Planning Board Minutes – February 1, 2018
Planning Board
Town of Riverhead
Suffolk County
Riverhead, New York

Minute summary of February 1, 2018 Town of Riverhead Planning Board meeting, held at the Town of Riverhead Town Hall, Riverhead, New York.

Chairman Stanley Carey called the meeting to order at 7:00 p.m.

PRESENT:

Stanley Carey, Chairman
Edward Densieski, Vice Chair
Joseph Baier
George Nunnaro
Richard O'Dea

ALSO PRESENT:

Jefferson V. Murphree, AICP
Greg Bergman
Vincent Gaudiello, P.E.
Richard Ehlers, Esq.

7:00 PM MEETING

PLEDGE OF ALLEGIANCE

Mr. Carey announced a moment of silence in memory of Lyle Wells.

DISCUSSION ITEMS

1. AT&T @ 201 Fresh Pond Ave – Discussion of an administrative site plan application proposing to modify an existing wireless communications tower, specifically to replace four antennas, replace three RRH units, remove six microwave dish antennas and replace associated equipment and cables. The site is located at 201 Fresh Pond Ave., Calverton, NY, within the Agricultural Protection Zone (APZ) zoning use district, with said parcel being more particularly identified as SCTM No. 600-77-3-1. (Greg Bergman)

Mr. Bergman announced that the applicant was not present, and he proceeded to provide the board with an overview of the project. He stated that it is an administrative site plan for the replacement of four antennas on a 125-foot wireless communications tower approximately 4,400 feet north of Middle Country Road. The compound will be surrounded with a chain-link fence. This is an unlisted action without the requirement for a coordinated review, and the Planning Board can be declared lead agency. No new generators will be installed, and there will be no new equipment enclosures and no noise disturbances.

According to the analysis report, the existing tower will sustain the load from the new equipment. Mr. Bergman referenced a report analyzing exposure, and it is well below the amount permitted by the FCC. The Town Engineer reviewed the plan and a post construction analysis will be required to ensure all requirements have been met. Mr. Carey stated that the board has become well-rounded on cell tower expansions. The board agreed that as long as the structure is stamped by a professional engineer, they will be okay with the proposed replacement of equipment.

2. Masone Residence/Office Conversion – Discussion of a preliminary site plan application to convert an existing single family residence into a mixed use building, with a mental health professional office on the first floor, and continuing the existing residential use on the second floor. The site plan is proposing to add 4,044 sq. ft. of impervious asphalt parking area, a handicap access ramp, lighting and landscaping improvements, as well as a 6 ft. high stockade fence along the western, northern, and eastern property boundaries. The site is located at 918 Main Rd., Aquebogue, NY, within the Agricultural Protection Zone (APZ) zoning use district ,with said parcel being more particularly described as SCTM No. 600-67-3-15. (Greg Bergman)

Brooke Epperson was present to represent the owner. Mr. Bergman presented the board with an overview of the project stating that it is a 0.3 acre parcel in the Agricultural Protection Zone located on the North side of Main Road. The proposed use, according to Town Code, can be granted through a special permit through the Town Board. As far as SEQRA, this is a Type II action; therefore, no further environmental review is required. According to the site plan, they will utilize the existing curb cut off of Main Road. The application was referred to the Department of Transportation who determined the apron and sidewalk must be reconstructed. The driveway is only twelve feet wide; the Planning staff recommends that the curb cut and the driveway be widened. Mr. Bergman added that the parking area calculations are accurate; however, if the site is to be used as a medical office, the parking requirements would increase. The applicant would then have to come back for a site plan review. Mr. Bergman recommended that one parking stall on the site plan should be eliminated, as its location is dangerous; all spaces should be inline. Mr. Bergman stated that traffic flow may be an issue, and he noted that this application is pending a special permit through the Town Board. The traffic flow and required buffers were discussed with Town Board. A ten-foot buffer of plantings is required, and the applicant asked the Town Board if a six-foot fence would suffice to which the Town Board insists on the ten-foot landscaping buffer; they would like the fence erected, as well. The landscaping buffer will affect the driveway and parking, so a new plan for traffic flow must be contemplated. Mr. Bergman noted that the juniper trees on the frontage with Main Road are a potential safety hazard; they obscure the view for those on the sidewalk. He proposes street trees, instead. The vegetation around the base of the house is minimal, and the staff would like to see more landscaping. The lighting is Dark Skies compliant. Mr. Bergman stated that the DOT mandated that the sidewalk be widened to five feet. He then referenced page 7 of his staff report, indicating that property to the west of the applicant may be affected by the proposed changes. Mr. Carey asked if the applicant had approached the neighbor to which Ms. Epperson indicated that they had not. Mr. Baier added that the neighbor must be informed of the changes prior to the applicant's next appearance in front of the Planning Board. Mr. Bergman stated that comments from the Building Department are in his report, and he is waiting on comments from the Fire Marshal. The application was referred to the Suffolk County Planning Commission, and it is a matter of local determination. Mr. Densieski commented that he has no problem with the junipers, but they are too close to the road.

