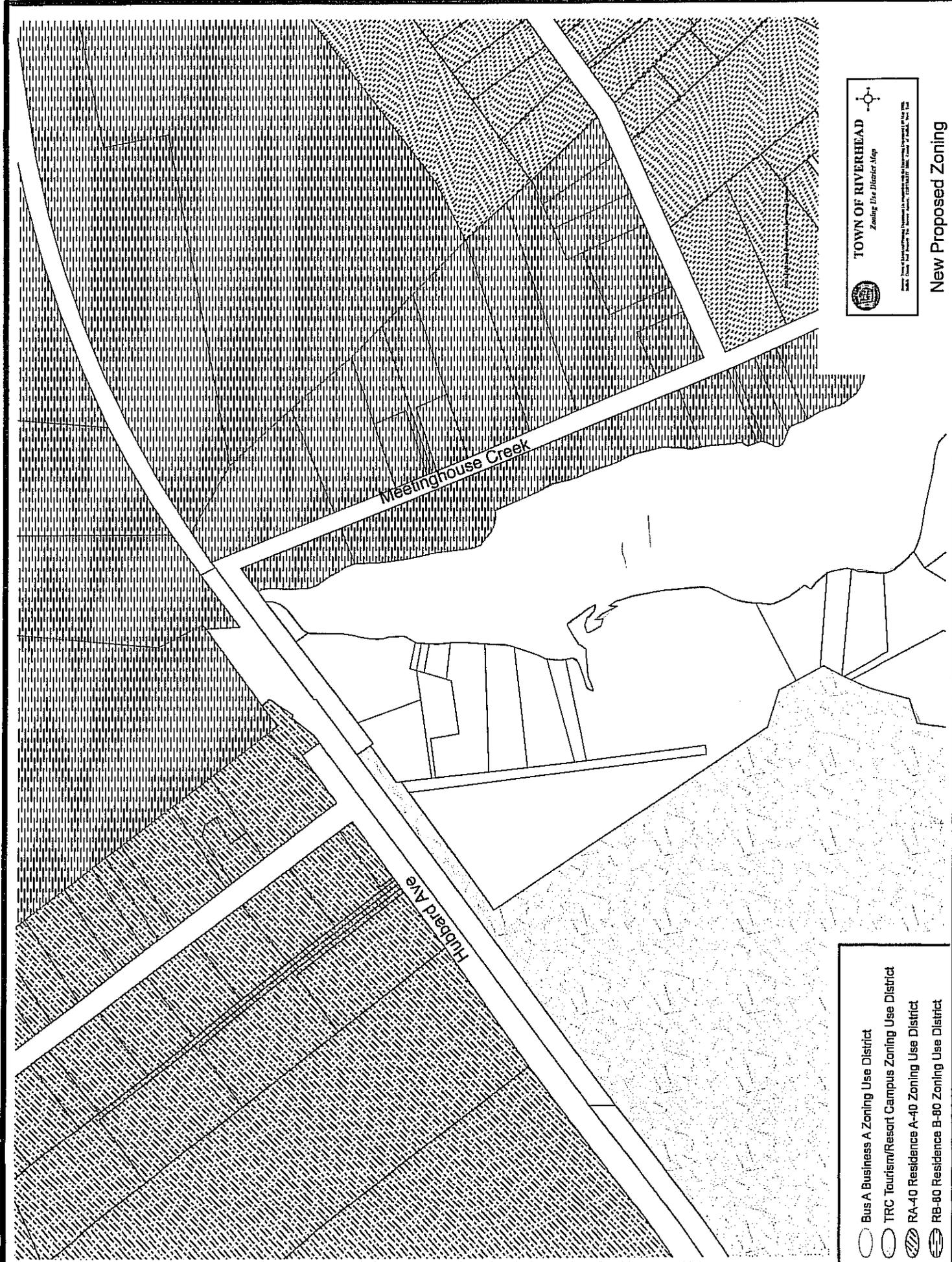
TOWN OF RIVERHEAD
Zoning Use District Map

These Zoning Use Districts were established by Resolution No. 100 of the Board of Town Planning and Zoning, adopted on 10/12/00. The Zoning Use Districts were amended by Resolution No. 100 of the Board of Town Planning and Zoning, adopted on 10/12/00.

Existing Zoning

PLANNING

PLANNING



TOWN OF RIVERHEAD
Zoning Use District Map



Scale: 1 inch = 100 feet. This map is a preliminary map and is subject to change without notice. It is not intended to be used for legal purposes. For more information, contact the Planning Department at 315-426-1234.

New Proposed Zoning

-  Bus A Business A Zoning Use District
-  TRC Tourism/Resort Campus Zoning Use District
-  RA-40 Residence A-40 Zoning Use District
-  RB-80 Residence B-80 Zoning Use District

MAY 17, 2005

Adopted

TOWN OF RIVERHEAD

APPROVES STIPULATION OF SETTLEMENT

RESOLUTION # 477

COUNCILMAN DENSIESKI

_____ offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK.

WHEREAS, a stipulation of settlement dated May 13, 2005 has been conditionally agreed to by the CSEA and the Town; and

NOW, THEREFORE BE IT, RESOLVED, that the Town Board hereby approves the attached stipulation of settlement; and

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

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Adopted

RESOLUITON # 478

072113-03206P

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on May 17, 2005, at 7:00 o'clock pm, Prevailing Time.

