

ARTICLE XXXIX Economic Development Zone [Adopted 9-29-1997 by L.L. No. 12-1997; amended in its entirety 10-21-2003 by L.L. No. 20-2003]

§ 108-200. Purpose.

- A. Cognizant of the existence within this state of certain areas characterized by persistent and pervasive poverty, high unemployment, limited job creation, dependence on public assistance income, dilapidated and abandoned industrial and commercial facilities and a shrinking tax base, the State Legislature has enacted a law known as the "New York Economic Development Zone Act." The purpose of this Act is to allow government to target for these areas extraordinary economic and human resource development programs in order to stimulate private investment, private business development and job creation. Under the Act, special incentives and assistance are available that will promote the development of new businesses, the expansion of existing businesses and the development of human resources within areas that are designated by the New York State Commissioner of Economic Development as an economic development zone.
- B. In 1996, in response to military base closures and realignments and the loss of jobs at defense contractor facilities around the state, the Governor and the State Legislature amended the Economic Development Zone (EDZ) statute to allow for the designation of a new round of economic development zones. Specifically, § 960(v) *Editor's Note: See General Municipal Law § 960.* was amended to allow for the designation of not more than seven EDZ's "each of which shall contain a defense or military base or facility which has been designated for closure or realignment or a site currently or formerly owned or operated by either (1) United States military or (2) a defense contractor whose employment in New York State was adversely affected by a reduction in military spending."
- C. This article is required to permit the Town of Riverhead, in cooperation with the County of Suffolk, to prepare and submit to the New York State Commissioner of Economic Development an application for redesignation of the Town of Riverhead as an economic development zone and to permit the execution of any documents necessary to effectuate the purposes of this local law. It is the intent of this article to provide the incentive necessary to attract private business and industry to the proposed economic development zone, as further described herein below, and to maintain the connection between such growth and the human resources base of the community within said zone. **[Amended 7-15-2006 by L.L. No. 23-2006]**

§ 108-201. Designation of Empire Zone plan and boundaries. [Amended 12-28-2005 by L.L. No. 54-2005]

The Economic Development Zone is described by Graphic Information Systems coordinates, Suffolk County Tax Map Numbers or metes and bounds as follows:

- A. Calverton Property (known as EPCAL Subzone Area 1) description by GIS coordinates:

X Coordinate Y Coordinate

2330851.50000 253393.15625

2330836.25000 253604.45313

2331513.75000 254402.37500

2332410.48862 255458.36006

2332633.63506 255721.14938

2332605.54340 255771.43754

2332576.20940 255814.37154

2332534.30340 255865.68279
2332517.47878 255881.63813
2332154.15169 256203.60129
2332069.70714 256278.43203
2331570.57065 256718.60179
2331335.90140 256931.08904
2331288.47765 256978.49104
2331265.79690 257015.58804
2331244.49065 257068.48579
2331208.75090 257195.57804
2331184.87147 257283.24308
2331951.35962 257493.33397
2332538.26250 257620.18577
2334438.81409 257918.29808
2334604.34780 257946.98246
2334953.20329 258007.43362
2335174.69619 258015.15435
2335555.73290 258028.43640
2336529.73010 258062.38767
2338049.48308 258100.76863
2338243.24996 256018.48439
2338570.25002 256052.48439
2338622.50000 255656.74999
2339225.75000 255724.00000
2339734.50000 255780.79688
2340247.00000 255838.00000
2340285.84944 255492.51981
2340431.00000 254194.00000
2340164.00000 254161.00000
2340221.00000 253661.00000
2341929.75000 253865.98438
2342069.58255 252662.65218
2342165.72867 251835.26457
2342132.37929 251724.91678
2341762.51413 251319.55897
2341344.58765 250861.52783
2341088.77123 250581.16300
2332958.76928 257484.71998
2332569.76007 257422.68158
2332004.24926 257300.45399

