

**DISCLAIMER:** *This is the agency's interpretation of the permitted zoning and uses that will be subject to the decision of the agencies reviewing and authorizing the permitted uses (or siteplan). It is not in the purview of the Riverhead IDA to draft the zoning and uses. That is dictated by the municipality. The purpose of posting this interpretation is to provide a simplified view of the documents guiding the zoning of the property in question. Readers are encouraged to consult with counsels of their choice regarding zoning and land use matters.*

## **Introduction**

The following is an outline of the allowed uses within the Enterprise Park at Calverton ("EPCAL") comprised of approximately 2,100 acres of land located in the Town of Riverhead New York ("Town"). The focus of this Memo is upon certain lots totaling approximately 1,643 acres (the "Property") to be purchased by Calverton Aviation & Technology LLC ("CAT") from the Riverhead Community Development Agency ("RCDA") (the "Proposed Sale").

EPCAL is subject to use restrictions as described in the Updated EPCAL Reuse and Revitalization Plan (the "Reuse Plan") as adopted by the Town of Riverhead Town Board ("Town Board") on August 2, 2016, and the Planned Development District ("PDD") zoning restrictions pursuant to Article LXIII of the Town of Riverhead Town Code ("Town Code"). Permitted uses are further described in the Final Supplemental Generic Environmental Impact Statement ("FSGEIS") adopted by the Town Board on March 15, 2016, in regards to the rezoning and development of the prior 50 lot subdivision (50 Lot Subdivision) of EPCAL; as well as the SEQRA Consistency Analysis ("Consistency Analysis") and updated Comprehensive Habitat Protection Plan ("Updated CHPP") created pursuant to the proposed 8 lot subdivision of EPCAL ("Proposed Subdivision).

The following documents have been attached hereto as exhibits for reference:

**Exhibit A:** 8 Lot Subdivision Map

**Exhibit B:** 50 Lot Subdivision Map

**Exhibit C:** SWRR Boundary Map

**Exhibit D:** Tiger Salamander Buffer Map

## **I. Permitted Uses Under Planned Development District Zoning Restrictions**

The PDD is the primary source of permitted and prohibited uses for the Property and is generally consistent with the Reuse Plan and FSGEIS. Unlike conventional zoning which generally

enumerates specific permitted uses, with all other uses being prohibited, the PDD authorizes a broad category of different types of uses with certain specific enumerated uses being prohibited.

#### **(A) PDD Permitted Principal Uses**

All uses that promote economic development shall be permitted in the PDD, including, but not limited to:

- industrial;
- institutional;
- educational;
- governmental;
- recreational;
- conservation;
- manufacturing;
- renewable and
- alternative energy resources (including generation and distribution of such energy resources, storage and demand response resources); commercial, except for those commercial uses described as retail, personal service and restaurant and deemed supportive pursuant to § 301-341B(2) below, and the development of public facilities, utilities, and infrastructure necessary to support those uses.

#### **(B) PDD Prohibited Uses**

Notwithstanding the above, the following industrial, manufacturing and commercial uses shall be *prohibited*:

- garbage disposal dumps, landfills, incinerators or transfer stations;
- gas stations and gas manufacture from coal, coke, or petroleum;
- petroleum and/or kerosene distillations or refining and storage facilities,
- sand, gravel, mineral quarrying and mining;
- motor vehicle, boat, and equipment dismantling, wrecking, and compacting;
- outdoor sale or storage of motor vehicles, boats, and equipment except by special permit of the Town Board and subject to the following minimum standards:
  - Outdoor storage must be incidental and supportive to the principal use and building(s);
  - outdoor storage may not exceed one third the size of the principal building(s);
  - outdoor storage must be located on the same lot as the building(s) for principal use;
  - outdoor storage areas shall be visually screened and landscaped from public view, roadways, and adjacent properties;
  - manufacture, warehousing, wholesaling, sale and storage of hazardous, dangerous, explosive material, including ammunition, acids, and any use which generates offensive noise, vibration, dust, smoke, gas or other nuisances shall be prohibited.