The meeting was called to order by Supervisor Cardinale, and upon roll being called, the following were

PRESENT: Supervisor Philip Cardinale
Councilwoman Barbara Blass
Councilwoman Rose Sanders
Councilman George Bartunek
Councilman Edward Densieski

Also Present: Town Clerk, Barbara Grattan
Town Attorney, Dawn Thomas

ABSENT:

The following resolution was offered by Councilman COUNCILMAN BARTUNEK, who moved its adoption, seconded by Councilman COUNCILWOMAN SANDERS, to-wit:

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

BOND RESOLUTION DATED MAY 17, 2005.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$68,000 SERIAL BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE PREPARATION OF A FACILITY PLAN (PHASE II) FOR THE CALVERTON SEWER DISTRICT'S PROPOSED ADVANCED WASTEWATER TREATMENT FACILITY.

BE IT RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the preparation of a Facility Plan (Phase II) for the Calverton Sewer District's proposed Advanced Wastewater Treatment Facility in the Town of Riverhead, Suffolk County, New York, there are hereby authorized to be issued \$68,000 serial bonds of the Town of Riverhead, Suffolk County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$68,000, and that the plan for the financing thereof shall be by the issuance of the \$68,000 serial bonds authorized pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall

be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Riverhead, Suffolk County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the

fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in full in The Traveler Watchman, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

_____ VOTING _____

The resolution was thereupon declared duly adopted.

* * * *

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the resolution published herewith has been adopted by the Town Board of the Town of Riverhead, Suffolk County, New York, at a meeting held on May 17, 2005, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which said Town is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Dated: Riverhead, New York
May 17, 2005.

Town Clerk

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, in said Town, on the 17th day of May, 2005, at 7:00 o'clock P.M., Prevailing Time.

PRESENT:

- _____
Supervisor
- _____
Councilman
- _____
Councilman
- _____
Councilman
- _____
Councilman

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

COUNCILMAN DENSIESKI

-----X
 :
 In the Matter :
 of :
 the Increase and Improvement of the :
 Facilities of the Riverhead Street :
 Lighting District of the Town of :
 Riverhead, Suffolk County, New :
 York. :
 -----X

ORDER CALLING
PUBLIC HEARING

WHEREAS, pursuant to proceedings heretofore had and taken by the Town Board of the Town of Riverhead, Suffolk County, New York, pursuant to the provisions of Section 202-b of the Town Law, it has been determined to be in the public interest to provide for a certain increase and

improvement of the facilities of the Riverhead Lighting District, at a maximum estimated cost of \$75,000; and

WHEREAS, such increase and improvement of facilities consists of the acquisition of a bucket truck for use by the Riverhead Street Lighting District, including incidental expenses in connection therewith; and

WHEREAS, it has now been determined that in order to undertake said project it will be necessary to expend the sum of \$100,000, an increase of \$25,000 over that previously authorized; and

WHEREAS, said capital project, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have a significant effect on the environment; and

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of the Riverhead Lighting District in the manner described above, at a revised cost of \$100,000, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law; NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. A public hearing will be held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on the 21st day of June, 2005, at 7:45 o'clock P.M., Prevailing Time, on the question of increasing and improving the facilities of the Riverhead Street Lighting District within the Town of Riverhead, Suffolk County, New York, in the manner described in the

preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in The Traveler Watchman, the official newspaper of said Town, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the following form:

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Riverhead, Suffolk County, New York, will meet at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on the 21st day of June, 2005, at ^{2.05}~~7:45~~ o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the increase and improvement of the facilities of the Riverhead Street Lighting District in the Town of Riverhead, Suffolk County, New York, within said Town consisting of the acquisition of a bucket truck for use by the Riverhead Street Lighting District, including incidental expenses in connection therewith, at a revised maximum estimated cost of \$100,000.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Riverhead, New York
May 17, 2005

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

By: _____
Town Clerk

Section 4. This order shall take effect immediately.

_____ VOTING _____

The resolution was thereupon declared duly adopted.

May 17, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 480

CLASSIFIES ACTION AND REFERS SPECIAL PERMIT
PETITION OF ARTURO SERRANO
TO THE PLANNING BOARD

COUNCILWOMAN BLASS

offered the following resolution which

was seconded by COUNCILWOMAN SANDERS

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Arturo Serrano pursuant to Section 108-8B.(1) and Article XXVIA. of the Riverhead Town Code to convert a portion of an existing residence to an accessory apartment on a 0.12ac. parcel zoned Residence A-40; such property more particularly described as SCTM 0600-123-4-61, and

WHEREAS, a Full Environmental Assessment Form and supporting documentation was submitted as part of the petition, and

WHEREAS, the Riverhead Planning Department has reviewed the submission and recommended it be considered a Type II action pursuant to 6NYCRR Part 617.5(c)(9) as construction of a single, two or three family dwelling on an approved lot, and

WHEREAS, pursuant to 617.3(f), 617.5(a) and 617.6(a)(1)(i), agency SEQR responsibilities end with this designation with no significance determination being necessary, and

WHEREAS, the Town Board requires the recommendations of the Riverhead Planning Board respecting planning and zoning issues, now

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declares the special permit petition of Arturo Serrano to be a Type II action for the purposes of SEQR compliance, and

BE IT FURTHER

RESOLVED, that the Town Clerk be directed to refer the petition to the Riverhead Planning Board for their review and recommendation and is hereby authorized to forward a certified copy of this resolution to the Planning 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

Planning/JBH

Adopted

05/17/05

TOWN OF RIVERHEAD

Resolution # 481

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 92 OF THE RIVERHEAD TOWN CODE ENTITLED "STREETS AND SIDEWALKS" (ARTICLE III, Obstructions)