Mr. Baier asked if there is a need for Health Department approval to which Mr. Bergman stated yes; there will be upgrades to the sanitary system. Mr. Bergman asked what the board's opinion on the landscaping is. Mr. Carey's concern was that as the junipers grow out, they can become a problem. Mr. Bergman then reiterated that the Town Board wants a ten-foot landscaping buffer on the east and west sides of the property and a fence. The issue, according to Mr. Berman, is that the required setbacks are limiting, so the ten-foot buffer will be difficult; the applicant must submit a new design. Mr. Carey asked where the driveway lines up with Colonial Drive to which Mr. Bergman answered that it is directly across from it. Mr. Carey asked if the State had any objection to this; the answer was no. Mr. Baier inquired how many parking spaces are proposed; Mr. Bergman answered that there are six. Mr. Murphree added that the problem lies with the width of the access aisle. Mr. Baier asked if the existing shed is going to remain where it is, and Mr. Bergman stated that as of now it is. He noted that after the redesign, it may not. There is a detached garage on the plan which will be removed. Additionally, Mr. Bergman mentioned that the applicant would like to perform work to the building itself while they are awaiting site plan approval; he stated that the Town Board is okay with them performing residential work to the building. Mr. Bergman stated that the application has also been referred to the Architectural Review Board, and prior to being issued a building permit, the staff would like to hear the ARB's comments. Mr. Murphree requested guidance from the board regarding the use as a residence while the project goes forward. The Planning Board discussed it and stated they have no issue with this. Mr. Carey stated that he does want to see street trees in the future; the junipers get out of control. Mr. Carey confirmed that as this is a special permit, the applicant must have a public hearing with the Town Board and one with the Planning Board. Once they hear public comments, they will make a decision. Mr. Bergman stated that once a new plan is designed they will issue a recommendation to the Town Board. Mr. Murphree added that they will hold off on a public hearing until redesigned plans are received and reviewed.

PUBLIC HEARINGS

1. Long Island Sports Park – Public hearing to consider a site plan application from Long Island Sports Park, LLC to operate a multi-purpose sports park and event site on an 82.4719 acre parcel located within the Industrial C (Ind C) zoning use district at 149 Edwards Avenue, Calverton, NY, with said parcel being more particularly identified as SCTM No. 600-137-1-2.1. (Greg Bergman)

Mr. Charles Cuddy, attorney, was present to represent the applicant, along with Doug Adams of Young and Young and Dean Delprete, applicant. Mr. Cuddy stated that this is the old Calverton Links site, and nothing has been altered. It is the same road and is just as accessible as before, and the land looks virtually the same. It is being utilized for recreational uses such as golf, Frisbee golf, mini-golf, soccer-golf, paintball, runs, and arts and crafts. They are taking the site and using the same 193 parking spaces; no additional parking spaces are necessary. Due to the new uses of the property, the Town Board mandated a site plan application. Mr. Cuddy stated that a SEQRA analysis is being done, and by the time this board is pronounced lead agency, the SEQRA should be completed. Mr. Baier asked if they will continue using irrigation to which Mr. Cuddy stated that they do not need a system. Mr. Carey confirmed that there is a private well on site. Mr. Densieski asked if the proposed uses are allowed according to Town Code. Mr. Cuddy confirmed that they are. Mr. Carey noted that as discussed in a previous work session, some activities may exceed the sanitary code. Mr. Cuddy asked Mr. Adams to step up to respond. Mr. Adams stated that on the site plan, he took existing systems and brought the sub-recreational uses together, utilizing parking and other facilities there, making them flow. Mr. Carey noted that runs with many people are held there. Mr. Adams replied that a couple of hundred people could be supported by the current

sanitary system. Mr. Baier asked if the applicant visualizes multiple activities taking place at the same time. Mr. Adams referred the board to the parking calculations and plans; he stated that they show various activities and different examples of what may take place simultaneously. Mr. Carey asked if there was anyone from the public who would like to comment on the application to which there was not.

A motion was made by Mr. Densieski, seconded by Mr. Nunnaro, to close the public hearing:

THE VOTE

BAIER _X_ YES __ NO O'DEA _X_ YES ___ NO

NUNNARO _X_ YES __ NO DENSIESKI _X_ YES __ NO

CAREY _X_ YES __ NO

THIS MOTION _X_ WAS __ WERE NOT
THEREFORE DULY ADOPTED

2. Swenk/Albinski Lot Line Modification – Public hearing on a lot line modification application which seeks to modify the lot line between two residential lots, and convey a 5,459 sq. ft. piece of land between the two adjoining owners. Both lots, in their present state, are pre-existing non-conforming lots within the RB 80 zoning use district with regards to minimum lot size. Lot 1 (Swenk), identified as SCTM No. 600-34-1-54.1, is presently 32,106 sq. ft., and Lot 2 (Albinski), identified as SCTM No. 600-34-1-54.3 is presently 12,505 sq. ft. (Greg Bergman)

Mr. Bergman presented the application on behalf of the applicant, Mr. Robert Albinski. Mr. Bergman stated that the applicant is looking to create a new buildable lot. This is a type II application; therefore, no further environmental review is required. This will require a variance from the Zoning Board of Appeals, and the Suffolk County Planning Commission has deemed it a matter for local determination. The lot line modification will also require approval from Health Department. Mr. Carey asked Mr. Albinski why he is seeking this modification to which Mr. Albinski stated several reasons. He informed the board that there are mature and diseased trees on the property that tend to fall on real property and have the potential to cause damage. Additionally, he would like to balance the property so that there is a buffer between the neighbors and himself. He would also like to clear the diseased trees and establish a boundary tree line. In the future, he contemplates constructing a garage; however, that is not being considered in this application. Mr. Carey asked if there were comments from the public, to which there were not.

