

**Town of Riverhead**  
**Special Town Board Meeting**  
**May 16, 2002**

- Res. # 513** Refers Comprehensive Development Plan for the Former Calverton Naval Weapons Industrial Reserve Plant and Authorizes Town clerk to Publish and Post Notice of Public Hearing
- Res. #514** Declares Lead Agency and Determines Environmental Significance of the Contemplated Adoption of the Town of Riverhead comprehensive Master Plan and Authorizes Town Clerk to Publish and Post Notice of Scoping Hearing
- Res. #515** Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for Two Positions on the Landmarks Preservation Commission
- Res. #516** Authorizes Town Clerk to Publish and Post Notice of Public Hearing – Moratorium Upon Review of Residential Development Petitions
- Res. #517** Budget Adjustment (Yard Waste Facility/Hazardous Waste)

**Adopted**

May 16, 2002

**TOWN OF RIVERHEAD**Resolution # 513**REFERS COMPREHENSIVE DEVELOPMENT PLAN FOR THE  
FORMER CALVERTON NAVAL WEAPONS INDUSTRIAL RESERVE  
PLANT AND AUTHORIZES TOWN CLERK TO PUBLISH AND POST  
NOTICE OF PUBLIC HEARING**

Councilman Densieski offered the following resolution which  
was seconded by Councilman Lull

**WHEREAS**, the Riverhead Town Board is in receipt of a Comprehensive Development Plan ("CDP") submitted by Calverton-Camelot (dated March, 2002) in support of the subdivision petition of the former Calverton Naval Weapons Industrial Reserve Plant ("CNWIRP") and as required by Article XXXXIII, Section 108-229A of the Riverhead Zoning Ordinance, and

**WHEREAS**, the Riverhead Town Board desires to refer the CDP to the Planning Board for its report and recommendation, and in the furtherance of the aforementioned subdivision petition, schedule a public hearing to consider the merits of said Comprehensive Development Plan, now

**THEREFORE BE IT**

**RESOLVED**, that in the matter of the Comprehensive Development Plan submitted by Calverton-Camelot, LLP in support of the subdivision of the former CNWIRP, the Riverhead Town board hereby refers the matter to the Planning Board for its report and recommendation, and

**BE IT FURTHER**

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

RI/PLANNING

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 4th day of June, 2002 at 7:40 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to consider the Comprehensive Development Plan as prepared by Cameron Engineering and submitted by Calverton-Camelot, LLP in support of the subdivision petition of Calverton Camelot upon real property located at Swan Pond Road, Calverton, New York; such real property more particularly described as Suffolk County Tax Map Parcel Numbers 0600-135-1-7.8; 7.18; and 7.21.

DATED: May 14, 2002  
Riverhead, New York

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

*about* **THE VOTE**

Sanders  Yes  No ~~Blair~~  Yes  No  
 Deneski  Yes  No ~~Lull~~  Yes  No  
 Kozakewicz  Yes  No

THE RESOLUTION WAS  WAS NOT   
 THEREBY  ADOPTED

May 16, 2002

972  
**Adopted**

## TOWN OF RIVERHEAD

Resolution # 514

**DECLARES LEAD AGENCY AND DETERMINES ENVIRONMENTAL  
SIGNIFICANCE OF THE CONTEMPLATED ADOPTION OF THE TOWN  
OF RIVERHEAD COMPREHENSIVE MASTER PLAN AND  
AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF  
SCOPING HEARING**

Councilwoman Blass offered the following resolution which  
was seconded by Councilman Lull

**WHEREAS**, by resolution dated September 2, 1997, the Riverhead Town Board did direct the Riverhead Planning Board to prepare a comprehensive revision to the Master Plan of the Town of Riverhead (Mc-Crosky-Reuter - 1973) pursuant to the procedures promulgated in Section 272-a of the Town Law, and

**WHEREAS**, by resolution dated June 2, 1998, the Riverhead Town Board did authorize the Supervisor to execute an agreement with Abeles Phillips Preiss & Shapiro, Inc. ("APPS") to prepare such Comprehensive Plan at the direction of the Planning Board, and

**WHEREAS**, by resolution dated September 2, 1997, the Riverhead Town Board did authorize the Riverhead Planning Board to prepare such Comprehensive Plan as a "special board" authorized to prepare a Comprehensive Plan pursuant to Section 272-a of the Town Law, and

**WHEREAS**, the Planning Board has received draft final chapters of all planning elements listed and outlined in the aforementioned agreement with APPS and has recommended that the Town Board initiate the preparation of that Generic Environmental Impact Statement necessary to support such plan, now