COUNCILWOMAN SANDERS offered the following resolution, was seconded by

COUNCILMAN DENSIESKI :

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 92 of the Riverhead Town Code entitled "Streets And Sidewalks" (Article III, Obstructions) once in the June 2, 2005 issue of the Traveler Watchman, the newspaper designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Superintendent of Highways and 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
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 21st day of June, 2005 at 2:05 o'clock p.m. to consider a local law to amend Chapter 92 of the Riverhead Town Code entitled "Streets And Sidewalks" (Article III, Obstructions) as follows:

CHAPTER 92

STREETS AND SIDEWALKS

ARTICLE III, Obstructions

~~§ 92-9. Certain deposits, obstructions and encumbrances prohibited.~~

~~The deposit of dirt, filth, waste, rubbish and merchandise displayed for sale in any street, highway, sidewalk or public place, or the encumbering thereof by an encroachment of buildings, structures, excavation or otherwise, is hereby prohibited.~~

~~§ 92-10. Snow and ice removal; general maintenance.~~

~~Each owner or occupant of any house or other building, and any owner or person entitled to possession of any vacant lot, and any person having charge of any church or any public building in the town shall, during the winter season or during the time snow shall continue on the ground, keep the sidewalk in front of the lot or house free from obstruction by snow or ice and icy conditions, and shall at all times keep the sidewalk in good and safe repair and maintain it in a clean condition, free from filth, dirt, weeds or other obstructions or encumbrances.~~

~~§ 92-11. Obstructing sidewalks prohibited; exception.~~

~~No person who is the owner, occupant or lessee of any premises abutting on any street, road, highway or parkway in the unincorporated area of the town shall place, keep, permit or suffer to be placed or kept on any sidewalk in front of, adjoining or adjacent to his premises any goods, wares, merchandise, boxes, barrels, display signs or material things of any kind or description, nor shall he in any manner obstruct any sidewalk nor in any manner obstruct or interfere with the use of any sidewalk; but nothing contained in this section shall prevent persons from placing goods, wares, merchandise or household furniture on a sidewalk temporarily while loading or unloading it if it is done without unnecessary delay and if such goods, wares or merchandise are not allowed or permitted to remain on the sidewalk for a longer period than one (1) hour.~~

~~§ 92-12. Penalties for offenses.~~

~~Each violation of this Article shall be punishable by a fine of not more than two hundred fifty dollars (\$250.).~~

§ 92-9. Duties of the abutting owner and occupant.

A. The abutting owner and the occupant of any real property shall keep the adjacent sidewalk area in good and safe repair and free from defects and obstructions of every kind.

- B. The abutting owner and the occupant of any real property shall keep the adjacent sidewalk area free from weeds, dirt, sweepings, litter, rubbish, garbage or refuse of any kind or character whatsoever, unless the same shall be placed for trash collection.
- C. The abutting owner and the occupant of any real property shall keep the adjacent sidewalk area free from snow and ice. Should the snow be frozen so hard that it cannot be removed without damage to the pavement, the owner and the occupant shall keep the same covered with ashes, sand or other materials so as to enable persons to walk thereon with safety.
- D. The abutting owner and the occupant of any real property shall keep the adjacent sidewalk free from signs, goods, wares, merchandise, show stands, furniture, or any other items, unless temporarily loading or unloading any of the aforementioned or unless otherwise allowed by town law.
- E. The abutting owner and the occupant of any real property shall keep any tree or other planting on the abutting property from obstructing the sidewalk or endangering users of the public right-of-way. Any tree or other planting on the abutting property which obstructs the sidewalk or endangers users of the public right-of-way shall be properly trimmed, relocated, removed or secured by the owner and the occupant of the real property on which the same is located so as to eliminate the danger or obstruction.

§ 92-10. Liability.

The abutting owner or, if the owner is not in possession, the occupant, or both, shall be liable for any injury or damage caused by reason of omission, failure or negligence to keep and maintain the sidewalk in good repair, safe and suitable for pedestrian travel. Liability shall include the willful or negligent failure to observe any law, rule or regulation in this chapter or any other section of town law requiring that pedestrian walkways or street area be kept in good repair and free of obstructions including but not limited to, dirt, rubbish, ice, snow, signs, goods, wares, furniture, and plantings. Liability shall also include liability to the Town of Riverhead to the extent the Town is required by law or by any court to respond in damages to any injured party.

§ 92-11. Failure to comply.

Should the owner or occupant fail to comply with the provisions hereof, the Town may cause notice, in writing, to be sent to said owner or occupant of the property setting forth a description of the necessary correction and a completion date, reasonable under the circumstances, but not to exceed thirty (30) days. If the owner or occupant of any real property shall fail to comply with said notice the Town may cause the necessary correction to be made, and the expense thereby incurred shall be a lien upon the real property affected, and the amount so assessed and levied shall be collected in the same manner as other taxes.

§ 92-12. Penalties for offenses.

- A. Upon conviction, any violation of the provisions of this chapter shall be a violation punishable by a fine of not more than \$250 and/or imprisonment not to exceed 15 days. Each day a violation continues shall constitute a separate offense.
- B. A second and subsequent conviction for the same offense shall be a misdemeanor punishable by a fine of not more than \$500 and/or imprisonment not to exceed 30 days. Each day a violation continues shall be a separate offense.