A motion was made by Mr. Baier, seconded by Mr. Nunnaro, to close the public hearing:

THE VOTE

BAIER _X_ YES __ NO O'DEA _X_ YES ___ NO

NUNNARO _X_ YES __ NO DENSIESKI _X_ YES __ NO

CAREY _X_ YES __ NO

THIS MOTION _X__ WAS ___ WERE NOT
THEREFORE DULY ADOPTED

PUBLIC COMMENTS ON RESOLUTIONS

Mr. Bergman stated that for resolution 2018-009, the applicant's attorney requested a small modification. Instead of mailing a copy of the resolution to Sandra Reeve, it will be changed to J & S Cottages. The Planning Board accepted the change.

RESOLUTIONS

1. Resolution No. 2018-007 - Minor Subdivision of Little Flower Children & Family Services – Resolution to approve an extension of time for a minor subdivision application to subdivide an existing 15.8 acre parcel, creating one lot of 2.317 acres and another of 13.55 located at 2463 N. Wading River Road, Wading River (SCTM No. 600-36-3-6.1) and, zoned as Residence B-80 (RB-80). (Greg Bergman)

Minor Subdivision - Map of Little Flower Children & Family Services
2463 N. Wading River Road, Wading River
SCTM No. 600-36-3-3.1
Resolution No. 2018-007~~6~~
(First Extension)

Dear Mr. Danowski:

The following resolution was duly adopted at a meeting of the Town of Riverhead Planning Board held on February 1~~January 18~~, 2018:

WHEREAS, by correspondence dated January 15~~8~~, 2018, Peter S. Danowski, Attorney at Law, on behalf of his client, Little Flower Children & Family Services~~Jennifer Giordano~~, did request an extension of time for the Chairman or Secretary of this Board to affix his or her signature to the final plat of the realty subdivision map prepared for the "Minor Subdivision – Map of ~~Giordano, Doyle and Cassidy~~Little Flower Children & Family Services"; and

WHEREAS, the subject property is located at ~~4 and 18 Dunlookin Lane, South Jamesport~~2463 N. Wading River, Wading River, identified as SCTM #'s 600-36~~92~~-36-6.1~~11 (vacant), 600-92-6-12 and 600-92-6-10~~; and

WHEREAS, New York State Town Law, Section 276 allows for additional 90 day periods for submittal of a map for signature. Now, therefore, be it

RESOLVED, that this Board approves the request of Peter S. Danowski, Esq.; and be it further

RESOLVED, that the time for the Chairman or Secretary of this Board to affix his or her signature to the final plat of the Minor Subdivision – Map of ~~Giordano, Doyle and Cassidy~~Little Flower Children & Family Services, shall expire on May 2~~April 18~~, 2018.

Very truly yours,
PLANNING BOARD

Stanley Carey
Chairman

SC:cc

A motion was made by Mr. O'Dea and seconded by Mr. Densieski that the aforementioned resolution be approved:

THE VOTE

BAIER _X_ YES ___ NO O'DEA _X_ YES ___ NO

NUNNARO _X_ YES ___ NO DENSIESKI _X_ YES ___ NO

CAREY _X_ YES ___ NO

THIS RESOLUTION _X_ WAS ___ WAS NOT THEREFORE DULY ADOPTED

2. Resolution No. 2018-008 – Minor Subdivision of Reginald and Connie Farr – Resolution granting a 90 day extension period for approval of a four lot minor subdivision of Reginald and Connie Farr, regarding properties identified as SCTM Nos. 600-80-1-3.3, 3.4, 3.5, 3.6, located within the Agricultural Protection (APZ) zoning use district. (Greg Bergman)

Minor Subdivision - Map of Reginald and Connie Farr
Youngs Avenue, Baiting Hollow
SCTM Nos. 600-80-1-3.3, 3.4, 3.5, 3.6
Resolution No. 2018-008
(Third Extension)

Dear Mr. Cuddy:

The following resolution was duly adopted at a meeting of the Town of Riverhead Planning Board held on February 1, 2018:

WHEREAS, by correspondence dated January 11, 2018, Charles R. Cuddy, Attorney at Law, on behalf of his clients, Reginald and Connie Farr, did request an extension of time for the Chairman or Secretary of this Board to affix his or her signature to the final plat of the realty subdivision map prepared for the "Minor Subdivision – Map for Reginald and Connie Farr"; and

WHEREAS, the subject properties are located on the south side of Youngs Avenue, Baiting Hollow, Town of Riverhead, identified as SCTM #'s 600-80-1-3.3, 3.4, 3.5, 3.6; and

WHEREAS, New York State Town Law, Section 276 allows for additional 90 day periods for submittal of a map for signature.

NOW, THEREFORE, BE IT RESOLVED, that this Board approves the request of Charles R. Cuddy, Esq.; and be it further

RESOLVED, that the time for the Chairman or Secretary of this Board to affix his or her signature to the final plat of the Minor Subdivision – Map for Reginald and Connie Farr, shall expire on May 2, 2018.

