



## TOWN OF RIVERHEAD PLANNING BOARD

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

*Stanley Carey, Chairman*  
*Edward Densieski, Vice-Chair/Secretary*

*Richard M. O'Dea, Member*

*Joseph H. Baier, Member*  
*George Nunnaro, Member*

April 4, 2019

Charles Cuddy, Esq.  
P. O. Box 1547  
Riverhead, NY  
11901

### **Resolution # 2019-024**

**Recommendation to Remove a 24-foot Wide Easement for Interior Road Construction  
Route 25A - SCTM #'s 600-73-1-1.12, -1.20, -1.6, -1.9, 1.15, -1.16, -1.17, -1.18, -1.19 and 1.75  
Wading River, NY**

Dear Mr. Cuddy:

The following resolution was duly adopted by the Town of Riverhead Planning Board at a meeting held on April 4, 2019:

**WHEREAS**, the Riverhead Planning Board has received and reviewed a March 4, 2019 request from Charles R. Cuddy, Esq., who represents various property owners to request the Planning Board issue a resolution in support of a request to abandon an approved 24-foot wide easement for an interior road that exists between commercial properties located along State Route 25A (SR 25A) in Wading River, identified as SCTM #s 600-73-1-1.12, -1.20, -1.6, -1.9, 1.15, -1.16, -1.17, -1.18, -1.19 and 1.75; and

**WHEREAS**, each of the subject properties described herein are encumbered with a 24-foot wide easement to be used for the construction of an interior roadway that would parallel SR 25A pursuant to a Declaration of Covenants and Restrictions made by Wading River Manor Associates dated December 23, 1981 and recorded with the Suffolk County Clerk on January 11, 1982 at Liber 9127, Page 198; and

**WHEREAS**, on July 12, 1983, the Map of Wading River Manor Associates was filed with the Suffolk County Clerk as Map No. 7201 and the map depicts the 24-foot wide easement being located approximately 35 feet inland of SR 25A; and

**WHEREAS**, by Resolution dated October 25, 1989, the Planning Board reaffirmed its prior decision to require an interior roadway be constructed by the subject property owners, when a site plan application would be made; and

**WHEREAS**, since the adoption of the aforementioned subdivision map, the town has approved development applications that are not consistent with the location of the 24-foot wide easement; and

**WHEREAS**, the adopted 2012 Wading River Zoning Proposal recommends that:

“Further text modifications to the BUS CR Zoning Use District guidelines are proposed with respect to motor vehicle access and signage. BUS CR guidelines should be amended to make clear that motor vehicle traffic crossing lot lines of those lots located on the south side of Route 25A between the westerly town boundary and Wading River Manorville Road shall be achieved through cross access easements required through the site plan review and not through dedication of a public highway;” and

**WHEREAS**, the Planning Department has reviewed the request to amend its December 23, 1981 and October 25, 1989 resolutions regarding Wading River Manor Associates, the recommendation of the adopted 2012 Wading River Zoning Proposal and the pattern of constructed development of the subject properties. Now, therefore be it

**RESOLVED**, that the Town of Riverhead Planning Board hereby recommends to the Town of Riverhead Town Board to abolish the 24-foot wide interior roadway easement as described herein, as its purpose can be achieved by other means including the approval of cross-access agreements between the subject property owners at the time a site plan application is made; and be it further

**RESOLVED**, that the Clerk of the Planning Board is hereby authorized to forward a copy of this resolution to Richard Serles, RA, 131 Route 25A, Suite 3, Rocky Point, NY 11778; the Riverhead Planning Department; the Riverhead Building Department; the Office of the Town Attorney; the Planning Board Attorney; the Town Clerk; and be it further

**RESOLVED**, that 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.

Very truly yours,



Stanley Carey

Planning Board Chairman

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

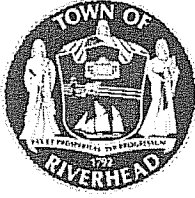
**THE VOTE**

BAIER  YES \_\_\_ NO    O'DEA  YES \_\_\_ NO

NUNNARO  YES \_\_\_ NO    DENSIESKI  YES \_\_\_ NO

CAREY  YES \_\_\_ NO

THIS RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED



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*George Nunnaro, Member*

April 4, 2019

Chris Kent, Esq.  
Farrell Fritz, P.C.  
100 Motor Parkway, Suite 138  
Hauppauge, NY 11788

