

## TOWN OF RIVERHEAD PLANNING BOARD

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

*Stan Carey, Chairman*  
*Ed Densieski, Vice-Chair/Secretary*

*Richard M. O'Dea, Member*

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

March 7, 2019

Lee Browning, Sr.,  
Browning Hotel Properties, LLC  
2012 Old Country Rd.  
Riverhead, NY 11901

### RESOLUTION # 2019-016

APPROVES ADMINISTRATIVE SITE PLAN APPLICATION FOR NEW ACCESS DRIVEWAY  
FOR PROPERTY WITH THE HILTON GARDEN INN & MARRIOTT RESIDENCE INN, AT 2038  
OLD COUNTRY RD. & 2012 OLD COUNTRY RD., RIVERHEAD,  
SCTM NO. 0600-118-02-3.1

Dear Sir:

The following resolution was duly adopted at a meeting of the Town of Riverhead Planning Board held March 7, 2019:

WHEREAS, on December 21, 2017 the Town of Riverhead Planning Board adopted resolution No. 2017-125 dated December 21, 2017 approving an administrative site plan approval for an amendment for the Marriot Residence Inn (Phase II of the project known as Browning Hotel) for amendments to the site plan for relocation of a dumpster enclosure, reconfiguring curbed areas to prevent their being run over by vehicles, the addition of a generator, the addition of an irrigation well, the relocation of a refrigeration unit from the roof to adjacent to the southeast corner of the Marriot hotel, the relocation of handicapped parking stalls from the north to the south of the entrance to the Marriot Residence Inn building, landscaping changes, and the addition of two light poles adjacent to the pool and entrance to the Marriot Residence Inn building, upon real property of 303,453 sq. ft. on the north side of Old Country Rd., across from the Long Island Expressway (LIE) exit ramp and east of the looped LIE entrance ramp, with two hotels, a Hilton Garden Inn at 2038 Old Country Rd. and a Marriot Residence Inn at 2012 Old Country Rd., located in the Destination Retail Center (DRC) Zoning District in Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-118-02-3.1; and

WHEREAS, the site plan application for the approval detailed above also proposed an access to Old Country Rd. to the west of the existing access in a location which was part of phase I of the development and includes the existing Hilton Garden Inn; and

WHEREAS, the amended site plan application had been referred to the Suffolk County Department of Public Works (SCDPW) for review of the proposed access as shown on the amendment, however, there was not time for a formal response prior to approval of resolution No. 2017-125; and

WHEREAS, Planning Board resolution No. 2017-125 dated December 21, 2017 included as condition that the approval that it does not include the proposed new access from Old Country Rd. and that this proposed access shall be included in a new application for an amended site plan that shall show the associated grading, details on the associated retaining walls, the location of the new traffic signal, and revises the parking calculation table on the Zoning Details & Floor Area Schedule to reflect the parking stalls to be deleted to accommodate the access.

WHEREAS, a Certificate of Occupancy was subsequently issued for the Marriot Residence Inn so the new application would be considered a site plan application instead of an amended site plan application; and

WHEREAS, the proposed access will require a portion of the curbed island in the center of Old Country Rd. to be removed, the addition of an eastbound dedicated left turn lane, and the installation of a traffic signal; and

WHEREAS, Planning Board resolution #2012-0008 dated January 5, 2012 approving a site plan for Browning Hotel Properties construct a Marriot Residence Inn Hotel building, as modified from a previous two-phased site plan for a Hilton Garden Inn hotel and a Marriot Residence Inn hotel as approved by Riverhead Town Board resolution No. 855 dated September 19, 2006; which was amended by Planning Board Resolution No. 62 dated July 17, 2008, required the redemption of 36.23 Agricultural Preservation Credits for the construction of the phase II hotel, the Marriot Residence Inn; prior to the issuance of a Building Permit; and

