

TOWN OF RIVERHEAD PLANNING BOARD

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

Richard M. O'Dea, Chairman
Joseph H. Baier, Vice-Chair/Secretary

Stanley Carey, Member

Ed Densieski, Member
Lyle Wells, Member

May 15, 2014

Lisa Miller
110 Cliff Road East
Wading River, NY
11792

**Re: Chapter 12 permit of Lisa Miller,
104 Cliff Road East. SCTM 0600-27-3-19.3**

Dear Ms. Miller:

The following resolution was duly adopted by the Town of Riverhead Planning Board at a meeting held on May 15, 2014:

**Resolution No. PB.2014.0039:
Chapter 12 permit of Lisa Miller**

WHEREAS, the Riverhead Planning Board is in receipt of a petition pursuant to Chapter 12 of the Town Code from Lisa Miller to partially demolish the foundation and garage of an existing one and one half story single family dwelling and fully demolish the home, constructing a two story single family dwelling in its place with a second story cantilevered balcony and a seaward deck on the subject 0.49ac. parcel zoned Residence B-80 and known as SCTM 0600-27-3-19.3, and

WHEREAS, the submission meets the minimal requirements of these petitions including an EAF and original survey plans and has also demonstrated the absence of jurisdiction of the NYSDEC under tidal wetlands law, and

WHEREAS, the applicant was directed by the administrator Planning Board to seek relief from the strict application of Chapter 12; the intent being considered new development in the Erosion Hazard Area and not allowed under Section 12-14A.(2), and

WHEREAS, the Zoning Board of Appeals in its function as the Erosion Hazard Board of Review issued its determination by Appeal No. 14-24, dated 4/24/14 granting that relief as sought without condition, and

WHEREAS, the Riverhead Conservation Advisory Council in its advisory capacity pursuant to General Municipal Law Section 239-x and Section 12-28B.(2) has called for containment of roof runoff, now

THEREFORE, BE IT

RESOLVED, that the Chapter 12 petition of Lisa Miller for reconstruction of a single family dwelling as shown on Survey of Lots 55, 56, 57, 58 & P/O 59 Map of Wildwood Hills, by Nathan Taft Corwin III, LS, dated 6/10/13 and revised 12/10/13 to add proposed additions and certified to Lisa Marie Miller be approved, and

BE IT FURTHER

RESOLVED, that the action be considered Type II pursuant to 6NYCRR Part 617.5(c)(9)(10)&(12) as residential and residential accessory construction and as granting setback variances for a home, and

BE IT FURTHER

RESOLVED, That this approval is subject to the following terms and conditions:

1. A copy of this resolution, which shall represent the Town's authorized approval under Chapter 12, shall together with the plans cited above be available for inspection at the work site when work is in progress. The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by authorized representatives of the Town of Riverhead to determine whether the permittee is complying with this permission. Such representative may order the work suspended pursuant to Section 12-31 of the Town Code. The permittee shall require that any contractor, project engineer or other person responsible for the overall supervision of this project reads, understands and complies with this permit and all of its conditions. Any failure to comply precisely with the terms and conditions of this permit, unless authorized in writing, shall be treated as a violation of the Town Code. If any of the permit conditions are unclear, the permittee must contact the Riverhead Planning Department at the letterhead address or by telephone at (631) 727-3200, ext. 207;

2. If the permittee intends to undertake any project design modifications after permit issuance, the permittee must submit the appropriate plan changes to the Riverhead Planning Department for approval prior to undertaking any such changes. The permittee is advised that substantial modification may require submission of a new permit application. This approval is specified for a one year duration from the 4/24/14 date of Appeal No. 14-24. To ensure its uninterrupted coverage, any request for renewal should be made at least 30 days prior to expiration. Pursuant to Section 12-23, construction allowed by variance granted by the Coastal Erosion Hazard Board of Review must be completed within one year from the date of their approval. Variance expires at the end of that period without further hearing or action by the Coastal Erosion Hazard Board of Appeals;

