

**TOWN OF RIVERHEAD
ZONING BOARD OF APPEALS**

5562

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

F.J. McLaughlin
Chairman

Otto Wittmeier
Vice Chairman

Lisa Worthington
Member

Leroy E. Barnes, Jr.
Member

Frank Seabrook
Member

Kim E. Fuentes
Secretary

DETERMINATION OF THE ZONING BOARD OF APPEALS

APPEAL NO.: 13-49

APPLICANT: Saber Riverhead, LLC

RELIEF SOUGHT: Sign (Area) Variance(s)

For variances to and/or relief from the provisions of Chapter 108, Section 108-56 C(3), requesting permission to erect a directory sign having a total aggregate area of 91.6 sq. ft. instead of the permitted 60 sq. ft. in area, having business names occupying 10 sq. ft. instead of the permitted 8 sq. ft. in area and Section 108-56 C(6) requesting permission to allow each business to display signs of different sizes, colors, lettering, shapes and logos, and to allow a business name display more prominently than another sign.

LOCATION: 1757 Old Country Road, Riverhead, New York **SCTM No.: 0600-119-1-23.3**

ZONING DISTRICT: Business Center (BC)

**DATE(S) OF HEARING: December 12, 2013, January 9, 2014, January 23, 2014
& February 27, 2014**

PLEASE TAKE NOTICE that at a public hearing of the Town of Riverhead Zoning Board of Appeals on the above referenced date(s), the Board took the following action:

1. In accordance with the recommendation of the Planning Department that this action be classified as Type II under the criteria of Section 617 of the State Environmental Quality Review Act and the other provisions of the New York State Environmental Conservation Law, the Board declares themselves lead agency and further determines the action to be Type II pursuant to Section 617 of the State Environmental Quality Review Act and that an Environmental Impact Statement need not be prepared.

2. The above referenced appeal was duly considered and determined as follows:

RELIEF GRANTED IN PART, DENIED IN PART. Partial relief granted as follows:

1. Total aggregate area of sign of 96 sq. ft. instead of the permitted 60 sq. ft. in area as required by 108-56(C)(3)(b);

2. Permitting two business name placards as proposed, being 10 sq. ft. instead of the

- permitted 8 sq. ft. in area as required by 108-56(C)(6)(c);
3. Permitting the two anchor tenants (currently “Dick’s Sporting Goods and Christmas Tree Shoppes”) to maintain display signs of different sizes, colors, lettering, shapes and logos, and which are more prominently displayed than other display signs as proposed and requested contrary to the requirements of 108-56(C)(6)(d).

All other aspects of the directory sign in question shall conform to 108-56.

3. Subject to the following conditions:

NONE

The motion was duly adopted by a roll call vote of all members present.

MR. MCLAUGHLIN: May I have your vote please?

MR. WITTMEIER:	AYE
MR. SEABROOK:	AYE
MR. BARNES:	AYE
MRS. WORTHINGTON	AYE
MR. MCLAUGHLIN:	AYE

If this is an approval, it is necessary that you take this duplicate original letter with you to the building department when applying for a building permit. Pursuant to §108-76(D) of the Town Code, any determination made by the Board of Appeals shall not become effective unless a permit is obtained in accordance therewith within one year of the date of such determination, unless the Board of Appeals has stipulated a different period of time in its determination. The Board of Appeals shall have the power, by resolution, to extend its determination for a period of one year upon written notice from the applicant or his agent of the desire to do so. No more than three such extensions shall be allowed. The provisions of this subsection shall not apply in cases of interpretation of variances for the use of land unless the Board of Appeals stipulated a period of time in its determination. Failure to comply therewith will render this approval null and void. In the event this is an approval subject to conditions, the approval shall not be deemed effective until such time that the foregoing conditions are met.

Please feel free to contact the office of the Zoning Board of Appeals with any questions you may have.

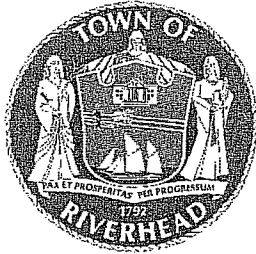
Dated: Riverhead, New York
February 27, 2014

Very truly yours,

ZONING BOARD OF APPEALS



F. J. McLaughlin,
Chairman



**TOWN OF RIVERHEAD
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5564

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DETERMINATION OF THE ZONING BOARD OF APPEALS

APPEAL NO.: 14-02 (Corrected)

APPLICANT: Bruce T. Hamilton & Rosemary McAndrew (contract vendees)
Mark Carroll (Owner)

RELIEF SOUGHT: Area Variance(s)

For variances to and/or relief from the provisions of Chapter 12, Section 12-13, requesting permission to construct additions to a single family residence in the Coastal Erosion Hazard Area, not specifically allowed activity, and Chapter 108, Section 108-19 requesting permission to construct aforementioned additions having a side yard widths of 3.4 feet and 1.417 feet, respectively, instead of the required 30 feet each side, having a combined side yard width of 4.817 feet instead of the required 65 feet, and to provide for impervious surface of 19.95% instead of the permitted 15%.

