

**ARTICLE LXIII**  
**Planned Development (PD) Zoning Use District**  
**[Added 8-16-2016 by L.L. No. 24-2016]**

**§ 301-333. Overview and historical background.**

- A. The former Naval Weapons Industrial Reserve Plant at Calverton (NWIRP) in the Hamlet of Calverton, in the Town of Riverhead, was previously owned by the United States Navy and leased by the Grumman Corporation for final assembly and flight testing of military aircraft. In 1996, Northrup Grumman closed nearly all of its facilities on Long Island and chose not to renew its lease for NWIRP, causing economic dislocation and unemployment for residents of the Town of Riverhead and the surrounding region.
- B. In 1995, the Town of Riverhead commissioned the preparation of a comprehensive plan for the redevelopment and reuse of the NWIRP site in order to guide its transformation into an engine for regional economic growth. In 1996, a Comprehensive Reuse Strategy for the Naval Weapons Industrial Reserve Plant at Calverton was prepared, which described how to manage the transition of the site from its dependence on defense-related procurement to reliance on a broad range of private sector economic activity. This resulted in the United States Navy conveying approximately 2,900 acres of NWIRP to the Town of Riverhead in 1998, conditioned upon the Town's reuse of the property for economic development.
- C. Subsequent to the 1998 conveyance, approximately 492 acres were subdivided from the approximately 2,900 acres as a privately held industrial subdivision (Calverton Camelot). The remaining 2,323.9 +- acres, now known as the "Enterprise Park at Calverton (EPCAL)" or "EPCAL Property," is generally bounded by New York State Route 25 (Middle Country Road) to the north, industrial uses and Peconic Avenue to the east, Grumman Boulevard (Swan Pond Road, also known as "River Road") to the south, and Wading River-Manorville Road to the west.
- D. Beginning in 2011, the Town embarked on updating, developing and implementing a reuse and revitalization plan to meet the current economic, market and site conditions. The comprehensive and extensive analysis of economic, market, environmental, traffic, sewer, water, and myriad other factors, together with participation of state, regional, local departments and agencies, and other interested groups, resulted in a reuse and revitalization plan that meets the economic and urban

renewal goals of the original conveyance and will assist the state, county, and Town in recapturing potential investment, growth, and employment opportunities for this region.

- E. On August 2, 2016, the Town of Riverhead Town Board adopted a Reuse and Revitalization Plan for EPCAL, which functions as an urban renewal plan for the aforesaid area of 2,323.9 +- acres. The Reuse and Revitalization Plan for EPCAL consists of two documents:
  - (1) Subdivision Map; and
  - (2) Reuse and Revitalization Plan.
- F. This Planned Development Zoning District (PD District) is one of the instruments of implementation of the public purposes and objectives of the Reuse and Revitalization Plan for EPCAL. The Reuse and Revitalization Plan for EPCAL, in concert with the PD District, establishes a comprehensive plan for the reuse of the EPCAL Property.

#### **§ 301-334. Legislative authority; supersession of Town Law.**

The action of the Town of Riverhead in the adoption of the PD District is authorized under Statute of Local Governments § 10(6) and Municipal Home Rule Law §§ 10(1)(ii)(a)(14), 10(1)(ii)(d)(3), and 10(2), and is intended to and shall supersede Town Law § 261-b (relating to incentive zoning), Town Law § 261-c (relating to planned unit development zoning districts), Town Law § 262 (relating to zoning districts), Town Law §§ 263 and 272-a (relating to comprehensive plans and zoning purposes), Town Law § 269 (relating to zoning law conflicts), Town Law §§ 270 and 273 (relating to official maps and changes thereto), Town Law § 274-a (relating to site plan review and approval), Town Law § 274-b (relating to special use permits), Town Law §§ 276, 277, 278, and 279 (relating to subdivisions), and Town Law § 280-a (relating to permits for buildings not on improved mapped streets) to the extent that this article is inconsistent with such statutory provisions.

#### **§ 301-335. Legislative intent.**

- A. It is the intent of the PD District to promote the expeditious and orderly conversion and redevelopment of the EPCAL Property by allowing for flexibility in providing a mix of uses in order to prevent further blight, economic dislocation, and additional unemployment, and to aid in strengthening the New York State economy, the regional economy, and the economy of the Town of

Riverhead. The purpose of the PD District is to enable, encourage, and qualify the implementation of the following policies.

- (1) Promoting economic development opportunities;
- (2) Encouraging the efficient use of land;
- (3) Encouraging flexibility and consistent high quality in site and architectural design; and
- (4) Facilitating new development that increases the area's marketability and enhances the tax base.