Dated: Riverhead, New York
May 3, 2005

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

- * Underline represents addition(s)
- * Overstrike represents deletion(s)

Tabled

Adopted

06/07/05

05/17/05

TOWN OF RIVERHEAD

Resolution # 482

ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE (DC-3)

COUNCILMAN DENSIESKI 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 amending Chapter 101 entitled, "Zoning" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 19th day of April, 2005 at 7:25 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 108 entitled, "Zoning" 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 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 certified copy of this resolution to the Highway Department; the Police Department and the Office of the Town Attorney.

06/07/05 Town Board Mtg
Councilman Densieski offered the resolution to be brought off the table, seconded by Councilman Blass.

All members in favor of untabling the resolution.
Councilman Densieski offered the resolution for adoption, seconded by Councilman Bartunek.

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

X:\Laura Calamita\reso\108 dc-3.doc

The Resolution was declared duly Adopted

The Vote
Bartunek - No
Sanders - Yes
Blass - Yes
Densieski - Yes
Cardinale - Yes

Tabled

Adopted

06/07/05

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled, "Zoning " of the Riverhead Town Code at its regular meeting held on May 17, 2005 as follows:

§ 108-306. 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.
- (14) Movie Theater and Multiplex Cinema

Dated: Riverhead, New York
May 17, 2005

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

BARBARA GRATTAN, Town Clerk

* Underline represents addition(s)

05/17/05

Adopted

TOWN OF RIVERHEAD

Resolution # 483

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "Zoning" (ARTICLE XXI, Business CR District (Rural Neighborhood Business))

COUNCILMAN BARTUNEK

_____ offered the following resolution,

which was seconded by COUNCILWOMAN BLASS _____ :

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (ARTICLE XXI, Business CR District (Rural Neighborhood Business)) once in the May 26, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

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

THE VOTE

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

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

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 7th day of June, 2005 at 7:25 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code entitled "Zoning" (ARTICLE XXI, Business CR District (Rural Neighborhood Business)).

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

Dated: Riverhead, New York
May 17, 2005

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

BARBARA GRATTAN, Town Clerk

CHAPTER 108

ZONING

ARTICLE XXI, ~~Business CR District (Rural Neighborhood Business)~~

~~§ 108-110. Purpose.~~

~~It is the purpose of this Article to provide for limited commercial activity adjacent to residential areas and to thereby achieve both aesthetic quality and an open, campus style in development. For the purposes of this Article, "campus style" shall be that which exhibits an organized setting of architecturally related buildings of modest scale, (an) internal courtyard(s) and extensive landscaping, with trees throughout the site. The campus style shall be achieved through the linkage of maximum building areas to site square footage and through the landscaping of front, rear and side yards, and parking areas.~~

~~§ 108-110.1. Uses.~~

~~In the Business CR District, no building, structure or premises shall be used, arranged or designed to be used, and no building or structure shall hereafter be erected, reconstructed or altered, unless otherwise provided in this chapter, except for the following permitted uses and their customary accessory uses:~~

~~A. — Permitted uses.~~

- ~~(1) — Fully enclosed stores for the retail sale of consumer merchandise. This shall include establishments where products are made and sold on the premises, including but not limited to a bakery, ice cream shop or confectionary shop. Retail uses are permitted, provided that no fabrication, manufacture, conversion, alteration, finish work or assembly shall be permitted therein, except such as may be incidental to any retail sale or personal service use, provided that said incidental operation meets all applicable environmental criteria of the Town of Riverhead, Suffolk County and the State of New York.~~
- ~~(2) — Fully enclosed personal service establishments, including but not limited to a barbershop, beauty shop, shoe repair shop, travel agency and similar uses where such services are provided on the premises.~~
- ~~(3) — Banks.~~
- ~~(4) — Professional studios or performing arts studios such as those for dance, music, arts and/or crafts, radio and/or television broadcasting and recording, provided that no freestanding antennas are constructed so as to exceed a total height of 35 feet.~~
- ~~(5) — Professional offices are specially permitted in the Business PB District.~~
- ~~(6) — Community center or offices or meeting rooms for philanthropic, fraternal, social, educational or membership organizations.~~
- ~~(7) — Mixed-use buildings containing and combining office, banking, retail, personal service uses and/or residential uses, subject to the condition that no fabrication, manufacture, conversion, alteration, finish work or assembly shall be permitted therein.~~
- ~~(8) — Restaurants, excluding outdoor counter service or drive ins or curb establishments. Such a prohibition shall not prevent service at tables on a covered or~~

uncovered terrace, patio or porch incidental to a permitted restaurant. Restaurants with live entertainment shall require a special permit for said entertainment.

(9) — Park, playground or recreational area operated by the Town of Riverhead.

(10) — Dry cleaning and hand laundry establishments.

(11) — The retail sale and accessory storage and display of garden materials, plants, flowers and supplies, including nursery type operations, provided that the outdoor storage or display of plant materials does not obstruct the flow of pedestrian or vehicular traffic and does not occur in any required yard, parking area or area intended for customer access. Any storage and/or display must be indicated on the approved site plan, or a revised site plan shall be required.

(12) — A library, museum or art gallery.

(13) — A place of worship.

(14) — Public utility structures and utility rights-of-way, excluding garages and/or storage yards.

(15) — Telephone exchanges.

(16) — A bus passenger shelter.

(17) — A country inn.

B. — Special permit uses. Approval is required of the Town Board for the special permit uses heretofore set forth:

(1) — Funeral homes or undertaking establishments.

(2) — Recreational uses.

(3) — Offices for telecommunications services or computer software publication/duplication.

