



Town of Riverhead Planning Board  
New York State Environmental Quality Review Act  
Consistency Analysis

EPCAL 8-Lot Major Subdivision Map  
Town of Riverhead Community Development Agency  
200 Howell Avenue  
Riverhead, Suffolk County, NY 11901

April 1, 2019

Prepared by:  
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East Quogue, NY 11942

New York State Environmental Quality Review Act (SEQRA): Consistency Analysis

Action:

Map of Enterprise Park at Calverton  
Riverhead, NY  
“EPCAL Preliminary 8-Lot Major Subdivision Map”  
SCTM # 0600-135-1-7.1, 7.2, 7.33 & 7.4

Involved Agency:

Town of Riverhead Planning Board

Applicant/Owner:

Town of Riverhead Community Development Agency  
200 Howell Avenue  
Riverhead, Suffolk County, NY 11901  
Dawn Thomas, Esq., Director

Date:

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## Introduction

The purpose of the SEQRA Consistency Analysis is for the evaluation and comparative analysis of an amended 50-Lot EPCAL Subdivision Map, known as “Subdivision Map for Enterprise Park at Calverton,” prepared by VHB, dated June 6, 2014 with a total of 2,323.9 acres to an 8-Lot Major Subdivision of real property, comprised of 2,107.2 acres, located in Calverton, NY. The subject site is within the Planned Development (PD) Zoning Use District, as described pursuant to Chapter 301, Article LXIII of the Town of Riverhead Code.

The proposed subdivision application, as depicted on the revised “Map of Enterprise Park at Calverton, Riverhead, NY” (aka: 8-Lot Major Subdivision Map), prepared by L.K. McLean Associates, P.C, last dated April 1, 2019 was submitted to the Planning Board in accordance with Riverhead Town Code Chapter 301-289 Major Subdivisions. The difference in acreage between the two subdivision maps is attributed to two (2) US Navy parcels totaling approximately 216.7 acres. These two (2) US Navy parcels described as “Parcel A” and “Parcel B” are under a remedial action program to address groundwater contamination and are not part of the proposed 8-Lot Major Subdivision Map.

The EPCAL site is owned by the Riverhead Community Development Agency (CDA). The site is designated an Urban Renewal Area, an Opportunity Zone, and was subjected to numerous studies, reports, SEQRA reviews and decisions.

The “EPCAL 50-Lot Subdivision Plan and Zone Change” was subjected to a comprehensive SEQRA Supplemental Generic Environmental Impact Statement review by the Riverhead Town Board as Lead Agency, and the Riverhead Planning Board as an Involved Agency. This Consistency Analysis reviews the Supplemental Generic Findings Statement and SEQRA record prepared for the previous action involving the 50-Lot EPCAL Subdivision Map, the site’s adopted zone change to the Planned Development District, and the revised map configuration to the 8-Lot Major Subdivision Map.

The prior application for the 50-Lot subdivision and zone changes was initiated by the Community Development Agency and Riverhead Town Board. The Planning Board, as an Involved Agency under SEQRA, began its initial review of the EPCAL subdivision map(s) in the spring of 2015. This latest map iteration, the revision of the 50-Lot Subdivision Map to an 8-Lot Major Subdivision Map, is part of the Planning Board’s ongoing subdivision review process.

The EPCAL SEQRA process undertaken by the Town Board consisted of a number of components related to the proposed redevelopment of the subject property. The Town Board completed the SEQRA process when it issued a Supplemental Findings Statement for the Supplemental Draft and Final Generic Environmental Impact Statement. The following were components of the SEQRA process:

- Creation and adoption of the Reuse and Revitalization Plan for the EPCAL Property
- Amendment to the Town of Riverhead Comprehensive Master Plan
- Amendment to the Calverton Urban Renewal Plan
- Creation and adoption of a Planned Development (PD) Zoning District

- ▶ Amendment to the zoning map of the Town of Riverhead to rezone the EPCAL Property to the PD Zoning District
- ▶ Subdivision of the EPCAL Property into 50 lots, all but 10 of which would be for ultimate redevelopment with a mix of uses (e.g., business [commercial and retail], industrial, government, energy park, recreation, utilities, residential).