### **THEREFORE BE IT**

**RESOLVED**, that in the matter of the preparation of The Comprehensive Plan of the Town of Riverhead, the Riverhead Town Board hereby declares itself to be the lead agency in the S-QRA review of the comprehensive plan and further determines the action to be Type I with potentially adverse impacts to either the natural or social environment that a Generic Environmental Impact Statement ("GEIS") be prepared, and

### **BE IT FURTHER**

**RESOLVED**, that the Planning Department be directed to publish and post those notices of positive declaration as required by 6NYCRR Part 617, and

**BE IT FURTHER**

**RESOLVED**, that in the furtherance of the preparation of the GEIS, the Town Clerk be authorized to publish and post the attached notice of SEQRA scoping hearing in the official newspaper of the Town of Riverhead.

**THE VOTE**

Sanders <sup>Absent</sup>  Yes  No Blase  Yes  No

Donschik  Yes  No Lull  Yes  No

Kozakowicz  Yes  No

THE RESOLUTION WAS  WAS NOT

THEREUPON DULY ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF SCOPING HEARING**

**PLEASE TAKE NOTICE**, that a scoping hearing will be held pursuant to the New York State Environmental Conservation Law and its attending regulations on the 29th day of May, 2002 at 3:00 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to consider the potentially adverse environmental impacts associated with the preparation of the Town of Riverhead Comprehensive Plan being prepared by the Riverhead Planning Board at the direction of the Town Board. The Draft Comprehensive Plan is available for inspection at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York between the hours of 8:30 A.M. through 4:30 P.M., Monday through Friday beginning May 22, 2002.

DATED: May 16, 2002  
Riverhead, New York

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

TOWN OF RIVERHEAD

**Adopted**

Resolution # 515

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST  
A HELP WANTED AD FOR TWO POSITIONS ON THE LANDMARKS  
PRESERVATION COMMISSION

Councilman Lull

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 22, 2002, issue of The Suffolk Life.

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

Blass  Yes  No

Densieski  Yes  No

Sanders  Yes  No

Lull  Yes  No

Kozakiewicz  Yes  No

## HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking two individuals to serve on the Landmarks Preservation Commission. Knowledge or interest in historic structures preferred. This is a 3 year, non-paid, position. Submit an application to the Accounting Department, 200 Howell Avenue, Riverhead, NY, between the hours of 8:30 and 4:30 . Deadline is May 31, 2002.

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

**Adopted**

May 16, 2002

**TOWN OF RIVERHEAD**Resolution # 516**AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF  
PUBLIC HEARING – MORATORIUM UPON REVIEW OF  
RESIDENTIAL DEVELOPMENT PETITIONS****COUNCILWOMAN BLASE**

COUNCILWOMAN BLASE offered the following resolution which  
was seconded by Councilman Densieski

WHEREAS, by resolution dated December 4, 2001 the Riverhead Town Board did adopt Local Law Number 16 of 2001 which created a moratorium upon the review of residential development petitions, and

WHEREAS, such Local Law remained in force for a period of six (6) months from the filing of the Local Law with the Secretary of State, and

WHEREAS, Local Law Number 16 of 2001 was filed with the Secretary of State on the 12<sup>th</sup> day of December, 2001, and

WHEREAS, the Town Board has carefully considered the number of residential development petitions made within the Town of Riverhead, together with the progress of the preparation of the Comprehensive Plan for the Town as being prepared by the Planning board and its ultimate completion date, and

WHEREAS, it is the desire of the Town Board of the Town of Riverhead to maintain a moratorium upon the review of residential development petitions for an additional twelve (12) month period in order to allow for the proper growth management of the Town of Riverhead, now

**THEREFORE BE IT**

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

TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held on the 4th day of June, 2002 at 7:45 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York in order to hear all interested persons to consider the adoption of a local law entitled "Moratorium on Residential Development" as follows:

DATED: May 16, 2002  
Riverhead, New York

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

*absent* **THE VOTE**  
Sanders  Yes  No Bliss  Yes  No  
Denzleski  Yes  No Lull  Yes  No  
Kozakiewicz  Yes  No  
THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY ADOPTED

Proposed - P. Hung - June 4<sup>1980</sup> 7:45p.

LOCAL LAW NO. OF 2002

A LOCAL LAW repealing and replacing Chapter 109 of the Code of the Town of Riverhead entitled: "Moratorium of Residential Development within the Town of Riverhead".

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

SECTION 1.

