

Minutes of a Special Meeting of the Town Board of the Town of Riverhead held at the Town Hall, Riverhead, New York, on March 31, 1977 at 2:00 P.M.

Present:

Allen M. Smith, Supervisor
 George G. Young, Councilman
 Francis E. Menendez, Councilman
 John Lombardi, Councilman
 Jessie Tomlinson, Councilwoman

Also present: Peter S. Danowski, Jr., Town Attorney

WAIVER OF NOTICE AND CONSENT OF SPECIAL MEETING

We, the undersigned, being all members of the Town Board of the Town of Riverhead, Suffolk County and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York, at 2:00 P.M. on the 31st day of March, 1977, and do consent to the holding of such meeting for the purpose of adopting Local Law of 1977 Environmental Quality Review Act and for any other matters that may come before the Board.

Dated: March 31, 1977

TOWN BOARD MEMBERS,
 TOWN OF RIVERHEAD, NEW YORK

Allen M. Smith
 Supervisor

Jessie Tomlinson
 Councilwoman

F. E. Menendez
 Councilman

John Lombardi
 Councilman

George G. Young
 Councilman

Filed.

RESOLUTIONS

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, pursuant to a resolution, dated March 1, 1977, a public hearing was held on March 15, 1977, to consider proposed Local Law No. 1 of 1977,

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NOW, THEREFORE, be it

RESOLVED, That Local Law No. 1 of 1977, be enacted by the Town Board of the Town of Riverhead, as follows:

PUBLIC NOTICE

I, HELENE M. BLOCK, TOWN CLERK, TOWN OF RIVERHEAD, NEW YORK, HEREBY CERTIFY that the Local Law annexed hereto, designated as Local Law No. 1 of 1977 of the Town of Riverhead, was duly passed by the Town Board on March 31, 1977:

LOCAL LAW NO. 1 - 1977

A LOCAL LAW OF THE TOWN OF RIVERHEAD, PURSUANT TO ARTICLE 8 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW PROVIDING FOR ENVIRONMENTAL QUALITY REVIEW OF ACTIONS WHICH MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

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

1. (a) Unless the context shall otherwise require, the terms, phrases, words and their derivatives used in this local law shall have the same meaning as those defined in section 8-0105 of the environmental conservation law and Part 617 of Title 6 NYCRR.

(b) "County", "city", "town", "village" shall mean the Town of Riverhead.

2. No decision to carry out or approve an action other than an action listed in section 3(b) hereof or Section 617.12 of 6 NYCRR as Type II action #1, shall be made by the Environmental Quality Review Board or by any department, board, commission, officer or employee of the Town until there has been full compliance with all requirements of this local law and Part 617 of Title 6 NYCRR, provided however, that nothing herein shall be construed as prohibiting.

(a) the conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the Town to approve, commence or engage in such action, or

(b) the granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this local law and Part 617 of Title 6 NYCRR have been fulfilled.

3. (a) Consistent Part 617 of Title 6 NYCRR and the criteria therein, the following actions, in addition to those listed in section 617.12 of Title 6 NYCRR as Type I² actions, are likely to have a significant effect on the environment.

(b) Consistent with Part 617 of Title NYCRR and the criteria therein, the following actions, in addition to those

RESOLUTIONS - continued

listed in section 617.12 of Title 6 NYCRR as Type II actions, are deemed not to have a significant effect on the environment.

4. For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits or other approvals shall file a written statement with the Environmental Quality Review Board setting forth the name of the applicant; the location of the real property affected, if any; a description of the nature of the proposed action; and the effect it may have on the environment. In addition, applicants may include a detailed statement of the reasons why, in their view, a proposed action may or will not have a significant effect on the environment. Where the action involves an application, the statement shall be filed simultaneously with the application for the action. The statement provided herein shall be upon a form prescribed by resolution by the Environmental Quality Review Board, and shall contain such additional relevant information as shall be required in the prescribed form. Such statement shall be accompanied by drawings, sketches and maps, if any, together with any other relevant explanatory material required by the Environmental Quality Review Board.

5. (a) The Environmental Quality Review Board shall render a written determination on such application within fifteen (15) days following receipt of a complete application and statement, provided however, that such period may be extended by mutual agreement of the applicant and the Environmental Quality Review Board. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The Environmental Quality Review Board may hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding it in making a determination on the application.

