

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

Minute summary of November 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
Ed Densieski
George Nunnaro
Richard O’Dea
Joseph Baier

ALSO PRESENT:

Richard Ehlers, Planning Board counsel
Jefferson V. Murphree, AICP
Jeffrey Seeman
Greg Bergman

7:00 PM MEETING

PLEDGE OF ALLEGIANCE

DISCUSSION ITEMS

1. Harbor Freight Tools – Discussion of a site plan application which proposes interior and exterior improvements to an existing shopping center. The modifications consist of splitting an existing tenant space to create a new 17,250 sq. ft. leasable area which will be occupied by Harbor Freight Tools, with the remaining space to be available for lease to a future, as of yet unidentified tenant. The subject parcel, identified as SCTM NO. 600-108-4-14.5, is located at 1087 Old Country Road, Riverhead, and is located within the Shopping Center (SC) zoning use district. (Greg Bergman)

Mr. Bergman stated that he spoke with the applicant and landlord. The applicant is in California and the landlord could not make it out for the meeting. Mr. Bergman will keep them up to date on tonight’s information. They are proposing interior and exterior improvements to the existing shopping center. It is located at 1087 Old Country Road. It is presently improved with 124,000 square feet of retail and restaurant uses. Currently, there’s a Staples, a Subway restaurant, a Japanese restaurant, Big Lots, etc. This modification consists of splitting an existing tenant space that used to be Home Goods to create a new 17,250 square foot leasable area which will be occupied by Harbor Freight Tools; the remaining

space that is created will be leased to a future, as of yet unidentified tenant. Staff recommends that the Planning Board be Lead Agency for SEQRA; it is an Unlisted Action. Staff has prepared parts two and three of the EAF; based on the review of the application, staff believes the proposed action will not have an adverse impact on health, safety or welfare of the surrounding area and recommends a negative declaration. The subject parcel is surrounded by a variety of uses; the parcel's southern boundary is shared with Riverhead High School. There is vacant commercial land with other commercial uses to the west of the subject parcel. The eastern boundary is shared with another commercial shopping center. There are also some single family residential houses along the eastern boundary of the property. During the site plan review process, the existing lighting on the site of both the pole mounted parking lights and building lights are not compliant with the Town's exterior lighting code. The applicant has submitted a lighting plan which identifies all the site lighting to be replaced. They are proposing to bring all of the site lighting into compliance with the code. That will consist of lowering the heights of the existing pole mount fixtures to a height of 16 feet with 3,000 K LED fixtures. The building mounted lighting will be replaced with a height of 12 or 16 feet, depending on the location, and 3,000 K. In no case will the lighting fixtures exceed the allowable height established by the Town Code. They will be doing a minimal amount of exterior work, including the construction of a new 120 square foot receiving pad in the back of the building in the southeast corner of the property, construction of a new accessible, concrete egress ramp behind the building in the southeast corner of the property. There will be a new accessible ramp at the main entrance at the northern elevation. There will be a new accessible aisle and parking space striping. Mr. Bergman spoke with the applicant, and it was clarified that the receiving pad in the rear will be used for small packages. The main loading dock is to be used for the larger deliveries with the eighteen wheeler trucks. They will need to go to the ARB. It did not require a referral to the Suffolk County Planning Commission. The plans will be updated to clearly clarify the total size of the existing space; right now it only shows Harbor Freight. The permanent C/O should be withheld until the lighting is up to code. It is recommended that due to the minimal exterior work, the Planning Board grant de minimus site plan approval for this application. Mr. Densieski asked Mr. Bergman to go to the site and look at the parking lot to see what improvements are required. Mr. Bergman added that he did do a site visit, and the parking lot was redone and restriped and in much better condition than it was. Mr. Carey asked if the applicant is in agreement with the staff comments to which Mr. Bergman answered yes. Mr. Carey asked about the Fire Marshal; are there any oils or flammable liquids that may need to be regulated? Mr. Bergman explained there were no comments from the Fire Marshal.

Mr. Baier stated he would like a cross access on the west side; there is one that is there, but they drive through the back. Mr. Carey added it is a good idea but may be difficult. Mr. Densieski added that there are 2 different elevations there. Mr. O'Dea noted the southeast corner is getting a new ramp, and he is concerned about the residential aspect; what is the distance? Mr. Bergman does not know the distance, but he clarified that there is a wall and significant vegetation and he does not believe it will cause more disturbance. Mr. Densieski stated they need to take another look. Mr. Bergman will go out, take a look and update the board. Mr. Carey asked if other than the code complaints and upgrades, they could run by the cross access with them. He added that it may be difficult to get the cross access, as they are only one tenant in that shopping center. He does not have a problem with de minimus approval. Mr. Bergman will update the board on all of their questions once he makes another site visit. Mr. Murphree asked if the board was in agreement that no public hearing is necessary; the board agreed. Mr. Baier asked if this is a national firm; the plan is from a company in Ohio. Mr. Murphree said it is.

