

TOWN OF RIVERHEAD PLANNING BOARD

200 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901-2596
(631) 727-3200, EXT. 240, FAX (631) 727-9101

Stanley Carey, Chairman
Ed Densieski, Vice-Chair/Secretary

Richard M. O'Dea, Member

Joseph H. Baier, Member
George Nunnaro, Member

May 21, 2020

Agena Rigdon
DKR Shores Inc.
P.O. Box 488
Hampton Bays, NY 11946

Resolution No. 2020-030

**Classifies Action as an Unlisted Action, Assumes Lead Agency Status for SEQRA Review, and
Issues a Negative Declaration for the Imperatore Ch. 219 Application
2304, 2308, & 2310 Sound Avenue, Baiting Hollow, NY
SCTM No. 600-39-5, 6.7, 6.8**

Dear Ms. Rigdon:

The following resolution was duly adopted at a meeting of the Town of Riverhead Planning Board held on May 21, 2020:

WHEREAS, the Planning Board has received and reviewed a Chapter 219 application proposing to construct a 272-linear four (4) foot tall rock revetment wall using 1-4 ton stone at the toe of the bluff, terrace and plant native vegetation on the face of the bluff, import approximately 290-cubic feet of clean beach compatible sand, and install wire bracketed silt curtain and stacked haybales to prevent erosion during the demolition of the existing 2-story cottage and decks. The application proposes temporary disturbance within 50-feet of CEHL and to replace approximately 100 cubic yards to regrade and reseed the area landward on a total of 4.46 acres located in the RA40 residential zoning use district; and

WHEREAS, the site is located at 2304, 2308, and 2310 Sound Avenue, Baiting Hollow, NY, on three separate parcels of real property, under common ownership, which are more particularly identified as SCTM Nos. 600-39-5, 6.7, 6.8; and

WHEREAS, the site is presently improved with a two story single family residence, a silt fence curtain, and garage; and

WHEREAS, the Planning Department has received and reviewed a two (2) page site plan, titled "Survey for John E. Imperatore Building Permit Survey" prepared by Young & Young, signed and sealed by Howard W. Young, LS, last dated February 11, 2020; a two (2) page permit drawing titled, "2304 Sound Avenue Stone Armor/Toe of Bluff/Bluff Restoration" prepared by DKR Shores Inc., last dated October 7, 2019; a two page permit drawing entitled, "2308 & 2310 Sound Avenue Stone Armor/Toe of Bluff/Bluff Restoration" prepared by DKR Shores Inc., last dated September 25, 2019; a Chapter 219

application, including a completed Short Environmental Assessment Form (SEAF) dated March 6, 2020, prepared by DKR Shores Inc.; and

WHEREAS, in a memo dated March 4, 2020, the Town’s Consulting Engineer had the following comments:

1. The permit drawings have been amended in a manner and information provided on the updated survey that satisfactorily addresses our previous comments and Engineering Review Memo dated January 23, 2020.
2. At this time engineering approval is recommended and we note that a NYSDEC Tidal Wetlands Permit has been obtained for the proposed work; and

WHEREAS, the proposed action is an Unlisted Action pursuant to SEQRA in accordance with 6NYCRR Part 617, with coordinated review being optional and not recommended; and

WHEREAS, the Planning Department has reviewed the SEAF Part 1, completed by DKR Shores Inc. dated March 6, 2020 and Planning Staff have completed the SEAF Parts 2 and 3 dated May 21, 2020; and

WHEREAS, the Planning Department has received an Article 25 Tidal Wetlands Permit from the NYSDEC (Permit ID 1-4730-01366/00002) effective November 6, 2019 to November 5, 2024; an Article 25 Tidal Wetlands Permit from the NYSDEC (Permit ID 1-4730-01843/00001) effective November 6, 2019 to November 5, 2024; and

WHEREAS, the Planning Board desires to assume Lead Agency status pursuant to 6NYCRR Part 617, (SEQRA); and

WHEREAS, the Planning Board has considered the merits of the Chapter 219 application, the information contained within the SEAF, the site plan, construction details, NYSDEC permits, as well as other relevant planning, zoning, and environmental information. Now, therefore be it

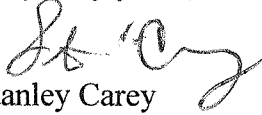
RESOLVED, that the Riverhead Planning Board hereby assumes Lead Agency status for the purposes of SEQRA review, without the need for coordinated review; and be it further

RESOLVED, the Planning Board further issues a Negative Declaration pursuant to SEQRA, as the proposed action will not have a negative impact on the environmental, nor will it negatively impact the health, safety, or character of the surrounding area; and be it further

RESOLVED, that the Clerk of the Planning Board is hereby authorized to forward a copy of this resolution to the Property Owner, John Imperatore, 97 Greenpoint Avenue, Brooklyn, NY 11222; Agena Rigdon, DKR Shores Inc., P.O. Box 488, Hampton Bays, NY 11946; 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. Baier, seconded by Mr. Densieski, that the aforementioned resolution be approved:

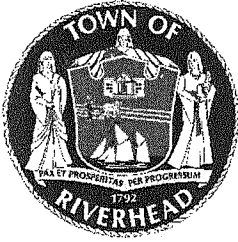
THE VOTE

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



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Joseph H. Baier, Member
George Nunnaro, Member

May 21, 2020

Keith Brown, Esq.
538 Broadhollow Rd.
Suite 301 W
Melville, NY 11747

Resolution No. 2020-031

**Classifies Site Plan Application of HK Ventures Calverton as a Type 1 Action Pursuant to SEQRA and Circulates Request to Involved Agencies for the Planning Board of the Town of Riverhead to Assume Lead Agency Status for the Purposes of SEQRA Review
4285 Middle Country Road, Calverton, NY
SCTM No. 600-116-1-2**

Dear Mr. Brown:

The following resolution was duly adopted at a meeting of the Town of Riverhead Planning Board held on May 21, 2020:

WHEREAS, the Planning Department has received and reviewed a preliminary site plan application proposing to develop a vacant parcel of industrial land with a phased development consisting of a total of 425, 464 sq. ft. of industrial space across a total of eight (8) buildings, ranging in size from 49,000 sq. ft. through 56,672 sq. ft., with divided tenant spaces. The proposed development includes a 3,000 sq. ft. accessory cafeteria for tenants of the industrial complex, parking, lighting, landscaping, loading bays, stormwater management, and on-site sanitary systems; and

WHEREAS, the project location is a 30.254 acre parcel of land, located at 4285 Middle Country Road (State Route 25), on the south of the road within the Industrial C (Ind C) zoning use district, with said parcel being more particularly described as SCTM No. 600-116-1-2; and

WHEREAS, as the site plan proposes to disturb more than 10 acres of land, it is considered a Type I action pursuant to SEQRA (Part 617.4(b)(6)), requiring mandatory coordinated review among involved agencies; and

WHEREAS, at this time, the Riverhead Planning Department has identified the following agencies as being involved agencies:

1. New York State Department of Transportation.
2. Suffolk County Department of Health Services.
3. Suffolk County Planning Commission.
4. New York State Department of Environmental Conservation.
5. New York State Office of Historic Preservation.
6. Riverhead Town Board.
7. Town of Riverhead Water District.
8. Town of Riverhead Building Department.
9. Town of Riverhead Fire Marshal's Office.
10. Town of Riverhead Zoning Board of Appeals.
11. LIPA/PSEG; and

WHEREAS, the Planning Department has received a site plan, prepared and stamped by Jaclyn Peranteau, PE, last dated January 24, 2020, with sheets labeled C-1: Cover Sheet, C-2: Notes Sheet, C-3: Overall Site Plan, C-4: Partial Site Plan (Section A – Phase I), C-5: Partial Site Plan (Section B – Phase I), C-6: Partial Site Plan (Section C – Phase II), C-7: Partial Site Plan (Section D – Phase II), C-20: Overall Landscape Plan, C-21: Partial Landscape Plan (Section A – Phase I), C-22: Partial Landscape Plan (Section B – Phase I), C-23: Partial Landscape Plan (Section C – Phase II), C-24: Partial Landscape Plan (Section D – Phase II), C-25: Overall Lighting Plan, C-26: Partial Lighting Plan (Section A – Phase I), C-27: Partial Lighting Plan (Section B – Phase I), C-28: Partial Lighting Plan (Section C – Phase II), C-29: Partial Lighting Plan (Section D – Phase II), C-30: Overall Erosion & Sediment Control Plan, C-31: Site Details, C-32: Site Details II, C-33: Site Details III; and

WHEREAS, the Planning Department has received a Full Environmental Assessment Form (FEAF), dated January 28, 2020; and

WHEREAS, the Planning Board of the Town of Riverhead has expressed the desire to assume Lead Agency status for the purposes of SEQRA review.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Riverhead hereby classifies the proposed action as a Type 1 action pursuant to SEQRA; and be it further

RESOLVED, that the Planning Board authorized the Riverhead Planning Department to circulate a request to involved agencies requesting that the Planning Board assume Lead Agency for the purposes of SEQRA review; and be it further

RESOLVED, that the Planning Department is hereby directed to circulate said request to the all involved agencies; and be it further

RESOLVED, that the Clerk of the Planning Board is hereby authorized to forward a copy of this resolution to HK Ventures, LLC, 150 W. 36th St., New York, NY 10018; Key Civil Engineering, 664 Blue Point Rd., Unit B, Holtsville, NY 11742; the Riverhead Building

HK Ventures Calverton – SEQRA Lead Agency Coordination & Request

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

THE VOTE

BAIER YES ___ NO O'DEA YES ___ NO

NUNNARO YES ___ NO DENSIESKI YES ___ NO

CAREY YES ___ NO

THIS RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED



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Joseph H. Baier, Member
George Nunnaro, Member

May 21, 2020

Charles R. Cuddy, Esq.
PO Box 1547
Riverhead, NY 11901

Resolution #2020-032
Classifies Action Pursuant to SEQRA and Grants Administrative Approval
for the Site Plan application of Aqua by American Beech Snack Bar Conversion
15 Bay Ave., Aquebogue, NY
SCTM No. 600-87-1-46

Dear Mr. Cuddy:

The following resolution was duly adopted by the Town of Riverhead Planning Board at a meeting held on May 21, 2020:

WHEREAS, the Riverhead Planning Board is in receipt of a site plan application proposing to convert the use of an existing ±332 sq. ft. detached shed structure used for storage, which is located on the property of an existing motel, into a snack bar for guests of said motel; and

WHEREAS, the subject site, particularly identified as SCTM No. 600-87-1-46, is a 0.916 acre parcel of land located at 15 Bay Ave., Aquebogue, NY, and is located within the Residence B-40 (RB40) zoning use district; and

WHEREAS, the applicant has submitted a site plan application and Short Environmental Assessment Form (SEAF), both dated May 8, 2019, as well as a property survey, prepared and sealed by John T. Metzger, LS, last dated April 10, 2018; and

WHEREAS, the subject site is presently improved with a lawfully existing one-story frame motel with detached frame building, with said property being issued a Letter of Pre-Existing Use for said structures on March 9 1998; and

WHEREAS, a denial letter was issued to the applicant on September 18, 2019, which stated that the proposed conversion of the existing storage shed into a snack bar constituted an expansion of a pre-existing non-conforming use, pursuant to Town Code §301-222A; and

WHEREAS, the applicant petitioned the Riverhead Zoning Board of appeals for relief from the aforementioned section of Town Code, and was granted the desired relief by ZBA Appeal No. 2019-056, dated February 7, 2020; and

WHEREAS, during its review of the application, the ZBA found that the conversion of the existing shed structure to a snack bar use did not constitute an expansion of a pre-existing non-conforming use, provided that all the conditions set forth in its determination are adhered to; and

WHEREAS, the ZBA's determination included the following conditions:

1. The shed building that will be converted to snack bar shall not contain any cooking equipment other than a microwave oven.
2. There shall be no expansion of the structure of the building within which the snack bar will be located.
3. No alcohol shall be served from the snack bar building.
4. The snack bar shall be exclusively for the use of patrons of the motel and not open to the general public.
5. Conditions 1-4 shall be contained in the Certificate of Occupancy for the snack bar when renovations are complete; and

WHEREAS, the Riverhead Planning Board reviewed the site plan application at its regular meeting on May 7, 2020; and

WHEREAS, in light of the fact that the Riverhead Zoning Board of Appeals held duly noticed public hearings on the application on January 9, 2020, January 23, 2020, and February 13, 2020, and noting that the current site plan application falls under the scope of administrative site plan review as outlined in Town Code §301-304B(3)(g), the Riverhead Planning Board has determined that a public hearing on the site plan application is not required; and

WHEREAS, the proposed action is a Type II Action pursuant to SEQRA part 617.5(c)(9), as it involved the construction or expansion of an accessory non-residential structure involving less than 4,00 sq. ft. and does not involve a change of zone or use variance, with no further environmental review being required; and

WHEREAS, the Planning Board has considered the site plan application, the information contained within the Short Environmental Assessment Form (SEAF), the determination of the Riverhead Zoning Board of Appeals, as well as other relevant planning, zoning, and environmental information. Now, therefore be it

RESOLVED, that the Riverhead Planning Board hereby grants administrative site plan approval for the site plan application of Aqua by American Beech Snack Bar Conversion with the following conditions:

1. That the Riverhead Planning Board acknowledges that the conversion of the existing shed to a snack bar to be used solely for guests of the motel and which shall not be open to the general public does not trigger the need for any additional parking on-site.
2. That the applicant shall submit a revised survey which includes current parking calculations of the site in order for the Planning Board to have an understanding of the current parking situation on-site.

3. That the site shall be required to comply at all times with the Town of Riverhead Noise Ordinance, as detailed in Town Code Article I, §251-1 through §251-10.
4. That the conditions of this approval, as well as the conditions enumerated in the Zoning Board of Appeals determination dated February 27, 2020, shall be recorded as a covenant on the subject property.
5. That prior to the issuance of a Building Permit for the snack bar conversion, the following conditions shall be satisfied:
 - a. The applicant shall receive approval from the Suffolk County Department of Health Services for wastewater discharge and for food service.
 - b. The applicant shall provide parking calculations on a revised property survey; and be it further

RESOLVED, that per the determination of the Zoning Board of Appeals, the conditions contained within their determination shall be included in the Certificate of Occupancy for the structure; and be it further

RESOLVED, that the Clerk of the Planning Board is hereby authorized to forward a copy of this resolution to 15 Bay Ave, LLC, 111 Broadway, Suite 1503, New York , NY 10006; the Riverhead Planning Department; the Riverhead Building Department; the Office of the Town Attorney; the Planning Board Attorney; 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. Nunnaro and 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