3. The permittee has expressly accepted by the execution of the application, the full legal responsibility for all damages, direct or indirect, of whatever nature and by whomever suffered, arising out of the project described herein and has agreed to indemnify and save harmless the Town of Riverhead from suit, actions, damages and costs of every name and description resulting from said project. This permit shall not be construed as conveying to the applicant any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work or as authorizing the impairment of any rights, title or interest in real or personal property held or vested in a person not a party to the permit. The permittee is responsible for obtaining any other permits,

approvals, lands, easements and rights of way which may be required for this project including a permit from the Riverhead Building Department;

4. All construction and demolition debris shall be removed completely from the site and disposed of at an approved upland location. Disposal of debris in tidal wetlands, waters, adjacent area or Erosion Hazard Area is prohibited. Contamination of tidal wetlands and the waters of New York State by sediments or any other environmentally deleterious materials associated with the project is prohibited;

5. Except as required for construction access, the applicant shall erect and maintain a continuous, suitable sediment barrier such as staked haybales across the site between the construction activity and the public road and shall vegetatively stabilize all disturbed areas with vegetation as soon as possible. The barrier shall remain in place until vegetation has taken hold. The applicant is further directed to employ drainage rings or similar provisions for positive control and containment of roof runoff;

6. The applicant is lastly advised of the possible presence of an invasive plant species on the property's bluff face which could in the future become detrimental to the subject and adjacent lots. It is strongly recommended that the services of a landscape architect with invasive plant expertise be retained to identify the species and its propensity for aggressive growth and property damage and as appropriate, to fashion a plan for removal and for replanting with suitable maritime species.

**A motion was made by Mr. Wells and seconded by Mr. Baier that the
aforementioned resolution be duly adopted:**

THE VOTE

BAIER X YES ___ NO CAREY X YES ___ NO

WELLS X YES ___ NO DENSIESKI ABSENT

O'DEA X YES ___ NO

THIS RESOLUTION X WAS ___ WAS NOT

THEREFORE DULY ADOPTED

Very truly yours,

Richard O'Dea, Chairman
Riverhead Planning Board

CC: Building Department
Rich Downs



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Lyle Wells, Member

May 15, 2014

James V. DeLucca, R.A.
12 Linda Lane East
Riverhead, NY 11901

Special Use Permit Petition of Dr. Jeffrey Nazar **RESOLUTION NO. 2014-0040**

Dear Mr. DeLucca;

The following resolution was duly adopted as amended at a meeting of the Town of Riverhead Planning Board held on May 15, 2014.

WHEREAS, the Riverhead Town Board is in receipt of a special use permit petition from Dr. Jeffrey Nazar to expand a non-conforming medical office use upon real property located at Main Road, Aquebogue, New York, such real property more particularly described as SCTM No. 0600-85-2-96.6; and

WHEREAS, the Riverhead Town Board held a public hearing on the subject special permit for the purpose of hearing objections, criticisms and protests against the approval of the subject special use permit; and

WHEREAS, several commentators voiced concerns with regard to significant adverse impacts of the proposed development upon neighboring residential structures resulting from stormwater runoff and groundwater hydrology; and

WHEREAS, the Town Board held the public hearing open until such time as a report upon stormwater and hydrogeologic conditions and impacts was issued by the Riverhead Planning Board; and

WHEREAS, in the matter of the special use permit petition of Dr. Jeffrey Nazar, the Riverhead Planning Board is in receipt of the following reports and memorandums (attached):

- (i) Memorandum of Drew Dillingham, P.E. dated January 27, 2014 to Supervisor Walter;
- (ii) Report of Jeffrey A. Hartman, P.E. dated January 14, 2014;
- (iii) Memorandum of Vincent Gaudiello dated March 5, 2014; now

