

ARTICLE XXXIX
Planned Industrial Park (PIP) Zoning Use District
[Added 9-7-1999]

§ 301-183. Purpose.

The purpose of the Planned Industrial Park (PIP) District is to encourage industrial and office development in a comprehensively planned and designed environment which will attract private investment, increase the tax base of the Town and provide new employment opportunities, while preserving and maintaining the existing character of the environment.

§ 301-184. Approval procedure.

- A. Procedure. The planned industrial park shall be designed in part or whole as a single campus-like planned development as defined herein, according to a comprehensive development plan (CDP). Such a CDP shall be submitted to the Town Board for approval. The procedure for review and approval shall be the same as that required for a special permit, except that the submission requirements shall be in accordance with the requirements specified in Subsection B below. Following approval of the CDP by the Town Board, subdivision and site plan approval, as appropriate and necessary, shall be obtained in accordance with the requirements of Article LVI, Site Plan Review, of this chapter and § 301-291, Industrial subdivision, for individual lots and developments within the PIP. Where the standards of this article conflict with others in this chapter, the standards in this article shall apply.
- B. Submission requirements. The CDP for a PIP shall indicate the following:
- (1) General location of all existing and proposed structures; general type of proposed uses; existing topography and general grading and drainage proposals; proposed and existing internal streets and points of access; major parking and loading areas; major landscaped areas, open space and proposed screening treatments; major proposed and existing public utility lines and facilities; proposed location of major signs.
 - (2) A chart of appropriate data demonstrating compliance with the requirements of this article.

- (3) A written statement describing various aspects of the plan, indicating any proposed phasing of development activities.

§ 301-185. Uses. [Amended 12-29-2004 by L.L. No. 54-2004; 6-19-2007 by L.L. No. 19-2007]

In the Planned Industrial Park (PIP) District, no regularly scheduled or unscheduled passenger service, air taxi, air charter or fixed-based operator as currently defined by the FAA shall be permitted. Notwithstanding the prohibition of a fixed-based operator, nothing herein shall preclude management and maintenance operations necessary to support any principal or accessory aviation uses permitted hereunder. No building, structure or premises shall be used, arranged or designed to be used, and no building or structure shall hereafter be erected, constructed, reconstructed or altered, unless otherwise provided in this chapter, except for the following permitted uses and their customary accessory uses:

A. Permitted uses:

- (1) Industrial uses, including component design, manufacturing, processing, fabrication, repair, testing and assembly, but prohibiting those uses specifically set forth at § 301-114A(6), provided that all uses permitted hereunder are conducted within enclosed buildings, and when not within enclosed buildings, are suitably screened to an extent that provides adequate sound and visual buffers as may be determined to be necessary by the Town Board as part of site plan approval.
- (2) Warehousing, indoor storage, distribution and wholesaling of nonhazardous and nonflammable materials.
- (3) Research and testing laboratories.
- (4) General, executive, administrative, governmental, business and professional offices.
- (5) Public utility and service facilities, excluding incinerators which shall not be permitted.
- (6) Extraordinary aircraft and engine maintenance, such as aircraft, airframe and aircraft system overhaul, conversion, modification, reconfiguration and refurbishment, including annual inspections, but excluding minor or routine maintenance such as oil changes, refueling, minor repairs and inspections, provided that such uses are conducted within enclosed buildings, and when not within enclosed buildings, are suitably screened to an extent that provides

adequate sound and visual buffers as may be determined to be necessary by the Town Board as part of site plan approval and, if appropriate and necessary, subject to the grant of a runway use agreement and consistent with the rules and regulations on the use of the runway as adopted and/or amended from time to time.

- (7) Aircraft component design, fabrication, manufacture, and assembly, provided that such uses are conducted within enclosed buildings, and when not within enclosed buildings, are suitably screened to an extent that provides adequate sound and visual buffers as may be determined to be necessary by the Town Board as part of site plan approval.
- (8) Audio, radio, television video and film studios and broadcast stations.
- (9) Business, technical and vocational schools.
- (10) Indoor recreational uses.
- (11) Food and agricultural product processing, including canning, preserving, drying and freezing.
- (12) Overnight and express mail package and postal sorting and distribution by surface transport.

B. Special permit uses:

- (1) Outdoor sports facility.

