

Article XXXIA Railroad Avenue Urban Renewal Area Overlay District

[Added 1-5-2021 by L.L. No. 1-2021]

§ 301-151.1 Purpose and intent.

- A. The intent of the Railroad Avenue Urban Renewal Area Overlay District ("RRA-OD") is to allow, maintain, and foster a traditional downtown character to complement the character of Main Street, with transit oriented development, a pedestrian-friendly streetscape, active ground-floor uses, meaningful public spaces and uses, a twenty-four-hour presence from upper-story residential at an intensity similar to that of the DC-1 Main Street District where feasible and at a scale that is suitable for the property size.
- B. The Town Board recognizes that although the adoption of the DC-1 District code provisions has resulted in investment in the downtown area, there has not been a comparable investment within the DC-3 District and even with the designation of an opportunity zone which defers and reduces taxes on capital gains in exchange for capital investment, redevelopment has not occurred. This overlay district is formed in recognition of the blighted conditions that exist in this area of the downtown and the unique obstacles which face the area and which have deterred redevelopment as documented in the 1990 Urban Renewal Plan, the 2003 Comprehensive Plan, and the 2015 Brownfield Opportunity Area Step II Nomination Study.
- C. The Town Board sees this as a unique opportunity for revitalization to build upon the success of the downtown and which will create important synergies with key resources including the Suffolk County Supreme Court Complex, LIRR Station, Riverhead Public Library, Railroad Museum and Riverhead Historic Society Museum. By permitting a higher-intensity mix of uses, with ground-floor offices and retail and residential on upper floors for larger sites within the area, the Town seeks to activate this area of the downtown that has not experienced significant investment since the implementation of zoning district recommended by the 2003 Comprehensive Plan.

§ 301-151.2 Applicability.

- A. This article shall be applicable to properties at least 20,000 square feet in size within the Railroad Avenue Urban Renewal Area. Utilization of the RRA-OD provisions is voluntary for applicants meeting the lot area threshold.
- B. The provisions of the overlay district provide an alternative option for landowners in development of properties of at least 20,000 square feet and provides means to achieve additional density through the provision of community benefits for properties over one acre.
- C. Developments within the RRA-OD may incorporate one or more adjoining properties outside of the overlay district boundary to provide related site amenities and limited building encroachments as long as the total area of such parcels do not increase the property by more than 50%.

§ 301-151.3 Definitions.

As used in this article, the following terms shall have the meanings indicated:

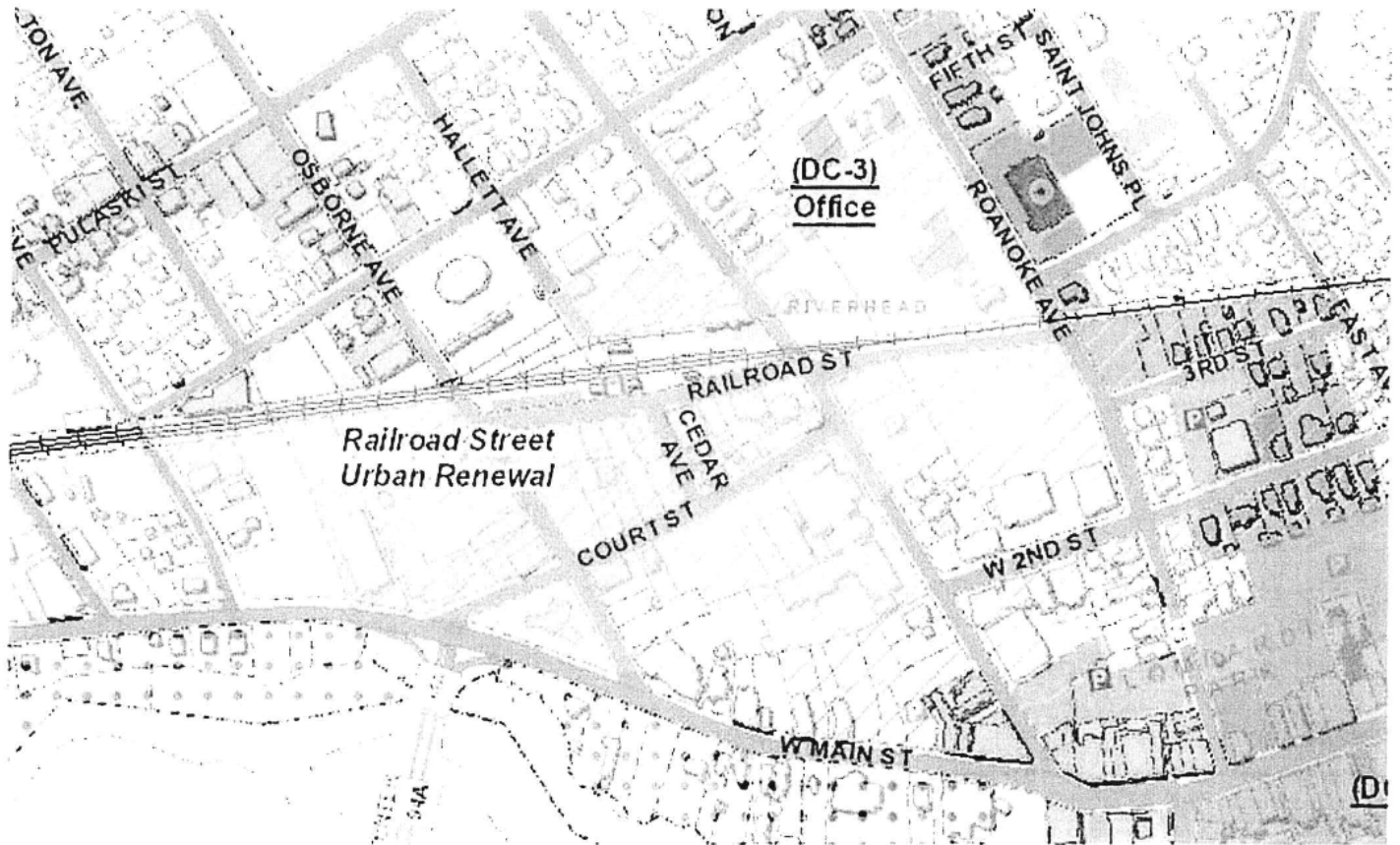
FOOD HALL

An establishment which contains three or more individual businesses in an area where food can be served and diners can enjoy flexible seating, entertainment, with up to 20% of the businesses dedicated to retail. A food hall includes shared entry ways and common flexible space to provide area for dining or entertainment (indoor and/or outdoor), shared restrooms, dumpsters, and facilities such as HVAC, storage areas, and loading dock; and may include shared food prep facilities.

GRASS PAVERS

A product used to create a stabilized but pervious area for parking using a plastic grid system (or similar product) when installed according to manufacturer's instructions with stabilized base, allows grass to grow, protects roots and allows stormwater to recharge.

§ 301-151.4 Railroad Avenue Urban Renewal Area Overlay District map.



§ 301-151.5 Uses.

In the Railroad Avenue Urban Renewal Area Overlay District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following specially permitted uses and their customary accessory uses:

- A. Permitted uses through Town Board approval.
 - (1) Retail store.
 - (2) Banks.

- (3) Personal services businesses, such as a beauty parlor, barber shop, health and fitness center, tailor, shoe repair, custom cleaning services.
- (4) Indoor recreation up to 1,500 square feet.
- (5) Art galleries and studios.
- (6) Restaurants, cafes, bakeries with retail sales on premises, banquet facilities, ice cream parlors.
- (7) Marketplace including farmers market or food hall.
- (8) Taverns.
- (9) Offices and professional offices (excluding medical offices).
- (10) Governmental offices or other public offices.
- (11) Museums, libraries and other cultural attractions.
- (12) Schools (including business and secretarial).
- (13) Movie theater and multiplex cinema.
- (14) Mixed-use buildings (ground floor permitted uses with apartments on upper floors).
- (15) Live-work space .
- (16) Brew pubs and microbreweries.
- (17) Hotels, for properties at least 40,000 square feet in size.
- (18) Mixed use incorporating community use on the ground floor and mixed use on upper floors.

B. Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above specially permitted uses when located on the same lot. Specifically permitted is the following accessory use:

- (1) Parking facilities.