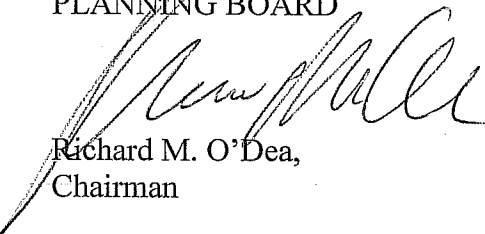
THEREFORE, BE IT

RESOLVED, that the Riverhead Planning Board, upon a careful review of the aforementioned, hereby recommends that the special use permit of Dr. Jeffrey Nazar be granted in that both identified stormwater and hydrogeologic impacts related to the proposed development can be mitigated through the contemplated Planning Board site plan review; and

BE IT FURTHER

RESOLVED, that a copy of this resolution be transmitted to Diane Wilherm, Town Clerk and 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,
PLANNING BOARD



Richard M. O'Dea,
Chairman

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

THE VOTE

BAIER YES ___ NO CAREY YES ___ NO

WELLS YES ___ NO DENSIESKI ABSENT YES ___ NO

O'DEA ___ YES ___ NO

THIS RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED



ENGINEERING DEPARTMENT

200 Howell Avenue
Riverhead, New York 11901
(631)727-3200, Ext. 201
Fax: (631)369-7739

Kenneth Testa, P. E.
Town Engineer
Drew Dillingham, P.E.
Assistant Town Engineer

email: testa@townofriverheadny.gov

email: dillingham@townofriverheadny.gov

MEMORANDUM

To: Sean Walter, Supervisor
From: Drew Dillingham
Date: January 27, 2014
Re: Nazar Commons

This memorandum presents the results of the Drainage Report review conducted by the Engineering Department for the above-referenced site per your request. The review is based on Nazar Commons; 189 Main Road; Aquebogue, New York; Drainage Report, dated January 14, 2014, and Survey of Lot 6; Map of the North End Situate at Aquebogue; Town of Riverhead; Suffolk County, New York; S.C.T.M. Dist. 0900 Sec. 85 Blk. 02 Lot 96.6 dated June 8, 2011.

The following information must be provided by the applicant to render a complete determination from the drainage analysis for the proposed construction:

- In Tributary Area 4:
 - Please indicate the discrepancy in the Drainage Calculations on the plan between the 16,762 square feet indicated as the tributary area and the 12,186 sf used to determine the required volume of the proposed dry wells.
- In Tributary Area 5:
 - Please indicate the purpose of the two most northeasterly drainage lines which do not terminate in a structure – one line ends in open space and the other ends at the curb.
 - Please indicate the purpose of the line originating in the center of the sanitary leaching pools and terminating north at the curb.
 - Indicate whether storm flows will be discharged from the open ends of these lines.
 - Please resolve the apparent conflict between dry well piping and the most westerly proposed 18" culvert beneath the driveway.

- Provide evidence that the three proposed culverts beneath the driveway will safely convey the peak flow from the tributary area to the downstream wetland for a two inch storm.
- Please provide a detail of a typical leaching pool showing depth to the top of the first ring such that the elevation of the bottoms of the pools may be determined.
- Please provide an analysis showing that runoff from a two inch storm from those portions of the tributary area that will not be collected within any developed area will be held within the existing on-site wetland without impinging upon surrounding properties.

With the exception of the information described above that must be addressed by Nazar Commons, it is the determination of the Engineering Department that flooding from the proposed development will not impact surrounding properties. This determination is based on a two inch rainfall which is the design storm codified by Town Code.

Runoff from the existing and proposed developments is/will be captured within dry wells and infiltrated to the groundwater. Any runoff from the remainder of the tributary area is currently discharged to the existing wetland and will continue to discharge to this location.

Should you have any questions concerning our comments and/or the status of the work, feel free to contact me.