2331744.64314 257229.29714
2332809.46299 256325.10984
2332987.00000 256137.25000
2339430.50000 250665.67188
2339131.75000 250554.60938
2337651.00000 250579.79688
2335188.00000 252429.81250
2333881.50000 252429.81250
2333912.50000 251989.42188
2333979.87796 251026.34888
2333530.00000 250998.29688
2333131.25000 250970.65625
2332665.03946 250913.94260
2332195.00000 250856.75000
2331590.25000 250780.96875
2331485.62688 250773.43861
2331338.75000 251027.78125
2331023.01125 251027.78125
2331014.50000 251113.78125

Containing within said area a total of 1137 acres

B. Downtown Riverhead Properties (Downtown Subzone Areas 2 and 3) by GIS coordinates and Suffolk County Tax Map Number:

(1) Empire Zone Downtown Riverhead X and Y Coordinates.

X Coordinate	Y Coordinate
2368224.55241	254927.08132
2368145.16318	255075.32839
2368072.50000	255211.01563
2368186.03810	255263.95364
2368232.26215	255285.50595
2368297.42427	255151.17175
2368342.30685	255171.87311
2368362.15522	255130.04976
2368463.38457	255170.25299
2368538.75834	255019.06633
2368615.29817	255034.08816
2368645.71784	255040.05838
2368717.71784	254857.05838
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2368810.31555 255408.90182
2368703.46579 255582.38483
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2368514.99628 255493.23576
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2368309.50000 255497.01563
2368258.50000 255598.01563
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2368816.69290 255715.70126
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2364878.11205 254851.26835
2364826.88982 254830.90045
2364735.66212 254794.62487
2364594.74351 255210.33477

(2) Containing within said area a total of 64.16 acres.

(3) Second area: To include all of the following parcels: Suffolk County Tax Map Number Section 124, block 3, lots 1, 2, 3 and 4; containing within said area a total of 3.84 acres.

C. Riverside Property (known as Subzone Area 4) described by Suffolk County Tax Map Numbers:

Suffolk County Tax Map Nos.

District 0900

Section 118-Block 2-Lots 3.1

Section 118-Block 2-Lot 4

Section 118-Block 2-Lot 5

Section 118-Block 2-Lot 6

Section 118-Block 2-Lots 29

Containing within said area a total of 2 acres

D. Gabreski Property (known as Subzone Area 5) described by metes and bounds:

(1) BEGINNING at a Suffolk County Monument on the easterly side of Westhampton-Riverhead Road (CR 31) whose coordinates are N 249,387.33 E 1,359,028.55 and running thence along the easterly side of said road S 05° 10' 08" W, 32.10 feet to the ACTUAL POINT of BEGINNING.

RUNNING THENCE along Road B the following five (5) courses:

1) N 39° 09' 26" E, 88.36 feet;

2) N 86° 28' 54" E, 256.17 feet;

3) N 04° 37' 33" E, 60.61 feet;

4) S 86° 28' 54" W, 257.46 feet;

5) N 38° 31' 11" W, 86.50 feet to the easterly side of Westhampton-Riverhead Road (CR 31);

THENCE along said road line the following two (2) courses:

- 1) N 00° 54' 56" E, 265.29 feet;
- 2) N 03° 20' 16" W, 1,019.57 feet;

THENCE the following three (3) courses:

- 1) S 87° 45' 54" E, 434.94 feet;
- 2) Southeasterly along the arc of a curve bearing to the left, having a radius of 4,858.00 feet, and a length of 762.02 feet;
- 3) S 55° 02' 37" E, 68.20 feet to the westerly side of Sheldon Way;

THENCE along said road line the following three (3) courses:

- 1) S 26° 34' 35" W, 40.15 feet;
- 2) Southerly along the arc of a curve bearing to the left, having a radius of 218.00 feet, and a length of 111.67 feet;
- 3) S 02° 46' 23" E, 554.16 feet to Road D;

THENCE along Road D the following five (5) courses:

- 1) S 41° 26' 11" W, 78.27 feet;
- 2) S 86° 31' 21" W, 480.61 feet;
- 3) S 10° 20' 00" E, 60.43 feet;
- 4) N 86° 31' 21" E, 469.47 feet;
- 5) S 48° 33' 49" E, 80.59 feet to the westerly side of Sheldon Way;

