



**Office of the Town Clerk**  
*James M. Wooten, Town Clerk*

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Registrar of Vital Statistics

Records Management Officer

Marriage Officer

August 22, 2024

General Code Publishers  
781 Elmgrove Road  
Rochester, NY 14624  
Attn: Jan Medina

Dear Ms. Medina:

ENCLOSED HEREWITH please find the following resolution which was adopted by the Riverhead Town Board at a Regular Town Board meeting on August 20, 2024.

**#19- Resolution # 727 – Adopted 8/20/2024**

ADOPTS A LOCAL LAW TO AMEND CHAPTER 251 OF THE RIVERHEAD TOWN CODE ENTITLED “NOISE, PUBLIC NUISANCES AND PROPERTY MAINTENANCE” SECTION 7 THEREOF, ENTITLED “VARIANCES”

Sincerely,

James M. Wooten  
Town Clerk  
JW:cd

08.20.2024

ADOPTED

TOWN OF RIVERHEAD

TB Resolution 2024-727

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 251 OF THE RIVERHEAD TOWN CODE ENTITLED "NOISE, PUBLIC NUISANCES AND PROPERTY MAINTENANCE" SECTION 7 THEREOF, ENTITLED "VARIANCES"**

Councilwoman Merrifield offered the following resolution, which was seconded by Councilwoman Waski

**WHEREAS**, by Resolution 2024-632 adopted on July 2, 2024, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to law to amend Chapter 251 of the Riverhead Town Code entitled "Noise, Public Nuisances and Property Maintenance", Section 7 thereof, entitled, "Variances"; and

**WHEREAS**, a public hearing was held on the 6th day of August, 2024 at or about 2:15 p.m. at Town Hall, 4 West Second Street, 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 action is a Type II action pursuant to SEQRA.

**NOW, THEREFORE, BE IT RESOLVED**, that a local law amending Chapter 251 of the Riverhead Town Code entitled "Noise, Public Nuisances and Property Maintenance", Section 7 thereof, entitled, "Variances", is hereby adopted as specified in the attached notice of adoption; and be it further,

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

**RESOLVED**, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Denise Merrifield, Councilwoman
<b>SECONDER:</b>	Joann Waski, Councilwoman
<b>AYES:</b>	Hubbard, Rothwell, Kern, Merrifield, Waski

**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 251 of the Riverhead Town Code entitled "Noise, Public Nuisances and Property Maintenance", Section 7 thereof, entitled, "Variances". The intent of the proposed amendment is to allow a variance for the paving of a parking lot after 8:00 PM to be granted without a public hearing.

A copy of the entire text of the adopted local law may be reviewed at the Office of the Town Clerk, 4 West Second Street, Riverhead, New York 11901, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday and can be accessed on the Town of Riverhead website at: [www.townofriverheadny.gov](http://www.townofriverheadny.gov) under the Agenda and Minutes for the August 20, 2024 Town Board Meeting.

Dated: Riverhead, New York  
August 20, 2024

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD  
JAMES M. WOOTEN, Town Clerk**

Attachment: NOTICE OF ADOPTION CHAPTER 251.7 Variances (Paving Parking Lot After 8PM) (2024-727 : Adopts a Local Law to Amend

§ 251-7 Variances.

A. The Town Board of the Town of Riverhead shall have the authority, consistent with this section, to grant variances to this article.

B. Any person seeking a variance pursuant to this section shall file an application with the Town Board. The application shall consist of a letter signed by the applicant and contain a legal form of verification. Such letter shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this article would constitute an unreasonable hardship on the applicant, on the community or on other persons. In addition, the following information shall be provided:

- (1) The plan, specifications and other information pertinent to such sources.
- (2) The characteristics of the sound emitted by the source, including but not limited to the sound levels, the presence of impulsive sounds and the hours during which such sound is generated.
- (3) The noise abatement and control methods used to restrict the emission of sound.

C. The Town Board, upon receipt of such application and upon payment of any fee which shall be required by resolution of the Town Board, unless such application falls within Section G below, shall set the matter down for a public hearing to be held within 30 days from the date the application was submitted. The Town Board shall cause publication of such public hearing to be given in the official newspaper of the Town in the same manner as an application for a special permit is published. The applicant, in like manner, shall give notice of the application by certified mail, return receipt, to all property owners surrounding the sound source site within a radius of 200 feet from the borders of said site.

D. In determining whether to grant or deny the application, the Town Board shall balance the hardship to the applicant, the community and other persons against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on the property affected and any other adverse impacts deemed appropriate.

E. The Town Board shall cause the taking of sound-level readings by an agency to be designated by the Town Board in the event that there shall be any dispute as to the sound levels prevailing or to prevail at the sound source site.

F. The Town Board shall have the power to impose restrictions, conditions and the recording of covenants upon any sound source site, including time limits of permitted activity, in the event that it shall grant any variance hereunder.

G. Any application submitted pursuant to Section B above requesting a variance to conduct paving of a parking lot containing fifty (50) or more parking spots after 8:00 pm may be granted without a public hearing provided the application is made not less than ten (10) business days prior to the date paving is to commence. Such approval shall be issued in writing, by the Town Attorney after due consultation with the Town Board and the Planning Department. Nothing herein shall be construed to prevent the Town Board from instead requiring a public hearing as set forth in Section C above.

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