Very truly yours,
PLANNING BOARD

Stanley Carey
Chairman

SC:cc

A motion was made by Mr. Baier and seconded by Mr. Nunnaro that the aforementioned resolution be approved:

THE VOTE

BAIER __X__ YES ____ NO O'DEA __X__ YES ____ NO

NUNNARO _X__ YES ____ NO DENSIESKI __X__ YES ____ NO

CAREY __X__ YES ____ NO

THIS RESOLUTION __X__WAS ___ WAS NOT THEREFORE DULY ADOPTED

3. Resolution No. 2018-009 – John F. Reeve Minor Subdivision - Resolution to approve a minor subdivision for real properties located at Whites Lane, Aquebogue, New York, with said properties being more particularly described on the Suffolk County Tax Maps as SCTM Nos. 600-86-4-16.7 and 600-86-4-16.9, located within the Residence B-40 (RB40) zoning use district. (Greg Bergman)

Approves Minor Subdivision of John F. Reeve
Whites Lane, Aquebogue, NY
SCTM Nos. 600-86-4-16.7 & 600-86-4-16.9
Resolution #2018-009

Dear Mr. Finnegan:

The following resolution was duly adopted by the Town of Riverhead Planning Board at a meeting held on February 1, 2018:

WHEREAS, The law offices of Twomey, Latham, Shea, Kelley, Dubin & Quartararo, LLP, on behalf of J&S Reeve Summer Cottages, LLC, did submit an application for a minor subdivision for real properties located at Whites Lane, Aquebogue, New York, with said properties being more particularly described on the Suffolk County Tax Maps as SCTM Nos. 600-86-4-16.7 and 600-86-4-16.9; and

WHEREAS, in or around 1994, by action of the Riverhead Town Assessor and the Suffolk County Real Property Tax Service Agency, a parcel, then known as SCTM No. 600-86-4-16 was split into three tax lots, known as Lots 16.1, 16.2, and 16.3; and

WHEREAS, a series of deeds were passed and subsequent lot line modifications and land conveyances were approved by the Planning Board, including Riverhead Planning Board Resolution No. 17, dated February 1, 2007, and Riverhead Planning Board Resolution dated July 12, 1994, which resulted in the creation of Lots 16.7 and Lots 16.9 as they presently exist on the Suffolk County Tax Map; and

WHEREAS, a Suffolk County Supreme Court decision, rendered on April 17, 2015 by Supreme Court Justice W. Gerard Asher, found that the existing lots were not single and separate, and were, in fact, illegally created in contravention of the provisions of the Riverhead Town Code and further held that the dock attached to Tax Lot 16.3 had been built after the building permit for the dock had expired and therefore the certificate of occupancy that had subsequently been issued was invalid; and

WHEREAS, the Supreme Court ruling has led the applicant to submit an application to now legally subdivide the parcels; and

WHEREAS, both parcels are located within the Residence B-40 (RB40) zoning use district, which requires a minimum lot size of 40,000 sq. ft.; and

WHEREAS, both proposed parcels comply with the dimensional requirements of the RB40 zoning use district; and

WHEREAS, in a letter dated August 15, 2017, the Suffolk County Planning Commission considered the minor subdivision a matter for local determination; and

WHEREAS, the Riverhead Planning Board held a public hearing to receive public comments on the proposed minor subdivision on December 7, 2017; and

WHEREAS, the public hearing was closed on December 7, 2017, with the record kept open for the submission written comments until December 17, 2017; and

WHEREAS, a Suffolk County Supreme Court decision dated December 15, 2017 and subsequent Judgment granted December 22, 2017 were issued that sustained the Riverhead Zoning Board of Appeals' determination that the existing shell fishing use, the oyster shack, the summer cottages, the docks (other

than the dock attached to Lot 16.3), and the bulkheading and marina use were all legal pre-existing nonconforming buildings and uses; and

WHEREAS, the subdivision proposed does not result in an expansion or extension of these legal pre-existing nonconforming buildings or uses under the Riverhead Town Code; and

WHEREAS, the application for minor subdivision is a Type II Action pursuant to 6NYCRR Part 617 (SEQRA), with no further environmental review required; and

WHEREAS, the Riverhead Planning Board has considered the merits of the proposed minor subdivision with the SEQRA record created to date, public comments received at the public hearing, input from other agencies, the report of the Planning Department, the subdivision regulations of the Riverhead Town Zoning Code as well as relevant planning and zoning information. Now, therefore be it

RESOLVED, that the Riverhead Planning Board hereby approves the map, entitled "Minor Subdivision for John F. Reeve," prepared and stamped by Nathan Taft Corwin, III, LS, last dated April 26, 2017, subject to the following conditions:

1. The subdivision map shall be revised to include the Planning Board Certification box.
2. A mylar copy of the revised map shall be submitted to the Riverhead Planning Department for the Chairman of the Planning Board to affix his signature.
3. The new lots shall not be further subdivided;
4. That the dock affixed to the southerly lot being approved herein, be removed if the applicants do not construct a single family residence on the southerly lot and obtain a Certificate of Occupancy therefor within two years from the filing of the minor subdivision map in the office of the Clerk of Suffolk County, and obtain a new Certificate of Occupancy for the dock;
5. The map shall be filed with the Clerk of Suffolk County;
6. The map shall be filed with the Suffolk County Real Property Tax Services;
7. The applicant record deeds creating the two approved lots in the office of the Clerk of Suffolk County; and be it further