B. Redevelopment of the EPCAL Property shall be pursuant to the Reuse and Revitalization Plan for EPCAL, which consists of a subdivision map filed pursuant to the requirements of the Town Code for the Town of Riverhead, and the updated and amended urban renewal plan, Reuse and Revitalization Plan and, as may be amended from time to time, for the redevelopment of a portion of property identified and designated as an urban renewal area under the original urban renewal plan, Calverton Enterprise Park Urban Renewal Plan, adopted in 1998 and consistent with "An Act in relation to a plan for the development of the Enterprise Park at Calverton," signed into law October 23, 2013. The Reuse and Revitalization Plan is included as part of this article and specifies, among other things, representative types and general locations of land uses in the proposed PD District, and the general scale and location of development within the PD District.

**§ 301-336. Activation of provisions; effect on other laws.**

- A. The provisions of this article are activated by "will" or "shall" when required; "should" when recommended; and "may" or "can" when optional.
- B. The provisions of this article shall supplant, supersede, and prevail over any other chapters, articles, and provisions of the Code of the Town of Riverhead (hereinafter the "Town Code"). Except as otherwise provided in this article, any other chapters, articles, or provisions of the Town Code that are inconsistent with, in conflict with, or in addition to the aforesaid Reuse and Revitalization Plan for EPCAL, which may be updated from time to time, shall have no application, force, or effect within the PD District.

**§ 301-337. Applicability.**

The provisions of the PD District shall encompass the following parcels on the Suffolk County Tax Map, as well as all roadways, shown on the subdivision map referred to in § 301-336B above, that lie between or adjacent to such parcels: SCTM Nos. District 600, Section 135, Block 1, Lots 7.1, 7.2, 7.33, and 7.4, or as more particularly described in the Reuse and Revitalization Plan.

**§ 301-338. Reuse and Revitalization plan for EPCAL.**

The Reuse and Revitalization Plan incorporated in this article designates the lots comprising the PD District, the various roadways within and adjacent to those lots, stormwater facilities, and sewer and water infrastructure, among other things. In reviewing proposed development in the PD District, the Town Board shall determine if such proposed development complies with the Reuse and Revitalization Plan and with the descriptions, building forms, and development parameters, as described in the Reuse and Revitalization Plan and set forth in subsequent sections of this article.

**§ 301-339. Development procedures and process.**

Recognizing the importance of comprehensive redevelopment of the lands in the EPCAL Property in accordance with the aforesaid Reuse and Revitalization Plan, which may be updated from time to time, the provisions of this article and "An Act in relation to a plan for the development of the Enterprise Park at Calverton," signed into law October 23, 2013:

- A. The development of any lands within the PD District shall require the submission of a site plan application that conforms to the requirements of the Reuse and Revitalization Plan and is subject to Town Board site plan approval pursuant to Town Code of the Town of Riverhead, Chapter 301, § 301-303A. Notwithstanding anything to the contrary set forth in Chapter 301 and pursuant to Municipal Home Rule Law and consistent with General Municipal Law Articles 15 and 15A and "An Act in relation to a plan for the development of the Enterprise Park at Calverton," signed into law October 23, 2013, as permitted principal uses require site plan approval and residential use must be supportive of a permitted principal use, the Town Board shall be vested with review and approval jurisdiction for all principal and supportive uses, including residential.

B. As part of site plan review and approval process by the Town Board, the Town shall refer the application to all relevant state and local agencies within 10 days of a complete application as required pursuant to § 5(2) of "An Act in relation to a plan for the development of the Enterprise Park at Calverton," signed into law October 23, 2013. In addition, at any time after submission of an application, the Town Board may refer the application to the Planning Department or Planning Board for report and recommendation.

C. Prior to the submission of a site plan application, the applicant shall meet with the Town Board or Planning Department to determine Zoning Code compliance, general engineering suitability and aesthetic compatibility. The plan shall be prepared by a New York State licensed landscape architect, land surveyor, architect or engineer and shall include such drawings as shall clearly present those structural, topographical and design features that the Town would require to evaluate the proposed construction, addition, reconstruction or alteration. The goal of the pre-submission conference shall be a site plan acceptable and complete for formal application pursuant to § 301-306 and review pursuant to § 301-305C. Note: Section 301-305B shall not be applicable and as such, no preliminary site plan application and/or approval shall be required.