After the Town Board issued its SEQRA Supplemental Findings Statement, an application for a 50-Lot subdivision was submitted by the CDA to the Planning Board in November 2016. The Planning Board initiated its review of the Preliminary 50-Lot Subdivision Map and held a Public Hearing on January 5, 2017. As an Involved Agency, the Planning Board reserved its Findings Statement on the proposed 50-Lot Subdivision Map, pending its further review.

Since the Planning Board's Public Hearing of January 5, 2017, the CDA and Town Board have entered into an Agreement of Sale with a private entity (i.e. Calverton Aviation and Technology aka: CAT), which requires amendment of the 50-Lot Subdivision Map to a proposed 8-Lot Major Subdivision Map.

Pursuant to the Findings Statement for the Supplemental Draft and Final Generic Environmental Impact Statement (SGEIS) and an adopted Supplemental Findings Statement (SFS) issued by the CDA by Resolution 11, dated July 19, 2016:

Page 5 of the FSGEIS states: "The proposed Subdivision Map contains a total of 50 lots. Development could occur on Lots 1 through 41 and 50 (excluding Lots 21 and 38), which comprise a total of 697.4± acres, including roadways/rights-of-way (ROWs)<sup>1</sup> (44.6± acres) and drainage reserve areas (DRAs) (56.2± acres). Lot 27 (111.7 acres), which is included in the 697.4±-acre total, encompasses the western runway, on which development could occur (including the placement of solar panels). Therefore, the total developable area of the lots, including the western runway, is 596.6± acres. The other lots are comprised of the following:<sup>2</sup>

- 1) Lot 21 – To be Retained by the Town of Riverhead for Grumman Park and future community service facilities (9.4 acres)
- 2) Lot 38 – Northern Area to be preserved and managed in accordance with a Habitat Protection Plan (to be approved by the NYSDEC) (154.7 acres) (*The HPP was approved by the NYSDEC*).
- 3) Lot 42 – STP Recharge Parcel (23.9 acres)
- 4) Lot 43 – Eastern Runway (127.4 acres)
- 5) Lot 44 – Eastern Area to be preserved and managed in accordance with a Habitat Protection Plan (to be approved by the NYSDEC) (423.1 acres). (*The HPP was approved by the NYSDEC*).
- 6) Lot 45 – Town of Riverhead Parcel (16.7 acres)
- 7) Lot 46 – Community Center (9.4 acres)

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<sup>1</sup> Includes internal road rights-of-way, rights-of-way for highway purposes, and Town rights-of-way for walkway/bike trail.

<sup>2</sup> All acreages have been rounded to the nearest tenth.

- 8) Lot 47 – Western Area to be preserved and managed in accordance with a Habitat Protection Plan (to be approved by the NYSDEC) (276.3 acres) (*The HPP was approved by the NYSDEC*).
- 9) Lot 48 – Pine Barrens Core Area (to be preserved) (293.1 acres)
- 10) Lot 49 – Town Park (93.0 acres)

There are two additional parcels, shown on the Subdivision Map as Navy “Parcel A” and Navy “Parcel B,” which are still owned by the U.S. Navy and comprise approximately 200 acres. These parcels are in the process of being remediated by the U.S. Navy. Upon completion of the remediation, and in accordance with the U.S. Navy’s finding of suitability to transfer (FOST), outlining the environmental suitability of a parcel for transfer to non-federal agencies or to the public, the parcels will be transferred to the Town of Riverhead Community Development Agency (CDA). These parcels will then be preserved as open space and would be managed in accordance with the Habitat Protection Plan. (Note: The Habitat Protection Plan (HPP) is at this time, not required for this subdivision map because there is no proposed development submitted with the revised map).

With respect to open space on the EPCAL Property, the open space to be retained/created is as follows:

- 1) Existing woodland to remain: 787.3 +/- acres (including 447.9 acre wetland buffer area)
- 2) Existing grassland to be created; 512.4 +/- acres
- 3) Grassland to be created: 70.6 +/- acres
- 4) Other meadow/brush-land to remain: 117.6 acres (including 66.1 areas in wetland buffer area).
- 5) Wetlands: 16.4 +/- acres
- 6) McKay Lake: 9.3 +/- acres

An additional 367.4 +/- acres of the overall site are proposed to comprise lawn/landscaping (e.g., however, in no case shall fertilizer-dependent lawn/landscaping exceed 15 percent of any individual lot). The proposed subdivision provides for preservation/creation of 65 percent of the site as natural area/open space, including wetlands and water bodies.”