C. Accessory uses. Accessory uses shall include those uses customarily incidental and subordinate to and in furtherance of any of the aforementioned principal uses when located within the PIP District. Accessory uses shall be for the sole use of the employees, tenants and the business invitees to the industrial park and not for use by the general public and shall include the following:

- (1) Auditoriums, located within buildings housing permitted uses.
- (2) Day nursery or day-care centers.
- (3) Banks, automatic teller machines or financial institutions.
- (4) Restaurants, cafeterias or eating and drinking establishments located within buildings housing permitted uses.

- (5) Retail stores for the sale of books, beverages, confections, drugs, dry goods, flowers, foodstuffs, gifts, jewelry, periodicals, photo supplies, stationery and tobacco located within buildings housing permitted uses.
- (6) Personal service shops located within buildings housing permitted uses.
- (7) Health clubs or indoor recreation establishments located within buildings housing permitted uses.
- (8) Security, management and maintenance facilities.
- (9) Outdoor storage of equipment, materials or vehicles when suitably screened to an extent that provides adequate sound and visual buffers as may be determined to be necessary by the Town Board as part of site plan approval.
- (10) Operation, fueling, storage and maintenance of aircraft which are owned, leased or operated by an owner, lessee or operator in furtherance of and customarily incidental and subordinate to a permitted use of property within the PIP District, and further provided that such aircraft are stored or maintained within enclosed buildings, and, when not within enclosed buildings, are suitably screened to an extent that provides adequate sound and visual buffers as may be determined to be necessary by the Town Board as part of site plan approval and, when necessary, subject to the grant of a runway use agreement and consistent with the rules and regulations on the use of the runway as adopted and/or amended from time to time. Except when accessory to a principal aviation use set forth hereinabove at Subsection A(6) and (7), this accessory use shall not in its operation constitute or function primarily as an aviation activity.
- (11) Testing of aircraft, provided said testing is done in furtherance of and customarily incidental and subordinate to a permitted use within enclosed buildings or on the ten-thousand-foot runway and, when necessary, subject to the grant of a runway use agreement and consistent with the rules and regulations on the use of the runway as adopted and/or amended from time to time. Except when accessory to a principal aviation use set forth hereinabove at Subsection A(6) and (7), this accessory use shall not in its operation constitute or function primarily as an aviation activity.

§ 301-186. Lot, yard, bulk and height requirements.

A. For planned industrial parks:

- (1) Minimum park area: 100 acres in contiguous parcels.
- (2) Minimum park width: 1,000 feet.
- (3) Minimum frontage on an arterial road: 400 feet.
- (4) Maximum floor area ratio: 0.15 in total for all buildings within the park.
- (5) Maximum clearance: 65% of the park area.
- (6) Minimum perimeter buffer. A minimum buffer shall be provided at the perimeter of the park of 100 feet in width. Such buffer shall maintain, to the maximum extent possible, existing vegetation and natural features but shall be supplemented with native vegetative species to provide adequate screening of the park from adjacent nonindustrial uses and zones. No buffer need be provided adjacent to any open space or conservation zone.

B. For all permitted uses within industrial parks, except offices:

- (1) Minimum lot area: five acres.
- (2) Minimum lot width: 250 feet.
- (3) Minimum street frontage: 200 feet.
- (4) Minimum front yard depth: 75 feet.
- (5) Minimum side yard depth: 50 feet.
- (6) Minimum rear yard depth: 50 feet.
- (7) Maximum floor area ratio:
 - (a) For one-story buildings: 0.22.
 - (b) For multistoried buildings: 0.30.
- (8) Maximum impervious surface coverage: 50% of the lot.
- (9) Maximum building height: 40 feet.
- (10) Parking. Not more than 25% of all required parking shall be located in the front yard. No parking shall be located nearer than 25 feet to any property line or street right-of-way line. All service and unloading areas shall be screened from view of streets by one or more of a combination of walls, fencing, vegetation or berms.

C. For office uses:

- (1) Minimum lot area: three acres.
- (2) Minimum lot width: 250 feet.
- (3) Minimum street frontage: 200 feet.
- (4) Minimum front yard and side yards and rear yard: 50 feet.
- (5) Maximum floor area ratio:
 - (a) For one-story buildings: 0.25.
 - (b) For multistoried buildings: 0.35.
- (6) Maximum impervious surface coverage: 50% of the lot.
- (7) Maximum building height: 50 feet, except to 75 feet by special permit of the Town Board.
- (8) Parking. Not more than 25% of all required parking shall be located in the front yard. No parking shall be located nearer than 25 feet to any property line or street right-of-way line. All service and unloading areas shall be screened from view of streets by one or more of a combination of walls, fencing, vegetation or berms.