(b) The time limitations provided in this local law shall be coordinated with, to the extent practicable, other time limitations provided by status or local law, ordinance or regulation of the Town.

6. Every application for determination under this local law shall be accompanied by a reasonable fee set forth in this section to defray the expenses incurred in rendering such determination. The fees shall be as follows: A fifty dollar (\$50.00) waivable fee. In addition, the applicant must pay for all publication costs.

7. If the Environmental Quality Review Board determines that the proposed action is not an exempt action, not an action listed in section 3(b) hereof or Section 617.12 of Title 6 NYCRR as a Type II action and that it will not have a significant effect on the environment, the Environmental Quality Review Board shall prepare, file and circulate such determination as provided in section 617.7(b) of Title 6 NYCRR and thereafter the proposed action may be processed without further regard to this local law. If the Environmental Quality Review Board determines that the proposed action may have a significant effect on the environment,

RESOLUTIONS - continued

the Environmental Quality Review Board shall prepare, file and circulate such determination as provided in 617.7(b) of Title 6 NYCRR and thereafter the proposed action shall be reviewed and processed in accordance with the provisions of this local law and Part 617 of Title 6 NYCRR.

8. Following a determination that a proposed action may have a significant effect on the environment, the Environmental Quality Review Board shall, in accordance with the provisions of Part 617 of Title 6 NYCRR,

(a) in the case of an action involving an applicant, immediately notify the applicant of the determination and shall request the applicant to prepare an environmental impact report in the form of a draft environmental impact statement or

(b) in the case of an action not involving an applicant, shall prepare a draft environmental impact statement.

If the applicant decides not to submit an environmental impact report, the Environmental Quality Review Board shall prepare or cause to be prepared the draft environmental impact statement, or in its discretion notify the applicant that the processing of the application will cease and that no approval will be issued. The Environmental Quality Review Board may require an applicant to submit a fee to defray the expense to it of preparing a draft environmental impact statement or reviewing same if it is prepared by the applicant. Such fees shall be determined as follows: A one hundred dollar (\$100.00) waivable fee. In addition, the applicant must pay for all publication costs.

9. Where more than one agency is involved in an action, the procedures of sections 617.4 and 617.8 of Part 617 of Title 6 NYCRR shall be followed.

10. Actions undertaken or approved prior to the dates specified in Article 8 of the environmental conservation law for local agencies shall be exempt from this local law and the provisions of Article 8 of the environmental conservation and Part 617 of Title 6 NYCRR, provided, however, that if, after such dates the Environmental Quality Review Board modifies an action undertaken or approved prior to that date and the Environmental Quality Review Board determines that the modification may have a significant adverse effect on the environment, such modification shall be an action subject to this local law and Part 617 of Title 6 NYCRR.

11. The Environmental Quality Review Board shall consist of three (3) members; one (1) each from the Riverhead Town Planning Board, the Zoning Board of Appeals, and the Conservation Advisory Council.

12. This local law shall take effect immediately upon filing with the Secretary of State.

#1 Type II

Type II actions or classes of actions have been determined not to have a significant effect on the environment and do not require environmental impact statements under this Part.

RESOLUTIONS - continued

The following are Type II actions or classes of actions:

(a) Construction or alteration of a single or two-family residence and accessory appurtenant uses or structures not in conjunction with the construction or alteration of two or more such residences and not in one of the critical areas described in this section for Type I actions.

(b) The extension of utility facilities to serve new or altered single or two family residential structures or to render service in approved subdivisions

(c) Construction or alteration of a store, office or restaurant designed for an occupant load of 20 persons or less, if not in conjunction with the construction or alteration of two or more stores, offices or restaurants and if not in one of the critical areas described in this Appendix B for Type I actions and the construction of utility facilities to serve such establishments.