The aforementioned provides a general description of the 50-Lot Subdivision Map, with anticipated development based upon limitations stated in the Lead Agency’s Findings Statement imposed as mitigation to protect human health, welfare and the environment from potential future development impacts.

### Description of the Proposed Action

The applicant, the Town of Riverhead Community Development Agency (the CDA), is the owner of the Enterprise Park at Calverton (EPCAL) which is located in the hamlet of Calverton in the Town of Riverhead. The site is identified on the Suffolk County Tax Map as District 0600-Section 135, Block 1, Lots: 7.1, 7.2, 7.33 and 7.4. The sponsor proposes to subdivide 2,107.2 acres to form eight (8) new parcels described as Lots 1 through 8. The CDA proposes to sell Lots 6, 7 and 8; totaling 1,643.8 acres of land. The balance of Lots 1 through 5 is 463.4 acres and will be retained and controlled by the Town of Riverhead CDA.

The EPCAL site (2,107.2 acres) is bounded on the north by New York State Route 25 (also known as Middle Country Road), industrial, agricultural and undeveloped/wooded parcels to the east, Grumman Boulevard/Swan Pond Road to the south and Wading River Manor Road and residential and undeveloped/wooded properties to the west.

The property surrounds the off-site Calverton Camelot industrial subdivision to the west, north and east, which is owned by a private entity. The property does not include the acreage associated with the Stony Brook University Business Incubator at Calverton, the Island Water Park Corp. property, the Town of Riverhead Water District property and the 0.5-acre Wells Family Cemetery.

Over the past several years, the Town of Riverhead and the CDA developed a Reuse and Revitalization Plan for EPCAL which required amendments to the Town's Comprehensive Master Plan, the Calverton Urban Renewal Plan and the Town's Zoning Code and Zoning Map and the preparation of a subdivision map creating the previous map of 50 lots, with drainage areas, roads and other infrastructure.

The subject site is within the Planned Development (PD) Zoning Use District. The proposed subdivision is depicted on the "Map of Enterprise Park at Calverton, Riverhead, NY" (aka: 8-Lot Major Subdivision Map), prepared by L.K. McLean Associates, P.C, last dated April 1, 2019. The application was submitted to the Planning Board in accordance with Riverhead Town Code Chapter 301-289 Major Subdivision. There are no proposed improvements (roads, drainage, water, sewer, etc.) depicted on the 8-Lot Major Subdivision Map.

#### SEQRA Review

In coordination with the New York State Department of Environmental Conservation (NYSDEC), and other involved and interested parties, the CDA undertook a comprehensive environmental review of the proposed subdivision and zone change pursuant to the State Environmental Quality Review Act (SEQRA) which included, among other things, the preparation of a Draft Supplemental Generic Environmental Impact Statement (DSGEIS); conducting public hearings; the preparation and adoption of the Final Supplemental Generic Environmental Impact Statement (FSGEIS); and the adoption of a Findings Statement pursuant to SEQRA.

Copies of the FSGEIS, the DSGEIS, the Findings Statement and the proposed 50-Lot Subdivision Map and 8-Lot Major Subdivision Map are on file with the Town of Riverhead with the subdivision application, and are incorporated herein by reference.

Upon the completion of the SEQRA process, the Town Board adopted the Reuse and Revitalization Plan for EPCAL, together with the required amendments to the Town's Comprehensive Master Plan, the Calverton Urban Renewal Plan and the Town's Zoning Code and Zoning Map. These plans and Code provisions are currently in full force and effect and control the future development of EPCAL.

Subsequently, the Town Board determined to alter the proposed subdivision map by eliminating the initial 50 lots with attendant interior roads, drainage areas and other infrastructure, and create an 8- Lot Major Subdivision. Five (5) of the lots on the new map are the same areas that were being retained by the Town under the original 50- Lot plan.

The previously submitted subdivision application that called for a 50-lot subdivision was amended to reflect a change in the lot layout to depict an 8-Lot Major Subdivision Map. The revised 8-lot plan is described as:

1. Lot # 1 Pine Barrens Core Area, to be preserved (formerly Lot # 48 of 50 Lots), comprised of 292.7 acres.
2. Lot # 2 (formerly Lot # 49 of 50 Lots) comprised of 98.9 acres.
3. Lot # 3 (formerly Lot# 21 of 50 Lots) to be retained by the Town of Riverhead for Grumman Park and future community service facilities comprised of 11.2 acres.
4. Lot # 4 STP Recharge Parcel (formerly Lot # 42 of 50-Lots) comprised of 35.1 acres.
5. Lot # 5 Town of Riverhead with Community Center (formerly Lots # 45 and 46 of 50-Lots) comprised of 25.5 acres.

The remaining 44 lots, roads, and drainage areas of the original 50- Lot Subdivision Map have been replaced by three new lots:

6. Lot # 6 comprised of 727.3 acres, constituting a new parcel not depicted on the former 50-Lot map.
7. Lot # 7 comprised of 898.4 acres, constituting a new parcel not depicted on the former 50-Lot map.
8. Lot # 8 comprised of 18.1 acres, constituting a new parcel not depicted on the former 50-Lot map with development yield of Lot-8 to be applied to Lot 6.

According to the sponsor, Lots 6, 7, and 8 shall be subject to all required New York State, Suffolk County and local (Riverhead Town) approvals.

The subject site includes existing structures, a 7,000 linear foot (LF) runway, taxiway and related support infrastructure; a 10,000 LF runway, taxiway, related support and abandoned infrastructure, drainage systems, and undeveloped land.

The Town Board was the SEQRA Lead Agency under the “EPCAL 50-Lot Subdivision Plan and Zone Change.” The Town Board completed the SEQRA process when it issued a Supplemental Findings Statement for the Supplemental Draft and Final Generic Environmental Impact Statement. For the benefit of the Planning Board, it is important to note that pursuant to SEQRA, only the Lead Agency can determine if a supplemental environmental impact statement is

necessary due to project changes or new information, Involved Agencies cannot. An Involved Agency is, however obligated to issue an independent Findings Statement.

One purpose of this Consistency Analysis is to compare the original 50-Lot map and Lead Agency's adopted Findings Statement to determine if any significant changes have occurred with respect to significant adverse environmental impact(s) generated by the amended 8-Lot map configuration. A second purpose of the Consistency Analysis is to assist the Planning Board with formulating its Findings Statement.

### SEQRA Review Comments

The sponsor proposes to subdivide 2,107.2 acres to form eight (8) new parcels described as Lots 1 through 8. The CDA proposes to sell Lots 6, 7 and 8; totaling 1,643.8 acres of land. The balance of Lots 1 through 5 is 463.4 acres and will be retained and controlled by the Town of Riverhead CDA.

There are minor changes in the acreages between several parcels the Town will retain under the revised subdivision map compared to the 50-Lot map. These alterations are cited below:

1. Lot # 1 Pine Barrens Core Area, to be preserved, (formerly Lot # 48 of 50 Lots), comprised of 292.7 acres. There is no change in the acreage between the 50-Lot map and 8-Lot map
2. Lot # 2 (formerly Lot # 49 of 50 Lots) comprised of 98.9 acres. Lot # 49 was formerly 93.0 acres on the 50-Lot map and is now 98.9 acres on the 8-Lot map, an increase of 5.9 acres.
3. Lot # 3 (formerly Lot# 21 of 50 Lots) to be retained by the Town of Riverhead for Grumman Park and future community service facilities comprised of 11.2 acres. Lot # 21 was formerly 9.4 acres on the 50-Lot map and is now 11.2 acres on the 8-Lot map, an increase of 1.8 acres.
4. Lot # 4 STP Recharge Parcel (formerly Lot # 42 of 50 Lots) comprised of 35.1 acres. Lot # 21 was formerly 23.9 acres on the 50-Lot map and is now 35.1 acres, an increase of 11.2 acres.
5. Lot # 5 Town of Riverhead with Community Center (formerly Lots # 45 and 46 of 50 Lots) comprised of 25.5 acres. Lots # 45 and 46 totaled 26.1 acres on the 50-Lot map and are now 25.1 acres, a decrease of 0.6 acres.