§ 301-187. Design standards for planned industrial parks.

The following design standards shall apply to all uses within the planned industrial park:

- A. Land subdivision. The subdivision of lots within a CDP shall conform to those land division requirements set forth in §§ 301-289 and 301-291 of this chapter. The general lot, yard and height requirements of this district shall supersede the yard requirements set forth in § 301-291B(3) and (6) of this chapter.
- B. Building design. The exterior appearances of buildings shall complement the character of existing development in the surrounding area. The objective of the building design standards is to provide overall high quality and complementary design of industrial and office buildings. Special emphasis is placed upon methods that tend to reduce the large-scale visual impact of buildings and to encourage imaginative design for individual buildings.
 - (1) Building mass. Solid and unarticulated buildings are discouraged. The mass and scale of buildings shall be

reduced by staggered building walls or other architectural treatments at least every 150 feet to provide architectural interest and reduce the visual scale of a building. Buildings shall include the following elements:

- (a) The use of variations in height, rooflines and grade definition is encouraged to reduce the perceived height and mass of a building.
- (b) Building entries shall be readily identifiable through the use of canopies, marquees and architectural treatment.
- (c) Where possible, buildings with smaller or multiple structures instead of one large building are preferred to reduce massive appearance.
- (d) Clusters of mature landscaping and berms shall be provided along the building facade. The landscaping clusters shall include a variety of trees and tall shrubs.
- (e) Wall texture changes shall be provided.
- (f) Small-scale elements, such as planter walls and hedges, shall be clustered around building entrances.

(2) Materials.

- (a) One dominant material shall be selected and used through each building on a site.
- (b) It is encouraged that the front and two side elevations of all buildings and/or structures be constructed of brick, architectural block or architectural precast concrete. Painted or natural utility concrete panels or masonry units should be confined to rear elevations and in loading dock areas.
- (c) Roof design shall be as aesthetically pleasing as possible (e.g., color, material, grouping).
- (d) Glass windows or some similar architectural treatment shall occupy at least 10% of the front elevation of a building.

(3) Color and texture.

- (a) Texture patterns are encouraged to create shadow patterns which will reduce the high visibility of the building.

- (b) Variations in color shall be kept to a minimum.
- (c) Colors shall be subdued in tone.
- (d) Accent colors may be used to express corporate identity.

(4) Location.

- (a) No building shall be constructed closer than 25 feet to an adjacent building.
- (b) Planters, walls and sign elements not exceeding six feet in height shall be permitted in yard areas. Roof overhangs may extend a maximum of six feet into setback areas.

C. Pedestrian circulation.

- (1) On-site concrete or brick sidewalks shall be provided in planned industrial parks to create a continuous pedestrian network throughout the area.
- (2) Vehicular and pedestrian circulation patterns shall be separated. A landscaped area shall provide a separation between a pedestrian and vehicular path.
- (3) Where pedestrians and vehicle paths cross, that area shall be designated by changing pavement materials, signals, signage, pavement texture or painted stripes.
- (4) Secure and convenient pedestrian walkway access shall be provided from parking lots, sidewalks and primary entrances to the building. Sidewalks shall be barrier-free, a minimum of four feet in width and shall be set back a minimum of five feet from all buildings.

§ 301-188. Sign standards.¹

The standards in § 301-254K shall apply to all properties in the Planned Industrial Park District.

§ 301-189. Additional requirements.

A. Performance criteria.

- (1) All development subject to the provisions of Article 6 of the Suffolk County Sanitary Code shall meet the applicable

1. Editor's Note: Amended at time of adoption of Code (see Ch. 101, General Provisions, Art. I).

requirements of the Suffolk County Department of Health Services.