D. Any resolution of approval or conditional approval issued by the Town Board shall be subject to § 5(2) and (3) of "An Act in relation to a plan for the development of the Enterprise Park at Calverton." To the extent required, the applicant shall obtain all approvals, licenses, and/or permits required from other governmental agencies having jurisdiction over the proposed development.

E. Notwithstanding anything to the contrary above, the Town Board may adopt by resolution such other guidelines or procedures deemed necessary and appropriate to effectively and efficiently initiate, review and complete site plan process.

### **§ 301-340. Definitions.**

The following terms, phrases, words and their derivatives shall have the meanings given herein:

**USE, PRINCIPAL** — The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this article.

USE, SUPPORTIVE — A use which exists within the EPCAL Property and which supports the employees and/or tenants of the principal use(s).

**§ 301-341. Use regulations.**

Although this article has been established to emphasize building form more than use, the following use regulations shall apply to uses in the PD District:

- A. Principal uses. All uses that promote economic development shall be permitted in the PD District, including, but not limited to, industrial; institutional; educational; governmental; recreational; conservation; manufacturing; renewable and alternative energy resources (including generation and distribution of such energy resources, storage and demand response resources); commercial, except for those commercial uses described as retail, personal service and restaurant and deemed supportive pursuant to § 301-341B(2) below, and the development of public facilities, utilities, and infrastructure necessary to support those uses. Notwithstanding the above, the following industrial, manufacturing and commercial uses shall be prohibited: garbage disposal dumps, landfills, incinerators or transfer stations; gas stations and gas manufacture from coal, coke, or petroleum; petroleum and/or kerosene distillations or refining and storage facilities, sand, gravel, mineral quarrying and mining; motor vehicle, boat, and equipment dismantling, wrecking, and compacting; outdoor sale or storage of motor vehicles, boats, and equipment except by special permit of the Town Board and subject to the following minimum standards: Outdoor storage must be incidental and supportive to the principal use and building(s); outdoor storage may not exceed one third the size of the principal building(s); outdoor storage must be located on the same lot as the building(s) for principal use; outdoor storage areas shall be visually screened and landscaped from public view, roadways, and adjacent properties; manufacture, warehousing, wholesaling, sale and storage of hazardous, dangerous, explosive material, including ammunition, acids, and any use which generates offensive noise, vibration, dust, smoke, gas or other nuisances shall be prohibited.
- B. Supportive uses. In order to promote the EPCAL Property as a planned development community, the following uses shall be permitted as supportive uses, on a limited basis, targeted to the employees and tenants of the permitted principal uses within the

EPCAL Property and not designated for primary use by the general public:

- (1) Residential. The PD District shall allow a limited number of attached residential housing units, located on the same lot and in support of a principal permitted use, within that portion of the EPCAL Property described as Zone One, Zone Three and Zone Four of the Map titled "Preferred Alternative," adopted by the Town Board, as governing body of the Community Development Agency, by Resolution No. 5 adopted on May 7, 2013. The attached residential housing units shall only be permitted on a lot greater than 10 acres or a combination of lots located adjacent to each other such that the total combined acreage of said lots is greater than 10 acres. The total number of residential units within the EPCAL Property shall be limited to 300; however, an applicant may make application for a special permit for a principal use with residential units that exceed the limit of 300 residential units. The applicant for a special permit which includes supportive residential units in excess of the limit of 300 housing units must adhere to the requirement of a minimum lot size of 10 acres and demonstrate that the residential units are an essential and integral component of such principal use, i.e., scientific research or development facility or the like.
- (2) Retail, personal service, or restaurant. The PD District shall only permit retail, personal service, and restaurant uses specifically designed to support permitted principal or other supportive uses within the EPCAL Property. The floor area for any supportive use, other than residential described above, shall be located within the floor area of the principal use and shall not exceed 10,000 square feet of floor area per supportive use and 20,000 square feet per principal use and/or lot. The total or maximum floor area within the EPCAL Property shall not exceed 500,000 square feet.

### **§ 301-342. Bulk requirements for individual lots.**

Bulk requirements for individual lots shall be determined as part of the site plan approval process, per Article XXVI of the Zoning Ordinance, consistent with the Reuse and Revitalization Plan for EPCAL. The following requirements shall guide the Town Board through the approval process:

- A. Individual lot sizes, minimum yards, and minimum setbacks are not specified herein, except individual lot size shall not be less

than four acres. Nothing herein shall prevent an applicant from making application for a merger of adjoining lots to meet the minimum lot size requirement. Buildings may be arranged in conformity with the impervious area coverage and maximum height standards set forth herein. In reviewing any application for site plan approval, the Town Board shall be guided by the Reuse and Revitalization Plan for EPCAL, standards set forth elsewhere in this article for comparable uses, and by common best planning practices, to the extent that the resulting development shall be compatible with the surroundings, and to assure the quality and consistency of the uses proposed to be developed on the site.