PUBLIC HEARINGS

1. Minor Subdivision of Calverton Manor LLC – Public hearing to consider a three-lot minor subdivision application seeking to subdivide an existing 35.5393 acre parcel of land and create three lots. The three lots that would result from this application would be 11.048 acres, 6.654 acres, and 17.837 acres in size. The subject parcel, identified as SCTM No. 600-99-2-19, is located at 3534 Middle Country Road, Calverton, and is split zoned, with approximately 11.048 acres zoned Rural Corridor (RLC) and the remaining 24.491 acres zoned Agricultural Protection (APZ). (Greg Bergman)

Charles Cuddy, attorney for the applicant, presented the application. Gary Schneider was also present. Mr. Cuddy stated that this application is for three lots located at Manor Road and Route 25; they consist of a lot in the RLC zoning district on Main Road that is 11 acres and two other lots that are farm lots, and both lots which total 23 acres have the development rights sold. There is a further lot that he and Mr. Ehlers have discussed, which is behind the site and has been a subject of concern for the planners. It was agreed that the further lot which is tax map lot 20 would be either sold with the lots that are there, or would be sold to the farmers adjoining those lots. So, there shouldn't be a problem with that.

It is behind the Long Island Lighting Authority property and is not an easement; they actually own that property. Basically, there are three lots that you've at this site for quite a while; two are now completely farmed, and they are going to be because the development rights have been sold. The third lot is in the RLC district and may be developed ultimately, but there's not a specific plan for it right now.

Mr. Carey stated they had questions at the work session about the access to the northern lot. Mr. Cuddy stated that if that lot is ever sold, it will be sold in conjunction with lot three or to an adjoining farmer. So, it will not be separate and access will not be an issue. Mr. Baier asked if there are actually four lots then to which Mr. Cuddy explained no; it is not part of the subdivision. It is separated completely by the LILA lot, which is over 100 feet wide and they own that lot. It is not an easement; Mr. Ehlers agrees. It has a separate tax map number.

Mr. Carey asked if there were any public comments on the matter. Walter Yakaboski stepped forward and asked if he can see the map of the subdivision. Mr. Bergman showed him and explained the plan. John Yakaboski also came forward to see the plan. He stated that he lives about 100 yards from the property. One of the lots the rights were sold. The other one, he thought they were not sold, the 6.6 acres. Mr. Bergman explained that only the development rights were sold on the 17.88 acres on the northern portion of the property, the lavender farm. The development rights are still intact on the southern 6.6 acres. Mr. J. Yakaboski asked what the issue is with where the development rights were sold, the 17.88 acres; that's already being farmed permanently. Mr. Bergman answered that there were no issues. Mr. W. Yakaboski asked what is going to be on lot two to which Mr. Bergman explained that right now, there is nothing being proposed. Mr. W. Yakaboski asked if they are just splitting up the three to which Mr. Berman responded they are taking one lot and creating three. Mr. J. Yakaboski stated they were under the understanding that the 17.88 acres and the 6.1 were already sold. It was explained that they were being leased, not sold. Mr. Yakaboski accepted the clarification.

One of his concerns is that Lavender by the Bay has a fence along the area; there is flooding in the drainage area. He called the police on different occasions, and they were going to contact Highway because the water was so deep that cars could not get through. Mr. Carey asked if he was referring to

Manor Road to which Mr. Yakaboski answered yes. They put stanchions in to show that there was water there. Secondly, he lived there for 65 years, and he has concerns with the snow that comes across; it builds up. Now that the lavender farm has fencing up, besides poles, it is almost like a snow fence. Snow would blow for miles down, and he is sure that the fencing will stop the snow; the snow will go on the road, and it will be a concern. Sixty-five years ago they had access to Route 25, then they made the extensions and took his access away. They had to go around and other people in the development will be affected by the snow and water. Mr. Bergman asked if they were affected by the lavender farm because this public hearing is for the subdivision. Mr. W. Yakaboski stated no, but he put up a fence. Mr. Carey then explained that the subject tonight is the subdivision; those items are not the concerns tonight, but he did note them and will check with the Highway Department. Mr. J. Yakaboski stated that when the snow blows across the fields, it covers the road big time. It could create an issue where snow shows more depth on the road. Mr. Baier asked they show Mr. Bergman, on the map, where the flooding occurs on the road.

Mr. Bergman then showed the board the area at the beginning of the bend that has flooding. Mr. Baier added that it was brought up last time, as well. Mr. Carey asked if there were any other comments on for the public hearing; there were none.

A motion was made by Mr. and Densieski seconded by Mr. Nunnaro that the public hearing be closed:

THE VOTE

BAIER YES ___ NO O'DEA YES ___ NO

NUNNARO YES ___ NO DENSIESKI YES ___ NO

CAREY YES ___ NO

THIS MOTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

PUBLIC COMMENTS ON RESOLUTIONS

None

RESOLUTIONS

None.