WHEREAS, the transfer of the 36.23 development rights required to construct the Marriot Residence Inn were conveyed from p/o Suffolk County Tax Map Number 0600-044-2-10.12 (Delalio Sod Farms, LLC) from Certificate of Development Rights #22 to Suffolk County Tax Map Number 0600-118-2-3.1 (Browning Hotel Properties) and the assignment was recorded by the Suffolk County Clerk as Liber D00012869 and Page 994 on July 1, 2016; and

WHEREAS, the new site plan application was referred to the Suffolk County Department of Public Works (SCDPW) for review of the proposed access as shown; and

WHEREAS, the applicant proposes this second access as a voluntary measure not required by the Town; and

WHEREAS, the applicant has provided a Traffic Impact Assessment for Browning Hotels dated July 2016 prepared by L. K. McLean Associates, P. C. which concludes the following:

1. Based on the analyses performed in the study, the traffic generated by the proposed development will not create any adverse traffic capacity impacts within the vicinity of the site.
2. Based upon the traffic signal warrant analysis which was completed, traffic conditions at the proposed signalized site access on the west side of the property satisfied three minimum warrants indicating the need for the installation of a traffic signal.
3. Providing an exclusive eastbound left turn lane at the proposed signalized entrance will improve the safety of motorists entering the hotels as well as minimizing the number of illegal U-turns currently taking place, which has the potential of reducing accidents that could occur in the future.

WHEREAS, in a letter dated March 29, 2018 the Suffolk County Department of Public Works indicated that agency had reviewed the site plan and offered the following comments:

1. A permit from this Department will be required pursuant to Section 136 of the Highway Law for the proposed access and any improvements this Department deems necessary along the County right-of-way.
2. Before a permit is issued by this Department for these improvements, documents pursuant to Section 239F of the New York State General Municipal Law must be forwarded from the Town Building Department for our review and comments.
3. All sidewalk, driveways and handicapped ramps must be ADA compliant. Refer to NYSDOT Standard Sheets for Ramps and Driveways at <https://www.dot.ny.gov/main/business-center/engineering/cadd-info/drawings/standard-sheets-us/608>. Plans must show grades at driveways, ramps and sidewalks to provide compliance.
4. Revise plan to show ADA compliant handicap ramps at eastern access of property.
5. An impact fee will be required.

WHEREAS, as per e-mail correspondences from the New York State Department of Transportation dated May 15, 2018 and May 17, 2018, that agency indicated that Suffolk County has maintenance jurisdiction of the applicable highway segment and no NYSDOT permit will be required as long as the NYSDOT I-495 easement within the County Route 58 corridor is not impacted, but indicated that for the proposed signal, a fully protected left turn into the Hilton at the proposed signal should be considered; and

WHEREAS, the easement itself is not proposed to be modified although work is proposed within it; and

WHEREAS, as per e-mail correspondence from the Suffolk County Department of Public Works dated May 17, 2018 the County indicated a fully protected eastbound left turn phase did not appear necessary for the traffic signal, but this would be reevaluated once the signal is operational; and

WHEREAS, as per e-mail correspondence from Suffolk County Department of Public Works, dated May 17, 2018, a fully executed traffic signal maintenance agreement must be in place between the Town and Suffolk County Department of Public Works before a Highway Permit will be issued; and

WHEREAS, in a letter dated March 16, 2018, the Suffolk County Planning Commission indicated that the project was considered a matter for local determination as there appears to be no significant county-wide or inter-community impact(s); and

WHEREAS, a public hearing was held on July 5, 2018; and

WHEREAS, code section 301-210 of the Town Code previously allowed in the event that preservation credit certificates were to be applied to commercial development as set forth in this chapter, the agency responsible for commercial site plan approval shall have the authority to vary the development standards set forth in this chapter, including but not limited to parking, floor area ratio and lot coverage requirements. The agency responsible for commercial site plan approval shall utilize the standards set forth in 267-b of the Town Law of the state of New York in determining whether to vary development standards as set forth herein; and

WHEREAS, Town Board Resolution #637 dated August 7, 2018 Adopting a Local Law Amending Chapter 301, Entitled, “Zoning and Land Development” was approved to address the failure of the Town of Riverhead to comply with the referral requirements of General Municipal Law 239-m regarding the Transfer of Development Rights Local Law; and .