C. Prohibited uses

- (1) Gas stations, car washes, and other automobile-oriented uses.
- (2) Drive-through windows for restaurants and banks less than 2,000 square feet in size.
- (3) Adult uses as defined § 301-3(4).
- (4) Flea markets, with the exception of farmers markets.

§ 301-151.6 Lot, yard, bulk and height requirements.

- A.** New buildings shall comply with the lot, yard, bulk, and height requirements of the Railroad Avenue Urban Renewal Area Schedule of Dimensional Regulations.
- B.** The maximum height for building elements facing West Main Street, Court Street, Griffing Avenue, shall not exceed 60 feet measured horizontally from the property line.
- C.** New development should be consistent with the recommendations of the Objective Design

Standards for Private Development contained in the Downtown Riverhead Pattern Book, with the exception of maximum height which shall be dictated by Chapter 301, Attachment 11, RRA-OD Schedule of Dimensional Regulations.^[1]

[1] *Editor's Note: Said schedule is **included as an attachment to this chapter.***

D. Exemptions .

- (1) Bay windows, awnings, unenclosed porches, and other front and side projections shall be exempt from the calculation of building area, so as to encourage a variety in facade design. However, such projections shall be required to meet the setback requirements of the Railroad Avenue Urban Renewal Area Schedule of Dimensional Regulations.

§ 301-151.7 Community benefits.

- A. The Town Board has identified appropriate community benefits by which the applicants that opt into the RRA-OD may increase density on site through parking reductions, additional gross floor area and/or increased height/number of stories as described in Table XX. The maximum FAR with the provision of community benefits is 3.0

Table XX RRA-OD Community Benefits		
Community Benefit Category	Type/Maximum Density Increase/Parking Reduction	Requirement
Parking	20% total reduction in required off street parking requirement	Shared parking for complementary uses. Requires design and implementation of cross access. Certification that the peak parking of two or more uses occurs at different times provided by a licensed traffic engineer. Does not apply to municipally owned sites
Parking	No off-street parking required for nonresidential uses	Properties which opt into the Parking District through petition to the Town Board, where public parking lots within the Parking District are located within 1/4 mile of at least one of the main building entrances
Parking	Parking reduction for the number of stalls "parked" off-site	Parking management strategy demonstrating how parking needs will be met off-site
Parking	Reduction of up to 3 parking stalls for area to be used for green infrastructure	Construction and maintenance of a rain garden or bioswale designed to collect rain water of 200 square feet per parking stall reduction
Promoting multi-modal transportation	5% reduction in required off street parking requirement	Provision of interior bicycle storage lockers for 1/2 of proposed residential units
Recreation	Increase in the allowable gross floor area equivalent to the area of the dedicated park area minus 10%	Purchase of offsite Peconic River riverfront land within 1/2 mile of the subject property provided that it meets the criteria below:

		(1)	Such riverfront property is to be used in a passive manner whether dedicated to the Town, conservation group, or maintained privately
		(2)	The property must remain accessible to the public in a parklike setting for the community (which may include outdoor art installation)
		(3)	No structures other than a structure that is accessory to the use of the park/garden/art installation which does not exceed 10% of the site area or 1,200 square feet, whichever is smaller
		(4)	Covenants and restrictions be required to ensure that the riverfront property is maintained as a publicly accessible passive use park or similar in perpetuity
Open space or farmland preservation	3,000 square feet floor area per 1 TDR credit purchased	Purchase of up to 5 TDR credits (maximum of 5 credits per project)	
Sustainability elements	Additional 200 square feet gross floor area for each 100 SF improved	Design and implementation of green infrastructure for drainage (rain gardens) on- or off-site	
Sustainability elements	Additional 50 square feet gross floor area for each 1,000 square feet of green roof area	Green roof	
Sustainability elements	.25 increase in FAR for gold or platinum LEED certification	USGBC Certified LEED buildings	
Recreation	Additional 10% gross floor area for each 200 linear feet of easement dedicated	Provision of public easement along the Peconic River (either through purchase or agreement with property owner)	
Recreation	Additional 5% gross floor area for each 200 linear feet of easement improved for public access	Improvement of public easement for public access to the riverfront	
Recreation/visual resources	5% increase in gross floor area per 0.5-acre property improved	Permitting and implementation of physical improvements of private or public riverfront property to enhance public views of the Peconic River, incorporate green infrastructure and accessible pedestrian improvements through implementation of a	

boardwalk or path

B. Additional community benefits available for properties over 60,000 square feet.

- (1) Increased height and gross floor area may be provided with approval from the Town Board for development on properties over 60,000 square feet in size with the provision of community benefits.
- (2) Properties over 60,000 square feet in size may achieve parking reductions and increased density through community benefits outlined in the previous section and additional density increases as provided in Table XX. The maximum additional floor area achieved for properties over 60,000 square feet through the application of community benefits is a floor area ratio of 3.0.