RESOLVED, that prior to the Chairman of the Planning Board affixing his signature to the mylar copy, the following conditions shall be met:

1. The map shall receive approval from the Suffolk County Department of Health Services.
2. The map shall receive approval from the New York State Department of Environmental Conservation under Article 25 – Tidal Wetlands jurisdiction.
3. A covenant, in a form approved by Counsel to the Planning Board, containing the conditions and restrictions of this resolution, shall be filed with the Suffolk County Clerk on both newly created lots; and be it further

RESOLVED, that copies of this resolution may be forwarded to J&S Reeve Summer Cottages, LLC, P.O. Box 181, Aquebogue, NY, 11931; the Riverhead Building Department; the Town Clerk; the Town Attorney's Office; the Town Assessor's Office; 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.

Very truly yours,

Planning Board
Stanley Carey
Chairman

THE VOTE

A motion was made by Mr. Nunnaro, seconded by Mr. O'Dea, that the aforementioned resolution be approved:

THE VOTE

BAIER _X_ YES ___ NO O'DEA _X_ YES ___ NO

NUNNARO _X_ YES ___ NO DENSIESKI _X_ YES ___ NO

CAREY _X_ YES ___ NO

THIS RESOLUTION _X_ WAS ___ WAS NOT
THEREFORE DULY ADOPTED

4. Resolution No. 2018-010 - KJJ Construction – Resolution to approve a final site plan to construct a one-story addition of 1,211.88 sq. ft. for a 15-seat restaurant onto an existing one and one-and-a-half story commercial building to include 2,828 sq. ft. of professional (medical) office use on the first floor and 475 sq. ft. of professional (non-medical) office use on the second floor and related improvements including asphalt parking area, drainage, landscaping, lighting, etc. upon real property of 28,009 sq. ft. in the Business CR Zoning District on the northeast corner of Route 25A and Dogwood Dr. in Wading River, New York, known and designated as Suffolk County Tax Map Number 0600-072.00-02.00-005.000. (Karin Gluth)

APPROVES FINAL SITE PLAN APPLICATION KNOWN AS KJJ CONSTRUCTION, LLC. FOR AN ADDITION OF AN APPROXIMATELY 1,212 SQ. FT., 15-SEAT RESTAURANT LOCATED AT 6336 ROUTE 25A, WADING RIVER, SCTM NO. 0600-72-02-5.0

Dear Sir:

The following resolution was duly adopted at a meeting of the Town of Riverhead Planning Board held on February 1, 2018:

WHEREAS, Town of Riverhead Planning Board adopted a preliminary site plan resolution # 2017-0016 dated March 2, 2017 to construct a one-story addition of 1,211.88 sq. ft. for a 15-seat restaurant onto an existing one and one-and-a-half story commercial building to include 2,828 sq. ft. of professional (medical) office use on the first floor and 475 sq. ft. of professional (non-medical) office use on the second floor and related improvements including asphalt parking area, drainage, landscaping, lighting, etc. upon real property of 28,009 sq. ft. in the Business CR Zoning District on the northeast corner of Route 25A and Dogwood Dr. in Wading River, New York, known and designated as Suffolk County Tax Map Number 0600-072.00-02.00-005.000; and

WHEREAS, the Planning Department has reviewed the final site plan, including a two-page Site Plan of Property and a two-page Planting and Lighting Plan, both last dated January 16, 2018, prepared by James V. DeLucca, R. A., and Nathan Taft Corwin III, L. S., and two pages of building elevations and two pages of floor plans last dated January 17, 2017 (typo should be 2018), prepared by James V. DeLucca, R. A. and has determined the required modifications to address the conditions of the preliminary site plan approval have been made and has recommended to the Planning Board of the Town of Riverhead that said final site plan application be approved with conditions; and

WHEREAS, a public hearing was held on October 6, 2016; and

WHEREAS, as per the determination (appeal no. 15-31) of the Zoning Board of Appeals dated August 27, 2015, variances were granted for construction of an addition to a commercial building (15 seat take-out restaurant) with a 23.6 ft. parking aisle width instead of the required 24 ft., for a side yard depth of 16.2 ft. instead of the required 25 ft., and for an 11.9 ft. side yard landscaping distance from the parking area instead of the required 15 ft.; and

WHEREAS, the variances were extended one year to August 27, 2017 as per the extension of the Zoning Board of Appeals dated August 11, 2016; and

WHEREAS, the variances were extended one year to August 27, 2018 as per the extension of the Zoning Board of Appeals dated August 10, 2017; and

WHEREAS, the Planning Board as part of the preliminary site plan approval determined that the proposed site plan increases the current amount of landscaping in the front and street-facing side yards and the design standards as per Town code section 301-98 regarding parking and landscaping are met to the extent practicable; and

WHEREAS, the Architectural Review Board originally reviewed the elevations last dated October 10, 2012 and as per Resolution #2013-03 dated February 27, 2013 recommended approval; and