Cc: Planning Board, Town of Riverhead
Building Department, Town of Riverhead
Vinnie Gaudiello, P.E., The Raynor Group

NAZAR COMMONS
189 MAIN ROAD
AQUEBOGUE, NEW YORK
DRAINAGE REPORT

JAN 16 PM 12 04

DESCRIPTION

The subject site improvements being proposed are required by the Town of Riverhead (T.O.R) "Site Plan Regulations." A new single story 3,575 sq. ft. office building would be constructed on the site currently consisting of two one story commercial buildings with an aggregate gross footprint area of 7,185 sq. ft. The site has a total area of 109,568 sq. ft. (2.515 acres) and currently is covered by 29,371 sq. ft. of impervious area consisting of roofing, parking and walkway. The proposed additional development will increase surface area by 9128 square feet.

As shown on Exhibit 1 "Survey of Lot 6 Map of North End Situated at Aquebogue Town of Riverhead, N.Y." SCTM Dist. 900 Sect. 85 Blk. 02 Lot 96.6, the existing building and site improvements will be serviced by a new system of shallow drywells designed to T.O.R. standards. The original system has not been considered in the design.

The entire site, including existing and proposed facilities require 117.8 vertical feet of 10 foot diameter dry well capacity while the proposed drainage specified provides for 140 vertical feet of 10 foot diameter drywell capacity or approximately 19% above the required drainage requirements or the equivalent of a 2.38 inch rain storage capacity. These wells were designed to filter the stored volume through a permeable soil, finally discharging into the ambient groundwater. The system is also provided with an overflow to allow for excess surface runoff above the design rainfall and discharge into an undisturbed existing "low area" as identified on Exhibit 1. The "low area" is the existing low point on the site and has been, historically, the sump area for site runoff and infiltration into the ground water.

GROUNDWATER FLOW

Groundwater movement from the site is in a southeast direction towards Flanders Bay. A boring, performed by McDonald Geoscience April 25, 2011, measured groundwater depth at elevation 12.4' NAVD 1988 Datum. (See Exhibit 1)

Prior studies of "Areas Contributing Ground Water to the Peconic Estuary..."* performed by the USGS and in cooperation with the Suffolk County Department of Health Services (SCDHS) accumulated data from nearby groundwater monitoring wells. Wells showed maximum ground water fluctuations from year to year of four feet.

*U.S. Geological Survey,(USGS) "Areas Contributing Ground Water to the Peconic Estuary, and Ground Water Budgets for North and South Forks and Shelter Island, Eastern Suffolk County, New York" 1997

Joe Hall

A windshield review of the adjacent residential dwelling units bordering the proposed project revealed the lowest finish first floor elevations were located on Trout Brook Lane Lots 2, 3 and 4.

Martin Hand L.S. was commissioned to determine the elevations of these three first floor elevations to 1/10th of a foot in the 1988 datum. The three floor elevations for Lot 2, 3 and 4 are 22.4, 22.7 and 21.3 respectively. Currently, information has not been forthcoming as to whether basements and/or crawl spaces exist in the three referenced dwelling and if the basements exist, whether the floor elevations are in contact with the ground water. Assuming the ground water elevation may vary as much as 4 feet, depending on the amount and frequency of rainfall in the area, and assuming that each basement has a vertical elevation difference between the finished first floor elevation, and the basement slab of 8 feet, ground water elevations may rise to elevation 16.4' +/- and the basement slab elevations based on the given assumption could be at elevation 14.4, 14.7 and 13 for Lot 2, 3 and 4 respectively. Based on these assumptions and that provisions were not made in these units to protect against ground water intrusion, the potential for current and past groundwater intrusion into these basements would be very high.

STORMWATER MANAGEMENT

Additional storm water storage in the proposed drywells would constitute storage of 3,605 cu. ft. of water storage from a 2" rainfall, which would then filter into the ground water.

Any rainfall event with greater than 2 inches of rainfall would be subject to the intensity of the storm and the soil permeability to determine if additional water would drain into the drywell system or create surface runoff.