The proposed uses of Lots # 1, 2, 3, and 4 depicted on the 8-Lot map are the same as the proposed use described for Lots # 48, 49, 21, and 42 on the 50-Lot map and the Supplemental DGEIS, FGEIS and Lead Agency's Findings Statement.

Lots # 6, 7 and 8 are new parcels created by revising the previous lot lines depicted on the 50-Lot map. The transfer of the development yield from Lot # 8 to Lot # 6 requires a determination of yield of Lot # 8 and mechanism by which proposed development can be transferred to Lot # 6.

The minor changes in the individual lot acreages are not considered significant.

From the Findings Statement prepared for the 50-Lot map it was stated, "Subdivision of the EPCAL Property into 50 lots, all but 10 of which would be for ultimate redevelopment with a mix

of uses (e.g., business [commercial and retail], industrial, government, energy park, recreation, utilities, residential.”

The proposed 8-Lot Major Subdivision Map will require approval from the Suffolk County Department of Health Services under Article 12 (necessary to establish method(s) for the proposed subdivision’s compliance for its wastewater disposal). The County Health Department will also review the application for potable water supply, which shall be via the Riverhead Water District. However at this time, there are no pending applications with the Riverhead Water District for water supply and no existing or proposed water supply infrastructure included with the 8-Lot subdivision.

Sewer:

The Town of Riverhead maintains control and operation of an onsite wastewater treatment plant (WWTP) and collection system known as the Calverton Sewer District. The Town of Riverhead has developed engineering and construction plans to upgrade the WWTP, with funding assistance through the New York State Environmental Facilities Corporation, Albany, NY. The proposed 8-Lot Major subdivision will be required to connect to the system, should future parcel development and site plans be submitted. At this time there are no improvements proposed to the infrastructure (no roads, drainage, water supply or wastewater collection systems proposed).

The Town has applied for an extension of the boundary of the Calverton Sewer District to cover the Property to be conveyed and lots to be retained by the Town. No physical improvements will be constructed as a result of this boundary extension.

Entities associated with future development shall be responsible for the cost of all sewer improvements to serve structures and uses as established from time to time on the site, including, but not limited to, piping, force mains, lifts stations and appurtenances and the cost of the operation and maintenance thereof. All such improvements shall be constructed in accordance with the specifications of the Calverton Sewer District and shall be subject to a continuing offer of dedication to the Calverton Sewer District. Developers shall also be responsible to pay all hook-up fees and any other costs required by the Calverton Sewer District at the time structures are hooked up to the District.

The CDA and the Town shall retain a general easement for sewer purposes over portions of the Property which shall be recited in the Deed, which shall provide that (a) CDA and the Town shall have the right to connect structures and uses on any contiguous lots owned by CDA or the Town to any sewer improvements constructed by developer(s) without payment, subject to restoration to existing conditions, and (b) CDA and the Town shall engage in prior discussions with Purchaser as to the specific portions of the site over which such easement is exercised, and if CDA, the Town, and developer(s) are unable to agree on such specific portions, the easement shall be over the portions of the site that, as reasonably determined by CDA and the Town, are least intrusive, taking into account any existing development by the developer(s) and any development plans of the developer(s) of which CDA or the Town has knowledge.

Water:

According to the Findings Statement for the 50-Lot Subdivision, sanitary discharge to the Calverton STP associated with development of all parcels within the EPCAL Property shall not

collectively exceed 1,137,000 gallons per day (gpd). In the event that development/redevelopment is proposed that would cause this capacity to be exceeded, additional evaluation must be conducted and additional sewage capacity must be secured from the Calverton Sewer District to support the additional development. The Town has applied for an extension of the boundary of the Riverhead Water District to cover the site to be conveyed and lots to be retained by the Town. Development at the EPCAL Property cannot collectively demand more than 1,990,000 gpd (1,382 gpm) of potable water until additional well capacity is permitted and developed.