109-001. LEGISLATIVE INTENT.

In order to better protect the health, safety and welfare of its residents, the Town of Riverhead is currently updating its Comprehensive Plan so as to ensure the protection of its natural resources, including farmland, wetlands, coastal areas, water-front lands, and woodlands.

With the intent on establishing a comprehensive means of preserving farmland in Riverhead, Land Ethics, Inc., Inc., a subcontractor to the Town's Comprehensive Plan consultant, Abeles, Phillips, Preiss & Shapiro ("A, P, P & S"), has developed a draft chapter for the Comprehensive Plan entitled "Preservation Strategy for Agriculture in the Town of Riverhead".

With regard to Riverhead's unique opportunities as an agricultural community, in its draft chapter "Preservation Strategy for Agriculture in the Town of Riverhead" Land Ethics, Inc. stated as follows:

"Because of the large amount of farmland remaining in Riverhead, it's excellent climate and soils, as well as it's geographic location at the intersection of the North and South Forks, Riverhead is uniquely situated to benefit from agricultural preservation. Relative to other communities on eastern Long Island, Riverhead still has a large amount of contiguous agricultural space. Riverhead therefore has the potential to become the agricultural nexus or "heartland" of eastern Long Island ... Because of its unique geographic location, Riverhead stands to benefit economically if new growth is well managed. To reap these benefits, Riverhead must carefully balance three areas of actions: the revitalization of downtown; the accommodation of new growth, and the maintenance of rural character in its outlying regions."

With regard to the current state of agriculture and agricultural lands within the Town of Riverhead Land Ethics, Inc. further stated:

Over the nearly fifty-year period between 1950 and 1992, farmland in Suffolk County decreased 71 percent, from 123,346 acres to 35,353 acres. According to the Suffolk County Planning Department, farmland continues to decline at a rate of roughly 1,300 (1,289) acres per year. ... In 1968, Riverhead has 30 percent of the county's farmland (19,550) acres; nearly 30 years later in 1996, despite a 9 percent drop in the Town agricultural acreage, Riverhead had 38% of the county's farmland - 17,662 acres. These figures indicate that Riverhead has a critical role to play in the protection of prime agricultural lands in eastern Long Island.

In an effort to enable to Town to better preserve its agricultural heritage and open spaces, Land Ethics, Inc., in its draft "Preservation Strategy of Agriculture in the Town of Riverhead" has proposed significant changes to zoning which will impact residential development and to residential land development review procedures with the Town.

Due in part to the ongoing comprehensive planning effort that the Town of Riverhead has been engaged in for several years, the Town has experienced a significant increase of subdivision, site plan and special permit project applications in anticipation of pending changes. Currently there are numerous such pending applications within the proposed Agriculture Overlay District and the proposed Development Rights Receiving Districts. The influx of these development applications going forward under outdated policies and procedures will impair the effectiveness of the aforementioned proposed changes, further exacerbating the loss of natural resources sought to be preserved thought the implementation of forthcoming update to the Comprehensive Plan. It is expected that the final version the Comprehensive Plan chapter outlining the preservation strategy for agriculture in the Town of Riverhead will be ready to be adopted and implemented by the Town in approximately twelve months from the effective date of this local law.

Pending the adoption of the update to the Comprehensive Plan, a moratorium on the subdivision of land and/or the approval of site plans or special permits on lands within the proposed Agricultural Overlay District and Development Rights Receiving Areas, will give the Town of Riverhead the breathing room it needs to adopt the zoning and planning changes necessary to protect the public health, safety, and welfare.

The previous moratorium adopted by the Town Board on December 12, 2001, which expires by its own terms on June 12, 2002, did not permit the Town sufficient time to adopt and implement the agricultural preservation strategy which is now in the final stages of completion. Following completion of this Comprehensive Plan ("Plan") the Town will need to prepare a Generic Environmental Impact Statement (GEIS) relating to the anticipated zoning changes necessary to implement the Plan. Following the adoption of a GEIS, the Town may conduct public hearings on any recommended zoning changes and thereafter adopt those zoning changes. It is anticipated that these processes will be completed within the next 12 months. This continuation of moratorium will protect the status quo while the Town Board completes these tasks.

The moratorium is not a building moratorium. Those applicants for development who have obtained valid building permits are excluded from the moratorium. Likewise, those applicants for development who have received final conditional approval for residential land subdivision, residential site plans or residential special permits are exempted. This local law recognizes the need to balance preservation with business concerns. Those applicants for development who have invested considerable time and money and received their final conditional approvals, building permits, site plan approvals or special permits are exempt from the moratorium.