The introduction of these drywells does not have any substantive effect on groundwater elevation. The purpose of the drywells is to prevent flooding within the building, parking lot and walkway areas by quickly removing the storm water into storage wells, followed by the filtration of the runoff into the ground water in a more distributive and controlled rate than that which now exists. The same basic quantities of water are being discharged to the ground water. Currently the discharge is collecting at the "low area" as shown on Exhibit 1 while the proposed drainage system disburse the drainage. The expected permeability of the groundwater based on the boring and knowledge of the area is less than 10⁻³ cm/sec. Therefore, the massive ground water movement to the southeast* is at an average estimated velocity of about 3 feet per day which is more than adequate for the filtering of and disbursement of the runoff into the groundwater without causing any increase to ground water elevations above current levels to the surrounding downstream lots. Since the injection of the rainfall would be less concentrated due to the disbursed nature of the system, the potential for localized spikes to the ground water elevation would tend to decrease.

Site Plan Memo

PLANNING DEPARTMENT, TOWN OF RIVERHEAD

PROJECT: Nazar Commons – Site Plan (Aquebogue)
S.C.T.M. Parcel No. 0600-085.00-02.00-096.006

TO: Richard Hanley, Planning Director

FROM: Vincent A. Gaudiello, P.E.

DATE: March 5, 2014

As requested and in connection with the Special Permit Application, we have reviewed the above referenced site plan drawing prepared by Hands on Surveying and James V. DeLucca, Architect last dated August 26, 2013 and the Drainage Report prepared by Jeffrey A. Hartman, P.E. dated January 14, 2014.

Our comments and observations relating to drainage design and groundwater hydrology are as follows:

1. The drainage design is proposed in a manner that could conform to the design standards and requirements of the Town Code.
2. We concur with the comments issued by the Town Engineering Department dated January 27, 2014 and that the comments would need to be satisfactorily addressed.
3. Invert elevations for the three (3) proposed drainage culvert pipes need to be called out on the plans.
4. The vertical datum for the elevations shown on the site plan is referenced to be approximately NAVD 1988. The applicant's surveyor should quantify the approximation of the vertical datum.
5. No objection is taken to the opinion expressed in the Drainage Report that "the modification to the current drainage pattern by the proposed development would not have a substantive affect on groundwater movement or increase in elevation" in the area.

At this time our review and comments relating to the subject project have been solely limited to the drainage design on a theoretical basis. We note that during the Site Plan Application process a full engineering analysis of all the site plan improvements would be undertaken.

The Raynor Group, P.E. & L.S. PLLC

Should you have any questions concerning our comments and/or the proposed drainage design and report, please do not hesitate to contact us.

VAG

copy: Town Board
Planning Board
Jefferson V. Murphree, Town Building and Planning Administrator
Drew E. Dillingham, P.E., Assistant Town Engineer



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Lyle Wells, Member

May 15, 2014

Peter Danowski
Attorney at Law
616 Roanoke Avenue
Riverhead, NY 11901

Approves Amendment to Site Plan of
The Shops at Riverhead (Heritage-Riverhead Retail Developers, LLC)
Resolution No. 2014-0041

Dear Mr. Danowski;

The following resolution was duly adopted as amended by the Town of Riverhead Planning Board at a meeting held on May 15, 2014:

WHEREAS, on December 6, 2012 the Planning Board approved a site plan application submitted by Heritage-Riverhead Retail Developers, LLC to allow the construction of 271,765 square feet of Destination Retail land use to include a warehouse club (with dispensing of fuel), retail uses and a bank, together with associated site improvements upon real property located at Old Country Road, Riverhead, New York, known and designated as Suffolk County Tax Map Numbers 0600 101-1-3, 119-1-p/o 6 and 119-1-p/o 5.1; and

WHEREAS, the aforementioned approved plans showed certain final grade elevations over the entire site and called for a "balanced cut and fill" plan where in the entire site would be graded so that there would be no need for the importation or exportation of material at the site; and

WHEREAS, after the signing of the mylar and the issuance of a building permit work commenced at the site; and after clearing the property and the construction of the warehouse club and associated site improvements commenced it was discovered that due to the existence of more material than originally estimated the site could not be graded in conformance with the approved plan; and

