TOWN OF RIVERHEAD
PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held before the Town Board of the Town of Riverhead, at 200 Howell Avenue, Riverhead, New York on the 4th day of August at 2:05 p.m. to amend Chapter 301 of the Riverhead Town Code entitled, "ZONING AND LAND DEVELOPMENT" as follows:

Part 3. Supplementary Regulations

Chapter 301 Part 3 Article LIII Water Conservation in Landscaping

§301-284 Intent: The Town of Riverhead, together with New York State, its departments and agencies, and counties, towns and villages throughout the state, recognize that our water systems are vital assets. The water system challenges include water-source contamination; constraints on water supplies due to climate change and increasing demand; and necessary and costly infrastructure improvements to due to transmission lines, pumps and treatment facilities susceptibility to deterioration together with limits on available funding. Water conservation will assist the Town of Riverhead in maintaining a supply-demand balance and realize other benefits, including but not limited to, greater efficiency and appropriate expenditures for expansion of water supplies by allowing existing water supplies to serve increasing populations; alleviation of competing demands for water resources; and, increased ability to handle emergencies such as drought, mechanical failure or water contamination. While there are many different and effective ways to minimize water use within residential, commercial and institutional buildings, including plumbing fixtures with flow restrictions, water conserving toilets, water pressure control devices, at peak demand outdoor water use represents nearly seventy five percent of total water demand for lawn, landscape and garden watering, the Town, by this local law, seeks to require landscape designs to require less water by incorporating Xeriscape landscape techniques, including reducing turf area, planting drought-tolerant or low water using species, creation of storm water gardens and other planned recharge for protection of infrastructure and water aquifer, and installation of low volume and smart controlled irrigation systems.

§301-285 Purpose: The Town of Riverhead has demonstrated its commitment and desire to be a sustainable community. The purpose of establishing landscape designs which utilize best management practices and incorporate Xeriscape techniques, together with low volume and smart controlled irrigation systems is intended to further this commitment by improving and maintaining the health of our waters, and reducing the stress on our infrastructure.

§301-286 Definitions:

“Anti-drain or check valve” means a valve, located under a sprinkler head and installed lower than the lowest head on the system, to hold water in the system when not in use so it minimizes drainage from the lower elevation sprinkler heads.
“Application rate” means the depth of water applied to a given area, usually measured in inches per hour.
“Applied water” means the portion of water supplied by the irrigation system to the landscape.

“Automatic controller” means a mechanical or solid state timer, capable of operating valve stations to set the days and length of time of a water application.
“Backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
“Best Management Practice (BMP)” A design or practice employed with the primary objective to minimize adverse water quality impacts, preserve beneficial features on-site, avoid downstream erosion and habitat loss, maintain natural base flows and groundwater recharge, prevent downstream flooding, provide multiple uses of drainage and storm water drainage facilities, and/or provide for the economical, safe and aesthetically pleasing drainage system for development.
“Certified Nursery Professional” A landscape professional having successfully completed the examination for, and continuously maintains their status in, the Certified Nursery Professional Program administered by the NYS Nursery and Landscape Association.
Drought Tolerate Planting mean a planting which can survive on minimal water from natural rainwater. (See Cornell University Integrative Plant Species Guidance Documents)
“Ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
“Invasive species” 1) non-native (or alien) to the ecosystem under consideration and 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health.
“Irrigation system” means a complete connection of system components, including the water source, the water distribution network, controller and the necessary irrigation equipment.
“Irrigated” means supplied with equipment that can apply water from an irrigation system.
“Irrigation efficiency” means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and from management practices. An example of how estimating can be done is by comparing water meter readings to estimated water need over a period of time such as a billing period.
“Irrigation system” means a complete connection of system components, including the water source, the water distribution network, controller and the necessary irrigation equipment.
“High flow sensors” or “flow meters” detect and report high flow conditions created by system damage or malfunction.
“High water using plant” means a plant that will require regular irrigation for adequate appearance, growth and disease resistance.
“Landscape area” means the total cumulative area of the portions of a project development site to be improved with planting and irrigation. It includes water bodies supplied with water such as fountains, swimming pools and ponds but does not include natural open spaces and non-irrigated storm water treatment areas (e.g., a detention pond or non-irrigated bio swales), building footprints, walkways, decks, patios, driveways, non-irrigated synthetic turf, non-irrigated portions of parking lots, and other non-irrigated hardscape areas.
“Licensed Landscape Architect” An individual licensed by the NYS Department of Education’s Office of Professionals, to perform services further described in Title VIII of the NYS Education Law.
“Low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters which may include but are

not limited to drip, drip lines, micro-sprayers, and bubblers and which target small volumes of water at or near the root zone of plants.

“Low water using plant” means a plant that can survive throughout the year with little irrigation and is semi-drought-tolerant.

“Rain sensor” or “rain sensing shutoff device” means a device in wired or wireless communication with the automatic controller that shuts off the irrigation system when it rains.

“Runoff and Overspray” The irrigation system shall deliver water at a rate compatible with the site’s soil types and infiltration rates. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match maximum application rates to infiltration rates.

“Soil moisture sensor” means an instrument for measuring the moisture content of the soil and capable of interruption of the irrigation cycle sensor when excessive moisture is detected.

“Smart irrigation controller” means an electronic automatic irrigation controller that is weather- or soil-moisture-based with a timing device used to operate remote control valves that operate an irrigation system, which schedules irrigation events using evapotranspiration (weather-based) data such as that from the California Irrigation and Management Information System (see definition of “CIMIS”) and/or data from an integral or auxiliary soil moisture or rain sensor, and which may also include a high flow sensor for high flow damage or malfunction control.