### **Resolution No. 2019-025**

**State Environmental Quality Review Act (SEQRA): Adopts Supplemental Findings Statement for sPower Calverton Solar Facility – Minor Subdivision, Special Permit, and Site Plan Application for Green Meadows, LLC and sPower Solar Generating Facility, Step-Up Facility and Subsurface Transmission Power Line (Gen-Tie Line)  
4153 Middle Country Road, Calverton, NY  
SCTM Nos. 600-116-1-7.2 & 600-98-1-21.1**

Dear Mr. Kent:

The following resolution was duly adopted by the Town of Riverhead Planning Board at a meeting held on April 4, 2019:

**WHEREAS**, the Planning Board received an application for subdivision, site plan, and special permit filed for sPower to construct and operate a 20 megawatt (MW) commercial solar every production facility and gen-tie line in the hamlet of Calverton; and

**WHEREAS**, the action for subdivision and solar voltaic energy facility is comprised of approximately 125 acres, located on the west side of Peconic Avenue, south of Middle Country Road, Calverton, NY, described as SCTM #600-116-1-7.2 and SCTM #600-98-1-21.1 located within the Industrial C (IC) zoning use district use; and

**WHEREAS**, the proposed action is described as the a minor subdivision of land, application with site plan and routing plan for the construction of a 20 MW solar voltaic energy facility, step-up facility and subsurface transmission line running generally west to east form the solar facility to an existing power utility facility on the east side of Edwards Avenue; and

**WHEREAS**, The underground gen-tie line will be comprised of a single access conduit for the sole use by the proposed solar facility, installed within a proposed 15±-foot easement extending from Parcel A through the following tax parcels (together referred to as the “easement property”):

- › District 0600 – Section 116 – Block 2 – Lot 7.4,
- › District 0600 – Section 117– Block 1 – Lot 6, and
- › District 0600 – Section 117 – Block 2 – Lots 7.2 and 8.2; and

**WHEREAS**, the gen-tie line shall directly connect to the proposed solar collection facility, which is a step-up transformer that converts the electricity from 34.5 kilovolt (kV) to 138 kV output that will connect to the Edwards Avenue Long Island Power Authority (LIPA) substation; and

**WHEREAS**, no additional solar, other electric utility, private or public connections to the gen-tie line shall be permitted without additional SEQRA review and further approvals by the Town of Riverhead Planning Board; and

**WHEREAS**, by Resolution No. 2018-077, dated October 4, 2018, the Riverhead Planning Board issued a Positive Declaration pursuant to SEQRA in light of newly discovered, significant information for the sPower Solar 2, 36-MW solar generation facility, described as Case Number 17-F-0655 Riverhead Solar 2, LLC (AKA sPower) filed with the New York Board on Electric Generation Siting and the Environment; and

**WHEREAS**, the aforementioned resolution called for the preparation of a Supplemental Environmental Impact Statement (SEIS); and

**WHEREAS**, the Riverhead Planning Board, as Lead Agency, prepared a SEIS, dated March 1, 2019; and

**WHEREAS**, by Resolution No. 2019-017, dated March 7, 2019, the Riverhead Planning Board deemed the SEIS complete and authorized circulation to involved agencies; and

**WHEREAS**, the SEIS was circulated to involved agencies, and was posted in the New York State Department of Environmental Conservation Environmental News Bulletin on March 20, 2019, with the public comment period being left open until April 4, 2019 at 4:30pm; and

**WHEREAS**, the SEIS was also made available on the Town of Riverhead website, as well as at the Riverhead Planning Department and the Riverhead Public Library; and

**WHEREAS**, the Lead Agency has prepared the SEQRA Supplemental Findings Statement, dated April 4, 2019, attached and incorporated herewith to this resolution. Now, therefore be it

**RESOLVED**, that the Planning Board, as Lead Agency, pursuant to the State Environmental Quality Review Act, adopts the Supplemental Findings Statement dated April 4, 2019, and determines the action, as proposed, avoids or to the extent practicable by mitigating measures, will have minimal adverse environmental impacts; and be it further