Future developers shall agree to pay key money as shall be assessed by the Riverhead Water District at the time required by the District based upon the reasonably anticipated use of potable water to be supplied by the Water District. The facilities on the site shall be served by master meter and private mains constructed by Purchaser at its sole expense in conformance with District specifications.

The Town has gone to bid on the upgrade of the sewer plant and will award during month of April and that the Town's engineers, H2M shall have map and plan also completed in April.

*Sensitive Habitat Areas:*

The proposed subdivision is located within the Peconic River watershed. The subdivision incorporates the following measures to improve and further protect the Peconic Headwaters and the Peconic River:

- ▶ Wetland and adjacent upland habitats associated with the Peconic Headwaters and the Peconic River WSRRS corridor would remain as undeveloped/preserved lands following implementation of the proposed action.
- ▶ The proposed subdivision provides for the relocation of the sewage disposal area to north of the groundwater divide (and away from the Peconic River). This would also have a positive impact on the ecological resources within the Peconic Headwaters and WSRRS corridor.
- ▶ Much of the area along Grumman Boulevard will remain undisturbed thereby providing natural screening from the road.

The New York State Department of Environmental Conservation, will review the subdivision application under its permit authority pursuant to the Wild, Scenic and Recreational Rivers System (WSSRS). There are ten (10) NYSDEC designated wetland/eastern tiger salamander ponds within and or adjacent to the proposed subdivision. The NYSDEC has also reviewed and accepted a Habitat Protection Plan for the purposes of preserving, restoring and, or protecting grassland and woodland habitats.

As per the Lead Agency's Findings Statement it states, "As the EPCAL Property includes regulated wetlands, land within the Wild, Scenic and Recreational River System for the Peconic River, and habitat for endangered species, the subdivision provides for maintenance of buffers, of a minimum of 1,000 feet, around designated wetlands (to accommodate tiger salamander habitat), and also provides for approximately 583.0 acres of maintained grassland (512.4 acres of existing grassland, and 70.6 acres of grassland to be created), as habitat for the short-eared owl, northern harrier and

upland sandpiper. The proposed subdivision provides for preservation/creation of 65 percent of the site as natural area/open space, including wetlands and water bodies.”

The Findings Statement also cited correspondence dated April 13, 2016 from George W. Hammarth, Deputy Regional Permit Administrator, NYSDEC which addressed:

Wild, Scenic and Recreational River System permit; The Calverton Sewer District; the northern Long Eared Bat; the frosted elfin butterfly; Audubon best management practices; tiger salamander breeding ponds; the Comprehensive habitat Protection Plan; the five-foot wide non-disturbance buffer; the use of runways and the planting and maintenance of drainage reserve areas.

In partial response to the NYSDEC comment letter, the Lead Agency’s Findings Statement (page5) stated that, “Accordingly the analyses conducted through the SEQRA process established conditions and thresholds for future development, set forth in this Findings Statement, and the Subdivision Map ultimately filed (and/or amended in the future) may differ somewhat from that included in the FSGEIS and described herein. However, if the conditions and thresholds established herein are complied with, no further SEQRA review would be necessary. In the event the proposed Subdivision Map is modified from that contained in the FSGEIS, the Town would ensure that such modifications would be equally protective of sensitive environmental features on the EPCAL property (e.g. protected grasslands, tiger salamander habitat, pine barrens).”

For its Findings Statement, prepared for the 8-Lot Major Subdivision Map, it is recommended the Planning Board acknowledge these mitigating measures designed to protect sensitive habitats and species from potential impacts generated by future site development shall be evaluated during site plan applications as part of the standard SEQRA process. The Planning Board’s Findings Statement should where practicable, acknowledge and be consistent with the Lead Agency’s Supplemental Findings Statement. Albeit the subdivision of land will not generate physical environmental impacts, it is recommended that mitigating measures designed for future development as stated in the Lead Agency’s Findings Statement, be re-stated or cited by reference in the Planning Board’s Findings Statement.

### **The Potential for Future Development and Yield from Lot 8 to Lot 6**

Do to the environmental constraints on Lot # 8, development may be difficult and one solution might be a transfer or assignment of development rights to Lot # 6. However this not an issue that must be resolved as part of this subdivision review process and would be subject to review, if necessary, at the time specific development plans are submitted in the future.

