



PLANNING BOARD

200 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901-2596
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Joann Waski, Chairperson
Edward Densieski, Vice-Chair/Secretary

Richard M. O'Dea, Member

Joseph H. Baier, Member
George Nunnaro, Member

November 3, 2022

Supervisor Yvette Aguiar
Riverhead Town Board
200 Howell Avenue
Riverhead NY 11901

Resolution #2022-101

Resolution Recommending the Town Board Adopt a Moratorium on Development Applications within the Industrial A, Industrial B, and Industrial C Zoning Use Districts located in the Hamlet of Calverton (Zip Code 11933).

Dear Supervisor Aguiar and Town Board Members:

The following resolution was duly adopted by the Town of Riverhead Planning Board at a meeting held on November 3, 2022:

WHEREAS, the adopted 2003 Comprehensive Plan envisioned:

"A dynamic office/industrial center in and around Enterprise Park at Calverton"
(Town of Riverhead Comprehensive Plan, 2-1); and

WHEREAS, on November 3, 2003, by Resolution #1175, the Riverhead Town Board (hereinafter "Town Board"), issued a Findings Statement pursuant to 6 NYCRR Part 617.11 and adopted the Town of Riverhead Comprehensive Plan pursuant to 272-a of the Town Law; and

WHEREAS, the adopted Findings Statement articulates that both the DGEIS and FGEIS demonstrate that the 2003 Comprehensive Plan satisfied the requirements of the Environmental Conservation Law (ECL) as embodied in the SEQR Regulations Part 617 (Town of Riverhead Comprehensive Plan SEQRA Findings Statement, Page 3); and

WHEREAS, the Draft Generic Environmental Impact Statement (DGEIS) and Final Generic Environmental Impact Statement (FGEIS) found that the Plan:

"Promotes compatible agricultural, horticultural and open space recreational uses of

of private land interests as appropriate and consistent with available funds and locational characteristics of the receiving areas; and ensures the continuation of the Pine Barrens environmental which contains the unique and significant ecologic, hydrogeologic, and other resources representative of such environments (Town of Riverhead Comprehensive Plan SEQRA Findings Statement, Page 3);” and

WHEREAS, the Hamlet of Calverton (Zip Code 11933) is the area where a substantial amount of the industrial-zoned lands in the Town of Riverhead, including Industrial A, Industrial B and Industrial C, are located; and

WHEREAS, the area is characterized as mixture of farmland and open space, single family homes, and small-moderate scale commercial development; and

WHEREAS, the 2003 Comprehensive Plan did not envision the proposed large scale “high cube warehousing,” distribution centers, nor the scope and magnitude of impacts that these proposed uses will have on the residents, infrastructure, and community character of the Hamlet of Calverton and the Town as a whole; and

WHEREAS, it is estimated that a full buildout, pursuant to existing zoning and dimensional regulations, could result in the development of more than 12 million square feet of industrial space in the hamlet Calverton within the Industrial A, Industrial B and Industrial C Zoning Use Districts; and

WHEREAS, the Riverhead Planning Board is currently reviewing pending industrial site plan and subdivision applications comprised of approximately 245 acres, which total approximately 3,324,000 sq. ft. of potential industrial development; and

WHEREAS, according to the Suffolk County Department of Health Services (SCDHS), these industrial-zoned areas are located within Groundwater Management Zone III, which is categorized as a deep-recharge zone, which has an allowable sanitary density of 300 gallons of flow per day, per acre; and

WHEREAS, much of the aforementioned industrially zoned lands in Calverton are not located in either the Town of Riverhead Water District nor are they located within the Town of Riverhead Sewer District; and

WHEREAS, the sanitary flow for general industrial development is 0.04 gallons per day per square foot of floor area, based on the SCDHS standards for general industrial development (Suffolk County Department of Health Service Division of Environmental Quality: Standards for Approval of Plans and Construction Fore Sewage Disposal Systems for Other Than Single-Family Residences, December 29, 2017, pg. 16); and

WHEREAS, pursuant to the current dimensional regulations for the Industrial A and Industrial C Zoning Use Districts, the as-of-right allowable build out is 17,424 sq. ft. of floor area per acre, based on 40% lot coverage (43,560 sq. ft. x .40); and

WHEREAS, based on the allowable sanitary density per SCDHS regulations for general industrial development, the allowable build out is 7,500 sq. ft. of floor area per acre, without municipal sewer service or on-site wastewater treatment plants; and

WHEREAS, the inconsistencies between allowable sanitary density under the SCDHS standards and the Town of Riverhead Zoning Code result in the allowance of nearly twice the amount of allowable development, without municipal sewer service or on-site wastewater treatment plants, versus that of the SCDHS standards; and

WHEREAS, in order for the Town of Riverhead dimensional regulations to be more in-line with SCDHS standards, the allowable lot coverage would need to be approximately 17% of the total lot area, rather than the 40% currently allowed; and

WHEREAS, 2003 Comprehensive Plan did not address alternative energy production facilities, including but not limited to commercial solar energy production facilities and battery energy storage facilities; and

WHEREAS, the present unprecedented industrial development has the potential to create significant impacts to air-quality, traffic congestion, water supply infrastructure, and other potentially significant environmental impacts, as well as the potential to cause large scale loss of some of the last remaining forested areas; loss, isolation or fragmentation of remaining open space areas; and loss or isolation of prime agricultural soils within the Hamlet of Calverton; and

WHEREAS, the Hamlet of Calverton is identified as being located in an Environmental Justice Area, pursuant to the criteria established by the New York State Department of Environmental Conservation, as outlined in Commissioner Policy No. 29, issued by the NYSDEC on March 19, 2003; and

WHEREAS, the projected amount and types of industrial land uses has the potential to disproportionately affect the low income and minority population residing within the Hamlet of Calverton; and

WHEREAS, the Town of Riverhead is currently in the process of updating its Comprehensive Plan; and

WHEREAS, the types of industrial land uses and projected buildout requires a comprehensive planning and infrastructure analysis of the identified industrially-zoned areas in

WHEREAS, proper planning requires a carefully thought-out review process and analysis that balances the need for job creation and economic growth while preserving the rural character and natural environment which defines the Hamlet of Calverton; Now, therefore be it

RESOLVED, that the Riverhead Planning Board hereby recommends that the Riverhead Town Board adopt a moratorium on all development applications, including but not limited to Site Plan Applications, Special Permit Applications, Subdivision Applications, as well as Applications for Use and Area Variances located within the Industrial A, Industrial B, and Industrial C Zoning Use Districts within the Hamlet of Calverton (Zip Code 11933) for the reasons stated herein, and in order that a thorough and comprehensive review and analysis can be conducted as part of the ongoing Comprehensive Plan Update; and be it further

RESOLVED, that the Clerk of the Planning Board is hereby authorized to forward a copy of this resolution to the Town Board; The Supervisor's Office; the Office of the Town Attorney; the Planning Board Attorney; the Town Clerk and the Town Assessor's Office; 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,

Joann Waski,
Planning Board Chairperson

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

THE VOTE

BAIER __ YES __ NO **O'DEA** __ YES __ NO
NUNNARO __ YES __ NO **DENSIESKI** __ YES __ NO
WASKI __ YES __ NO

THIS RESOLUTION __ WAS __ WAS NOT

THEREFORE DULY ADOPTED