WHEREAS, the August 7, 2018 amendment of the Transfer of Development Rights (TDR) Local Law inadvertently removed Town code section 301-210; and

WHEREAS, although this specific provision was inadvertently removed from the code during the readopting of the TDR Code by clerical error, the orderly interpretation of the TDR Code, by the Planning Board as the Board designated to apply the TDR Code, permits interpretations necessary for site specific application of TDRs through the site plan approval process by the Planning Board; and

WHEREAS, the applicant seeks approval for existing LED luminaires that are 4,000 Kelvin which do not comply with Article XLIX of the Town Code, in that Section 301-259G(11) as amended on April 17, 2018 prohibits exterior LED light fixtures exceeding 3,000K.; and

WHEREAS, this site plan results in 242 parking stalls down from the required 253, a reduction of 11 parking stalls, 6 of which are to be removed to add the new access, four of which were required to be striped as “no parking” areas for access to fire hydrants subsequent to site plan approval, and one of which was previously included due to an error on the survey; and

WHEREAS, the Planning Board as the agency responsible for commercial site plan approval finds that varying the existing 4,000 Kelvin lighting is acceptable since preservation credits were previously used and the 4,000 Kelvin lighting was in compliance with the Town code at the time of approval; and

WHEREAS, the Planning Board finds varying the amount of parking from 253 to 242 stalls to be acceptable since preservation credits were previously used and due to the safety improvements the traffic signal will provide; and

WHEREAS, the Town Engineer in a memo dated June 11, 2018 indicates that all drainage inspections will incorporate review of the NYSDEC approved Stormwater Pollution Prevention Plan (SWPPP) and all controls for compliance. Failure to maintain compliance with the stormwater general permit will result in a Stop Work Order from the Town; and

WHEREAS, the Planning Board has carefully considered the merits of the administrative site plan application, the SEQRA record to date, the changes to the approved plan, as well as all other relevant Planning, Zoning and Environmental information; and

WHEREAS, the site plan review fee, as required by Section 301-305G(2) of the Code of the Town of Riverhead was received as per check number 1644 from Browning Hotel Properties, LLC dated February 27, 2018.

NOW, THEREFORE, BE IT RESOLVED, that in the matter of the amended site plan application of Marriot Residence Inn aka Browning Hotel the project is Type II action pursuant to 6NYCRR Part 617 and no further environmental review is required; and

BE IT FURTHER RESOLVED, that the twelve-page administrative site plan including five pages last revised January 4, 2019, prepared by Eshwar Kosuri, P. E., including a Cover Sheet, an Existing Conditions Plan (C-001.03), a Site Plan Proposed Access Driveway (C-002.03), a Landscape Plan Proposed Access Driveway (C-003.03), a Lighting Plan (C-004.03), and seven pages dated June 2017, prepared by L. K. McLean Associates, P. C. including Typical Sections-2, Miscellaneous Details 1, Miscellaneous Details 2, Retaining Wall Elevations -1, Retaining Wall Elevations-2, Grading & Alignment Plan, and Traffic Signal Plan are hereby approved by the Planning Board with the following conditions:

1. That no work shall commence within the right-of-way of Old Country Rd. (County Route 58) until a Highway Work Permit is obtained from the Suffolk County Department of Public Works.
2. That the applicant shall request, pay the applicable fees, and obtain all the necessary site inspections as applicable (including drainage improvements prior to backfill, grading and site improvements prior to the first lift of paving, after the first lift of paving, and post-construction prior to the issuance of a certificate).