LOCATION: 114 Cliff Road, Wading River, New York **SCTM No.:** 0600-27-3-20

ZONING DISTRICT: Residence B-80

DATE(S) OF HEARING: January 9, 2014 and February 27, 2014

PLEASE TAKE NOTICE that at a public hearing of the Town of Riverhead Zoning Board of Appeals on the above referenced date(s), the Board took the following action:

1. In accordance with the recommendation of the Planning Department that this action be classified as Type II under the criteria of Section 617 of the State Environmental Quality Review Act and the other provisions of the New York State Environmental Conservation Law, the Board declares themselves lead agency and further determines the action to be Type II pursuant to Section 617 of the State Environmental Quality Review Act and that an Environmental Impact Statement need not be prepared.

2. The above referenced appeal was duly considered and determined as follows:

RELIEF GRANTED AS SOUGHT

3. Subject to the following conditions:

That decks to remain unenclosed and uncovered

The motion was duly adopted by a roll call vote of all members present.

MR. MCLAUGHLIN: May I have your vote please?

MR. WITTMEIER:	AYE
MR. SEABROOK:	AYE
MR. BARNES:	AYE
MRS. WORTHINGTON	AYE
MR. MCLAUGHLIN:	AYE

If this is an approval, it is necessary that you take this duplicate original letter with you to the building department when applying for a building permit. Pursuant to §108-76(D) of the Town Code, any determination made by the Board of Appeals shall not become effective unless a permit is obtained in accordance therewith within one year of the date of such determination, unless the Board of Appeals has stipulated a different period of time in its determination. The Board of Appeals shall have the power, by resolution, to extend its determination for a period of one year upon written notice from the applicant or his agent of the desire to do so. No more than three such extensions shall be allowed. The provisions of this subsection shall not apply in cases of interpretation of variances for the use of land unless the Board of Appeals stipulated a period of time in its determination. Failure to comply therewith will render this approval null and void. In the event this is an approval subject to conditions, the approval shall not be deemed effective until such time that the foregoing conditions are met.

Please feel free to contact the office of the Zoning Board of Appeals with any questions you may have.

Dated: Riverhead, New York
February 27, 2014

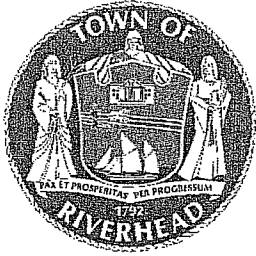
Very truly yours,

ZONING BOARD OF APPEALS



F. J. McLaughlin,
Chairman

FM:kef



amended 3/13/14
5566

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Secretary

DETERMINATION OF THE ZONING BOARD OF APPEALS

APPEAL NO.: 14-06

APPLICANT: STR Systems NY, LLC

RELIEF SOUGHT: Area Variance(s)

For variances to and/or relief from the provisions of Chapter 108, Section 108-275, requesting permission to construct a solar panel array having side yard widths of 19 feet each side instead of the required 50 feet, having combined side yard widths of 38 feet instead of the required 100 feet, and having a rear yard depth of 22.8 feet instead of the required 75 feet.

LOCATION: Middle Country Road, Calverton, New York SCTM No.: 0600-117-2-9.2

ZONING DISTRICT: Industrial A

DATE(S) OF HEARING: January 23, 2014 and February 27, 2014

PLEASE TAKE NOTICE that at a public hearing of the Town of Riverhead Zoning Board of Appeals on the above referenced date(s), the Board took the following action:

1. In accordance with the recommendation of the Planning Department that this action be classified as Type II under the criteria of Section 617 of the State Environmental Quality Review Act and the other provisions of the New York State Environmental Conservation Law, the Board declares themselves lead agency and further determines the action to be Type II pursuant to Section 617 of the State Environmental Quality Review Act and that an Environmental Impact Statement need not be prepared.