- (2) As determined by the State of New York or the County of Suffolk, any new public or private sewage treatment plant discharge shall be outside of the Core Preservation Area and shall be located north of the groundwater divide, as defined by the Suffolk County Department of Health Services, as site conditions permit.
- (3) All development shall comply with the provisions of Articles 7 and 12 of the Suffolk Sanitary Code.
- (4) All development involving significant discharges to groundwater and located proximate to public water supply wells shall require measures to mitigate impacts upon water quality as required under Article 17 of the New York State Environmental Conservation Law. The Suffolk County Department of Health Services' guidelines for private wells should be used for private wellhead protection.
- (5) Development proposals for sites containing or abutting freshwater wetlands shall be separated by a nondisturbance buffer area which shall be in accordance with Article 24 of the New York State Environmental Conservation Law, the Wild, Scenic and Recreational Rivers Act (the Rivers Act)² and Chapter 295, Wetlands, of the Code of the Town of Riverhead, whichever is most restrictive. Distances shall be measured horizontally from the wetland edge as mapped by the New York State Department of Environmental Conservation, field delineation or local ordinance. Stricter buffer areas may be established for wetlands as appropriate. Buffer areas shall be delineated on development plans with conditions imposed to assure the preservation of the freshwater wetland resource. Said conditions shall be set forth in a declaration of covenants, conservation easement or similar instrument.
- (6) Development proposals for sites within the regulated area of the New York Wild, Scenic and Recreational Rivers Act shall conform to the standards of the Act. Variances from the Act shall meet all requirements imposed by the State of New York in order to be deemed to have met the requirements of this standard. Additional relief from the Town of Riverhead Zoning Board of Appeals shall not be required.

2. Editor's Note: See Environmental Conservation Law § 15-2701 et seq.

- (7) All stormwater generated by development shall be recharged on site unless surplus capacity exists in an off-site drainage system. In the review of development plans, the Town Board shall encourage the use of natural recharge areas or drainage system design which result in minimal disturbance of native vegetation with the use of natural swales and depressions as an alternative to excavated recharge basins where feasible. Development plans should include the use of ponds only if such ponds are designed to retain stormwater and are not merely constructed for aesthetic purposes. Adequate measures should be employed to control soil erosion and stormwater runoff during construction, as per guidelines promulgated by the New York State Department of Environmental Conservation.
- (8) Clearance.
- (a) No more than 65% of the PIP District shall be cleared pursuant to the Central Pine Barrens Comprehensive Land Use Plan and Article XLI, Pine Barrens Overlay District, of this chapter. The applicable clearance percentage shall be calculated over the entire parcel, including but not limited to public highways, roadways, building sites, parking areas, drainage structures and recharge areas. Development plans shall delineate the existing naturally vegetated areas, shall calculate those portions of the site that are already cleared due to previous activities, and shall contain calculations for the amount of disturbances of native vegetation and indicate the clearing limits thereof.³
- (b) To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearing limits, the site shall be construed to be the combined Core and CGA portions. However, the Core portion may not be cleared without a hardship exemption.
- (9) Land subdivision maps and site plans shall be designed to encourage the preservation of large unbroken blocks that provide for contiguous open spaces to be established when adjacent parcels are developed. Applications for subdivision and site plan shall contain calculations for clearing, and these limits shall become part of the filed map or approved

3. **Editor's Note: Amended at time of adoption of Code (see Ch. 101, General Provisions, Art. I).**

drawings. Nonnative vegetation species to be avoided are contained in Figure 5-2 of the plan.

- (10) Development projects shall place no more than 15% of the entire site in fertilizer-dependent vegetation. Development designs shall consider native planting suggestions made part of the plan.
- (11) Development which will have a significant negative impact upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened or of special concern, or upon the communities classified by the New York State Natural Heritage Program as G1, G2 or G3 or as S1, S2 or S3 or upon any federal listed endangered or threatened species, appropriate mitigation measures, as determined by the state, county or local government agency, shall be imposed to protect such species.
- (12) Development projects shall minimize disturbance of the natural grade and/or natural vegetation where slopes exceed 10%. Construction in areas with slopes exceeding 10% may be approved if the site design incorporates adequate soil stabilization and erosion control measures so as to mitigate negative environmental impacts. Where applicable, nondisturbance buffers shall be placed on those portions of the site where slopes exceed 10%. Development plans shall include a slope analysis depicting existing slopes in the ranges of 0% to 10%, 11% to 15% and 15% or greater. Erosion and sediment control plans and details of retaining walls and erosion control structures shall be required for construction in areas where slopes exceed 15% and for roads and driveways traversing slopes of 10%.
- (13) Prior to construction, soil erosion and sediment control plans shall be prepared and approved which achieve the following objectives:
 - (a) Minimize potential impacts associated with soil erosion and resulting in sedimentation of surface waters.
 - (b) Limit work areas to the immediate area of construction in order to minimize disruption of adjacent lands.
- (14) In order to provide for orderly development and the efficient provision of infrastructure, applications for development projects depicting either open space or reserve areas shall specify the conditions of ownership and the use of such lands,

and such conditions shall be set forth in the deed of dedication, declaration of covenants, conservation easement or similar instrument.

