

## **ARTICLE XXXII Natural Resources Protection District [Added 11-17-1987]**

### **§ 108-153. Purpose.**

The area known as the Pine Barrens Protection Zone within the Town of Riverhead has been found to be a natural resource area which includes pine barrens vegetation and associated unique wildlife habitats, wetlands and tributaries which are part of a larger river estuary exhibiting scenic values and a deep recharge groundwater supply located over a sole source aquifer. In order to protect the Town of Riverhead's most significant supply of pure drinking water and to prevent degradation of identified habitats as well as the surface water quality of the Peconic River and its tributaries, it is the intent of this Article to provide for development of land at a density and type which encourages clustering to create open space and demonstrates protection of identified resources. To fully observe the purpose of this Article, clustered residential developments shall demonstrate that the disturbance of land shall occur on the least sensitive portion of the site.

### **§ 108-154. Uses.**

In the Natural Resources Protection District, no building, structure or premises shall be used or 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 one of the following permitted uses and its customary accessory uses:

- A. Permitted uses. Permitted uses shall be as follows:
- (1) Agriculture, provided that no storage of manure shall be permitted within 100 feet of any side or rear lot lines or within 150 feet of any street lines.
  - (2) One-family dwellings.
  - (3) Park and playground, noncommercial.
- B. Special permit uses. In order to ensure the protection of natural features and habitats and to fully observe the purposes of this Article, the Town Board may approve condominium housing developments and homeowners association developments within the Natural Resource Protection District, provided that the following conditions are met:
- (1) The underlying density of the development does not exceed one unit per four acres.
  - (2) The application for proposed condominium and/or homeowners' association development shall be combined with an application for a cluster development pursuant to Article XIX of this chapter, and both will be considered under this provision.
  - (3) The Planning Board and/or the Town Board, under these provisions and the procedures set forth in the Subdivision Regulations of the Town of Riverhead, *Editor's Note: See Art. XX of this chapter.* may require the following additional data and information as a basis for approving such condominium subdivisions:
    - (a) A complete site plan, showing the location of all landscaping and other improvements, including dwelling units and first floor elevations, and the design of all buildings and structures.
    - (b) The text of all filed restrictions on the use of the land and buildings, including the condominium agreement as approved by the New York State Attorney General.
    - (c) Any other information deemed by either Board, in its discretion, to be necessary to a reasonable determination of the application.
    - (d) Expert testimony by independent engineers or architects, to be paid for by the applicant.
  - (4) Any application made pursuant to the provisions of this section shall originate by an

application to the Town Board, contrary provisions notwithstanding, and shall be referred to the Planning Board, which will transmit its recommendations to the Town Board within 60 days of referral.

- (5) After receipt of the recommendations of the Planning Board, the Town Board shall hold a public hearing upon public notice as required by § 265 of the Town Law, and the applicant shall pay all expenses of said hearing. The Town Board shall determine that:
  - (a) The use will not prevent or substantially impair either the reasonable and orderly use or the reasonable and orderly development of other properties in the neighborhood.
  - (b) The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town.
  - (c) The health, safety, welfare, comfort, convenience and order of the Town will not be adversely affected by the authorized use.
  - (d) Such use will be in harmony with and promote the general purposes and intent of this chapter.
- (6) The Planning Board and Town Board may consider, among other matters or factors which the Board may deem material, whether:
  - (a) The site is particularly suitable for the location of such use in the community.
  - (b) The plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.
  - (c) The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area or other place of public assembly.
  - (d) Access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure that public safety in relation to the general character of the neighborhood and other existing or permitted uses within it and so as to avoid traffic congestion; and, further, vehicular entrances and exits shall be clearly visible from the street and not be within 75 feet of the intersection of street lines at a street intersection, except under unusual circumstances.
  - (e) All proposed curb cuts have been approved by the street or highway agency which has jurisdiction.
  - (f) Adequate provisions have been made for emergency conditions.
  - (g) Adequate buffer yards, landscaping, walls, fences and screening are provided where necessary to protect adjacent properties and land uses.
  - (h) Where necessary, special setback, yard, height and building area coverage requirements or easements, rights-of-way or restrictive covenants shall be established.
  - (i) Where appropriate, a public or semipublic plaza or recreational or other public area shall be located on the property.
  - (j) Adequate provisions are made for the collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid or gaseous or of other character.
  - (k) Existing municipal services and facilities are adequate to provide for the needs of the proposed use.
  - (l) The use will tend to generate or accumulate dirt or refuse or tend to create any type of environmental pollution, including vibration, noise, light, electrical discharges, odors, smoke or irritants, particularly where they are discernible on adjacent

properties or boundary streets.

- (m) The construction, installation or operation of the proposed use is such that there is a need for regulating the hours, days or similar aspects of its activity.
- (n) The proposed use recognizes and provides for the further special conditions and safeguards required for particular uses as may be determined by the Town Board or Planning Board.

C. Accessory uses. Accessory uses shall be as follows:

- (1) Private garages, private boathouses, private greenhouses and similar accessory buildings which are necessary for residential development.
- (2) A temporary building or shed used during construction of a building or structure on the premises.
- (3) A swimming pool constructed in accordance with the provisions of § 108-59 of this chapter.
- (4) Boats, trailers, airplanes or seaplanes. Any boat, house trailer, mobile home, camp trailer, camp car, airplane or seaplane in excess of 15 feet in overall length shall not be kept or stored 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 this residence district nor within 10 feet of any side lot or rear lot line, and no such boat, trailer or plane shall be stored or maintained in such manner as to constitute an attractive nuisance or hazard to children.

#### **§ 108-155. General lot, yard and height requirements.**

- A. The minimum lot area shall be 160,000 square feet, unless otherwise specified.
- B. The minimum lot width shall be 200 feet.
- C. The maximum building area shall be 5%.
- D. Minimum yards.
  - (1) The minimum front yard depth shall be 100 feet.
  - (2) The minimum width of either side yard shall be 50 feet.
  - (3) The minimum total width of both side yards shall be 100 feet.
  - (4) The minimum side yard width abutting a side street shall be 100 feet.
  - (5) The minimum rear yard depth shall be 100 feet.
- E. The maximum height of the structures shall be 35 feet.

#### **§ 108-156. Accessory buildings and structures.**

A. Location.

- (1) No accessory building or structure shall be erected, reconstructed or altered so as to be situate as follows:
  - (a) In a front yard.
  - (b) In a side yard, unless the accessory building is 60 feet from a side street line, 30 feet from a property line and 10 feet from any other building.
  - (c) In a rear yard, unless the accessory building is 20 feet from a property line, 10 feet from any other building and 60 feet from a side street line and rear street line.
  - (d) One accessory use with a maximum floor area of 100 square feet or less, located in

the rear yard, shall be excepted from the provisions of Subsection A(1)(c) and additionally shall not require a permit. It shall be permitted five feet from a property line, 10 feet from any other building and 40 feet from a side street line and rear street line.

(2) Excepted from Subsection A(1)(a), (b) and (c) of this section are fences not exceeding four feet in height, which may be erected on other lot lines of the front yard or any existing street line of a one-family dwelling, and fences not exceeding six feet in height, which may be erected on other lot lines of a one-family dwelling. Fences on a corner lot must comply with § 108-68. On lots used for other than one-family dwellings, wire strand or open woven wire fences up to six feet in height may be erected on all lot lines. If such fence is erected along any street, the permitted height thereof shall be measured from the existing elevation of the center line of such street.

B. Where an accessory building is constructed as a building subordinate to the use of a park or playground, the building shall be erected, reconstructed or altered in conformity to the requirements hereof for a main building.

#### **§ 108-157. Required living area.**

No dwelling shall be erected unless provisions shall be made therein as follows:

A. For residential dwellings, exclusive of attached garages, carports, unenclosed porches and breezeways, there shall be provided not less than 1,200 square feet of living area for the first story, but a maximum of 300 square feet of area of the second story may be used and applied to the area requirements for the first story.

#### **§ 108-158. Additional requirements.**

This zoning district regulates the development of land which lies within noise zones as established by the Air Installation Compatible Use Zone (AICUZ) for the United States Navy Weapons Testing Facility and within the identified Pine Barrens Zone. In the approval of both realty subdivisions and condominium maps, the Riverhead Planning Board shall require covenants which shall identify the existing noise zones and fire climax areas within the Pine Barrens Zones.