The 50-Lot Subdivision Map depicts Lot # 47 as inclusive of Lot # 8 within the southwest section of the Lot # 47 parcel. The 50-Lot map depicts the WSSR Boundary along the northerly boundary of the proposed Lot # 8 (causing Lot # 8 to be subjected to the NYSDEC WSSR permit process).

The Lead Agency’s Findings Statement stated, for Lot # 47 – “Western Area to be preserved and managed in accordance with a Habitat Protection Plan (to be approved by the NYSDEC) (276.3 acres),” However it is noted that the previously submitted HPP is not required for the 8-Lot Major Subdivision because there is no proposed development for the 8-Lot plan. Until a development scenario is submitted and evaluated, the need for a HPP can be determined.

The “Bike Path” depicted on the 8-Lot Subdivision Map, separates Lot # 8 from Lot # 6 causing complications with merging Lot # 6 and Lot # 8 together. The Bike Path is included within Lot # 2, which shall be retained by the Town of Riverhead CDA. This continuous walkway/bikeway trail is to be maintained within a 25-foot buffer area outside of the individual lots, to consist of portions of existing paved and unpaved trails. As necessary, the existing trail will be connected by newly-constructed trails.

In its SEQRA Findings Statement, to avoid complications, the Planning Board should acknowledge that there is currently no proposed development plan (or site plan) and thus no yield can be determined or development transfer required during the subdivision review process.

### Summary

The “Map of Enterprise Park at Calverton, Riverhead, NY” (aka: 8-Lot Major Subdivision Map), prepared by L.K. McLean Associates, P.C, last dated April 1, 2019 as revised does not include the same subdivision map notations (“Area Under Supervision of Habitat Protection Plan,” “Existing Wetland,” etc.) that were included on the 50-Lot Subdivision Map. The notes have been removed because at this time, there is no proposed development plan, and no ability to assess preservation area or habitat protection zones. However, the impact potential on habitats will be evaluated during SEQRA reviews during future site plan/future development application stages as required by NY State and Town Code. A SEQRA Consistency Analysis will be required to evaluate future development plan conformance with the previous SEQRA record and Lead Agency Findings Statement.

Because the proposed 8-Lot Major Subdivision Map is a revision to the 50-Lot Subdivision Map, and the Lead Agency’s Supplemental Draft/Final Generic Environmental Impact Statements and Findings Statement referenced particular lot numbers and cited specific restrictions and reference to these map notes, it is strongly recommended the Planning Board require the notes be added to the 8-Lot Major Subdivision Map. A Yield Map must be prepared at the time development is proposed and the site plan review process begins, whereby any proposed “cluster development plan” or “development right transfer program” can be better assessed under SEQRA.

It is recommended the revised 8-Lot Major Subdivision Map identify the zoning use district for each proposed lot.

It is recommended a notation be placed on the 8-Lot Major Subdivision Map to explain the U.S. Navy’s “Parcel A” and Parcel B” are not included and therefore the reduction in acreage between the 2,323.9 acres for the 50-Lot Subdivision Map, prepared by VHB and revised map depicting 2,107.2 acres for the 8-Lot Major Subdivision, prepared by L.K. McLean Associates, P.C can be clarified.

Providing the development is within the parameters described in the Lead Agency’s Findings Statement, with identical conditions designed as mitigating measures, the revision of the 50-Lot Subdivision Map to an 8-Lot map (as described above) does not require additional review under SEQRA, because the revision does not generate recognizable significant impact potential. The Lead Agency’s Findings Statement prepared for the 50-Lot Subdivision Map must apply to the 8-Lot Major Subdivision Map.

The 8-Lot Subdivision Map proposes 42 fewer lots. Future development of Lot # 6, Lot # 7 and Lot # 8 are governed by the EPCAL Revitalization Plan, the Town Comprehensive Master Plan, the Calverton Urban Renewal Plan and the Town's Zoning Code and Zoning Map and the Lead Agency's SEQRA Findings Statement as amended and adopted as a result of the full environmental review process that had been undertaken with respect to the original 50- Lot plan.