- B. Maximum impervious area coverage shall be 90% of the site area. Coverage requirements may, however, be modified by the Town Board as part of the site plan approval process.
- C. No more than 15% of any individual lot shall consist of fertilizer-dependent vegetation.
- D. Structures shall have a maximum height of 75 feet; however, structures in excess of 75 feet may be approved by the Town Board, subject to the submission of a visual assessment as part of the site plan application. Such assessment shall visually depict the proposed building height, its relationship to adjacent structures and uses, and any potential shadowing effects and demonstrate the need to exceed the height restriction.
- E. To the extent that FAA rules and regulations are applicable to a site proposed for development, building heights shall conform to 14 CFR 77 and all such other Federal Aviation Administration (FAA) standards and regulations.
- F. All areas not used for buildings, circulation, parking, storage, maintenance, or utilities shall be landscaped and maintained in good condition.
- G. Suitable access for emergency vehicles shall be provided for all structures as determined during the site plan review process.
- H. The right-of-way and pavement widths for internal roads shall be consistent with the Reuse and Revitalization Plan for EPCAL and shall be subject to all other applicable Town ordinances.
- I. Parking and loading. Any application within the PD District shall be guided by the Town's standard requirements for parking and loading, as prescribed in §§ 301-231 and 301-232, respectively. However, the site applicant can request that the Town Board reduce the required amount of parking and loading, provided that

the site application is accompanied by a parking and loading demand study. Such study shall be submitted to the Town Board and shall include demand for parking for the proposed use, determination of the appropriate locations for parking on the project site, and number and location of handicapped parking spaces, as well as the number, size, and locations of loading areas, which the Town Board shall consider in its deliberations on the site plan. The use of shared parking, landbanked parking and structured parking shall be encouraged.

### **§ 301-343. Design considerations.**

The quality of the built environment and its relationship to the natural landscape is a key indicator of quality of life. The objective of the design considerations for the PD District is to provide high quality and complementary design of buildings, landscaping, parking, and other site and building design characteristics. Special emphasis is placed upon methods that reduce the large-scale visual impact of buildings and encourage imaginative design for individual buildings. Further emphasis is placed upon the design of the entrances to the EPCAL Property along New York State Route 25 (Middle Country Road) as the gateways to the Enterprise Park.

#### **A. Process.**

- (1) The design considerations herein have been prepared to assist those proposing new development in the EPCAL Property in the preparation of their designs and plans. The considerations also provide a basis for the evaluation and review of these designs by the Town Board. As a policy adopted by the Town, the design considerations shall apply to all development within the EPCAL Property and shall be considered as part of the Town's site plan approval process.
- (2) These design considerations set a benchmark to which all parties involved in projects can refer and they supplement the limited, specific parameters such as lot size and building height, as established in this article. The Town Board reserves the right to modify, waive or alter any of the design considerations presented herein based on the scope, nature, and location of any specific project proposal.
- (3) Applicants are strongly encouraged to review these design considerations during the initial (design) phase of a project. Applicants are also encouraged to contact the Town Board at an early stage of project design if any of the design

considerations mentioned in this document remain unclear, so as to avoid delays and confusion during the site plan review process.

- (4) The Town Board may request that the Planning Board and/or Architectural Review Board review the aesthetic details of an application and its consistency with the following design considerations as part of the Town Board's site plan review.

B. Building mass and articulation.

- (1) Solid and unarticulated buildings are discouraged. The mass and scale of buildings should be reduced by staggered building walls or other architectural treatments to provide architectural interest and reduce the visual scale of a building. Buildings at the gateway entrances to the EPCAL Property, where Road "A" and Road "D" meet New York State Route 25 (Middle Country Road) and generally along the New York State Route 25 (Middle Country Road) frontage should be distinctive in design, through the use of high quality architectural materials, enhanced landscaping and signage, and appropriate lighting.
- (2) In addition, all buildings should include the following elements:
  - (a) The use of variations in height, rooflines and site grading is encouraged to reduce the perceived height and mass of a building.
  - (b) Building entries should be clearly defined and readily identifiable through the use of canopies, marquees and architectural treatments.
  - (c) Where possible, developments with smaller or multiple structures instead of one large building are preferred to reduce building mass and scale.
  - (d) Clusters of mature landscaping and berms should be located and designed in accordance with architectural and building design features. The landscaping clusters should include a variety of trees and tall shrubs and should be located to enhance entrances to buildings, screen parking lots, and buffer views from abutting properties and natural land features that are outside the PD District.