Table XX Additional Community Benefits Available for Properties Over 60,000 Square Feet		
Community Benefit Category	Type/Maximum Density Increase	Requirement
Museum, performing arts	Increase in maximum building height for mixed use building at discretion of the Town Board (at a height less than defined as a high rise building per NYS Building Code).	Commitment to maintenance of the museum or other arts attraction which is accessible to the public for a reasonable period, but not less than 20 years.
Open space or farmland preservation	3,000 square feet area floor area per 1 TDR credit purchased	Purchase of up to 10 TDR credits (maximum of 10 credits per project)

§ 301-151.8 Design standards.

- A.** The principal building entrance and front shall face the primary street frontage and sidewalk . For corner lots, both facades shall be coordinated and if necessary, the principal building entrance shall be designated by the Planning Board.
- B.** Facades of commercial buildings that face sidewalks or pedestrian walkways shall be broken up into bays of no more than 30 feet in width, through use of variations in facade plane, piers, or other architectural features complementary to the building style .
- C.** Signage in the Railroad Avenue Urban Renewal Area Overlay District shall be provided in accordance with Article XLVIII, Signs. All signs permitted in the Downtown Center (DC-3) District are permitted as set forth in § 301-254 1.
- D.** Buffering and transitions.
 - (1) Trash and/or dumpster areas shall be screened by wood fences, equivalent no-maintenance fence materials that appear to be wood, landscaping, or a combination thereof, pursuant to § 245-8.
 - (2) Buffer plantings or landscaping or opaque fences, preferably wood fences, shall be provided between commercial businesses and adjoining residential uses and maintained as a condition of approval.

- E. Deliveries and loading activities shall, to the extent possible, be restricted to the hours between 8:00 a.m. and 5:00 p.m. on weekdays.

§ 301-151.9 Design guidelines.

- A. The design guidelines listed in the provisions below are intended as a guide for improvements on participating developments on parcels within this overlay district.
- (1) Where feasible, openings or gates shall be incorporated into fencing between private and public properties to encourage pedestrian activity.
 - (2) The intent is to create buildings that are lasting and that each building adds to the revitalization of the urban renewal area. Accordingly, high quality materials are required (e.g., brick, granite, or other masonry matter, including architectural block or architectural precast concrete). Painted or natural utility concrete panels or masonry units, if used at all, must be confined to rear elevations and in loading dock areas and not visible from the public right-of-way, or other public gathering spaces .

§ 301-151.10 Development standards.

The development standards contained herein are required for parcels being redeveloped in accordance with this article or relief from the Zoning Board of Appeals is required.

A. Pedestrian environment.

- (1) Sidewalks at least six feet in width shall be constructed to achieve a walkable environment.
- (2) Walkway pavement shall be a minimum of six feet wide and include pedestrian scale lighting at a height of 12 feet or less, spaced no further apart than 50 feet on center.

B. Public space .

- (1) Public space, including alleys between buildings and walkways between building entrances and adjacent public properties shall be consistent with the objective design standards for private development contained in the Riverhead Downtown Pattern Book.
- (2) All properties greater than 60,000 square feet shall incorporate activated public areas on the ground level .

C. Parking.

- (1) The number of off-street parking spaces in the Railroad Avenue Urban Renewal Area Overlay District shall be provided in accordance with§ 301-231, with the exception that off-street parking requirements for residential use shall be calculated in accordance with Table XX as recommended by the 2020 Riverhead Strategic Parking Plan and any Payment in Lieu of Parking requirement that may be adopted by the Town Board as also recommended by the 2020 Riverhead Strategic Parking Plan

Table XX		
RRA-OD Required Parking for Residential Development		
Use	Minimum Parking Stalls Per Unit	Maximum Parking Stalls per unit
Studio/1-bedroom	0.50	1.00
2-bedroom	1.00	1.25

(2) Off-street parking design.