THENCE along said road line S 02° 46' 23" E, 943.65 feet;

THENCE the following four (4) courses:

- 1) S 86° 47' 07" W, 211.20 feet;
- 2) S 03° 29' 43" E, 65.00 feet;
- 3) S 86° 47' 07" W, 377.37 feet;
- 4) N 48° 12' 53" W, 98.99 feet to Road A;

RUNNING THENCE along Road A the following eleven (11) courses:

- 1) N 03° 10' 59" W, 351.84 feet;
- 2) Northerly along the arc of a curve bearing to the right, having a radius of 250.00 feet, and a length of 55.19 feet;
- 3) N 09° 27' 54" E, 287.59 feet;
- 4) Northerly along the arc of a curve bearing to the left, having a radius of 310.00 feet, and a length of 69.69 feet;
- 5) N 03° 24' 56" W, 175.95 feet;
- 6) S 86° 59' 49" W, 60.00 feet;
- 7) S 03° 24' 56" E, 176.69 feet;
- 8) Southerly along the arc of a curve bearing to the right, having a radius of 250.00 feet, and a length of 56.25 feet;
- 9) S 09° 28' 37" W, 287.21 feet;
- 10) Southerly along the arc of a curve bearing to the left, having a radius of 310.00 feet, and a length of 68.50 feet;
- 11) S 03° 10' 59" E, 308.76 feet;

THENCE westerly the following three (3) courses:

- 1) S 86° 49' 01" W, 113.35 feet;

- 2) N 03° 12' 53" W, 207.32 feet;
- 3) S 86° 39' 25" W, 286.24 feet to the easterly side of Westhampton-Riverhead Road;
THENCE along said road line N 05° 10' 08" E, 683.33 feet to the POINT or PLACE of BEGINNING.

(2) Excluding Road C described as follows:

BEGINNING at a Suffolk County Monument on the easterly side of Westhampton-Riverhead Road (CR 31) and running thence the following four (4) courses:

- 1) N 00° 54' 56" E, 1164.58 feet;
- 2) S 38° 31' 11" E, 86.50 feet;
- 3) N 86° 28' 54" E, 257.46 feet;
- 4) N 41° 40' 14" E, 71.75 feet to the ACTUAL POINT of BEGINNING.

RUNNING THENCE the following eight (8) courses:

- 1) N 03° 08' 25" W, 288.31 feet;
- 2) Northerly along the arc of a curve bearing to the right, having a radius of 438.00 feet, and a length of 275.90 feet;
- 3) Northerly along the arc of a curve bearing to the left, having a radius of 37.00 feet, and a length of 30.35 feet;
- 4) Southeasterly along the arc of a curve bearing to the right, having a radius of 73.28 feet, and a length of 363.93 feet;
- 5) Southerly along the arc of a curve bearing to the left, having a radius of 37.00 feet, and a length of 38.68 feet;
- 6) Southerly along the arc of a curve bearing to the left, having a radius of 368.00 feet, and a length of 213.50 feet;
- 7) S 03° 08' 25" E, 293.27 feet;
- 8) S 81° 09' 43" W, 60.30 feet to the POINT or PLACE of BEGINNING.

(3) Containing within said area a total of 48.00 acres

E. Wyandanch Property (known as Subzone Area 6) described by metes and bounds: All that certain plots, pieces and/or parcels of land situate, lying and being in Wyandanch in the Town of Babylon, County of Suffolk and State of New York, said land being more particularly bounded and described generally accordingly as follows:

BEGINNING at a point, said point being on the northerly side of Irving Ave and the S/E/C of SCTM Lot 0100-058-01-62;

RUNNING THENCE, westerly along the northerly side of Irving Ave to the intersection of the northerly side of Irving Ave and the easterly side of Straight Path to a point, said point being the S/W/C of SCTM Lot 0100-058-01-62;

THENCE, northerly along the easterly side of Straight Path to a point, said point being the NW/C of SCTM Lot 0100-058-01-63;

THENCE, westerly and diagonally across Straight Path to a point, said point being the S/E/C of SCTM Lot 0100-056-03-69.001;

THENCE, westerly and northerly along the southern and western property lines of SCTM Lot 0100-056-03-69.001 to a point on the southerly side of Garden City Ave;

THENCE, northerly across Garden City Ave to a point, said point being on the northern side of Garden City Ave.