WHEREAS, the applicant has also determined that it no longer wants to immediately construct the approved retail buildings that are shown on the approved site plan to be located near the eastern boundary of the property; and

WHEREAS, the applicant has submitted an application to amend to the approved site plan wherein the applicant has proposed, 1) amending the grading plan so that the grade within the Phase 2 Area - Future Development Area (± 10.3 acres) is raised approximately 3.5 feet using the onsite surplus soils (69,872 CY), 2) spreading the stockpiled topsoil that exists onsite (16,672 CY) within the Phase 2 Area and the unfinished portion of the Phase 1 Area (± 10.3 acres), 3) has provided a temporary landscaping plan for the unfinished portion of the Phase 1 area., 4) modified the design and specification for the perimeter fencing to six-foot high chain link with privacy screen (slates) along the entire length of the northerly and easterly property lines and 5) has added the proposed irrigation improvements to the Landscape Plan; and

WHEREAS, the Planning Department has reviewed the following drawings: SP-1A Amended Site Plan E.S. Kalogeras, P.E. May 2, 2014, SP-1B Amended Site Plan E.S. Kalogeras, P.E. May 2, 2014, SP-1C Amended Site Plan E.S. Kalogeras, P.E. May 2, 2014, GD-1A Amended Grading Drainage Plan E.S. Kalogeras, P.E. May 2, 2014, GD-1B Amended Grading Drainage Plan E.S. Kalogeras, P.E. May 2, 2014, GD-1C Amended Grading Drainage Plan E.S. Kalogeras, P.E. May 2, 2014, LS-1 Interim Landscape Plan Land Design May 5, 2014, LS-2 Interim Landscape Plan Land Design May 5, 2014, LS-3 Irrigation Plan Land Design May 5, 2014, LS-4 Interim Landscape Plan Land Design May 5, 2014; and

WHEREAS, the consulting engineer has reviewed the plans and has no objection to the proposed amendments; and

WHEREAS, by resolution dated August 3, 2007, the Riverhead Planning Board, as Lead Agency, required the preparation of an Environmental Impact Statement pursuant to 6NYCRR, Part 617, and by resolution dated April 19, 2012, the Riverhead Planning Board issued the relevant Findings Statement as required by 6NYCRR Part 617; and

WHEREAS, the Planning Board has carefully considered the merits of the site plan application, the SEQRA record to date, the report of the Planning Department, as well as all other relevant Planning, Zoning and Environmental information; **NOW**

THEREFORE, BE IT

RESOLVED, that the aforementioned amended site plan application of Heritage-Riverhead Retail Developers, LLC, as described is hereby approved by the Riverhead Planning Board subject to condition that the Mylar shall show detail specifications for the perimeter fencing, including color; and

BE IT FURTHER

RESOLVED, that any future construction upon the property relying upon the importation of transferred agricultural credits will require separate and distinct site plan approval pursuant to Article XXVI of the Riverhead Zoning Ordinance; and


BE IT FURTHER

RESOLVED, that any and all other conditions and requirements contained in prior approvals shall remain in full force and effect; and

BE IT FURTHER

RESOLVED, that the Clerk for the Planning Board is hereby authorized to forward a copy of this resolution to Peter Danowski, Attorney at Law, the Riverhead Planning Department; the Riverhead Building Department; the Counsel for the Town of Riverhead Planning Board; the Town Attorney; the Town Clerk; the Town Assessor; the Town Engineer; the Chief Fire Marshal; the Water District Superintendent; and the Town's Consulting Engineer.

Very truly yours,
PLANNING BOARD



Richard M. O'Dea,
Chairman

A motion was made by Mr. O'Dea and seconded by Mr. Carey that the aforementioned resolution be duly adopted:

THE VOTE

BAIER YES ___ NO CAREY YES ___ NO
WELLS YES ___ NO DENSIESKI ABSENT YES ___ NO
O'DEA YES ___ NO

THIS RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED