



TOWN OF RIVERHEAD PLANNING BOARD

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Stanley Carey, Chairman
Ed Densieski, Vice-Chair

Richard M. O'Dea, Member

Joseph Baier, Member
George Nunnaro, Member

June 20, 2019

Dawn Thomas, Esq.
Community Development Director
200 Howell Ave
Riverhead, NY 11901

RESOLUTION NO. 2019-056
GRANTS APPROVAL FOR PRELIMINARY PLAT OF
ENTERPRISE PARK AT CALVERTON (EPCAL)
SCTM NOs. 600-135-1-7.1, 7.2, 7.33 and 7.4

Dear Ms. Thomas:

The following resolution was duly adopted by the Town of Riverhead Planning Board at a meeting held on June 20, 2019;

WHEREAS, this Planning Board is in receipt of an amended preliminary plat entitled "Map of Enterprise Part At Calverton Subdivision Map" as prepared by L.K. McLean Associates, P.C., last dated March 26, 2019 which would divide a tract of 2,107.2+/- acres into 8 lots located at County Road 25, Calverton, New York; such real property more particularly described as Suffolk County Tax Map Number 0600-135-1-7.33 & 7.4, which property is owned by the Town of Riverhead Community Development Agency (hereinafter the "CDA", which preliminary plat is drawn in conformance with Section 301-289 of the Town of Riverhead Zoning Ordinance; and

WHEREAS, on May 2, 2019, a public hearing was held, pursuant to the Town Law in order to hear support for, objections, criticisms or protests against the approval of the subject subdivision; and

WHEREAS, the Planning Board adopted Resolution No. 2019-026 entitled "Resolution Adopting SEQRA Consistency Analysis and SEQRA Findings With Respect to The Enterprise Park At Calverton Preliminary Subdivision Map (8-Lot Major Subdivision Map)"; and

WHEREAS, that the Riverhead Planning Board has carefully considered the merits of the preliminary plat, the letter amendment to the preliminary subdivision application dated March 13, 2019, submitted by Frank A. Isler on behalf of the CDA which describes the proposed map, the May 15, 2019 report by the consulting engineer to the Planning Board, the commentary made at the relevant public hearing, as well as all other pertinent planning, zoning and environmental information; and

WHEREAS, the CDA has determined that the publicly purposed areas of the proposed subdivision should be subdivided from the balance of the Property and thus, this subdivision application by the CDA is the result of this determination to segregate and properly describe the legal boundaries of the currently existing town facilities and the remaining Property.

- The boundary of Lot 1 was determined by the CDA by applicable Pine Barrens requirements and this 292 acre lot of preserved land will continue in Town ownership for future preservation and use; and
- The boundary of Lot 2, the Ballfield Park, has been designated parkland and has been constructed with grant funding and placed in service; and
- The boundary of Lot 3 is the location of the existing CDA Grumman monument which has been designed by the CDA to have sufficient area for future firematic and ambulance facilities; and
- The boundary of Lot 4 has been designed to construct the groundwater recharge facility for the DEC mandated effluent discharge from the Calverton Sewer District north of the groundwater divide and contracts for the reconstruction of the Calverton Sewage Treatment Plant and the groundwater recharge area of Lot 4 have been awarded by the Riverhead Town Board as governing body of the Calverton Sewer District and are also being constructed with approved grant funding; the boundary of Lot 5 is the location of the CDA Henry Pfiesser facility; and
- The boundary of the recreational Bicycle Path, which runs around the perimeter of the Property is also provided for by this application, was determined by the CDA as the property owner and the Bicycle Path has been constructed with grant funds from Suffolk County and placed in service; and
- The remaining three non-town purposed lots, constituting Lots 6, 7, and 8, are vacant land which will be subject to future Town review and approval;

WHEREAS, the approval of the amended preliminary map properly determines the Town-purposed properties and the remaining vacant land, but does not approve any specific development plan for the non-Town purposed vacant land; and

WHEREAS, all 8 lots have frontage on public highways with utility access and therefore no infrastructure improvements, including roads, drainage, public sewer, public water, electric and other utilities will be necessary to be constructed as a result of this subdivision approval; and

WHEREAS, this subdivision application with 50 lot layout was submitted to the Suffolk County Planning Commission and by Resolution adopted October 1, 2014, the Commission approved the 50 lot map without Conditions and made 11 Comments. The Amended 8 lot map submitted by the CDA approved hereby satisfies Comments number 1 by removing the lots in question. Comments 2 and 4 are satisfied by removing

the long cul-de-sac streets. Comment 3 is satisfied since all 8 lots have frontage on a public highway. Comment 6 as regards former lot 43, now lot 4, is addressed by providing lot access directly to State Road Route 25. Comments 5,7,8,9, and 10 are not applicable to the 8 lot configuration as approved herein and may be addressed, as appropriate, in all future approvals for lots 6, 7 and 8 at the time of Town review. Regarding comment 11, all lots must be connected to the existing Calverton Sewer treatment facility. Now, therefore, be it