- (e) Small-scale landscape elements, such as planter walls and hedges, should be clustered around building entrances.
- (f) Whenever possible, outdoor storage, trash, and recycling facilities should be screened with fencing and landscaping and located in places that are not visible from the street.
- (g) Fences, while allowed, are subject to site plan review. Chain-link fencing screens (including those with slats) are strongly discouraged.

#### C. Materials.

- (1) It is encouraged that the front and side elevations of all buildings and/or structures be constructed of durable and high quality materials such as brick, granite, or other masonry matter, including 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.
- (2) Roof design should be as aesthetically pleasing as possible and should screen mechanical equipment.
- (3) Glass windows or some similar architectural treatment should occupy at least 15% of the front elevation of a building. In addition, windows and glazing should be in proportion with architectural scale, mass, and height of the building.

#### D. Color and texture.

- (1) Texture patterns are encouraged to create scale within the facades of the building.
- (2) Variations in color should be kept to a minimum.
- (3) Colors should be subdued in tone.
- (4) Accent colors may be used to express corporate identity.

#### E. Signage and lighting.

- (1) All signs must comply with Chapter 301, Part 3, Supplementary Use Regulations, Article XLVIII.

- (2) Signs should be designed and placed to accentuate a building's architectural features and be compatible with surrounding buildings.
- (3) Marquee signs listing multiple tenants should be avoided. If a sign directory is required, the sign should contain no promotional advertising.
- (4) The number and size of signs should be minimized to avoid visual clutter. Groups of related signs should express uniformity and create a harmonious appearance.
- (5) Signage along New York State Route 25 (Middle Country Road) shall be prohibited.
- (6) Freestanding signs should be traditional in character and set upon a formal base, enhanced by landscaping.
- (7) Signage lighting should be low-level and minimize glare; backlit and light-box signage are undesirable.
- (8) Ideally, external and streetlighting should be similar from one development to the next in terms of fixture/light post style and color of light.

F. Pedestrian circulation.

- (1) On-site concrete or brick sidewalks should be provided to create a continuous pedestrian network throughout the area.
- (2) Vehicular and pedestrian circulation patterns should be separated. A landscaped area should provide a separation between a pedestrian and vehicular path.
- (3) Where pedestrians and vehicle paths cross, that area should be designated by changing pavement materials, signals, signage, pavement texture or painted stripes.
- (4) Secure and convenient pedestrian walkway access should be provided from parking lots, sidewalks, and primary entrances to the building. Sidewalks should be barrier-free, a minimum of four feet in width and should be set back a minimum of five feet from all buildings.
- (5) Pedestrian sidewalks should be provided along the frontage along New York State Route 25 (Middle Country Road) so as to provide connectivity to the continuous perimeter Walkway/Bike Trail within the EPCAL Property and areas outside of the EPCAL Property.

**§ 301-344. Additional requirements.**

A. Performance criteria. The following general performance criteria shall supersede the requirements presented herein.

- (1) To the extent applicable, development subject to the provisions of Article 6 of the Suffolk County Sanitary Code shall meet the applicable requirements of the Suffolk County Department of Health.
- (2) All development shall be connected to the appurtenances of the Calverton Sewer District.
- (3) To the extent applicable, development shall comply with the provisions of Articles 7 and 12 of the Suffolk Sanitary Code.
- (4) To the extent applicable, development shall comply with the permits issued to the Town of Riverhead by the New York State Department of Environmental Conservation with respect to freshwater wetlands; the wild, scenic and recreational rivers systems; and endangered species.
- (5) All development fronting on New York State Route 25 (Middle Country Road) shall provide a sufficient roadway buffer to accommodate future transportation improvements, as required by the New York State Department of Transportation.
- (6) 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.
- (7) Development within the PD District shall comply with Chapter 251, Art. I.

**§ 301-345. Severability.**

If any clause, sentence, paragraph, section, or part of this article shall be adjudged or determined by any court of competent jurisdiction to be invalid, such judgment or determination shall not affect, impair, or invalidate the remainder of this article, but shall be confined in its operation to the clause, sentence, paragraph, section, or part of this article directly involved in said court judgment or determination.