(4) — Rolling or sliding security type grilles, subject to the submission and Town Board approval of an elevation drawing, to scale, clearly indicating the type and location of such device. Rolling or sliding security doors are prohibited.

(5) — Day care centers or nursery schools.

(6) — Bed and breakfast, by special permit of the Town Board.

C. — Accessory uses.

(1) — Accessory uses shall include those uses customarily incidental to any of the above permitted uses when located on the same lot.

(a) — Garages for the storage only of commercial vehicles used for the delivery of goods purchased within the principal building or for the storage of cleaning and snow removal equipment and materials for the parking area used in connection with the principal use(s) and only on that site.

(b) — Drive up window(s) to a bank. Each drive up shall have not less than 100 feet of queuing reservoir space clear of the public right-of-way for each drive up window.

(2) — Specifically required accessory uses shall include:

(a) — Off street parking areas for private passenger vehicles of visitors, shoppers and employees of the principal use but not for the storage of used or new vehicles for sale or hire.

(b) — Off street loading areas for the delivery of goods to and from the principal use(s).

(c) — Trash receptacles, dumpsters and/or compactors, completely and attractively screened.

D. — Specifically prohibited uses shall include:

(1) — An automobile sales lot; motor vehicle salesroom; public or private garage; or storage warehouse or wholesale establishment.

(a) — Any vending machine or amusement device located outside of any structure. This prohibition does not apply to electronic funds transfer facility substations.

(b) — Any display, storage or sale of goods, wares or merchandise outside of any structure in any area other than that indicated for such outdoor display, storage or sale on an approved site plan. Such display, storage or sale areas shall not encroach on any landscaped areas, parking areas or areas intended for customer access.

(2) — Flea markets.

§ 108-110.2. General lot, yard and height requirements.

A. — The site plan must demonstrate compliance with § 108-110, Purpose, of this Article.

B. — The minimum lot area shall be 40,000 square feet.

C. — The minimum lot width (frontage) shall be 200 feet.

D. — Maximum building area. Unless otherwise specified, the maximum building area shall be 17%. The maximum building area must conform to the following:

(1) — No building shall have a square footage greater than 4,000 square feet unless the lot size is greater than 94,118 square feet, which lot size would yield four four thousand-square foot buildings, or unless the lot size is less than 94,118 square feet, in which case the allowed coverage of one building may be increased by up to 25% or 1,000 square feet, if an additional allowed building (4,000 square feet) is forfeited, and such forfeiture is covenanted to run with the land.

(2) — For lots with areas greater than 94,118 square feet, the additional building square footage shall be applied to the four buildings and/or to additional buildings in a proportion as deemed appropriate during site plan review.

E. — Minimum yards.

(1) — Front. (Street frontage shall determine front yard; corner lots shall be deemed to have two front yards.) For lots up to 200 feet in depth, the front yard shall be 50 feet from the property line at all points, with no encroachment of development at either perimeter which exceeds 50% of the required side yard. Said encroachment, where included, must occur adjacent to the project structure(s) and not on, nor in closer proximity to, the affected property line(s) so as to maintain a landscape buffer between lots. For lots of up to 200 feet in depth, a minimum of 30 feet of the required front yard must remain unoccupied; for every 50 feet in depth in excess of 200 feet in depth, up to 500 feet in depth, the minimum front yard depth must increase by 10 feet. A minimum of 1/2 of each ten foot increase, in addition to the minimum 30 feet, must be unoccupied area.

(2) — The side yard shall be 25 feet.

(3) — The rear yard shall be 25 feet.

(4) — No building or structure will be permitted in required yards, and no parking will be permitted within 15 feet of any property line.

F. — The maximum height shall be 35 feet.

G. — Sites requiring or utilizing multiple buildings must maintain a minimum combined roadway and sidewalk width between buildings of 35 feet or a courtyard/walkway width of 15 feet.

~~H. — Any lot in nonconforming residential use or subsequently subdivided to leave a nonconforming residential use as a separate lot must be subdivided so that such residential lot complies with the provisions for yard dimensions required by the Agriculture A Zoning Use District. Any subsequent alterations or expansion of nonconforming residential buildings shall comply with the requirements of the Agricultural A Zoning Use District.~~

~~§ 108-110.3. Additional requirements.~~

~~A. — Pursuant to Article XXVI, Site Plan Review, of this chapter, a site plan shall be required of all uses.~~

~~B. — Screening and buffers must be in accordance with § 108-64.1 of this chapter.~~

~~C. — Off street parking and loading must conform to §§ 108-60 and 108-61 of this chapter. The parking requirement shall be one parking space for each 250 square feet of building area. (NOTE: This supersedes the existing parking schedule.)~~

~~D. — Pursuant to Article XXVI, signs shall be reviewed at site plan review. No backlit or interior lit, light box type signs are permitted in the Business CR District. All signs and lettering are to be coordinated in size, color(s) and style(s) for all business locations, buildings and storefronts in a project. All signs must conform to § 108-56 of this chapter. In addition, temporary signs, as addressed in § 108-56C(2), shall be further limited as follows:~~

~~(1) — They shall not appear more than four times in any given calendar year.~~

~~(2) — The area of the window shall be the largest uninterrupted expanse of glass. Such interruptions shall include, but not be limited to, mullions, minions and structural or applied support columns.~~

~~(3) — Temporary signs shall not employ the use of fluorescent colors in any material or medium.~~