(d) Actions involving individual setback and lot line variances and the like

(e) Agricultural farm management practices including construction, maintenance and repair of farm buildings and structures and land use changes consistent with generally accepted principles of farming

(f) Operation, repair, maintenance or minor alteration of existing structures, land uses and equipment

(g) Restoration or reconstruction of a structure in whole or in part being increased or expanded by less than 50% of its existing size, square footage or usage

(h) Repaving of existing highways not involving the addition of new travel lanes

(i) Street openings for the purpose of repair or maintenance of existing utility facilities

(j) Installation of traffic control devices on existing streets, roads and highways other than multiple fixtures on long stretches

(k) Mapping of existing roads, streets, highways, uses, ownership patterns and the like

(l) Regulatory activities not involving construction or changed land use relating to one individual, business, institution or facilities such as inspections, testing, operating certification or licensing and the like

(m) Sales of surplus government property other than land, radioactive material, pesticides, herbicides, or other hazardous materials

(n) Collective bargaining activities

(o) Operating, expense or executive budget planning, preparation and adoption not involving new programs or major reordering of priorities

RESOLUTIONS - continued

(p) Investments by or on behalf of agencies or pension or retirement systems

(q) Actions which are immediately necessary for the protection or preservation of life, health, property or natural resources

(r) Routine administration and management of agency functions not including new programs or major reordering of priorities

(s) Routine license and permit renewals where there is no significant change in preexisting conditions

(t) Routine activities of educational institutions which do not include capital construction

2 Type I

Type I actions or classes of actions are likely to, but will not necessarily, require preparation of environmental impact statements because they will in almost every instance have a significant effect on the environment. The following are Type I actions or classes of actions:

(a) Construction of new (or expansion by more than 50% of existing size, square footage or usage of existing):

- (1) Airports
- (2) Public institutions such as hospitals, schools and institutions of higher learning and correction facilities, major office centers
- (3) Road or highway sections (including bridges) which require an indirect source permit under 6 NYCRR Part 203
- (4) Parking facilities or other facilities with an associated parking area for 250 or more cars only if such facility would require an indirect source permit under 6 NYCRR Part 203
- (5) Dams with a downstream hazard of "CM" classification under Environmental Conservation Law (ECL) section 15-0503
- (6) Stationary combustion installations operating at a total heating input exceeding 1,000 million BTU's per hour
- (7) Chemical pulp mills
- (8) Portland cement plants
- (9) Iron and steel plants
- (10) Primary aluminum ore reduction plants
- (11) Incinerators operating at a refuse charging rate exceeding 250 tons of refuse per 24 hour day
- (12) Sulfuric acid plants
- (13) Petroleum refineries
- (14) Lime plants
- (15) Bi-product coke manufacturing plants

RESOLUTIONS - continued

- (16) Storage facilities designed for or
- (17) Sulfur recovery plants
- (18) Fuel conversion plants
- (19) Process, exhaust and/or ventilation systems emitting air contaminants assigned an environmental rating of "A" under 6 NYCRR 212 and whose total emission rate of such "A" contaminants exceeds 1 pound per hour
- (20) Process, exhaust and/or ventilation systems from which the total emission rate of all air contaminants exceeds 50 tons per day
- (21) A sanitary landfill for an excess of 100,000 cubic yards per year of waste fill
- (22) Any facility, development or project which is to be directly located in one of the following critical areas:
 - (i) tidal wetlands as defined in Article 25 of the ECL
 - (ii) freshwater wetlands as defined in Article 24 of the ECL
 - (iii) flood plains as defined in Article 36 of the ECL
 - (iv) wild, scenic and recreational rivers areas designated in Title 27 of Article 15 of the ECL
- (23) Any facility, development or project having an adverse impact on any historic or pre-historic building, structures or site listed on the National Register of Historic Places or in the Statewide Inventory of Historical and Cultural Resources
- (24) Any development, project or permanent facility of a non-agricultural use in an agricultural district which requires a permit except those listed as Type II actions
- (25) Any facility, development or project which would generate more than 5,000 vehicle trips per any hour or more than 25,000 vehicle trips per any eight-hour period
- (26) Any facility, development or project which would use ground or surface water in excess of 2,000,000 gallons in any day
- (27) Any industrial facility, which has a yearly average discharge flow, based on days of discharge, of greater than .5MGD
- (28) Any publicly or privately owned sewage treatment works which has an average daily design flow of more than 0.5MGD
- (29) A residential development outside any standard metropolitan statistical area as defined by the U.S. Census Bureau that includes 50 or more units in an unsewered area or 250 or more units in a sewerred area or within a standard metropolitan