PUBLIC COMMENTS ON ALL MATTERS

Chris Kent was present for sPower, along with Ryan Galeria, Director of Solar Development. Mr. Kent stated that he wanted to set the record straight, from their perspective, on a resolution adopted by the Planning Board on October 4th, 2018 #2018-077. It requested the preparation of a Supplemental Environmental Impact Statement for the 20 MW solar project on 110 acres west of Peconic Avenue. The

Town Board (Planning Board) made a decision not based on correct information. It was information that was provided to them or that they learned of, and Mr. Kent is not sure how they received that information, but that any subsequent projects would be violating the site plan resolution that was approved by the Planning Board for the 20 MW project. He stated there would be only one facility through the gen-tie that was proposed and through the easement under Edwards Avenue. It was a condition for the approval and part of the covenants that were recorded and in support of the site plan, and the developer has the intent to conform to the condition and covenants. There will be only one facility that will be connected to that gen-tie line and through that easement under Edwards Avenue. He wants to clear up that incorrect information that he believes the board based part of their decision on the adoption of the resolution on October 4th. They want to resolve the misunderstanding that they have other projects that are proposed to go through that gen-tie and through the easement under Edwards Avenue. They have every intention of abiding by the condition placed on the site plan approval from this board which was granted in August 2018 and by the covenants that were recorded. He asked the board to consider rescinding the resolution. Any resolution they asked for with the Supplemental Environmental Impact Statement was included with the EIS that was reviewed, completed and adopted already. The cumulative impacts were analyzed in the original EIS. He again asked that the board consider rescinding the resolution adopted by the board, Resolution #2018-077, adopted on October 4th.

Mr. Galeria stated that he would like to distribute maps to the board that would further clarify their position; Mr. Bergman accepted the maps and provided them to the members. In all fairness to the board, there has been confusion on how the power would be transmitted from the Riverhead 1 facility that was approved and the proposed Riverhead 2 facility with the connections beneath Edwards Avenue. They created this map to illustrate there are two distinct facilities with proposed easements on Riverhead 1 and a separate electrically independent easement for Riverhead 2 with no comingling of the two facilities. He admitted that sPower could have provided this information in a better manner. He understands the confusion and he appreciates the board considering these items.

Mr. Carey then asked if that was it to which Mr. Galeria answered yes. Mr. Carey then asked if there was anyone else with comments on anything; Mr. John Yakaboski came forward again.

Mr. J. Yakaboski stated that he is 100 yards away from the property addressed earlier. He notices every day during the summer time, Splish Splash is right down the street. Traffic is jammed up down the street to the bridge. They may need to do something, especially if the lavender is popular, as he's sure it will be. Secondly, when you come down by the bridge from Riverhead by Tanger, the roads connect, and it is easy for the two lanes to have an accident. He does not think it is as safe as it should be. Also, by Stop and Shop where the trucks come in and try to make a right turn toward Stop and Shop on Middle Road, they cannot make a right turn; a lot of times, they have to back up. If they can, they should make the turn easier somehow. Mr. Carey stated that it is a County issue, when they redid 58 they left no shoulder, and he agrees that they did not do a good job. There are improper shoulders. Mr. Densieski added that where Mr. Yakaboski talked about the roads coming together, it is a County road and a State road coming together, so there is red tape there.

Mr. Yakaboski then added a fourth issue; at Edwards Avenue where people head north and want to make a left, they are blocked by traffic going south. Cars behind them are unable to make a right hand turn. Mr. Carey stated they agree and have written letters to the State; they've met with the State, as well. The Town

has discussed development in this area with the State; he completely agrees with Mr. Yakaboski. The board is doing everything in their power to get that corrected.

EXECUTIVE SESSION

A motion was made by Mr. Densieski and seconded by Mr. Baier that the board enter executive session for legal counsel:

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 WAS NOT
THEREFORE DULY ADOPTED

A motion was made by Mr. Nunnaro and seconded by Mr. O'Dea that the board close executive session and enter back into the general session:

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 WAS NOT
THEREFORE DULY ADOPTED

MEETING MINUTES OF THE BOARD

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

A motion was made by Mr. Nunnaro and seconded by Mr. Densieski that the minutes be approved:

THE VOTE

BAIER X YES NO O'DEA X YES NO
NUNNARO X YES NO DENSIESKI X YES NO
CAREY (ABSTAIN)
THESE MINUTES X WERE WERE NOT
THEREFORE DULY ADOPTED

A motion was made by Mr. Densieski and seconded by Mr. O'Dea that the meeting be adjourned:

THE VOTE

BAIER YES ___ NO O'DEA YES ___ NO

NUNNARO YES ___ NO DENSIESKI YES ___ NO

CAREY YES ___ NO

THIS MOTION WAS ___ WERE NOT
THEREFORE DULY ADOPTED

Dated: November 15, 2018

Signed,



PLANNING BOARD
Stanley Carey
Chairman