

**TOWN OF RIVERHEAD
PLANNING BOARD**

200 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901-2596
(631) 727-3200, EXT. 240, FAX (631) 727-9101

Richard M. O'Dea, Chairman
Joseph H. Baier, Vice-Chair/Secretary

Stanley Carey, Member

Ed Densieski, Member
Lyle Wells, Member

September 4, 2014

Charles Cuddy
Attorney at Law
P.O. Box 1547
Riverhead, NY 11901

**Re: Authorizes Transfer of Development Rights (Agricultural Preservation Credit)
Certificate Number 001.01
County Tax Parcel Number – 0600-63-2-2
(8 Credits)
Resolution #2014-0060**

Dear Sir;

The following resolution was duly adopted at a meeting of the Town of Riverhead Planning Board held on September 4, 2014:

WHEREAS, the Riverhead Planning Board did approve the final plat of Mountain Brook Homes at Roanoke Landing by Resolution No. 70, dated September 15, 2004, which included approval of the required redemption of eleven (11) development rights as a condition of final map approval, as memorialized as Certificate No. 1; and

WHEREAS, the Riverhead Planning Board did approve the issuance of Certificate and redemption of eleven (11) development rights from Suffolk County Tax Map No. 0600-63-2-2 for a total yield of 32 lots on the Map of Roanoke Landing by Resolution No. 35, dated April 22, 2005; and

WHEREAS, on May 19, 2005, the Chairman of the Planning Board did sign the final plat of the major subdivision with a notation regarding the conveyance of the eleven (11) Transfer Development Rights; and

WHEREAS, the subdivision has been fully developed and residential homes have been constructed on the lots; and

WHEREAS, Mountain Brook Homes at Roanoke Landing, LLC, commenced a legal action against the Town of Riverhead in the Supreme Court under Index No. 033737/2010 challenging the conveyance of eleven (11) development rights as a condition of the subdivision approval of Roanoke Landing; and

WHEREAS, on March 18, 2014, by Resolution No. 188, the Riverhead Town Board accepted a settlement requiring the transfer of eight (8) Transfer Development Rights credits from the subdivision of Roanoke Landing to Mountain Brook Homes at Roanoke Landing, LLC; now

THEREFORE BE IT

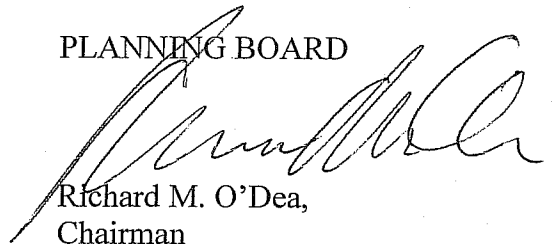
RESOLVED, that the Riverhead Planning Board hereby determines that **Certificate Number 001.01** be issued for eight (8) Transfer Development Rights credits to Mountain Brook Homes at Roanoke Landing, LLC, and

BE IT FURTHER

RESOLVED, that a copy of the resolution be forwarded to Mountain Brook Homes at Roanoke Landing, LLC c/o Dorian Belknap, Charles Cuddy, Attorney at Law, as agent, the Town Clerk, the Office of the Town Attorney, and the Office of the Town Assessor.

Very truly yours,

PLANNING BOARD



Richard M. O'Dea,
Chairman

RMO:kf

A motion was made by Mr. Densieski and seconded by Mr. Baier that the aforementioned resolution be approved:

THE VOTE

BAIER X YES ___ NO CAREY X YES ___ NO ___

WELLS X YES ___ NO DENSIESKI X YES ___ NO ___ ABSENT

O'DEA X YES ___ NO ___ ABSENT

THIS RESOLUTION x WAS ___ WAS NOT
THEREFORE DULY ADOPTED