#### **(C) PDD Permitted Supportive Uses**

In order to promote EPCAL as a planned development community, the following uses shall be permitted as supportive uses, on a limited basis, targeted to the employees and tenants of the permitted principal uses within EPCAL and not designated for primary use by the general public:

(1) Residential

- The PDD shall allow a limited number of attached residential housing units, located on the same lot and in support of a principal permitted use, within that portion of EPCAL described as Zone One, Zone Three and Zone Four of the Map titled "Preferred Alternative," adopted by the Town Board, as governing body of the RCDA, by Resolution No. 5 adopted on May 7, 2013.
- The attached residential housing units shall only be permitted on a lot greater than 10 acres or a combination of lots located adjacent to each other such that the total combined acreage of said lots is greater than 10 acres.
- The total number of residential units within EPCAL shall be limited to 300; however, an applicant may make application for a special permit for a principal use with residential units that exceed the limit of 300 residential units.
  - The applicant for a special permit which includes supportive residential units in excess of the limit of 300 housing units must adhere to the requirement of a minimum lot size of 10 acres and demonstrate that the residential units are an essential and integral component of such principal use, i.e., scientific research or development facility or the like.

(2) Retail, personal service, or restaurant.

- The PDD shall only permit retail, personal service, and restaurant uses specifically designed to support permitted principal or other supportive uses within EPCAL.
- The floor area for any supportive use, other than residential described above, shall be located within the floor area of the principal use and shall not exceed 10,000 square feet of floor area per supportive use and 20,000 square feet per principal use and/or lot. The total or maximum floor area within EPCAL shall not exceed 500,000 square feet.

**II. Consistency with Permitted Uses Analyzed in the FSGEIS/Reuse Plan**

Under the current development plan proposed by CAT and the RCDA, EPCAL will be converted to a subdivision containing 8 parcels (with the Property making up parcels 7, 8, & 9), instead of the 50 parcel subdivision pursuant to which the FSGEIS and Reuse Plan were created. However, the Town's future plan for development and permitted use of the Property has not changed from the FSGEIS and Reuse Plan. *See EPCAL SEQRA Consistency Analysis Update at 6 (Oct. 12, 2020) ("Consistency Analysis Update")*. Thus, the allowed uses under the PDD are generally consistent with the analysis of allowed uses under the FSGEIS and Reuse Plan irrespective of the change from a 50 lot subdivision to an 8 lot subdivision. The Reuse Plan specifies the representative types and general locations of land uses in the PDD and contemplates a theoretical full build out of EPCAL to include:

- 6,886,836 SF of industrial/research and development (“R&D”)/flex space
- 2,927,232 SF of office/flex and 740,520 SF of medical office space (3,667,752 SF total)
- 805,860 SF commercial/retail space
- 300 Residential Units (supportive of commercial/industrial development at EPCAL). *See* EPCAL Reuse and Revitalization Plan, p. 20.

The FSGEIS clarifies that retail uses permitted are required to be supportive of the uses on the site and thus would primarily serve the tenants and employees of EPCAL. *See* EPCAL FSGEIS, p. 79. Further, no big box retail facilities would be permitted, and retail development that is permitted in the PDD has been specifically designed by the Town Board not to compete with the businesses in downtown Riverhead. *See Id.* at p. 86. Notably, the FSGEIS describes aviation use as permitted but in a significantly reduced capacity in comparison to historical use of the site, with the potential for the western runway to be used for industrial or renewable energy purposes. *See Id.* at p. 1. Limitations on aviation use at EPCAL include: fuel storage restrictions enumerated in the PDD; noise restrictions enumerated in Chapter 81 of the Town code; as well as restrictions contained in the Proposed Sale agreement prohibiting use of EPCAL as a passenger airport or the listing of the Property as a location providing aeronautical services. *See* Consistency Analysis Update, p. 12.