WHEREAS, the Architectural Review Board subsequently reviewed the elevations last dated October 10, 2012 and re-recommended approval in a memo dated November 17, 2017; and

WHEREAS, the building elevations last dated January 17, 2017 match those last dated October 10, 2012; and

WHEREAS, the total site plan review fee as required by Section 301-305G of the Code of the Town of Riverhead have been received in check no. 1848 dated May 17, 2012; and

WHEREAS, the New York State Department of Transportation (NYSDOT) has confirmed via a January 22, 2018 e-mail that the plans that were provided on November 3, 2017 address the July 3, 2013 NYSDOT comments and that site plan approval for highway work permit issuance is contingent upon receipt by NYSDOT of certain items within six (6) months of the date of the e-mail; and

WHEREAS, the full NYSDOT correspondence was provided to the project architect on January 23, 2018; and

WHEREAS, that as per the preliminary site plan resolution for KJJ Construction, LLC the Riverhead Planning Board declared itself to be the Lead Agency without the need for coordinated review and further determined the Action to be a Unlisted action pursuant to 6NYCRR Part 617 with no significant environmental impact; and

WHEREAS, the Planning Board has carefully considered the merits of the final site plan application, the SEQRA record to date, the report of the Planning Department, as well as all other relevant Planning, Zoning and Environmental information.

NOW, THEREFORE BE IT RESOLVED, that the final site plan application , including a two-page Site Plan of Property and a two-page Planting and Lighting Plan, both last dated January 16, 2018, prepared by James V. DeLucca, R. A., and Nathan Taft Corwin III, L. S., and two pages of building elevations and two pages of floor plans last dated January 17, 2017 (typo should be 2018), prepared by James V. DeLucca, R. A., to construct a one-story addition of 1,211.88 sq. ft. for a 15-seat restaurant onto an existing one and one-and-a-half story commercial building to include 2,828 sq. ft. of professional (medical) office use on the first floor and 475 sq. ft. of professional (non-medical) office use on the second floor and related improvements including asphalt parking area, drainage, landscaping, lighting, etc., is hereby approved by the Planning Board with the following conditions:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

3. That the form, design, location, and color of all signage shall be submitted for the sign permit procedure prior to being installed at the property (the site plan approval does not indicate approval of signage); that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Article XLVIII of the **Riverhead Town Code** shall be complied with, and that all

tenants shall be apprised of said requirements as well as any restrictions imposed as a condition of the site plan approval granted herein;

4. That any outdoor lighting shall be installed pursuant to Article XLIX of the **Riverhead Town Code** and no lighting shall be adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 245, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;

6. That parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code;**

7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code;**

8. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

9. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document KJJ Construction, LLC and Dr. Jeffrey Campisi hereby do authorize and consent to the Town of Riverhead to enter the premises at 6336 Route 25A, Wading River, New York to enforce said handicapped parking regulations;

10. That all new utilities shall be constructed underground;

11. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;

12. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

13. The applicant must satisfy all applicable requirements of the Building and Fire Code of New York State;

14. That the applicant shall be required to request, pay the applicable fees, and obtain all the necessary site inspections as applicable (including drainage improvements prior to backfill, grading and site improvements prior to the first lift of paving, after the first lift of paving, and post-construction prior to the issuance of a certificate);

15. That an excavation permit shall be obtained for from the Town Board pursuant to Chapter 62 of the Riverhead Town Code the exportation of soil prior to site disturbance or issuance of a building permit;

16. Approval from the Suffolk County Department of Health Services Office of Wastewater Management shall be required prior to issuance of a Building Permit;

17. That proof of issuance of a Highway Work Permit from the New York State Department of Transportation (NYSDOT) shall be required prior to work within the right-of-way of Main Rd. (NYS Route 25);

18. That a Road Opening Permit from the Town of Riverhead Highway Department shall be obtained prior to commencement of work within the Dogwood Dr. right-of-way;

19. That Dig Safely New York Call 811 shall be called prior to the commencement of any work to mark out utilities;

20. That the restaurant shall be limited to 15 seats total and single-service (disposable) tableware unless further approvals are obtained from the Town of Riverhead Planning Board and Suffolk County Department of Health Services Office of Wastewater Management and Food Unit;

21. That the office uses shall be limited to professional offices as defined by Town Code section 301-3, the only offices permitted as per the Business CR zoning;

22. That the medical professional office use shall be restricted to 2,828 sq. ft. on the first floor unless subsequent approvals are obtained from the Town of Riverhead Planning Board and the Suffolk County Department of Health Services Office of Wastewater Management;

23. That no clearing or site work shall commence or Building Permit (temporary or permanent) shall issue until the Chairman of the Planning Board signs the mylar copy of the final plans (including a two-page Site Plan of Property and a two-page Planting and Lighting Plan, both last dated January 16, 2018 and two pages of building elevations and two pages of floor plans) which is contingent upon the following:

a. That the mylar plans shall not exceed the size of a standard D size drawing (24" x 36").

b. That the mylar plans include a Planning Board Certification Box on each page.

c. That each page of the mylar plans shall be signed and sealed by the architect.

d. That the last revision date on each page of the mylar floor plans and elevations shall be corrected to list the correct date of January 17, 2018 instead of 2017.