The future development of Lot # 6, Lot # 7 and Lot #8 will require State, County and local approvals that will require its own review under SEQRA to determine whether the future development might have significant impacts that have not already been studied in the FSGEIS and analyzed in the current SEQRA Finding Statement.

The Calverton Sewer District and Wastewater Treatment Plant upgrades should include an evaluation of adding industrial wastewater to the plant. It is recommended the Planning Board request additional information regarding industrial wastewater pre-treatment requirements, proposed wastewater discharge standards, industrial wastewater pre-treatment monitoring program(s) and method of enforcement. General protocols to address what occurs if pre-treated industrial wastewater fails to meet the required standards, and actions taken by responsible parties (the Calverton Sewer District and/or the industrial user) should be identified during the subdivision review process. This recommendation may be resolved during the subdivision review by the Suffolk County Department of Health Services.

It is recommended the revised subdivision map include the location of the groundwater divide for the wastewater recharge area comprised of 35.1 acres and identified as Lot # 4. The location of the groundwater divide and the directional flow of groundwater together with a reference as to the source of the information should be depicted on the 8-Lot Major Subdivision Map. The Riverhead Water District maintains and operates drinking water wells in the vicinity north of Fresh Pond Avenue (north of Lot # 4). It is recommended the Planning Board seek additional information regarding any water supply well head protection program(s) prepared for the EPCAL site, to avoid potential adverse impacts from the wastewater recharge area.

One important mitigating measure was stated in the Lead Agency's Findings Statement (page5). It stated, "Accordingly the analyses conducted through the SEQRA process established conditions and thresholds for future development, set forth in this Findings Statement, and the Subdivision Map ultimately filed (and/or amended in the future) may differ somewhat from that included in the FSGEIS and described herein. However, if the conditions and thresholds established herein are complied with, no further SEQRA review would be necessary. In the event the proposed Subdivision Map is modified from that contained in the FSGEIS, the Town would ensure that such modifications would be equally protective of sensitive environmental features on the EPCAL property, (e.g. protected grasslands, tiger salamander habitat, pine barrens)." It is expected that during future proposed site plan submissions, SEQRA will be applicable and a determination of significance issued. The NYSDEC will determine the need for CHPP applicability during site plan review.

As per the Agenda Items for June 2, 2017 Meeting among Riverhead Town representatives and the NYSDEC, regarding Natural Resource Permitting, the NYSDEC's determined that an *Endangered Species Incidental Take Permit* would not be required of the Town for the 8-Lot Major Subdivision.

The NYSDEC stated, “if the description of the modified proposed action remains as most recently described (subdivision of the acreage into approximately five lots, two of which will be purchased by Luminati Aerospace with remaining parcels retained by the Town for various municipal uses), Riverhead will not require an Endangered Species Incidental Take permit for the subdivision. The modified action will require DEC Wild, Scenic & Recreational Rivers System approval for the subdivision. Post purchase physical alteration of land or certain other activities by Luminati may require an Endangered Species – Incidental Take permit and would be the responsibility of the company.”

It is further recommended the Planning Board issue an independent Findings Statement for the 8-Lot Major Subdivision Map. As an Involved Agency, the Planning Board’s Findings Statement should as may be appropriate, be as specific as possible and utilize the SEQRA history and statements provided in the Lead Agency’s Findings Statement. This will provide a more defensible Findings Statement, support the Planning Board’s future actions and decisions regarding the application, and avoid misinterpretations generated by a more generic Findings Statement.

The revised 8-Lot Major Subdivision creates large acre vacant lots without directing where future development will occur within the subdivided parcels. Therefore the Planning Board’s Findings Statement may be based on the nature of potential environmental impacts that were fully identified and studied in the completed SEQRA process. Under the amended 8-Lot Major Subdivision Map, site specific study will occur when the owner of the large acre lots determines how it wishes to proceed with development. At that time, SEQRA review will, of necessity, have to be undertaken by all permitting agencies at which time if there are identified environmental impacts that were not fully addressed in the completed SEQRA review, further study will have to be undertaken. If the site specific development impacts identified habitat areas, the developer will be required to obtain a Taking Permit from the NYSDEC which will require the development of a site specific Comprehensive Habitat Plan.

Submitted by:  
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