### **III. Other Restrictions on Development at EPCAL**

Pursuant to the Proposed Sale, CAT will take possession of the ~1,600 acre Property consisting of lots 6, 7, and 8 of the Proposed Subdivision while the remaining lots 1 through 5, totaling ~500 acres, will remain public purpose lots. *See Id.* at p. 2. All 8 lots are restricted by one or more management plans, limiting the types and extent of uses that may occur therein. As part of Proposed Subdivision, the Town has submitted the Consistency Analysis and Updated CHPP in conjunction with its application to New York State Department of Environmental Conservation (“NYSDEC”) for a Scenic, Wild, and Recreational River (“SWRR”) permit pursuant to SEQRA regulations 6 NYCRR 617.10. Of the 8 lots, approximately 282.58 acres are under SWRR restrictions, with 82 of those acres within a non-disturbance area for protection of the tiger salamander. *See* Exhibit C; Exhibit D. Pursuant to the restrictions enumerated in the Updated CHPP and Consistency Analysis, the developable area of the ~1600 acres of the Property totals 593.2 acres with lot 8 being entirely undevelopable by offer of covenant as part of the Proposed Sale. *See* Consistency Analysis Update, p. 18, 20. Of the remaining EPCAL acreage:

- Lot 1 (292.7 acres) shall be preserved pursuant to the Long Island Pine Barrens Protection Act;
- Lot 2 (98.9 acres) shall be retained by the Town for public recreation;
- Lot 3 (11.2 acres known as Grumman Memorial Park) is reserved by the Town for future public emergency service;
- Lot 4 (34.1 acres) will be used as the recharge parcel for a Calverton District upgraded sewer treatment plant, and;
- Lot 5 (25.5 acres) will continue to be used as a Town of Riverhead Community Center. *See Id.* at p. 20-21.

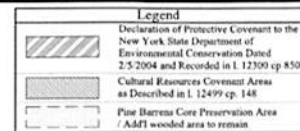
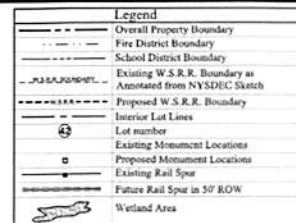
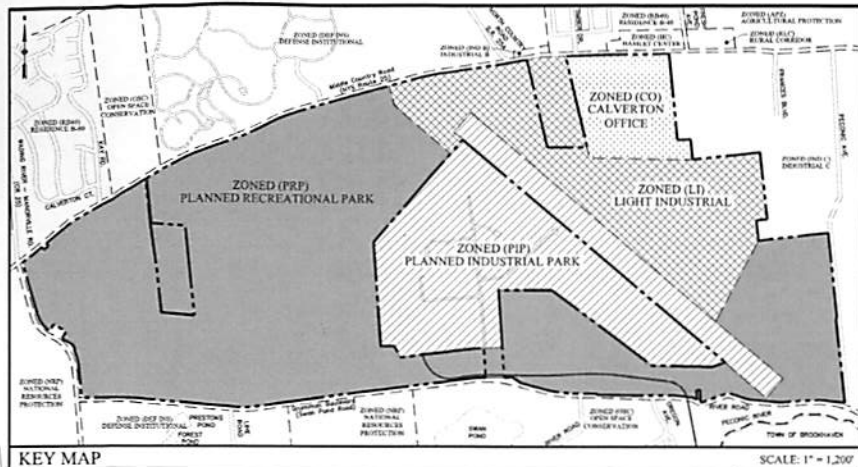
### **Conclusion**

EPCAL has been designed through the creation of the Reuse Plan and PDD to support a broad array of mixed uses with a primary emphasis on industrial, R&D, technology, and manufacturing uses with a limited number of certain specific commercial and industrial uses prohibited. In addition, while residential and retail uses are permitted, they are constrained to only those uses that support the primary uses as required by the tenants and employees of those primary uses.