The law also provides both exclusions and exemptions for owners of property, so that it does not impose an undue burden upon them. As such, undue hardships will not be imposed where community gains can be accomplished.

A well-planned community will serve all of the inhabitants of Riverhead. Surveys reveal that Towns with tighter zoning controls generally have lower taxes. High-density residential development often leads to the need for more expensive infrastructure, including more schools, police, roads, and sewers among other amenities. Low-density residential development generally leads to higher land values because the most beautiful portions of the community can be preserved via clustering and setbacks, a strong agricultural heritage and rural character can remain intact, and bays and ecosystems can be protected.

In addition, the advent of the two-percent transfer tax represents an opportunity of unprecedented proportion to save the best of Riverhead Town for future generations. Wide expenditure of these monies will serve to preserve the quality of life in the Town and enhance property values well into the future.

In an effort to aid the Town in purchasing development rights, in April of, 2002, the Town Board authorized the issuance of serial bonds in the sum of 30 million dollars to allow the Town to increase its purchase power.

In short, sound planning will lead to a higher quality of life for all of Riverhead's citizens. By briefly pausing for an additional one year period, rather than for a longer period of several years or more, in order to enact the recommendations of the Plan for Agriculture in the Town of Riverhead, the Town is making a important investment for the future and upholding its commitments and obligations to its citizens.

#### 109-002. Statutory Authority/Supersession.

This Chapter is adopted pursuant to Municipal Home Rule Law and the State Environmental Quality Review Act and its implementing regulations. It expressly supersedes any provisions of the Town Code of the Town of Riverhead, and § § 267, 267-a, 267-b, 267-c, 274-a, 274-b and 276 of the Town Law of the State of New York. Furthermore, this Local Law shall supercede the New York State Environmental Conservation Law sections 3-0301(1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 617 also known as the State Environmental Quality Review Act (SEQRA) as it pertains to applications that are neither excluded nor exempt from this Local Law. In particular, this Local law shall supersede and suspend those provisions of the Town code and New York State Law which require the Planning Board to accept, process and approve residential land subdivision applications within certain statutory time periods. In addition, this Local Law shall supersede and suspend those provisions of the Town Code of the Town of Riverhead as well as the Town Law of the State of New York which require the Town Board to accept, process and approve site plan and special permit applications. Furthermore, this Local Law shall supersede and suspend those provisions of the Town Code and the New York State Town Law which grant the Zoning Board of Appeals authority to hear appeals from applicable zoning provisions and specifically the time frames for decision making and holding hearings for decision making.

#### 109-003 Applicability.

The provisions of this Chapter shall apply to all residential land subdivision, residential site plan and residential special use permit applications for lands within the Town of Riverhead.

109-004. Processing of Residential Subdivision Applications, Residential Site Plans Applications and Residential Special Permit Application Prohibited.

Neither the Planning Board nor the Town Board shall process any residential land subdivision, residential site plans or residential special permits except as set forth herein.

109-005. Time Period.

This Chapter shall apply for a period of twelve (12) months from the effective date hereof. This Chapter shall expire after said twelve ((12) month period unless and until this time period is extended by the Town Board after adoption of a subsequent Local Law.

109-006 Applications excluded.

The following applications are excluded from this Chapter:

(1) All minor subdivisions as defined in Chapter 108 of the Town Code of the Town of Riverhead, whether minor by definition, or major treated as minor pursuant, to 108-95 B.

(2) All major subdivisions of land lying within the development rights sending area as adopted by the Town Board and identified pursuant to the Code of the Town of Riverhead Section 95A-12 which meet the following two criteria:

a) residential lot yields in conformance with the subdivision regulations of Chapter 108 of the Town Code of the Town of Riverhead and depicting minimum lot areas of 80,000 square feet, and

b) Plat plans clustered pursuant to Chapter 108 of the Town Code of the Town of Riverhead, which depict 70% of the area of the tract to be preserved by an easement restricting the use of the area to agricultural uses as defined in section 44-2 of the Town Code of the Town of Riverhead, in perpetuity.

(3) Major land subdivisions upon real property lying within development rights receiving areas as adopted by the Town Board and identified pursuant to the Town Code of the Town of Riverhead section 95A-12, which subdivisions meet one of the following criteria:

a) residential lots yields with a minimum lot area of 80,000 square feet; or

b) subdivisions that utilize transferred development rights (TDR) as certified by the Planning Board pursuant to Chapter 95A of the Town Code of the Town of Riverhead, and propose density increases at the rate of one additional lot per TDR with all resulting lots having a minimum lot area of 40,000 square feet. All such excluded land divisions shall depict residential lot yields in conformance with the subdivision regulations of Chapter 108 of the Code of the Town of Riverhead depicting the minimum lot areas of 80,000 square feet.