2. The above referenced appeal was duly considered and determined as follows:

RELIEF GRANTED AS AMENDED AS FOLLOWS:

- 1. Permitting side yard widths of 19 feet each side instead of the required 50 feet;**
- 2. Permitting combined side yard widths of 38 feet instead of the required 100 feet,**
- 3. Permitting a rear yard depth of 30 feet instead of the required 75 feet,**

all setbacks as shown on Alignment Plan as prepared by Howard W. Young, L.S., last revised date of February 9, 2014 attached hereto and made a part of.

3. Subject to the following conditions:

NONE

The motion was duly adopted by a roll call vote of all members present.

MR. MCLAUGHLIN: May I have your vote please?

MR. WITTMER:	AYE
MR. SEABROOK:	AYE
MR. BARNES:	AYE
MRS. WORTHINGTON	AYE
MR. MCLAUGHLIN:	AYE

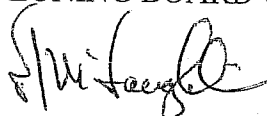
If this is an approval, it is necessary that you take this duplicate original letter with you to the building department when applying for a building permit. Pursuant to §108-76(D) of the Town Code, any determination made by the Board of Appeals shall not become effective unless a permit is obtained in accordance therewith within one year of the date of such determination, unless the Board of Appeals has stipulated a different period of time in its determination. The Board of Appeals shall have the power, by resolution, to extend its determination for a period of one year upon written notice from the applicant or his agent of the desire to do so. No more than three such extensions shall be allowed. The provisions of this subsection shall not apply in cases of interpretation of variances for the use of land unless the Board of Appeals stipulated a period of time in its determination. Failure to comply therewith will render this approval null and void. In the event this is an approval subject to conditions, the approval shall not be deemed effective until such time that the foregoing conditions are met.

Please feel free to contact the office of the Zoning Board of Appeals with any questions you may have.

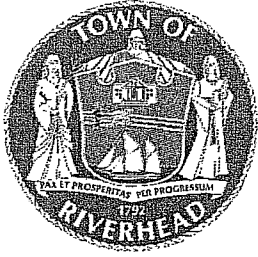
Dated: Riverhead, New York
February 27, 2014

Very truly yours,

ZONING BOARD OF APPEALS



F. J. McLaughlin,
Chairman



**TOWN OF RIVERHEAD
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5568

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Secretary

DETERMINATION OF THE ZONING BOARD OF APPEALS

APPEAL NO.: 14-07

APPLICANT: Peconic Management Group, Rajesh Mehta

RELIEF SOUGHT: Area Variance(s)

For variances to and/or relief from the provisions of Chapter 108, Section 108-262A, requesting permission to construct a single medical office instead of the permitted office campus style collection of buildings, Section 108-263A, providing for ten feet deep unoccupied landscaped area in the front yard (with the exception of free-standing signs and access driveways) instead of the required 35 feet, and Section 108-263C, providing for 25 feet non-disturbed transitional buffer adjacent to residential use district instead of the required 50 feet.

LOCATION: 1224 Ostrander Avenue, Riverhead, New York **SCTM No.:** 0600-082-3-10

ZONING DISTRICT: Shopping Center (SC)

DATE(S) OF HEARING: February 27, 2014

PLEASE TAKE NOTICE that at a public hearing of the Town of Riverhead Zoning Board of Appeals on the above referenced date(s), the Board took the following action:

1. In accordance with the recommendation of the Planning Department that this action be classified as Type II under the criteria of Section 617 of the State Environmental Quality Review Act and the other provisions of the New York State Environmental Conservation Law, the Board declares themselves lead agency and further determines the action to be Type II pursuant to Section 617 of the State Environmental Quality Review Act and that an Environmental Impact Statement need not be prepared.

2. The above referenced appeal was duly considered and determined as follows:

The applicant at the hearing withdrew its variance request to exceed Floor Area Ratio. As to the remaining relief requested, said

RELIEF GRANTED AS SOUGHT

3. Subject to the following conditions:

NONE

The motion was duly adopted by a roll call vote of all members present.

MR. MCLAUGHLIN: May I have your vote please?

MR. WITTMEIER:	AYE
MR. SEABROOK:	AYE
MR. BARNES:	AYE
MRS. WORTHINGTON	AYE
MR. MCLAUGHLIN:	AYE

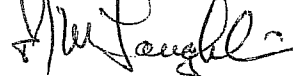
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Please feel free to contact the office of the Zoning Board of Appeals with any questions you may have.

Dated: Riverhead, New York
February 27, 2014

Very truly yours,

ZONING BOARD OF APPEALS



F. J. McLaughlin,
Chairman

FM:kef



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DETERMINATION OF THE ZONING BOARD OF APPEALS

APPEAL NO.: 13-40

APPLICANT: EDBK at Calverton, LLC

RELIEF SOUGHT: Interpretation

For an interpretation to Chapter 108, Section 108-230 (A) (3) as to whether the proposed use of an addition research facility with an accessory treatment center is a permitted use.