THENCE, westerly along the northerly side of Garden City Ave to a point, said point being the intersection of the northerly side of Garden City Ave and the easterly side of North 18th

Street and being the S/W/C of SCTM Lot 0100-056-03-58;

THENCE, northerly along the easterly side of North 18th Street to a point, said point being the intersection of the southerly side of Long Island Ave and the easterly side of North 18th Street and being the N/W/C of SCTM Lot 0100-056-03-73;

THENCE, easterly along the southerly side of Long Island Ave to a point, said point being the northern intersection of the southerly side of Long Island Ave and the westerly side of Straight Path and being the N/E/C of SCTM Lot 0100-057-01-39;

THENCE, northerly and diagonally across Long Island Ave, across The Long Island Railroad, across SCTM Lot 0100-039-04-52 and across Merritt Ave to a point, said point being the intersection of the northerly side of Merritt Ave and the easterly side of North 15th Street and being the S/W/C of SCTM Lot 0100-040-01-60;.

THENCE, northerly along the easterly side of North 15th Street to a point, said point being the N/W/C of SCTM Lot 0100-040-01-59.001;

THENCE, easterly along the northerly property lines of SCTM Lots 0100-040-01-59.001 & 64 to the westerly side of N. 14th Street to a point, said point being the N/E/C of SCTM Lot 0100-040-01-64;

THENCE, southerly along the westerly side of North 14th Street to a point, said point being the intersection of the westerly side of North 14th Street to the northerly side of Merritt Ave and being the S/E/C of SCTM Lot 0100-040-01-63;

THENCE, southerly, diagonally and parallel to the northerly crossing of Long Island Ave, Merritt Ave, and SCTM Lot 0100-039-04-52 to a point on the southerly side of Long Island Ave and the northern property line of SCTM Lot 0100-057-01-33.001;

THENCE, easterly along the southerly side of Long Island Ave to a point, said point and the intersection of the southerly side of Long Island Ave and the westerly side of Woodland Road and being the N/E/C of SCTM Lot 0100-057-01-33.001;

THENCE, easterly, diagonally across the intersection of Long Island Ave, Woodland Road and Grand Boulevard to a point on the southerly side of Long Island Ave, said point being the N/W/C of SCTM lot 0100-057-01-1;

THENCE, easterly along the southerly side of Long Island Ave to a point, said point being on the north property line of SCTM Lot 0100-057-02-1 and 40'± west of the N/W/C of SCTM Lot 0100-057-02-2;

THENCE, northerly and diagonally across Long Island Ave, The Long Island Railroad and Main Ave to a point on the northern side of Main Ave to a point, said point being the S/W/C of SCTM Lot 0100-040-02-14;

THENCE, running clockwise around the western, northern and eastern property lines of SCTM Lot 0100-040-02-14 five distances; northerly 582'±, easterly 198'±, northerly 191'±, easterly 162'± and finally southerly 801'± to the S/E/C of SCTM Lot 0100-040-02-14 and northerly side of Main Ave;

THENCE, westerly along the northerly side of Main Ave 281'± to a point, said point being 80'± east of the S/W/C of SCTM Lot 0100-040-02-14;

THENCE, southerly, diagonally and parallel to the northern crossing of Main Ave, The Long Island Railroad and Long Island Ave to a point on the southerly side of long Island Ave and the N/E/C of SCTM Lot 0100-057-02-2;

THENCE, southerly along the eastern property line to the S/E/C of SCTM Lot 0100-057-02-2;