- (a) Off-street parking shall not be permitted in the front yard.
- (b) Parking shall be sited to the rear of buildings, away from street frontages when possible, or to the side of buildings. In all cases, garages and parking areas shall be recessed at least five feet from the primary front facade plane of the main building, and at least 15 feet back from the front property line.
- (c) Parking may also be located fully below buildings, partially below grade in a building, or at grade within a building, provided it is fully enclosed and no entry is provided facing a public street or front yard unless no other alternative exists. Structured parking that is partially below grade shall be screened from the street by steps, trellises, or screens. Where parking is provided on the ground floor, liner stores, which may consist of commercial uses or accessory uses/amenities to multifamily developments are required along the public streets. For block developments which front on more than one street, the requirement for liner stores shall apply along all but one of the streets. Access to parking for block developments shall be at the discretion of the approving agency.
- (d) Curb cuts to parking lots shall be minimized by sharing driveways for access to adjacent parking lots.
- (e) In order to provide shade, parking lots with 21 or more spaces shall have "orchard" planting: one tree per 10 off-street spaces. Such trees shall be spread throughout the parking lot and along the perimeter.
- (f) Where parking lots cannot be located entirely in a rear yard, a vegetated buffer of at least five feet in width shall be provided.
- (g) To soften the appearance of parking lots and reduce the heat island effect, 10% of parking lot area shall consist of landscaped islands.
- (h) In order to provide area for stormwater recharge, at least one of the following management techniques shall be used in parking lots where underlying soils support infiltration of precipitation to the groundwater:
 - [1] Where sanding and salting are not used in the winter, low-traffic or seasonal parking overflow areas of the parking lot shall be surfaced with porous pavement, grass pave, or gravel.
 - [2] Landscaped areas of parking lots shall be planted, situated and graded in a manner to provide infiltration and detention of runoff from paved areas.

§ 301-151.11 Compliance with the State Environmental Quality Review Act

- A. The adoption of this article was analyzed pursuant to the State Environmental Quality Review Act through the preparation of a full environmental assessment form and analysis of development under a theoretical build condition scenario for properties within the RRA-OD meeting the minimum area requirements and which were considered more likely candidates for redevelopment. A traffic impact analysis was conducted to supplement the analysis completed for the Brownfield Opportunity Area Step II Nominations Study in 2015 to assess the impact of redevelopment within the RRA-OD on the intersections where an impact was anticipated under the full build out identified by the BOA, specifically the intersections of Center Street/Court Street at West Main and at Roanoke and Peconic Avenues at Main

Street.

- B.** The negative declaration adopted by the Town Board was supported by a SEQR analysis which evaluated redevelopment of the following parcels applying the base GFA permitted under the code without the application of community benefits to increase density.

- 0600128000200010000	- 0600128000300009000
- 0600128000200014001	- 0600128000300010000
- 0600128000200015000	- 0600128000300011000
- 0600128000200021001	- 0600128000300012001
- 0600128000200022000	- 0600128000300012002
- 0600128000300001000	- 0600128000300012003
- 0600128000300002000	- 0600128000300013000
- 0600128000300003000	- 0600128000300014000
- 0600128000300004000	- 0600128000300015000
- 0600128000300005000	- 0600128000300017001
- 0600128000300006000	- 0600128000300018000
- 0600128000300007000	- 0600128000300019000
- 0600128000300008000	- 0600128000300020000

- C.** The SEQR documents are on file with the Town Building Department for reference . Any applications that are consistent with the thresholds utilized in evaluation of the adoption of the Overlay District shall benefit from the adopted negative declaration.
- D.** Projects which exceed the base thresholds for redevelopment within the RRA-OD and/or provide community benefits to increase density will be required to prepare a Full Environmental Assessment Form and a SEQR review will be conducted by the Town. Dependent upon the increase in traffic volume in comparison to the volumes evaluated for adoption of this article, a traffic impact study may be required to evaluate the need for traffic mitigation (which may include installation of a traffic signal, modified traffic signal timing, or lane reconfigurations/restriping) if demonstrated to improve level of service at area intersections.