e. That three (3) re-dated paper sets of the floor plans and building elevations matching the mylar plans shall be submitted.

f. Submission of a digital copy of the Final Site Plan matching the mylar final site plan in a common computer-aided design (CAD) file format, among them DGN, DXF, and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long island FIPS 3104 (feet) coordinate system.

g. That covenants to the satisfaction of the Town Attorney are submitted and filed (as indicated under item #2);

h. That certification of clean title to the satisfaction of the Town Attorney is submitted;

i. That a future cross access agreement with the property to the east (Suffolk County Tax Map no. 0600-072.00-02.00-006.000), to allow for the 24 ft. wide access as shown on the site plan, to the satisfaction of the Town Attorney shall be recorded with the Suffolk County Clerk ;

24. That no temporary or permanent Certificates of Occupancy shall be issued until:

a. The applicant submits six (6) signed and sealed accurate as-built surveys to the Planning Department;

b. Proof of approval of constructed works for a commercial sanitary system the from the Suffolk County Department of Health Services Office of Wastewater Management is provided to the Building Department;

c. All Town of Riverhead Water District fees and Key Money have been paid and an application for installation of an Reduced Pressure Zone (RPZ) device shall be submitted and installation of such device shall completed to the satisfaction of the Superintendent of the Water District;

d. The applicant submits requests for all inspections required (see #14) and pays the applicable fees and the final inspection is found to be satisfactory; and

e. Copies of a Highway Work Permit Disposition form from the New York State Department of Transportation are submitted to the Planning and Building Departments indicating that all work required as part of the Highway Work Permit has been satisfactorily completed.

f. Confirmation from the Town Highway Superintendent that all required work as approved by the Highway Work Permit was completed satisfactorily.

NOW, BE IT FURTHER RESOLVED, that pursuant to section 301-303F of the Riverhead Town Code, this final approval shall be valid for 36 months from the date of approval with the possibility of one 12-month extension by the Planning Board, upon a request of the applicant in writing made at least 30 days prior to the expiration of the original thirty-six month period; and

BE IT FURTHER RESOLVED that the Clerk for the Planning Board is hereby authorized to forward a certified copy of this resolution to James V. De Lucca, R. A., 12 Linda Ln. East, Riverhead, NY 11901; the Riverhead Planning Department; the Riverhead Building Department; the Town Attorney; the Town Clerk; the Town Assessor; the Town Engineer; the Fire Marshall; the Water District Superintendent, and the Town's Consulting Engineer.

Very truly yours,
PLANNING BOARD

Stanley Carey
Chairman

RMO:kg

A motion was made by Mr. Baier, seconded by Mr. Nunnaro, that the aforementioned resolution be approved:

THE VOTE

BAIER __X_ YES ___ NO O'DEA __X_ YES ___ NO

NUNNARO __X__ YES ___ NO DENSIESKI __X__ YES ___ NO

CAREY __X_ YES ___ NO

THIS RESOLUTION __X__WAS ___ WAS NOT
THEREFORE DULY ADOPTED

5. Resolution No. 2018-011 – AT&T @ 201 Fresh Pond Ave – Resolution to approve an administrative site plan application proposing to modify an existing wireless communications tower, specifically to replace four antennas, replace three RRH units, remove six microwave dish antennas and replace associated equipment and cables. The site is located at 201 Fresh Pond Ave., Calverton, NY, within the Agricultural Protection Zone (APZ) zoning use district, with said parcel being more particularly identified as SCTM No. 600-77-3-1. (Greg Bergman)

Classifies Action, Claims Lead Agency, Issues Negative Declaration Pursuant to SEQRA and Approves Administrative Site Plan of AT&T Site #NY0137
201 Fresh Pond Avenue, Calverton, NY
SCTM #600-77-3-1
Resolution No. 2018-011

Dear Mrs. Lee:

The following resolution was duly adopted by the Town of Riverhead Planning Board at a meeting held on February 1, 2018:

WHEREAS, the Planning Board is in receipt of a site plan application from AT&T which proposes modifications to an existing wireless communications facility, specifically; the replacement of two (2) antennas at Alpha sector, replacement & relocation of one (1) antenna per sector at Beta and Gamma sector (2 total), replacement of one (1) RRH per sector (3 total), remove of microwave dish antennas (6 total), and all associated equipment and cables; and

WHEREAS, all modifications and additions will located within the perimeter of an existing ±9,800 sq. ft. wireless communications compound; and

WHEREAS, no new ground level equipment, i.e. equipment enclosures, generators, etc., are being proposed as a part of this application; and

WHEREAS, the subject property is a 0.92 acre parcel, identified as SCTM No. 600-77-3-1, and is located on the west side of Fresh Pond Avenue in Calverton, NY, approximately 4,100 feet north of Middle Country Road, within the Agricultural Protection (APZ) zoning use district; and

WHEREAS, the Planning Department has received and reviewed a site plan, with sheets labeled T01 – Title Sheet, SP01 – Overall Site Plan, A01 – Compound Plan, Antenna Plan & General Notes, A02 – Equipment Plans, A03 – Tower Elevation, A04 – RRH & RRH Mounting Details, A05 – Antenna & Antenna Mounting Details, prepared and stamped by Nicholas D. Barile, PE, last dated August 9, 2017; and