3. That all construction shall maintain compliance with the NYSDEC Stormwater General Permit.
4. That no importation or exportation of materials will take place unless a permit for such is obtained from the Town Board pursuant to Chapter 62 of the Riverhead Town Code.
5. That erosion and sediment controls are installed prior to any construction or site disturbance.
6. That Dig Safely New York Call 811 shall be called prior to the commencement of any work to mark out utilities.
7. That no clearing or site work shall commence or Building Permit (temporary or permanent) shall issue until the Chairman of the Planning Board signs a mylar copy of the site plan which is contingent the following:
  - a. That the mylar site plan shall:
    - i. Not exceed the size of a standard D size drawing (24" x 36").
    - ii. Include a Planning Board Certification Box on each page including those prepared by L. K. McLean Associates, P. C.
    - iii. Include page 15 (Sidewalk Ramp Details) and page 26 (Pavement Marking & Signing Plan) of the plans by L. K. McLean Associates, P. C. for a total site plan of 14 pages.
    - iv. Include the applicable engineer's seal and signature on each page, including the Traffic Signal Plan, Sidewalk Ramp Details page, and Pavement Marking & Signage Plan.
    - v. Show the locations of and label all handicapped accessible signage for both hotels.
    - vi. Show the locations of "no parking" signage that shall be installed for all handicapped access aisles and label them as "no parking signs to be installed as per detail."
    - vii. Provide the missing parking subtotals on the drawings for the handicapped parking stalls, six in front of the Hilton, for the two in front of the Marriot, and for the two behind the Marriot.
    - viii. Indicate in the Description column in the Lighting Schedule that the new proposed pole for the H6 luminare, described as a 16 ft. square new pole on 6 in. concrete footing, will be cut to 15 ft. 6 in. as listed in the Label and Catalog Number columns.
    - ix. Correct conflicts between the Site light Pole Elevation detail which shows the concrete base will be 6 in. above grade if the pole is in a landscaped area and the concrete base will be 2 ft. above grade if the pole is in a paved area, and the Lighting Plan, which shows two new poles are proposed in landscaped areas, but one is on a 6 in. base and one is on a 2 ft. base as per the Lighting Schedule.

- x. Remove the extraneous asterisks from the Zoning Schedule (four next to the Hilton Garden Inn and one next to the building height) and provide a single asterisk next to the 37.68% floor area ratio listed under the column heading Maximum with Transfer of Development Rights (%) and add the following footnote “\*36.23 development rights previously conveyed.”
- b. Receipt of six paper plans matching the 13-page mylar site plan.
- c. Receipt of a digital copy of the site plan matching the mylar 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.
- d. That a future cross access agreement along the shared property line with the adjacent parcel to the west to the satisfaction of the Town Attorney is filed with the Suffolk County Clerk.
- e. Receipt of a fully executed traffic signal maintenance agreement between the Town and Suffolk County Department of Public Works.
- f. That a covenant is submitted containing all the limitations and provisions of this resolution to the satisfaction of the Town Attorney and the approved covenant is recorded with the Suffolk County Clerk and the recorded covenant is submitted to the Town Attorney for filing with the Riverhead Town Clerk.

BE IT FURTHER RESOLVED, that pursuant to section 108-129F of the Riverhead Town Code, this site plan approval shall be valid for 36 months from the date of approval with the possibility of one 12-month extension by the Planning Board, upon a request of the applicant in writing made at least 30 days prior to the expiration of the original thirty-six month period; and

BE IT FURTHER RESOLVED, that the Clerk for the Planning Board is hereby authorized to forward a certified copy of this resolution to Eshwar Kosuri, P. E., ; the Riverhead Building Department; the Town Attorney; the Town Clerk; the Town Assessor; the Town Engineer; the Fire Marshall; the Water District Superintendent, and the Sewer District Superintendent.