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- (30) Lakes or other bodies of water with a water surface in excess of 200 acres
- (b) Any funding, licensing or planning activities in respect of any of the types of construction listed in (a), above
- (c) Application of pesticides or herbicides over more than 1500 contiguous acres
- (d) Clearcutting 640 or more contiguous acres of forest cover or vegetation other than crops
- (e) The proposed adoption of comprehensive land use plans, zoning ordinances, building codes, comprehensive solid waste plans, state and regional transportation plans, water resource basin plans, comprehensive water quality studies, area-wide waste water treatment plans, state environmental plans, local flood plain control plans, and the like
- (f) Commercial burial of radioactive materials requiring a permit under 6 NYCRR Part 380
- (g) Any action which will result in excessive or unusual noise or vibration taking into consideration the volume, intensity, pitch, time duration and the appropriate land uses for both the source and the recipient of such noise or vibration
- (h) Acquisition or sale by a public agency of more than 250 contiguous areas of land

I FURTHER CERTIFY that such Local Law is correct and that all proper proceedings have been taken for its enactment in accordance with the applicable provisions of Law.

Dated: March 31, 1977

HELENE M. BLOCK, TOWN CLERK
TOWN OF RIVERHEAD, NEW YORK

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, The Town of Riverhead, New York, desires to apply for financial assistance under the Outdoor Recreation Development Bond Act (Chapter 558, 559, Laws of the State of New York, 1965) and under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897-1964) for the Riverside Park Development including realignment of the adjacent roadway, bulkheading, construction of a floating dock, walkways and sitting areas.

NOW, THEREFORE, BE IT RESOLVED, The Town Board be, and is hereby authorized to execute and submit application for financial assistance under the Outdoor Recreation Development Bond Act (Chapters 558, 559, Laws of the State of New York,

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1965) and under Land and Water Conservation Fund Act of 1965 (78 Stat. 897-1964) for the cost of development of the River-side Park Development; and be it further

RESOLVED, That upon approval of such grant application, that the Supervisor be and he hereby is authorized and empowered on behalf of the Town Board to execute such contracts as are necessary to implement such project.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, the Town Clerk has previously caused to be published advertisement of bids for liquid asphalt for the use by the Town's Superintendent of Highways, and

WHEREAS, said bids specifications failed to point out that bids will not be considered that contain escalator clause provisions and further fail to set forth a minimum and maximum amount of liquid asphalt to be purchased,

NOW, THEREFORE, be it

RESOLVED, that the Town Clerk re-advertise for bids for the purchase of liquid asphalt with the aforementioned additional specifications included.

NOTICE TO BIDDERS

SEALED BIDS FOR: Liquid Asphalt for
use by the Town
Highway Department

for the Town of Riverhead, will be received by the Town Board of the Town of Riverhead at the direction of the Town Clerk, at 200 Howell Avenue, Riverhead, New York, until 10:00 A.M., on Monday, April 18, 1977, at which time and place they will be opened and read.

Instructions for bidders, specifications, bid forms, and forms of contract may be obtained at the office of the Town Clerk, 200 Howell Avenue, Riverhead, New York. Bids shall be on the form as prepared by the Town of Riverhead.

The Town Board of the Town of Riverhead reserves the right to reject any and all bids or to waive any informalities. It also reserves the right to hold any and all bids open for a period of thirty (30) days from the date of opening. All bids must be in a sealed envelope clearly marked to show the item or items bid.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

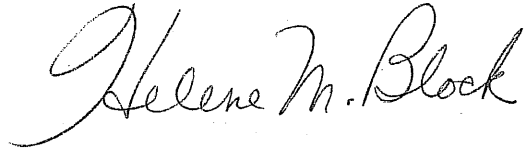
Councilman Lombardi offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the Town Clerk be and is hereby authorized to return the certified check of Cedar Brook Contracting Corp., in the amount of \$2,250.00, same being bid security submitted in the matter of bids for "Mining Operations at the Landfill Site".

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, the meeting adjourned.



HMB/vlv

Helene M. Block, Town Clerk