LOCATION: Jan Way, Calverton, New York SCTM No.: 0600-135-1-7.56

ZONING DISTRICT: Planned Industrial Park District (PIP)

DATE(S) OF HEARING: October 24, 2013, December 19, 2013, January 9, 2014 & January 23, 2014

PLEASE TAKE NOTICE that at a public hearing of the Town of Riverhead Zoning Board of Appeals on the above referenced date(s), the Board took the following action:

1. In accordance with Part 617.5 (c) (31) this Action is classified as Type II as interpreting an existing code, rule or regulation under the criteria of Section 617 of the State Environmental Quality Review Act and the other provisions of the New York State Environmental Conservation Law, the Board declares themselves lead agency and further determines the action to be Type II pursuant to Section 617 of the State Environmental Quality Review Act and that an Environmental Impact Statement need not be prepared.

2. The above referenced appeal was duly considered and determined as follows:

The applicant proposes to construct an addiction research facility in the Planned Industrial Park (PIP) Zoning District. The project proposes a facility comprising approximately 97,000 square feet. Sixty-three (63%) percent shall be comprised of research labs and associated general and administrative offices as well as auditorium space and meeting and conference rooms, fifteen (15%) percent shall be comprised of cafeteria and dining room facilities for staff and research program participants, fifteen (15%) percent shall be comprised of space dedicated for recreational and/or leisure activities for staff and research program participants, seven (7%) percent shall be dedicated to uses associated with maintenance, storage and security, and finally, and in addition thereto, space for 130

beds for research program participants who will participate in short term on-campus research trials and treatment protocols.

One purpose of the Planned Industrial Park (PIP) District is to encourage office development in a comprehensively planned and designed environment which will attract private investment, increase the tax base of the Town and provide new employment opportunities, while preserving and maintaining the existing character of the environment. Permitted principal uses in the PIP district include research and testing laboratories, general, administrative, and professional offices, as well as indoor recreational activities. Accessory uses shall include those ancillary uses customarily incidental and subordinate to and in furtherance of any of the permitted principal uses when located within the PIP Zoning District. Accessory uses shall be for the sole use of the employees, tenants and the business invitees and not for use by the general public, including but not limited to Auditoriums (when located within buildings housing the permitted use), and restaurants and/or cafeterias (when located within buildings housing the permitted use health clubs or indoor recreation facilities (when located within buildings housing the permitted use).

Testimonial and documentary evidence submitted by the applicant supports a finding by the Board that the proposed project costs will exceed ten million dollars (\$10,000,000.), that the proposed project is labor intensive in nature and will create significant employment opportunities for Riverhead residents as well as create a demand for the products and services of local Riverhead businesses, and finally that the project will generate significant tax revenues. In fact, the applicant has indicated that it would obligate itself, its successors and assigns by covenant to make PILOT payments equivalent to the property taxes in the event the property was ever deemed exempt from taxation. For these reasons, the Board finds that the project as proposed conforms to the purposes of the PIP zoning district.

Testimonial and documentary evidence submitted by the applicant supports a finding by the Board that the proposed state of the art research facility whose space shall be primarily dedicated to research labs, general and administrative offices, auditorium and conference rooms, is a permitted principal use in the PIP district. The Board further determines that the ancillary recreational and dining uses proposed for the supporting space as well as the beds for the on-campus program participants involved in short term research trial and treatment protocols are permitted accessory uses to the proposed principal use. Additionally, the Board finds that to the extent that addiction treatment is provided, it is strictly provided as part of, and in furtherance of, a required research protocol, and thus is subordinate to the principal research use. These findings are further supported by the fact that the applicant was the recipient of a grant of one million dollars (\$1,000,000) from the State of New York for the specific and dedicated purpose of developing the research component of the proposed project.

The foregoing constitutes the determination of the Board.

3. Subject to the following conditions:

Not Applicable

The motion was duly adopted by a roll call vote of all members present.

MR. MCLAUGHLIN: May I have your vote please?

MR. WITTMEIER:
MR. SEABROOK:
MR. BARNES:
MRS. WORTHINGTON
MR. MCLAUGHLIN:

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Please feel free to contact the office of the Zoning Board of Appeals with any questions you may have.

Dated: Riverhead, New York
March 13, 2014

Very truly yours,

ZONING BOARD OF APPEALS



F.J. McLaughlin,
Chairman

FM:kef