**RESOLVED**, the adoption of the Supplemental Findings Statement concludes the SEQRA process which shall allow the decisions by the involved agencies to proceed; and be it further

**RESOLVED**, that the Planning Department is hereby authorized to file the Findings Statement in accordance with 6NYCRR Part 617.12 (b) together with this resolution; and be it further

**RESOLVED**, that the Planning Department is hereby authorized to circulate the Supplemental Findings Statement, dated April 4, 2019, along with this Resolution to involved agencies; and be it further

**RESOLVED**, that 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.

Very truly yours,



Stanley Carey  
Planning Board Chairman

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

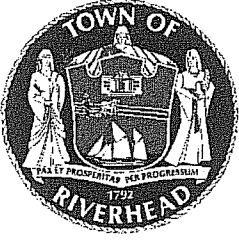
THE VOTE

BAIER  YES \_\_\_ NO    O'DEA  YES \_\_\_ NO

NUNNARO  YES \_\_\_ NO    DENSIESKI  YES \_\_\_ NO

CAREY  YES \_\_\_ NO

THIS RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED



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*Joseph H. Baier, Member*  
*George Nunnaro, Member*

April 4, 2019

Jeffrey T. Butler, P.E.  
P.O. Box 634  
Shoreham, NY

### **Resolution No. 2019-027**

**Grants Final Site Plan Approval for L.S. Family, L.P. (Riverhead Ford Parking Lot)  
1419 & 1423 Old Country Road & Pulaski Street, Riverhead NY  
SCTM Nos. 600-108-2-17.1, 600-108-2-19.1 & 600-125-1-3.1  
(SCTM Nos. 600-108-2-17.1 & 600-125-1-3.3 after merger)**

Dear Mr. Butler:

The following resolution was duly adopted at a meeting of the Town of Riverhead Planning Board held on April 4, 2019:

**WHEREAS**, by Resolution No. 2017-097, dated October 5, 2017, the Riverhead Planning Board classified the action, claimed Lead Agency, and issued a Negative Declaration pursuant to SEQRA for a site plan application to clear approximately 187,000 sq. ft. of wooded land in order to create an accessory parking area to be utilized as automobile storage for automobile dealerships, erect approximately 1,500 linear feet of chain link fence, install approximately 15,790 sq. ft. of impervious asphalt driveway, and install related stormwater management systems on two parcels, particularly identified as SCTM Nos. 600-108-2-17.1 and 600-125-1-3.3, located at 1419 and 1423 Old Country Road, and Pulaski Street, within the Business Center (BC) zoning use district in the Hamlet of Riverhead; and

**WHEREAS**, the preliminary approval was granted with the following conditions:

1. That no site work shall begin nor shall Building Permits be issued until a Planning Board resolution granting Final Site Plan Approval is adopted and until all conditions of the Final Site Plan Approval Resolution are fulfilled.
2. That ten (10) sets of revised site plans must be submitted for review for Final Site Plan Approval and shall include the following:

- A. The revised site plan shall show the following revisions:
- i. The site plan shall be revised to include the Planning Board certification box on each page of the Final Site Plan.
  - ii. The site plan shall be revised to comply with the comments and requirements from the Town Engineer’s letters dated August 16 and August 17, 2017.
  - iii. The revised site plan shall show a sign at the Pulaski Street entrance that says “All Truck Traffic Exit Right on Pulaski Towards CR58.”
  - iv. The site plan shall be revised to reflect the merger of Lot 3 with either Lot 1 or Lot 2, and shall show the newly assembled parcels. Deeds shall be filed to effect such merger in a form acceptable to counsel to the Planning Board.
3. The remaining site plan fee, \$4,804.30 is paid at the time of final site plan submission.
  4. Submission of a clean title report in a form acceptable to the Town Attorney’s office.
  5. No final site plan approval shall be issued prior to the receipt of a Stormwater Pollution Prevention Plan (SWPPP), approved by the Town’s Stormwater Management Officer.
  6. Prior to final site plan approval, the disposal of the land clearing debris, including its recycling and transport to a NYSDEC approval location shall be identified; and

**WHEREAS**, by Resolution No. 2018-079, dated October 18, 2018, the Riverhead Planning Board granted a one year extension of the preliminary site plan approval, valid through October 5, 2019; and