- (15) Where applicable, the use of planned industrial park development pursuant to the provisions of Article LIII, Subdivision Regulations, of this chapter shall be encouraged to preserve open spaces.
- (16) Any existing, expanded or new activity involving agricultural production or horticulture shall comply with best management practices as set forth in the plan, as may be amended from time to time.
- (17) Development plans shall indicate established recreational and educational trails and trail corridors, active recreational sites, scenic corridors, roads, vistas and viewpoints, sites of historical or cultural significance, including historic districts, sites on the State or National Registers of Historic Places and historic structures listed on the State or National Registers of Historic Places, or recognized by local law or statute, sensitive archeological sites as identified by the New York State Historic Preservation Officer or the New York State Museum, within 500 feet of the proposed development, and shall provide adequate measures to protect such natural resources. The use of existing natural buffers or the restoration of degraded buffer areas, the use of signs or other man-made structures, consistent in style and scale with the community character, or other similar measures shall be taken to protect roadside areas as well as scenic and recreational resources.
- (18) All commercial or industrial development shall comply with the applicable provisions of the Suffolk County Sanitary Code and all other applicable federal, state or local laws.
- (19) A buffer of 1,000 feet and no more than 50% disturbance shall be permitted around breeding ponds pursuant to New York State Department of Environmental Conservation (NYSDEC) freshwater wetlands permit requirements.⁴
- (20) The approval of the New York State Historic Preservation Office for the establishment of a site-specific protocol for either the relocation of development or the retrieval of

4. Editor's Note: Amended at time of adoption of Code (see Ch. 101, General Provisions, Art. I).

artifacts in the event of excavation shall be obtained in order to mitigate impacts upon archaeological resources within the PIP District.

- (21) Any exterior changes to the following buildings in the PIP District shall require the approval of the State Historic Preservation Office as well as adhere to the Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings:
- (a) The Anehoic Chambet.
 - (b) Plant 6.
 - (c) Plant 7.
 - (d) The Wells Cemetery.
- (22) The applicant shall submit a traffic study for the approval of the comprehensive development plan, which study shall identify and for which the applicant shall pay and implement measures to mitigate the impact of traffic generated by the full buildout of all development within the PIP District to the point where the effects of such buildout are comparable to future conditions without such development. Such mitigation measures shall include but not be limited to:
- (a) Signal, timing, geometric improvements and regulatory measures.
 - (b) A restriction against additional vehicular access points along Seven Ponds Road.
 - (c) The completion of off-site road improvements to be required by the New York State Department of Transportation as a function of permit review for curb cuts along New York State Route 25.
 - (d) The geometric improvement of the intersection of Edwards Avenue and Route 25, if warranted by motor vehicle traffic generated by development in the PIP District.
- (23) Development within the PIP District shall adhere to setbacks as required in § 301-186; notwithstanding such adherence, noise emanating from the PIP District shall comply with Chapter 251, Article I, Noise, of the Code of the Town of Riverhead, which limits such noise levels from commercial and industrial properties to neighboring properties to 65 dBA

between the hours of 7:00 a.m. and 8:00 p.m., and 50 dBA between the hours of 8:00 p.m. and 7:00 a.m. [see § 251-5L(2)]. In the event that such noise levels are exceeded, such additional noise abatement measures, including increasing such setbacks or the provision of noise walls or the provision of berms, fences, vegetation and the like, shall be provided for. Such restrictions shall not apply to aircraft noise whose flights shall be restricted to daytime hours.⁵

- B. A land use within the Compatible Growth Area that lawfully exists at the time of the effective date of this article or any amendment thereto may be continued in its present form, except that the aforementioned standards shall apply to any change, structural alteration, expansion, restoration or modification to said land use constituting development as defined herein.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 101, General Provisions, Art. I).