~~E. — Pursuant to Article XXVI, § 108-129B, any activity or use involving grading, clearing, cutting and filling, excavating or tree removal prior to obtaining site plan approval under the provisions therefor shall be in violation of these Articles and fined accordingly.~~

~~F. — Pursuant to Article XXVI, §§ 103-129 and 108-132I site plans for the development of properties located in a Business CR District must include an indication of existing woodlands, stand of or individual trees, other instances of unique, indigenous and/or significant vegetation, or other natural features, so as to ensure their preservation and thereby retain an open space environment which enhances the indigenous rural character of the Town. In addition, the following provisions shall be applicable in the Business CR District:~~

~~(1) — A landscaped front yard of a minimum of 30 feet, measured from the property line, shall be provided using existing trees and shrubs, and imported trees and shrubs as necessary, particularly those species that are indigenous in character to the site and environs. A minimum of one specie of tree employed must be one which will obtain a mature height of not less than the height of the structure(s). Plantings should be so designed as to include at least two varieties of trees and/or shrubs which will exhibit color during the spring, summer and fall seasons. Evergreens should be included to provide said color in winter.~~

(2) — Unless specifically waived by the Town Board, perimeter screen plantings along line(s) of property which do not front major roadway(s) shall be provided. Said plantings shall be at least 10 feet in total width, which will attain, and which shall be maintained to a height of not less than eight feet to provide an effective natural screen.

(3) — Pursuant to § 108-64.1D, where parking areas of 10,000 square feet or greater are involved, trees and shrubbery shall be required to visually divide the asphalt areas and to screen them from the developed section(s) of the site, neighboring residential areas and proximate roadways. Said divisions and plantings must adhere to § 108-64.1, as well as to Subsection F(1) herein.

(4) — All portions of the site not used for buildings, parking areas and accessways shall be left in their natural state or otherwise suitably landscaped.

(5) — All landscaped areas shall be provided with a system of irrigation appropriate to and capable of complete coverage of the areas and designed to minimize runoff and other wasting of water. Such system shall be maintained in a fully operational condition.

(6) — Any ground cover shall be planted in such a way as to result in coverage of the area within one year.

G. — Existing structures. The Town Board, pursuant to the terms of this Article, § 108-3 and the standards set forth in § 108-76B, may issue a special permit for the reconstruction, renovation or occupancy of existing structures situate in the Business CR District. In granting such special permit for reconstruction, renovation or occupancy of an existing structure, the Town Board may, upon proper findings of fact, include in the special permit variances to the zoning use district and parking schedules.

H. — Hours of operation of retail business establishments. As used herein, a "retail business establishment" shall mean and include a retail store or shop or other business establishment in which goods, wares, foods, commodities, articles or products are sold at retail, except that a "retail business establishment" shall not be construed to include any business establishment licensed to sell alcoholic beverages at retail for on-premises consumption. No retail business establishment shall remain open for business during the five-hour period between 12:00 midnight and 5:00 a.m. Every retail business establishment shall be closed to the public during the aforementioned five-hour period, and business with the public therein is prohibited after the hour of 12:00 midnight and before the hour of 5:00 a.m. of every day.

§ 108-110.4. Development standards.

The following development standards, §§ 108-110.4 through 108-110.7, inclusive, shall apply to all CR development under this Article within the Wading River Hamlet only:

A. — Lot area. The minimum lot area shall be 80,000 square feet.

B. — Lot width. The minimum lot width (frontage) shall be 200 feet.

C. — Building area. The maximum building area shall be 20%.

D. — Yards.

(1) — Front. The minimum front yard shall be 30 feet for buildings and structures. No parking shall be located within 40 feet of the front street line.

(2) — Side. There shall be no side yard requirement.

(3) — Rear. The minimum rear yard shall be 10 feet.

E. — Height. The maximum height of buildings and structures shall be 35 feet.

F. — Parking. Parking to be provided is one space per 250 square feet of building.

~~§ 108-110.5. Landscaping, screening and buffering.~~

~~A. — Screening and buffering. The screening and buffering requirements of § 108-64.1 shall not apply in the Business-CR District.~~

~~B. — Preservation of existing vegetation. Site plans for the development of property located in a Business-CR District shall include an indication of existing mature trees and other instances of unique, indigenous and/or significant vegetation or other natural features, so as to ensure their preservation and thereby retain an open space environment which enhances the character of the Town.~~

~~C. — Front yard. The following front yard requirements do not apply to frontages on the service road:~~

~~(1) — The required front yard shall provide an informally landscaped buffer to a depth of 24 feet from the front street line.~~

~~(2) — Large canopy trees, which will obtain a mature height of 60 to 80 feet, shall be located informally within the landscaped buffer.~~

~~(3) — Large canopy trees, which will obtain a mature height of 60 to 80 feet, shall be grouped with smaller species which will obtain a mature height of 10 to 30 feet in denser configurations, when the front yard setback adjoins a parking area.~~

~~(4) — The intensity of landscaping shall modulate between denser vegetation screening parking areas and open vegetation providing visibility of buildings and structures.~~

~~D. — Parking areas.~~

~~(1) — The visual impact of parking areas shall be softened by screening of all parking areas from street view, by interrupting continuous rows of parking spaces with planting and by creating planted canopies over parking areas.~~

~~(2) — Parking areas of 15 spaces or more shall be provided with internal landscaping covering not less than 10% of the total area of the parking area.~~

~~(3) — Landscaping shall be reasonably dispersed throughout the parking area. Primary landscape materials shall be shade trees. Secondary materials may include shrubs and ground cover, which shall compliment the tree planting.~~

~~E. — Rear yard screen. A continuous screen of plantings shall be evergreen shrubs which will attain and shall be maintained to a height of not less than eight feet and shall be provided within the rear yard along the lot boundary.~~

~~F. — Service and access road landscaping. A continuous landscaped area of a minimum of four feet in width shall be provided along all service and access roads within the property.~~

~~§ 108-110.6. Access and circulation.~~

~~A. — Service road. Where applicable, properties shall provide a fifty foot easement for the construction of a service access road as indicated on the Town Official Map. The easement should include a four foot pedestrian walk on at least one side. Such easement shall be located between 150 and 350 feet from the front building line.~~

~~B. — Cross easements. Where no service road is indicated on the Town Zoning Map, cross easements shall be provided between adjoining properties.~~

~~C. — Access easements. Access shall be provided whenever possible through shared easements along the property lines between adjoining properties. The location and~~

configuration of these easements are subject to site plan review and Planning Board review.

D. ~~Curb cuts. Curb cuts shall be limited in number to one curb cut per 200 feet of road frontage. For properties with less than 200 feet of road frontage, access shall be provided from adjoining lots or from the service road provided according to the provisions of Subsection A above.~~

E. ~~Pedestrian walk. A pedestrian walk shall be provided in the front yard setback along a main public street, a minimum of six feet in width, not closer than 18 feet from the front street line. The pedestrian walk so provided shall be of uniform color, material and finish throughout the setback area.~~

~~§ 108-110.7. Signage.~~

All signs should be carefully integrated with the site, building design and surrounding context to create a harmonious appearance for the Wading River commercial area. The following principles should guide the design of signage:

A. ~~Signs should be located for safety so as not to block driveway views of oncoming traffic.~~

B. ~~Signage types may include freestanding single poles with hanging signs, double poles with attached signs or wall signs.~~

C. ~~Recommended materials for signposts are wood or black metal. Signage should be of wood or a nonreflective metal material.~~

D. ~~Signage illumination should be limited to projected light onto the sign. This illumination source should be fully shielded.~~

E. ~~One sign is permitted for properties with 250 feet or less of street frontage. One additional sign is permitted for properties with over 250 feet of street frontage. Properties with more than one commercial establishment should consolidate their signs into a single common freestanding sign panel.~~

F. ~~Maximum size and dimensions for freestanding signs:~~

(1) ~~Twenty five square feet limit per face.~~

(2) ~~Ten foot height limit (preferable, eight foot).~~

G. ~~Maximum size location and dimensions for commercial wall signs:~~

(1) ~~Total area of all signs on a building elevation shall not exceed 10% of the elevation's area.~~

(2) ~~Location limited to fascia band above the store window; on vertical fascia of any sunscreen or awning; and on the window of the store.~~

(3) ~~Signage should be combined with lightposts whenever possible.~~

H. ~~Prohibited items shall include: product advertisement outside of any retail space; signs mounted above the roofline of any structure; internally illuminated plastic signage; and signs placed in or attached to windows.~~

* Underline represents addition(s)

May 17, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 484

Amends Resolution #439 in opposition to recommendations by Congress's Joint Committee on Taxation to limit charitable deductions related to Gifts of Land and Conservation easements.

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by **COUNCILMAN DENSIESKI**

The new language reads as follows:

Whereas Riverhead strongly supports both public and private conservation efforts that protect working farms, natural lands, watershed areas, historic properties and other lands that define the character of the East End; and

Whereas Congress's Joint Committee of Taxation has recommended changes to the Internal Revenue Code that would severely limit tax deductions for gifts of land and conservation easements; and

Whereas the proposed changes will adversely affect public and private conservation efforts and increase both the cost of land acquisitions and the impact of development on our communities:

Now therefore be it resolved that the Town of Riverhead strongly urges our representatives in Congress and the Joint Committee on Taxation to reject the proposed changes to tax deductions for gifts of land and conservation easements and directs the Town Clerk to forward this resolution to:

The Honorable Hillary Rodham Clinton
476 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Charles E. Schumer
313 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Timothy Bishop
1133 Longworth House Office Building
Washington, D.C. 20515

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**

Adopted

05/17/05

TOWN OF RIVERHEAD

Resolution # 485

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 7 OF THE RIVERHEAD TOWN CODE ENTITLED "BUSINESS IMPROVEMENT DISTRICT"

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 7 of the Riverhead Town Code entitled "Business Improvement District" once in the June 2, 2005 issue of the Traveler Watchman, the newspaper designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Business Improvement District Management Association; the Receiver of Taxes; the Board of Assessors and 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
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 21st day of June, 2005 at 2:15 o'clock p.m. to consider a local law to amend Chapter 7 of the Riverhead Town Code entitled "Business Improvement District".

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

Dated: Riverhead, New York
May 17, 2005

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

CHAPTER 7

BUSINESS IMPROVEMENT DISTRICT

ARTICLE I, Applicability

§ 7-1. Applicability of statutory provisions.

The provisions of Article 19-A of the General Municipal Law are hereby applicable to the establishment or extension of a Business Improvement District in the Town of Riverhead.

ARTICLE II, Establishment of District

§ 7-2. Establishment; ~~properties defined.~~ Boundaries of district.

The Riverhead Business Improvement District shall be and is hereby established in the Town of Riverhead, the Town Board's having found that the establishment of the district is in the public interest, that all notices, mailing and hearing requirements have been complied with, that all properties within the district will benefit from the establishment and that all properties benefited are included within the boundaries of the district. ~~The included properties defining the district are as follows:~~

District 0600

Section ——— Block Lot ——— Status

127	02	34.0	
———	04	29.0	Exempt
———		30.0	
———		32.1	
———		32.2	
———		33.0	Exempt
———	05	22.0	Exempt
———		23.0	
———		24.1	
———		25.1	
———		26.0	
———	07	14.0	Exempt
———		15.0	
———		16.0	
———		17.0	
———		20.1	

128	03	1.0	
———		3.0	
———		4.0	
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The boundaries of said district are hereby established as shown on the map entitled "BID Map, Town of Riverhead, Suffolk County, New York," as last amended February 4, 2005, which map is hereby made a part of this chapter, and all notations, references and other things shown thereon shall be as much a part of this chapter as if fully described herein. Where uncertainty exists with respect to the boundaries of the aforesaid district as shown on the BID Map, the following rules
Y:\Chris Coverdale\Legislation\Riverhead Code\Business Improvement District 7\Publish and Post.doc

shall apply:

A. Where the district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be constructed to be such boundaries.

B. Where the district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

C. Where the district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or to the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the BID Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said BID Map.

D. Where the boundary of the district follows a railroad line, such boundary shall be deemed to be located midway between the main tract of said railroad line.

E. Where the boundary of the district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Town of Riverhead unless otherwise indicated.

§ 7-3. Improvements and services.

The construction improvements and provisions of services within the district shall be pursuant to such district plan of the Riverhead Business Improvement District. All said services shall be in addition to, and not a substitution for, required municipal services provided by the Town of Riverhead on a town-wide basis.

§ 7-4. Exemptions. All properties within the Business Improvement District shall be deemed benefited by the District and thus shall be taxed. Any property seeking exemption from taxation as allowed under Real Property Tax Law or by virtue of being a primary residence with no business income derived therefrom must be certified exempt by the Business Improvement District Management Corporation on or before March 1 of the year for which the Assessor is taxing.

§ 7-4§ 7-5. Controlling provisions.

To the extent not otherwise explicitly provided herein, the provisions set forth in Article 19-A of the General Municipal Law shall govern the operation of the Business Improvement District and the District Management Association in the Town. Insofar as the provisions of this Article are inconsistent with the provisions of any other local law or act, the provisions of this Article shall be controlling.

§ 7-5§ 7-6. Amendment procedure.

Any amendments to the Business Improvement District or to the Business Improvement District Plan shall be made in accordance with the provisions set forth in § 980-i of Article 19-A of the General Municipal Law.

* Underline represents addition(s)

* Overstrike represents deletion(s)

05/17/05

Adopted

TOWN OF RIVERHEAD

Resolution # 486

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 10 OF THE RIVERHEAD TOWN CODE ENTITLED "CIVIL CLAIMS" (§ 10.1 Compliance required, § 10.2 Activities covered)

COUNCILWOMAN SANDERS offered the following resolution, was seconded by

COUNCILMAN BARTUNEK :

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend chapter 10 of the Riverhead Town Code entitled "Civil Claims" (§ 10.1 Compliance required, § 10.2 Activities covered) once in the June 2, 2005 issue of the Traveler Watchman, the newspaper designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Water District; the Sewer District; the Scavenger Waste District; the Streetlighting District; the Industrial Development Agency; the Housing Development Corporation; the Multifamily Housing Corporation; the Riverhead Parking District; the Community Development Agency; the Business Improvement District Management Association; Sledjeski & Tierney, Esq. and the Town Attorney.

THE VOTE

Bartunek yes no Sanders yes no
 Blass yes no Sledjeski yes no
 Cardinale yes no

THE RESOLUTION WAS WAS NOT
 THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 21st day of June, 2005 at 2:10 o'clock p.m. to consider a local law to amend chapter 10 of the Riverhead Town Code entitled "Civil Claims" (§ 10.1 Compliance required, § 10.2 Activities covered) as follows:

Chapter 10

Civil Claims

§ 10-1. Compliance required.

No civil action shall be maintained against the Town of Riverhead, the Town of Riverhead Water District, the Town of Riverhead Sewer District, the Town of Riverhead Scavenger Waste District, the Town of Riverhead Streetlighting District, the Town of Riverhead Industrial Development Agency, Riverhead Housing Development Corporation, Riverhead Multifamily Housing Corporation, the Riverhead Parking District, the Community Development Agency and the Riverhead Business Improvement District ~~Job Development Corporation, a not-for-profit corporation~~ unless the requirements of this chapter are fully met.

§ 10-2. Activities covered.

No civil action shall be maintained against the Town of Riverhead or any of the agencies mentioned in § 10-1 herein for damages or injuries to persons or property sustained by reason of any defect in the condition, maintenance or design of any property (including easements and rights-of-way and leased lands) highway, bridge, culvert, curb, catch basin, recharge area, fencing, sidewalk; sewer manhole, main or appurtenance; water meter, main or appurtenance; curb, any missing highway sign or the failure to provide, by ordinance or otherwise, for the erection of any highway sign; the granting or refusal to grant any building permit, special permit, site plan approval, curb cut, variance, subdivision or special exception; park, playground, beach, wharf, dock, marina, community hall; unless written notice of such defective, unsafe, dangerous or obstructed condition shall be filed with the Town Clerk at least fifteen (15) calendar days prior to the event giving rise to the alleged claim.

Dated: Riverhead, New York
May 17, 2005

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

- * Underline represents addition(s)
- * Overstrike represents deletion(s)