(4) Residential subdivision applications that have final conditional approval from the Planning Board prior to the effective date of this Chapter.

(5) Any application for residential development which has been determined, by resolution of the Town Board of the Town of Riverhead, to be excluded from the previous moratorium pursuant to section 109-006 of Local Law No. 16 of 2001.

(6) Site Plan applications for residential development which have received a special permit from the Town Board of the Town of Riverhead prior to the enactment of this local law.

(7) Residential special permit and/or site plan applications for two-family dwellings as set forth in section 108-21(b)(3) of the Town Code of the Town of Riverhead.

(8) Residential special permit and/or site plan applications for agricultural worker housing as set forth in 108-21(c)(4) of the Town Code of the Town of Riverhead.

(9) Residential special permit and/or site plan applications for residential development pursuant to sections 108-34(b)(2), 108-39(b)(3), 108-42(b)(3) of the Town Code of the Town of Riverhead.

(10) Applications for approval of a condominium map within the Multi-Family Residential /Professional Office Zone as set forth in section 108-169(a)(1) of the Town Code of the Town of Riverhead.

(11) Residential subdivision applications modifying a map or its conditions of approval, including legal instruments, in connection with a previously filed map or final conditional approval adopted prior to the effective date of this Chapter. However, there shall be no modification to a map or conditions of approval that would create additional residential building lots on the subject parcel.

(12) Property designated pursuant to Articles 15 and 15-A of the General Municipal Law of the State of New York as an Urban Renewal Area.

(13) There shall be no further subdivision of any property having received any subdivision approval during the moratorium period.

109-007 Exemption Criteria and Procedure for Obtaining an Exemption

1. Applications may be exempted from the provisions of this Chapter, following a public hearing on notice before the Town Board. Upon such application, the Town Board shall consider:

a) The proximity of the applicant's premises to natural resources, including prime agricultural soils, pine barrens, wetlands, coastal areas, endangered plant and animal species, wildlife and other similar environmental concerns;

b) The impact of the proposed subdivision of the applicant's premises and the surrounding area;

c) The environmental significance, if any, of the applicant's parcel and the proposed development's impact upon the environment, including existing transportation resources;

d) Compatibility of the proposed development with the aesthetic resources of the community and with the existing community character;

e) Compatibility of the proposed development with the recommendations of comprehensive planning studies.

(2) In making a determination concerning a proposed exemption, the Town Board may obtain and consider written reports from the Planning Department, and such other sources as required in the discretion of the Town Board, and consistent with the proposes of this Chapter. A grant of an exemption to an applicant's application hereunder shall include a determination of unreasonable hardship upon the property owner which is unique to the property owner and a finding that the grant of an exemption will be in harmony with, and will be consistent with the recommendations of the Comprehensive Plan Update.

(3) An application under Subsection (1) shall be accompanied by a fee of \$250.00, together with the applicant's written undertaking, in a form to be approved by the Town Attorney and, in substance, approved by the Town Board, to pay either in advance or by reimbursement, at the Town

Board's on-going election, any out-of-pocket costs incurred relating to the hearing, review, and determination of such application.

SECTION 2.

109-008 Severability.

If any section or subsection, paragraph, clause, phrase or portion of this local law shall be judged invalid or held unconstitutional by a court of competent jurisdiction, any judgment made thereby shall not effect the validity of this law as a whole or any part thereof other than the part of provision so adjudged to be invalid or unconstitutional.

SECTION 3.

109-009 Effective Date.

This Local Law shall take effect upon the filing of this Local Law with the Secretary of State pursuant to the Municipal Home Rule Law.

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 517

BUDGET ADJUSTMENT

Councilman Densieski Offered the following resolution which was  
seconded by COUNCILMAN LULL

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

FROM:

001-081600-547507-00000 YARD WASTE FACILITY \$11,400.00

TO:

001-081600-547503-00000 HAZARDOUS WASTE \$11,400.00

*abert*  
**THE VOTE**  
Sanders Yes ~~No~~ Blass Yes ~~No~~  
Densieski Yes ~~No~~ Lull Yes ~~No~~  
Kozakiewicz Yes ~~No~~  
THE RESOLUTION WAS ~~NOT~~ ADOPTED  
THEREUPON