"Xeriscape" means quality landscapes that conserve water and protect the environment and are adaptable to local conditions and which are drought tolerant. The principles of Xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

§301-287 Site Improvements and Development Projects subject to Water Conservation Landscape Requirements

A. This Chapter shall apply to all of the following development application/projects:

1. Application for building permit for new development of a Single Family, Two-Family or Multi-Family Residential Structure or an addition, renovation, alteration or improvement of an existing Single Family, Two-Family or Multi-Family Residential Structure increasing square footage by 25% or increases the existing lot area coverage by 25% or greater; and

2. Application for Minor and Major Subdivision-including development of each individual residential lot and all landscaped common areas (*note, a land division without proposed development improvements shall not require a landscape design; and

3. Application for Site Plan and Special Permits, including applications for expansion of existing commercial and industrial sites; and

B. The following development applications/projects are exempt from the requirements of this Chapter:

1. Agricultural and horticultural commerce (for example, commercial activities such as farming of grains, wine grapes, vegetables, fruit and nut trees and other agricultural crop production; greenhouses; nurseries; and floriculture facilities); and

2. Plant collections, as part of botanical gardens and arboretums open to the public; and

3. Ecological restoration projects; and

4. Community gardens open to the public.

§301-288 Water Conservation Landscape Requirements

A. All applicants seeking a permit or approval of a site improvements or development project identified in §287-A above shall provide a landscape design to include and be installed meeting the following criteria:

1. All landscape designs shall employ best management practices and include a minimum of fifteen percent (15%) of the total landscaped area Xeriscape or drought tolerate or low water using plantings of the total landscaped areas; and

2. All landscape designs which include the installation of irrigation system(s), be it at the time of issuance of the building permit or at any and all times after issuance of building permit, shall adhere to the following requirements:

a) Low volume irrigation shall be used in all landscaped areas less than eight feet in width in any direction; mulched areas; areas within 24 inches of a non-permeable surface unless no runoff occurs or the adjacent non-permeable surface drains entirely to permeable surfaces capable of admitting and retaining the irrigation runoff; and, on slopes greater than 25 percent (where “25 percent” means one foot of vertical elevation change for every four feet of horizontal length), unless an alternative design having the effect of low volume irrigation (e.g., micro-sprayers) and which will avoid runoff and erosion is approved by Director of Planning & Building Department, Planning Board or Town Board; and
b) Smart irrigation controllers shall be required for all irrigation systems and must be able to accommodate all aspects of the design. Individual controllers irrigating an area of 10,000 or more square feet shall be installed with a rain sensor(s) which shall be properly installed (e.g., in a location suitable for detecting rain without interference from structures and irrigation spray); and
c) Irrigation systems shall not be planned, installed or operated so as to permit water to spray on public sidewalks, paved areas or neighboring parcels. No underground piping shall be laid within the Town highway right-of-way; and
d) Nothing in this section shall be construed to limit, restrict or prohibit irrigation of any sort which is accomplished by obtaining water by means that would not deprive or otherwise retard recharge of the US EPA designated sole source aquifer system under the Safe Water Drinking Act.

B. The landscape design package referenced in §288-A a shall be prepared by an architect, landscape architect or certified nursery professional licensed by New York State in good standing containing and satisfying the conditions and elements above and submitted with the building permit application, site plan application, special permit application or subdivision application. Notwithstanding the above, applicants seeking a building permit for an addition, renovation, alteration or improvement of an existing Single Family, Two-Family or Multi-Family Residential Structure increasing square footage by 25% or increases the existing lot area coverage by 25% or greater shall not be required to retain an architect or landscape architect and instead applicant may prepare and submit a landscape plot plan, depicting the location of planting and identification of plant/tree species.

C. The Superintendent of the Water District may require a site plan, special permit or subdivision applicant to submit a copy of the water budget calculations required by the project as part of the landscape design plan.
D. Upon approval of the landscape design plan, applicant shall be required to file a covenant agreeing to maintain the landscape design plan in conformance with generally acceptable landscaping practices and standards. The applicant shall authorize periodic inspections upon reasonable notice. This covenant shall run with the land in perpetuity and shall be binding upon any and all successors in interest.

§301-289 This Local Law shall take effect immediately upon filing with the Secretary of State.
Dated: Riverhead, New York
July 7, 2020

* Underline represents addition(s)
* Overstrike represents deletion(s)

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION

A. Type of Legislation Resolution xx Local Law

Title of Proposed Legislation: Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 of the Riverhead Town Code Entitled "Zoning and Land Development"

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 301 OF THE RIVERHEAD TOWN CODE ENTITLED "ZONING AND LAND DEVELOPMENT"

B. Purpose of Proposed Legislation:

C. Will the Proposed Legislation Have a Fiscal Impact? Yes _____ No xx

D. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable:

(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J;

or

(b) The description/explanation of fiscal impact is set forth as follows:

E. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years

F. Proposed Source of Funding

Appropriation Account to be Charged:

Grant or other Revenue Source:

Appropriation Transfer (list account(s) and amount):

H. Typed Name & Title of Preparer: Karen Occhiogrosso	I. Signature of Preparer Karen Occhiogrosso Karen Occhiogrosso 7/7/2020	J. Date 6/30/20
K. Accounting Staff Name & Title	L. Signature of Accounting Staff	M. Date