WHEREAS, the Planning Department has received and reviewed a property survey, prepared and stamped by Wilton H. Wright, LS, last dated January 17, 2018; and

WHEREAS, the applicant has submitted a structural analysis report for the existing wireless tower and proposed additions, prepared and stamped by John W. Kelly, III, PE, last dated July 11, 2017; and

WHEREAS, the applicant has submitted an RF Exposure Analysis for the existing and proposed telecommunications equipment, prepared by Azad Karim, Senior RF Engineer for Bechtel Communications, Inc., last dated October 23, 2017, to assess the potential radiofrequency (RF) exposure levels of the existing and proposed equipment modifications of the facilities in this site plan application; and

WHEREAS, the Riverhead Planning Department identified the application as an Unlisted action pursuant to 6NYCRR Part 617 without a requirement for coordinated SEQR review with involved agencies; and

WHEREAS, a public hearing is not required as this is considered an administrative review as per §301-304 B(3)(g) of the Code of the Town of Riverhead; and

WHEREAS, the site plan review fee, as required by §301-305 G(2) of the Code of the Town of Riverhead has been received as per the Office of the Financial Administrator of the Town of Riverhead; and

WHEREAS, the Planning Board has carefully considered the merits of the site plan application, the SEQRA record to date, the reports of the Planning Department, as well as all other agencies having jurisdiction and relevant Planning, Zoning and Environmental information. Now, therefore be it

RESOLVED, that the Riverhead Planning Board declares itself Lead Agency, without the need for coordinated review in the site plan of AT&T Site #NY0137 at 201 Fresh Pond Avenue, Calverton, and issues a negative declaration pursuant to 6NYCRR Part 617 (SEQRA); and be it further

RESOLVED, the application including a site plan, with sheets labeled T01 – Title Sheet, SP01 – Overall Site Plan, A01 – Compound Plan, Antenna Plan & General Notes, A02 – Equipment Plans, A03 – Tower Elevation, A04 – RRH & RRH Mounting Details, A05 – Antenna & Antenna Mounting Details, prepared and stamped by Nicholas D. Barile, PE, last dated August 9, 2017, is hereby approved by the Planning Board of the Town of Riverhead; and be it further

RESOLVED, that prior to the issuance of a certificate of compliance, the following conditions shall be met:

1. That a post construction analysis of the mounting strut and installations shall be submitted by a NYS Licensed Engineer certifying that the completed work conforms to the approved plans, design and any structural improvements.
2. The site plan shall be revised to include the Planning Board Certification Box on each sheet of the site plan.
3. The applicant submit six (6) revised paper copies and one (1) revised mylar copy of the site plan for the Chairman of the Planning Board to affix his signature to. And be it further

RESOLVED, that the Clerk of the Planning Board is hereby authorized to forward a copy of this resolution to the 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.

Very truly yours,

Stanley Carey
Planning Board Chairman

A motion was made by Mr. O'Dea, seconded by Mr. Nunnaro, that the aforementioned resolution be approved:

THE VOTE

BAIER __X__ YES ___ NO O'DEA __X__ YES ___ NO

NUNNARO _X__ YES ___ NO DENSIESKI __X__ YES ___ NO

CAREY __X__ YES ___ NO

THIS RESOLUTION __X__WAS ___ WAS NOT
THEREFORE DULY ADOPTED

MEETING MINUTES OF THE BOARD

1. Minutes of the January 18, 2018 Planning Board Meeting

A motion was made by Mr. Densieski, seconded by Mr. Nunnaro, that the January 18, 2018 minutes be approved:

THE VOTE

BAIER __X__ YES ___ NO O'DEA __X__YES ____ NO

NUNNARO __X_YES ___ NO DENSIESKI _X__ YES ___ NO

CAREY __X_YES ___ NO

THESE MINUTES _X___WERE ___ WERE NOT
THEREFORE DULY ADOPTED

Mr. Murphree reminded the Planning Board that after the February 15th meeting, a Triboard meeting will be held among the Town Board, Zoning Board of Appeals and the Planning Board. The meeting is being held to discuss the coordination and communication between all boards; Mr. Murphree asked the members to please consider several matters for the discussion. He added that the Planning Department needs a better way to track applications, and the implementation of software similar to what the Building Department uses would cost approximately $18,000. Mr. Murphree believes this will be an invaluable tool for the department; it will also help Planning track dead applications that have been dragging on for years. He stated that a policy or code is needed to establish when an application can be deemed "dead." Mr. Baier added that he would like to discuss downtown parking to which Mr. Murphree added that

there has been much discussion about this with the Supervisor's office; one thing being considered is Payment In Lieu of Parking, PILOP.

EXECUTIVE SESSION

None.

A motion was made by Mr. Densieski, seconded by Mr. O'Dea, to adjourn the meeting:

THE VOTE

BAIER _X_ YES __ NO O'DEA _X_ YES __ NO

NUNNARO _X_ YES __ NO DENSIESKI _X_ YES __ NO

CAREY _X_ YES __ NO

THE MOTION _X_ WAS __ WAS NOT
THEREFORE DULY ADOPTED

Dated: 2/15/18

Signed,
PLANNING BOARD

Stanley Carey
Chairman