**WHEREAS**, the parcels previously identified as SCTM Nos. 600-108-2-19.1 and 600-125-1-3.1 have been merged and retired and are now known as SCTM No. 600-125-1-3.3; and

**WHEREAS**, the site plan has been revised to comply with the Town Engineer’s comments; and

**WHEREAS**, in a letter dated March 28, 2019, the Town Engineer stated that the revised SWPPP has been reviewed by the Town and is hereby approved; and

**WHEREAS**, the required fees, in accordance with Town Code, have been paid in full; and

**WHEREAS**, a satisfactory title report has been submitted; and

**WHEREAS**, the Planning Department has received and reviewed a final site plan application, including a site plan, prepared and stamped by Jeffrey T. Butler, PE, last dated August 10, 2018; and

**WHEREAS**, the Planning Board has reviewed and considered the site plan, SEQRA record, and all information pertaining to the aforementioned application.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the final site plan application of L.S. Family, L.P. (Riverhead Ford Parking Lot), including a site plan, prepared and stamped by Jeffrey T. Butler, PE, last dated August 10, 2018 is hereby approved by the Planning Board with the following conditions:

1. That the provisions of the Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan.
2. That a covenant, in a form approved by the Town Attorney, containing all the limitations and provisions of these approvals contained in this resolution shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk.
3. That the form, design, location, and color of all signage shall be submitted for the sign permit procedure prior to being installed at the property (the site plan approval does not indicate approval of signage); that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Article XLVIII of the Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as any restrictions imposed as a condition of the site plan approval granted herein.
4. That any outdoor lighting shall be installed pursuant to Article XLIX of the Town Code and no lighting shall be adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways.
5. That the applicant is familiar with the Town Code, Chapter 251, Article III, entitled, "Rubbish, Refuse, and Rank Vegetation," and Chapter 245, Article I, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That parking, paving, and drainage shall be provided pursuant to specifications outlined in the Town Code.
7. That the parking area shall be maintained pursuant to specifications outlined in the Town Code.
8. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis.
9. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the



universal symbol affixed thereto. Further, by execution and filing of this document, L.S. Family, L.P., (owner), hereby authorizes and consents to the Town of Riverhead to enter the premises at 1419 and 1423 Old Country Road, Riverhead, NY, to enforce said handicapped parking regulations.

10. That all new utilities shall be constructed underground.
11. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation.
12. That all nursery stock and installation methods thereof shall meet the latest “American Standards for Nursery Stock,” as published by the American Association of Nurserymen.
13. The applicant must satisfy all requirements of the Building and Fire Code of New York State.
14. That the applicant shall be required to request, pay the applicable fees, and obtain all the necessary site inspections (including drainage improvements prior to backfill, grading and site improvements prior to the first lift of paving, and post-construction prior to the issuance of a certificate) as prescribed in §301-305F of the Town Code.
15. That no importation or exportation of materials will take place until a permit for such is obtained from the Town Board pursuant to §229-3A of the Riverhead Town Code.
16. That no Building Permit or shall be issued until the Chairman of the Planning Board signs a mylar copy of the plans, including a two page revised final site plan. Prior to the signature of the mylar, the following conditions shall be met:
  - i. The mylar plans shall not exceed the standard D size drawing (24” x 36”).
  - ii. Receipt of a digital copy of the two-page revised final site plan in a common computer-aided design (CAD) file format, among them DGN, DXF, and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long island FIPS 3104 (feet) coordinate system.
  - iii. Covenants to the satisfaction of the Town Attorney are submitted and filed (as indicated under item #2).
  - iv. The final site plan is revised to show a sign at the Pulaski Street exit that says “All Truck Traffic Exit Right on Pulaski St. Towards CR58.”
  - v. The final site plan is revised to include the Planning Board Certification box on each page of the site plan; and be it further

**RESOLVED**, that no Building Permit shall issue until:

L.S.Family, L.P (Riverhead Ford Parking Lot) – Final Site Plan Approval

1. The applicant receives a permit from the Suffolk County Department of Public Works, including the requisite 239F form to be sent from the Riverhead Building Department to the Suffolk County DPW.
2. The applicant received a permit from the Town of Riverhead Highway Department.
3. Protective measures are put in place to ensure the limits of clearing, as depicted on the approved final site plan, prior to any site disturbance.
4. The applicant identifies disposal location of the land clearing debris, including its recycling and transport to a NYSDEC approved location, and be it further