Very truly yours,  
PLANNING BOARD



Stanley Carey  
Chairman

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

THE VOTE

BAIER  X  YES \_\_\_ NO \_\_\_ CAREY  X  YES \_\_\_ NO \_\_\_

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

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

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





# 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*

March 7, 2019

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

**Resolution No. 2019-017**  
**Deems Supplemental Environmental Impact Statement for Site Plan,**  
**Subdivision, and Special Permit for sPower Calverton Complete**  
**and Authorizes Circulation to Involved Agencies**  
**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 March 7, 2019;

**WHEREAS**, the Riverhead Planning Board, by resolution No. 2018-077, dated October 4, 2018, issued a Positive Declaration pursuant to SEQRA for the preparation of a Supplemental Environmental Impact Statement for a minor subdivision of land, site plan, and special permit application for the construction of a 20 megawatt solar photovoltaic energy production facility proposed on the west side of Peconic Avenue, south of Middle Country Road, Calverton, NY, described as SCTM No. 600-116-1-7.2 and SCTM No. 600-98-1-21.1 located within the Industrial C (IC) zoning use district; and

**WHEREAS**, Town of Riverhead Planning Board, as Lead Agency, has prepared, or caused the preparation of, a Supplemental Environmental Impact Statement (SEIS), last dated March 1, 2019, and has deemed the SEIS complete per SEQRA requirements and recommends acceptance. Now, therefore be it

**RESOLVED**, that the Riverhead Planning Board hereby accepts the SEIS as complete; and be it further

**RESOLVED**, the Town of Riverhead Planning Board hereby authorizes the Planning Department to place the SEIS on the Town's website for public review and forward a copy of the resolution and attachments to all involved agencies, file the SEIS with the Town Clerk, circulate the SEIS to involved agencies for coordinated review, and make available the paper copy of the SEIS for public comment at

the Office of the Town Clerk, the Planning Department and the Riverhead Library and place notice in the NYSDEC Environmental News Bulletin; and be it further

**RESOLVED**, that the clerk of the Planning Department is hereby authorized to forward a copy of this resolution to David Wortman of VHB, 100 Motor Parkway, Suite 135 Hauppauge, NY 11788; 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 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. Densieski 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



# 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*

March 7, 2019

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

**Resolution No. 2019-017**  
**Deems Supplemental Environmental Impact Statement for Site Plan,**  
**Subdivision, and Special Permit for sPower Calverton Complete**  
**and Authorizes Circulation to Involved Agencies**  
**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 March 7, 2019;

**WHEREAS**, the Riverhead Planning Board, by resolution No. 2018-077, dated October 4, 2018, issued a Positive Declaration pursuant to SEQRA for the preparation of a Supplemental Environmental Impact Statement for a minor subdivision of land, site plan, and special permit application for the construction of a 20 megawatt solar photovoltaic energy production facility proposed on the west side of Peconic Avenue, south of Middle Country Road, Calverton, NY, described as SCTM No. 600-116-1-7.2 and SCTM No. 600-98-1-21.1 located within the Industrial C (IC) zoning use district; and

**WHEREAS**, Town of Riverhead Planning Board, as Lead Agency, has prepared, or caused the preparation of, a Supplemental Environmental Impact Statement (SEIS), last dated March 1, 2019, and has deemed the SEIS complete per SEQRA requirements and recommends acceptance. Now, therefore be it

**RESOLVED**, that the Riverhead Planning Board hereby accepts the SEIS as complete; and be it further

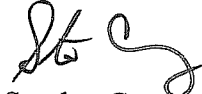
**RESOLVED**, the Town of Riverhead Planning Board hereby authorizes the Planning Department to place the SEIS on the Town's website for public review and forward a copy of the resolution and attachments to all involved agencies, file the SEIS with the Town Clerk, circulate the SEIS to involved agencies for coordinated review, and make available the paper copy of the SEIS for public comment at

the Office of the Town Clerk, the Planning Department and the Riverhead Library and place notice in the NYSDEC Environmental News Bulletin; and be it further

**RESOLVED**, that the clerk of the Planning Department is hereby authorized to forward a copy of this resolution to David Wortman of VHB, 100 Motor Parkway, Suite 135 Hauppauge, NY 11788; 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 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. Densieski 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