THENCE, westerly along the southern property lines of SCTM Lots 0100-057-02-1 & 2, across Doe Street and along the southern property line 152'± of SCTM Lot 0100-057-01-4 to a point, said point being the N/E/C of SCTM Lot 0100-057-01-5;

THENCE, southerly along the easterly property line of SCTM Lot 0100-057-01-5 to a point

on the northerly side of Grand Boulevard;

THENCE, westerly along the northerly side of Grand Boulevard to a point, said point being the S/W/C of SCTM Lot 0100-057-01-1;

THENCE, southerly and diagonally across and to the southerly side of Grand Boulevard to a point, said point being the N/W/C of SCTM Lot 0100-057-01-19;

THENCE, southerly along the western property line of SCTM Lot 0100-057-01-19 to a point, said point being the S/W/C of SCTM Lot 0100-057-01-19 and the northerly side of Woodland road;

THENCE, southerly and diagonally across Woodland Road to a point, said point being the N/W/C of SCTM Lot 0100-057-01-32;

THENCE, southeasterly along the southerly side of Woodland Road to a point, said point being the intersection of the southerly side of Woodland Road and the westerly side of Doe Street and being the N/E/C of SCTM Lot 0100-057-01-46;

THENCE, southerly along the westerly side of Doe Street to the intersection to the westerly side of Doe Street and the northerly side of Commonwealth Drive to a point, said point being the S/E/C of SCTM Lot 0100-057-01-46;

THENCE, westerly along the northerly side of Commonwealth Drive to a point, said point being the intersection of the northerly side of Commonwealth Drive and the easterly side of Straight Path and being the S/W/C of SCTM Lot 0100-057-01-41;

THENCE, westerly and diagonally across Straight Path to a point, said point being the S/E/C of SCTM Lot 0100-057-01-39;

THENCE, westerly along the southerly property line of SCTM Lot 0100-057-01-39 to a point, said point being on the easterly side of South 16th Street and being the S/W/C of the SCTM Lot 0100-057-01-39;

THENCE, westerly and diagonally across South 16th Street to a point, said point being on the westerly side of South 16th Street and the N/E/C of SCTM Lot 0100-056-03-70.

THENCE, southerly along the westerly side of South 16th Street and the eastern property line of SCTM Lot 0100-056-03-70 to a point, said point being the intersection of the westerly side of South 16th Street and the northerly side of Garden City Ave and being the S/E/C of SCTM Lot 0100-056-03-70;

THENCE, southerly and diagonally across Garden City Ave to a point, said point being the intersection of the southerly side of Garden City Ave and the westerly side of Straight Path and being the N/E/C of SCTM Lot 0100-056-03-69.001;

THENCE, along the easterly property line and the westerly side of Straight Path of SCTM Lot 0100-056-03-69.001 to a point, said point being the S/E/C of SCTM Lot 0100-056-03-69.001;

THENCE, southerly along the westerly side of Straight Path 95'± to a point, said point being diagonally across to the intersection of the easterly side of Straight Path and the southerly side of Arlington Ave;

THENCE, easterly across Straight Path to a point, said point being the intersection of the easterly side of Straight Path and the southerly side of Arlington Av and being the N/W/C of SCTM Lot 0100-058-01-26;

THENCE, easterly along the southerly side of Arlington Ave, to a point, said point being the N/E/C of SCTM Lot 0100-058-01-26;

THENCE, southerly along the easterly property lines of the SCTM Lots 0100-058-01-26, 27, 65, 64, 63, & 62 to the northerly side of Irving Ave to a point, said point being the S/E/C of SCTM Lot 0100-058-01-62 and the point and/or place of beginning.

Containing within said area a total of 23.935 acres

§ 108-202. Designation and powers of Empire Zone Certifying Officer. [Amended 12-28-2005 by L.L. No. 54-2005]

The Certifying Officer of the Empire Zone in the Town of Riverhead shall be the Town Attorney, with such powers as provided in the statute.

§ 108-203. Composition and powers of Empire Zone Administrative Board. [Amended 12-28-2005 by L.L. No. 54-2005; 7-18-2006 by L.L. No. 23-2006]

- A. Pursuant to Article 18-b of the General Municipal Law, the Local Empire Zone Administrative Board as presently constituted is hereby continued with the following individuals as members pursuant to § 963(a) of the General Municipal Law as follows:
- (1) Chairman of Zone Administration Board.
 - (2) Educational institution representative.
 - (3) Local utility representative.
 - (4) Local business representative.
 - (5) Organized labor representative.
 - (6) Community organization representative.
 - (7) Financial institution representative.
 - (8) Zone resident of the Town of Riverhead.
 - (9) Supervisor of the Town of Riverhead.
 - (10) Director of the Riverhead Community Development Agency.
 - (11) Chair of the Riverhead Development Corporation.
 - (12) Resident of the Town of Southampton, appointed by the Town of Southampton Supervisor subject to the approval of the Suffolk County Legislature.
 - (13) Resident of the Town of Babylon, appointed by the Town of Babylon Supervisor subject to the approval of the Suffolk County Legislature.
- B. All members of the Zone Board shall serve without compensation and shall serve at the pleasure of their respective appointing authorities. The Empire Zone Certification Officer shall not serve as a member of the Zone Board. The Zone Board shall perform all duties required of it pursuant to § 963 of the New York General Municipal Law. The Zone Board shall hold regular meetings and determine the rules of its own proceedings.
- C. The Empire Zone Administrative Board shall exercise all powers provided in the New York State Economic Development Zones Act.

§ 108-204. Real property tax exemption. [Amended 12-28-2005 by L.L. No. 54-2005]

The provisions of Real Property Tax Law § 485-e are deemed incorporated herein and made applicable to this Economic Development Zone.

§ 108-205. Severability.

Should any section, subsection, paragraph, sentence or phrase of this article be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of remaining portions of this article.

§ 108-206. When effective.

This article shall take effect on its adoption and upon the requisite filing in the Office of the Secretary of State.

§ 108-207. Allowance for inclusion of regionally significant projects. [Added 11-8-2006 by L.L. No. 44-2006]

- A. In 2005 New York State amended the Empire Zone Program to include specific projects deemed as "regionally significant projects." "Regionally significant projects" are defined as company and site specific projects located outside the existing zone boundaries of 1,280 acres/credits and must meet the criteria of § 957(d) of the New York General Municipal Law.
- B. The following projects have been determined as eligible regionally significant project designated areas:
- (1) TELEPHONICS Corporation located at 789 Park Avenue, Huntington, New York, more particularly described as Suffolk County Tax Map No. 0400-104.04-01.00-110.000;
 - (2) US WEB, Inc. located at 780 Park Avenue, Huntington, New York. more particularly described as Suffolk County Tax Map No. 0400-104.00-01.00-050.000;
 - (3) BLUE & WHITE FOODS, LLC, located at 535, 525 and 515 Smith Street, Farmingdale, New York, more particularly described as Suffolk County Tax Map No. 0100-6-1-14, 0100-6-1-13 and 0100-6-1-15; **[Added 3-6-2007 by L.L. No. 5-2007; amended 5-1-2007 by L.L. No. 13-2007]**
 - (4) CUSTOM WOODWORK, LTD., dba HERITAGE WIDE PLANK FLOORING AND RENAISSANCE WOODWORKING, located at 713-817 Pulaski Street, Riverhead, New York, more particularly described as Suffolk County Tax Map No. 600-124-02-24; **[Added 3-6-2007 by L.L. No. 5-2007]**
 - (5) C & N PACKAGING, INC., located at 105 Wyandanch Avenue, Wyandanch, New York, more particularly described as Suffolk County Tax Map No. 0100-080.00-02.00-119.009; and **[Added 3-6-2007 by L.L. No. 5-2007; amended 5-1-2007 by L.L. No. 13-2007]**
 - (6) AIR TECHNIQUES, INC., located at 1295 Walt Whitman Road, Melville, New York, more particularly described as Suffolk County Tax Map No. 0400-255.00-01.00-002.005. **[Added 3-6-2007 by L.L. No. 5-2007]**