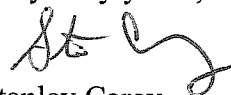
**RESOLVED**, that no Certificates of Occupancy shall be issued until the applicant submits six (6) signed and sealed as-built surveys, signed and sealed by a NYS Licensed Land Surveyor to the Planning Department pursuant to §301-303E of the Town Code and applies for and received all inspections as outlined in 301-305 F of the Town Code; and be it further

**RESOLVED**, that pursuant to section 301-303F of the Town Code of the Town of Riverhead, this final approval shall be valid for 36 months from the date of approval, and may be extended for one 12 month period, upon request of the applicant made at least 30 days prior to the expiration of the original 36 month period; and be it further

**RESOLVED**, that the Clerk of the Planning Board is hereby authorized to forward a copy of this resolution to Tom Williams, 1419 Old Country Road, Riverhead, NY 11901; the Riverhead Building Department; the Office of the Town Attorney; the Planning Board Attorney; and the Town Clerk; and be it further

**RESOLVED**, that 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.

Very truly yours,



Stanley Carey  
Planning Board Chairman

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

THE VOTE

BAIER  X  YES \_\_\_ NO O'DEA  X  YES \_\_\_ NO

NUNNARO  X  YES \_\_\_ NO DENSIESKI  X  YES \_\_\_ NO

CAREY  X  YES \_\_\_ NO

THIS RESOLUTION  X  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED



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April 4, 2019

John M. Wagner, Esq.  
Certilman Balin Adler & Hyman, LLP  
100 Motor Parkway, Suite 156  
Hauppauge, NY 11788

### **Resolution #2019-028**

**Grants Extension for Preliminary Major Residential Subdivision of Kaufold Farm  
2151 Main Road, Laurel, NY  
SCTM Nos. 600-48-03-20 & 25**

Dear Mr. Wagner:

The following resolution was duly adopted by the Town of Riverhead Planning Board at a meeting held on April 4, 2019;

**WHEREAS**, the Riverhead Planning Board is in receipt of a preliminary major residential subdivision of 18.3319 acres of land consisting of 15.4 acres of Prime Soils for the purpose of developing a six (6) lot clustered residential subdivision with lots 1 through 5 proposed for residential use and lot 6 proposed for agriculture and a farm house. Parcel A, which is located south of the Long Island Railroad tracks, cuts through the site, consists of 9.7593 acres. The subject property is located at 2151 Main Road (NYS Route 25) approximately 320 feet west of Laurel Lane in Laurel and south and north of the LIRR track system, in the RB-80 zoning use district, identified as SCTM #'s 600-48-03-20 and – 25; and

**WHEREAS**, a public hearing on the matter was held by the Riverhead Town Planning Board on February 7, 2019; and

**WHEREAS**, correspondence dated April 3, 2019 received from John M. Wagner, Esq. of Certilman Balin Attorneys, representative for the application, requested an extension of the action deadline for preliminary plat approval to May 16, 2019 pursuant to Section 276(5)(d)(iii)(1) of the New York State Town Law. Now, therefore be it

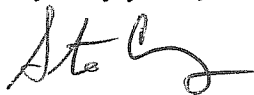
Kaufold Farm Major Residential Subdivision – Action Deadline Extension

**RESOLVED**, that the Town of Riverhead Planning Board hereby extends the action deadline of the preliminary Major Subdivision of Kaufold Farm to May 16, 2019; and be it further

**RESOLVED**, that the Clerk to the Planning Board hereby be authorized to forward a copy of this resolution to Counsel to the Planning Board; the Building Department; and, the Town Clerk; and be it further

**RESOLVED**, that 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.

Very truly yours,



Stanley Carey  
Planning Board Chairman

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

THE VOTE

BAIER  YES \_\_\_ NO    O'DEA  YES \_\_\_ NO

NUNNARO  YES \_\_\_ NO    DENSIESKI  YES \_\_\_ NO

CAREY  YES \_\_\_ NO

THIS RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED