

## TOWN OF RIVERHEAD PLANNING BOARD

201 Howell Avenue, Riverhead, New York 11901-2596  
Phone: (631) 727-3200 Fax: (631) 727-9101  
www.townofriverheadny.gov

*Stanley Carey, Chairman*  
*Ed Densieski, Vice-Chair*

*Richard M. O'Dea, Member*

*Joseph Baier, Member*  
*George Nunnaro, Member*

June 4, 2020

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

**Resolution No. 2020-033**  
**Chapter 219 Coastal Erosion Hazard Area Permit of**  
**John Imperatore Residence**  
**2304, 2308, & 2310 Sound Avenue, Baiting Hollow, Riverhead, NY**  
**SCTM No. 600-39-5-3, 6.7, & 6.8**

Dear Ms. Rigdon:

The following resolution was duly adopted by the Town of Riverhead Planning Board at a meeting held on June 4, 2020:

**WHEREAS**, the Riverhead 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. 600-39-5-3, 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 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 has adopted Resolution No. 2020-030, dated May 21, 2020, which classified the proposed action as an Unlisted Action pursuant to 6NYCRR Part 617 (SEQRA), assumed Lead Agency without the need for coordinated review, and issued a Negative Declaration; and

**WHEREAS**, pursuant to Riverhead Town Code Chapter 219, where it is determined that strict application of the standards and restrictions of Chapter 219 may cause practical difficulty or unnecessary hardship, such standards and restrictions may be varied or modified, provided that the following criteria are met:

1. No reasonable, prudent, alternative site is available.
2. All responsible means and measures to mitigate adverse impacts on natural systems and their functions and values have been incorporated into the activity's design at the property owner's expense.
3. The development will be reasonably safe from flood and erosion damage.
4. The variance requested is the minimum necessary to overcome the practical difficulty or hardship which was the basis for the requested variance.
5. Where public funds are utilized, the public benefits must clearly outweigh the long-term adverse effects; and

**WHEREAS**, there are no known public funds required for this application; and

**WHEREAS**, the location and design of the proposed structure does not pose significant concern for erosion at the subject parcel or neighboring lands; and

**WHEREAS**, the applicant has met the minimum requirements pursuant to Chapter 219 of the Riverhead Town Code; and

**WHEREAS**, the action is reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the proposed activity requires a shoreline location and it is unlikely other alternatives can be viable if required by the applicant; and

**WHEREAS**, the proposed action minimizes adverse effect on natural protective features and their functions and protective values, existing erosion protection structures and natural resources and the proposed work is expected to have no measureable impact on natural protective features and their functions and protective values, existing erosion protection structures and natural resources; and

**WHEREAS**, the Planning Board has carefully considered the merits of the Chapter 219 Application, the Short Environmental Assessment Form, the report from the Planning Department, the report of the Town's Consulting Engineer, and the SEQRA record to date. Now, therefore be it

**RESOLVED**, that the Riverhead Planning Board hereby approves the Chapter 219 application for John Imperatore at 2304, 2308, & 2310 Sound Avenue, Baiting Hollow, NY, including plans and grants a Chapter 219 Permit with the following conditions:

1. The applicant shall not commence any construction activity seaward of the "top of bluff" (i.e. construction of stairway down face of bluff) between April 1st and August 31st in order to avoid an "Incidental Take" of an endangered species (Piping Plover and Least Tern) as regulated by the NYSDEC. Any access to the beach or activity within the bluff area within these dates will require an "Incidental Take Permit" from the NYSDEC.
2. The applicant shall not conduct any tree cutting or clearing between April 2nd and October 31st of any calendar year may result in the "take" of these species or their habitat within the meaning of Environmental Conservation Law (ECL) §11-535. The NYSDEC has documented the summer occurrence of the Northern Long-Eared bat (*Myotis septentrionalis*), a species listed as "threatened" by both New York State and the U.S. Fish and Wildlife Service, within 1.5 miles of the project location.
3. Prior to the commencement of construction, the applicant shall schedule an appointment with the Town of Riverhead's environmental planner to conduct a site inspection and verify the installation of erosion control measures.
4. Prior to the issuance of a building permit, the following conditions shall be satisfied:
  - a. The contractor shall enter into a Hold Harmless Agreement through the Town Attorney's office for beach access for purposes of construction.
  - b. The contractor shall secure a staging area and indemnification agreement for use of the Town beach access point located at Edwards Avenue.

- c. The contractor shall demonstrate how they will cross the beach seaward of the Mean High Water Mark (MHWM).
- d. The contractor shall obtain written permission from the Town of Riverhead Highway Superintendent for use of Edwards Avenue as a staging area and access to the project site located at 2304, 2308, & 2310 Sound Avenue, Baiting Hollow, and NY.
- e. The contractor shall document pre-construction conditions, and shall agree to remediate and repair any damage to Edwards Avenue caused by the staging of construction equipment and/or storage of construction material.

**RESOLVED**, that this approval is subject to the following terms and conditions:

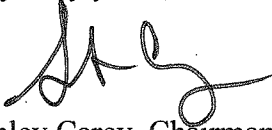
1. A copy of this resolution, which shall represent the Town's authorized approval under Chapter 219, shall together with the plans cited above be available for inspection at the work site when work is in progress. The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by authorized representatives of the Town of Riverhead to determine whether the permittee is complying with this permission. Such representative may order the work suspended pursuant to Chapter 219 of the Town Code. The permittee shall require that any contractor, project engineer or other person responsible for the overall supervision of this project reads, understands and complies with this permit and all of its conditions. Any failure to comply precisely with the terms and conditions of this permit, unless authorized in writing, shall be treated as a violation of the Town Code. If any of the permit conditions are unclear, the permittee must contact the Riverhead Planning Department at the letterhead address or by telephone at (631) 727-3200, ext. 207.
2. If the permittee intends to undertake any project design modifications after permit issuance, the permittee must submit the appropriate plan changes to the Riverhead Planning Department for approval prior to undertaking any such changes. The permittee is advised that substantial modification may require submission of a new permit application. This approval is specified for a one year duration from the date of this resolution. To ensure its uninterrupted coverage, any request for renewal should be made at least 30 days prior to expiration. Pursuant to Chapter 219, construction allowed by variance granted by the Coastal Erosion Hazard Board of Review must be completed within one year from the date of approval.
3. The permittee has expressly accepted by the execution of the application, the full legal responsibility for all damages, direct or indirect, of whatever nature and by whomever suffered, arising out of the project described herein and has agreed to indemnify and save harmless the Town of Riverhead from suit, actions, damages and costs of every name and description resulting from said project. This permit shall not be construed as conveying to the applicant any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work or as authorizing the impairment of any rights, title or interest in real or personal property held or vested in a person not a party to the permit. The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights of way which may be required for this project including a building permit from the Town of Riverhead.

4. All construction and demolition debris shall be removed completely from the site and disposed of at an approved upland location. Disposal of debris in tidal wetlands, waters, adjacent area or Erosion Hazard Area is prohibited. Contamination of tidal wetlands and the waters of New York State by sediments or any other environmentally deleterious materials associated with the project is prohibited. Towards these ends, the applicant shall erect and maintain a suitable sediment barrier such as staked haybales across the site between the construction activity and the top of bluff, and shall vegetatively stabilize all disturbed areas with maritime tolerant vegetation as soon as possible. The barrier shall remain in place until vegetation has taken hold; and, be it further

**RESOLVED**, that the Clerk for the Planning Board is hereby authorized to forward a copy of this resolution to John Imperatore, 97 Greenpoint Avenue, Brooklyn, NY 11222; Richard Ehlers, attorney to the Planning Board; the Town Attorney; the Town Engineer; the Building Department; 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 the same may be obtained from the Office of the Town Clerk.

Very truly yours,



Stanley Carey, Chairman  
Riverhead Planning Board

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

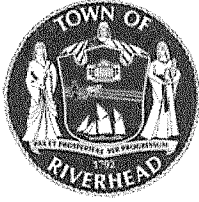
**THE VOTE**

**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**



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*Stanley Carey, Chairman*  
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*Richard M. O'Dea, Member*

*Joseph H. Baier, Member*  
*George Numaro, Member*

June 4, 2020

Jason Pontieri  
16 Commercial Blvd., Suite 1A  
Medford, NY 11763

**Resolution #2020-035**  
**Classifies Action Pursuant to SEQRA and Grants Administrative Approval**  
**for Site Plan Application of Suffolk Foot & Ankle**  
**976 Roanoke Ave., Riverhead, NY**  
**SCTM No. 600-107-1-56**

Dear Mr. Pontieri:

The following resolution was duly adopted by the Town of Riverhead Planning Board at a meeting held on June 4, 2020:

**WHEREAS**, the Riverhead Planning Board is in receipt of an administrative site plan application proposing site improvements at the site of an existing professional office, including expanding an existing parking area, widen an existing curb cut, installing drainage systems, and perform lighting and landscaping improvements; and

**WHEREAS**, the subject site, located at 976 Roanoke Ave., Riverhead, NY, is a 0.22 acre parcel located within the Professional Business (Bus PB) zoning use district; and

**WHEREAS**, the Planning Board received and reviewed the following plans and information:

1. A site plan, prepared and stamped by Jason A. Pontieri, PE, last dated January 30, 2020, with sheets labeled T-1: Existing Site Plan & Title Page, A-1: Proposed Floor Plans, C-1: Proposed Site Plan, C-2: Proposed Site Drainage Plan, C-3: Proposed Ramp Plan, Section & Detail, C-4: Proposed Lighting Plan, C-5: Site & Drainage Details, C-6: Proposed Landscaping Plan.
2. A property survey, prepared and stamped by Michael J. Scalice, LS, last dated October 10, 2019.
3. A Short Environmental Assessment Form (SEAF), prepared Edward Kormylo, dated November 20, 2019; and

**WHEREAS**, the site plan application is a Type II Action pursuant to SEQRA Part 617.5(c)(9), as it involves construction or expansion of a primary or accessory/appurtenant, non-residential structure or

facility involving less than 4,000 sq. ft. of gross floor area and not involving a change in zoning or a use variance and is consistent with local land use controls, but not radio communication or microwave transmission facilities; and

**WHEREAS**, no further environmental review is required for Type II actions; and

**WHEREAS**, in a letter dated January 21, 2020, the Suffolk County Department of Public Works had the following comments;

1. A permit from this Department will be required pursuant to Section 136 of the Highway Law for the proposed access and any improvements this Department deems necessary along the County right-of-way.
2. Before a permit is issued by this Department for these improvements, documentation pursuant to Section 239F of the New York State General Municipal Law must be forwarded to us from the Town Building Department for our review and comments.
3. Revise plan to show removal of existing residential concrete apron and installation of new ADA compliant 28LF wide commercial drop curb with reinforced concrete apron.
4. All sidewalks, driveways and handicap ramps must meet ADA compliance; and

**WHEREAS**, in a letter dated January 7, 2020, the Town Engineer had the following comments:

1. For future drainage calculations, the thickness of the leaching pool wall must be omitted from the volume computation.
2. All existing drainage structures to remain must be cleaned prior to obtaining a Certificate of Occupancy.
3. A minimum of 10 ft. is required between leaching pools; and

**WHEREAS**, the proposed site plan required relief from the Riverhead Zoning Board of Appeals from the following code sections:

1. §301-231E(3), where proposed two-way drive aisle is 12 ft. and minimum required is 24 ft.
2. §301-236A(2), where proposed landscaped buffers with neighboring residential property to the south is 6 ft. and is 6.2 ft. to the east and minimum required is 10 ft.
3. §301-249F(4), where proposed sign is >1 ft. from front property line and minimum required is 15 ft; and

**WHEREAS**, the applicant sought the necessary relief from the Zoning Board of Appeals by Appeal No. 2020-005; and

**WHEREAS**, by determination dated May 28, 2020, the Zoning Board of Appeals granted the desired relief with no conditions, and made the following findings:

1. The variance sought would not produce an impact on adjacent properties or the neighborhood; the proposed setbacks will have minimal impact on the property to the south as the existing fence will be screened with arborvitaes. Additionally, proposed business hours are weekdays from 9:00 am to 5:00 pm which also limits any disturbance to neighboring properties. The

- proposed setback for the sign is in keeping with existing sign setbacks of many businesses on Roanoke Avenue.
2. The requested variance is not substantial as the landscape buffer and signage setback are in keeping with the existing conditions in the community, and the applicant intends to screen the adjacent neighbor with arborvitae in conjunction with the existing fence, resulting in minimal impact to abutting parcels.
  3. The benefit sought by the applicant for the drive aisle and landscape buffer setbacks cannot be achieved by some alternative means as the layout with proposed modifications is most conducive to site plan approval after review and department recommendations. The sign could be installed on the building itself; however, for better visibility, the applicant prefers a freestanding sign as other businesses along Roanoke Avenue have been afforded.
  4. The requested variance will not have an adverse impact on the physical or environmental conditions in the neighborhood/district as the property is not within any environmentally sensitive areas, and the site's drainage and vegetation will both be upgraded.
  5. The alleged difficulty that the property owner is experiencing was not self-created as the building has existed on the site in the same configuration for many years and was previously utilized as a medical office, a permitted use within Bus PB zoning; and

**WHEREAS**, pursuant to Riverhead Town Board Resolution No. 74, dated January 21, 2009, referral of the site plan application to the Suffolk County Planning Commission is not required, as the site plan proposes less than 5,000 sq. ft. of new or renovated floor area and less than 10,000 sq. ft. of land disturbance; and

**WHEREAS**, pursuant to §301-304B(3)(g) of the Town Code of the Town of Riverhead, existing commercial buildings with floor areas of no greater than 4,000 square feet shall not require formal site plan review by the appropriate board, however, such commercial buildings shall be subject to informal review by the Planning Department and shall be required to comply with all statutory provisions set forth in this article, including but not limited to parking, landscaping, handicapped access and lighting; and

**WHEREAS**, the aforementioned site plan fits the criteria for administrative site plan review pursuant to Town Code §301-304B(3)(g); and

**WHEREAS**, the Planning Board, in its discretion, has elected to waive the requirement for a public hearing on the proposed site plan application; and

**WHEREAS**, the required site fee as prescribed by Town Code 301-304B(3)(g) has been paid in full; and

**WHEREAS**, Planning staff has reviewed the application, the SEQRA record to date, and other relevant information, and the site plan application is classified as a Type II action, pursuant to 6NYCRR Part 617.59(c)(2), requiring no further environmental review. Now, therefore be it

**RESOLVED**, that the Town of Riverhead Planning Board hereby grants administrative site plan approval for the aforementioned site plan application with the following conditions:



1. That the provisions of the Town Code of the town of Riverhead, 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. The applicant must satisfy all requirements of the Building and Fire Code of New York State.
3. That no importation or exportation of materials will take place until a permit for such is obtained from the Town Board pursuant to §229-3A of the Town Code of the Town of Riverhead
4. That the Fire Marshal may designate fire zones as they may see fit and it is agreed that the applicant shall be required to identify these fire zones as needed.
5. That prior to the issuance of a Building Permit the applicant shall obtain the necessary Fire Marshal permits for construction.
6. That no Building Permit shall be issued until the Chairman of the Planning Board signs a mylar copy of the site plan. Prior the the signature of the mylar, the following conditions shall be met:
  - i. The site plan shall be revised to comply with the Town Engineer’s comments dated January 7, 2020.
  - ii. The applicant shall receive a Highway Work Permit from the Suffolk County Department of Public Works.
  - iii. The mylar plans shall not exceed the standard D size drawing (24” x 36”).
7. That no Certificates of Occupancy shall be issued until:
  - i. The applicant provides six (6) copies of an as built survey;
  - ii. The applicant schedules and receives any applicable inspections pursuant to Town Code 301-305(F).
  - iii. All existing drainage structures must be cleaned out as per the Town Engineer’s comments dated January 7, 2020; and be it further

**RESOLVED**, that pursuant to §301-303F of the Town Code of the Town of Riverhead, this 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 of the Planning Board is hereby authorized to forward a copy of this resolution to Kiki Mimi Assets, LLC, 1 Equestrian Ct., Huntington, NY 11743; Phillip A. Butler, 100 Motor Parkway, Hauppauge, NY 11788; 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. Densieski and seconded by Mr. O'Dea that the aforementioned resolution be approved:

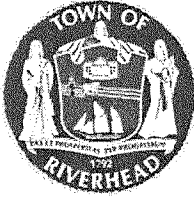
THE VOTE

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*

June 4, 2020

Martin Sendlewski, AIA  
215 Roanoke Ave.  
Riverhead, NY 11901

**Resolution No. 2020-036**  
**Authorizes Planning Board Clerk to Publish and Post Notice of Public Hearing for the**  
**Baits & Barrels Portable Container Range Site Plan Application**  
**1315 West Main St., Riverhead, NY**  
**SCTM No. 600-119-2-38**

Dear Mr. Sendlewski:

The following resolution was duly adopted by the Town of Riverhead Planning Board at a meeting held on June 4, 2020;

**WHEREAS**, the Riverhead Planning Board is in receipt of a site plan application which seeks approval to locate an 8 ft. by 50 ft. portable self-contained firearm testing range at the site of an existing river related retail use known as Baits & Barrels; and

**WHEREAS**, the location of the proposed project is 1315 West Main Street, Riverhead, NY, which is located within the Riverfront Corridor (RFC) zoning use district, and is more particularly described as SCTM No. 600-119-2-38; and

**WHEREAS**, the application was reviewed by the Riverhead Planning Board at its regular meeting on May 21, 2020; and

**WHEREAS**, the Riverhead Planning board desires to hold a public hearing at this time. Now, therefore be it

**RESOLVED**, that the Clerk to the Planning Board hereby be authorized to publish and post the attached notice of public hearing.

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

**THE PLANNING BOARD OF THE TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Planning Board of the Town of Riverhead at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on Thursday, the 2<sup>nd</sup> day of July, 2020 at 7:00 o'clock p.m. to consider a site plan application which seeks approval to locate an 8 ft. by 50 ft. portable self-contained firearm testing range at the site of an existing river related retail use known as Baits & Barrels, located 1315 West Main Street, Riverhead, NY, within the Riverfront Corridor (RFC) zoning use district, and more particularly described as SCTM No. 600-119-2-38.

Dated: June 4, 2020  
Riverhead, New York

**BY THE ORDER OF THE PLANNING BOARD  
OF THE TOWN OF RIVERHEAD**