RESOLVED, that based upon its considerations, the Riverhead Planning Board hereby approves the preliminary plat entitled "Map of Enterprise Part At Calverton Subdivision Map" as prepared by L.K. McLean Associates, P.C., last dated March 26, 2019, subject to the following conditions:

- (i) that the applicant addresses the comments made by the consultant engineer in his Engineering Reports dated May 15, 2019;
- (ii) that the legend on the preliminary map regarding lot 8 be changed to read:
"Site Plan review or yield determination for Lots 6, 7, and 8 shall comply with and be calculated based upon applicable zoning, New York State Department of Environmental Conservation wetland and tiger salamander buffer requirements/regulations, and the Town Board's July 19, 2018 Supplemental Generic Findings Statement at such time as specific site development is proposed."; and be it further

RESOLVED, that no New York State Water Pollution Prevention Plan (SWPPP), road profile, final drainage plan, and performance security are required to be prepared or provided for this subdivision since there is no construction of public or private facilities associated with this subdivision approval; and be it further

RESOLVED, that the final conditional plat approval will be subject to the following;

- (i) the Town CDA and the Town shall retain a general easement for sewer purposes over portions of Lots 6, 7, and 8 which shall provide that (a) CDA and the Town shall have the right to connect structures and uses on any contiguous lots owned by CDA or the Town to any sewer improvements constructed by Purchaser without payment, subject to restoration to existing conditions, and (b) CDA and the Town shall engage in prior discussions with Purchaser as to the specific portions of the Property over which such easement is exercised, and if CDA, the Town, and Purchaser are unable to agree on such specific portions, the easement shall be over the portions of the Property that, as reasonably determined by CDA and the Town, are least intrusive, taking into account any existing development by the Purchaser and any development plans of the Purchaser of which CDA or the Town has knowledge;

- (ii) an easement as depicted on the Map across Lot 7 in favor of CDA, the Town and/or the Calverton Sewer District to access Lot 4 (the "Calverton Sewer District New Discharge Property") from Route 25;
- (iii) an easement as depicted on the Map across Lot 7 in favor of CDA, the Town and/or the Calverton Sewer District to install sewer lines on or under the easement to connect the Calverton Sewer Plant to the Calverton Sewer District New Discharge Property;
- (iv) a reservation in favor of CDA or the Town of the walkway/ bike path as shown on the Map, including the future easement over the Buffer Area along Grumman Boulevard shown on the Map to relocate the walkway/bike path into the Buffer Area in the event Grumman Boulevard is widened;
- (v) a twenty-five (25) foot non-development buffer along the portion of the Property that fronts on Route 25 and that fronts on Grumman Boulevard, as shown on the Map;
- (vi) a covenant and restriction that there will be no residential uses on Lots 6, 7, and 8.
- (vii) a covenant and restriction providing that Lots 6 and 7 will not be (i) used to operate a commercial passenger airport or (ii) listed on aviation charts or maps as a location at which aeronautical services such as fueling, hangaring, tie-down and parking, aircraft rental, aircraft maintenance, and flight instruction are provided to the general public;
- (viii) a covenant that no development shall be permitted within a 1,000 feet radius of the ponds identified on the Map;
- (ix) prior to the Chairman signing the final subdivision map, the applicant must obtain approval for the subdivision from the Suffolk County Department of Health Services and the New York State Department of Environmental Conservation; and be it further

RESOLVED, that Lots 6, 7, and 8 are being created at this time as large acre parcels without directing where future development and infrastructure will occur within these subdivided parcels. The potential impact on habitats will be evaluated during SEQRA reviews during future site plan/future development application stages for these lots as required by NY State and Town Code including a SEQRA Consistency Analysis to evaluate future development plan conformance with the previous SEQRA record and Lead Agency Findings Statement. Therefore the Planning Board finds that site specific study will occur when the owner of the large acre lots determines how it wishes to proceed with development. At that time, SEQRA review will, of necessity, have to be undertaken by all permitting agencies at which time if there are identified environmental impacts that were not fully addressed in the completed SEQRA review, further study will have to be undertaken. If the site specific development impacts identified habitat areas, the developer will be required to obtain a Taking Permit from the NYSDEC which will require the development of a site specific Comprehensive Habitat Plan; and be it further

RESOLVED, that this Board consents that the final plat shall be prepared in accordance with and in the time set forth in Paragraph 6 of Section 276 of the Town Law and further in accordance with the Code of the Town of Riverhead; and be it further

RESOLVED, that the Clerk of the Planning Board is hereby authorized to forward a copy of this resolution to Frank A. Isler, Esq., Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP, 456 Griffing Ave., Riverhead, New York 11901, Riverhead Town Supervisor and Members of the Town Board; 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.

A motion was made by Mr. XXX and seconded by Mr. XXX 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