## **Exhibit A**

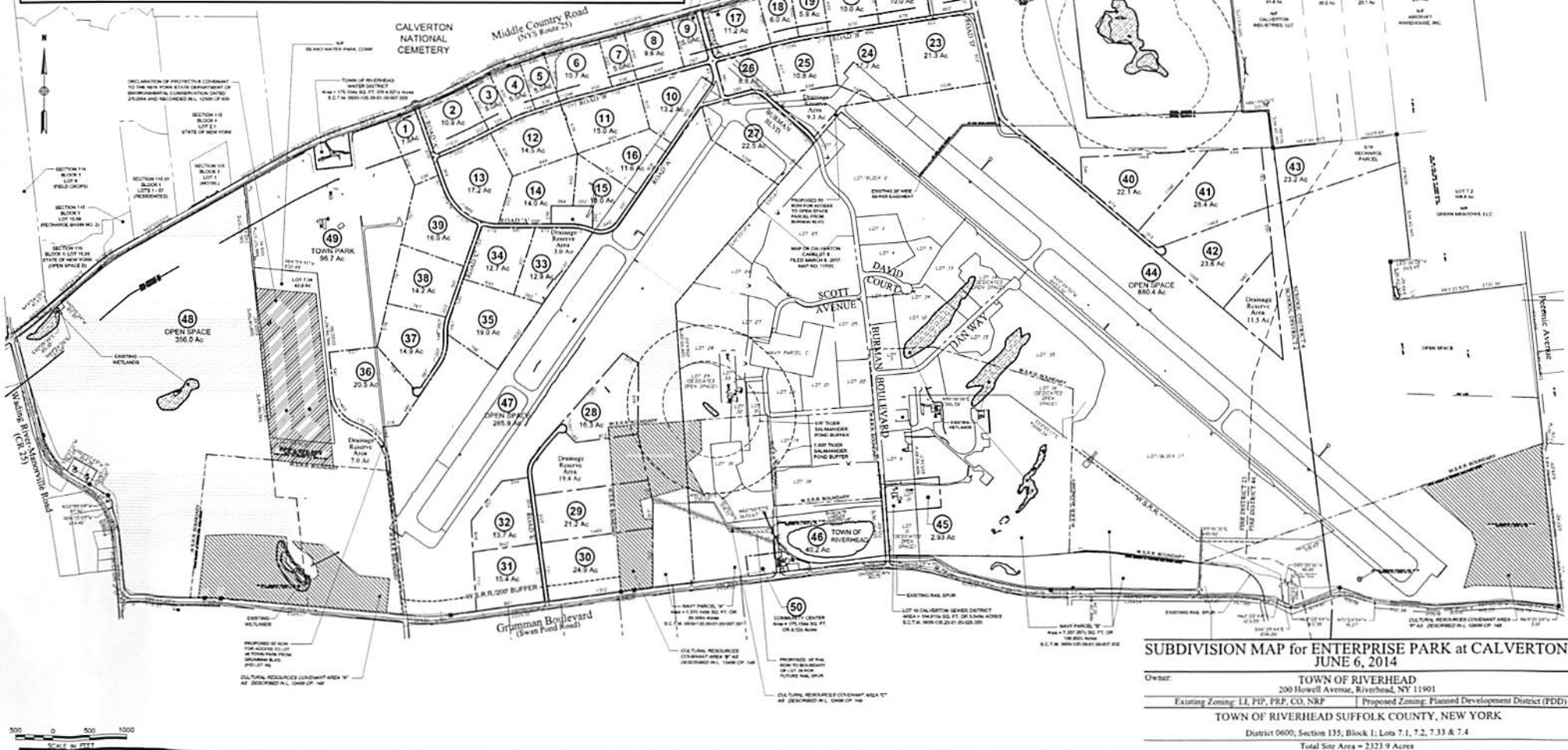


## **Exhibit B**



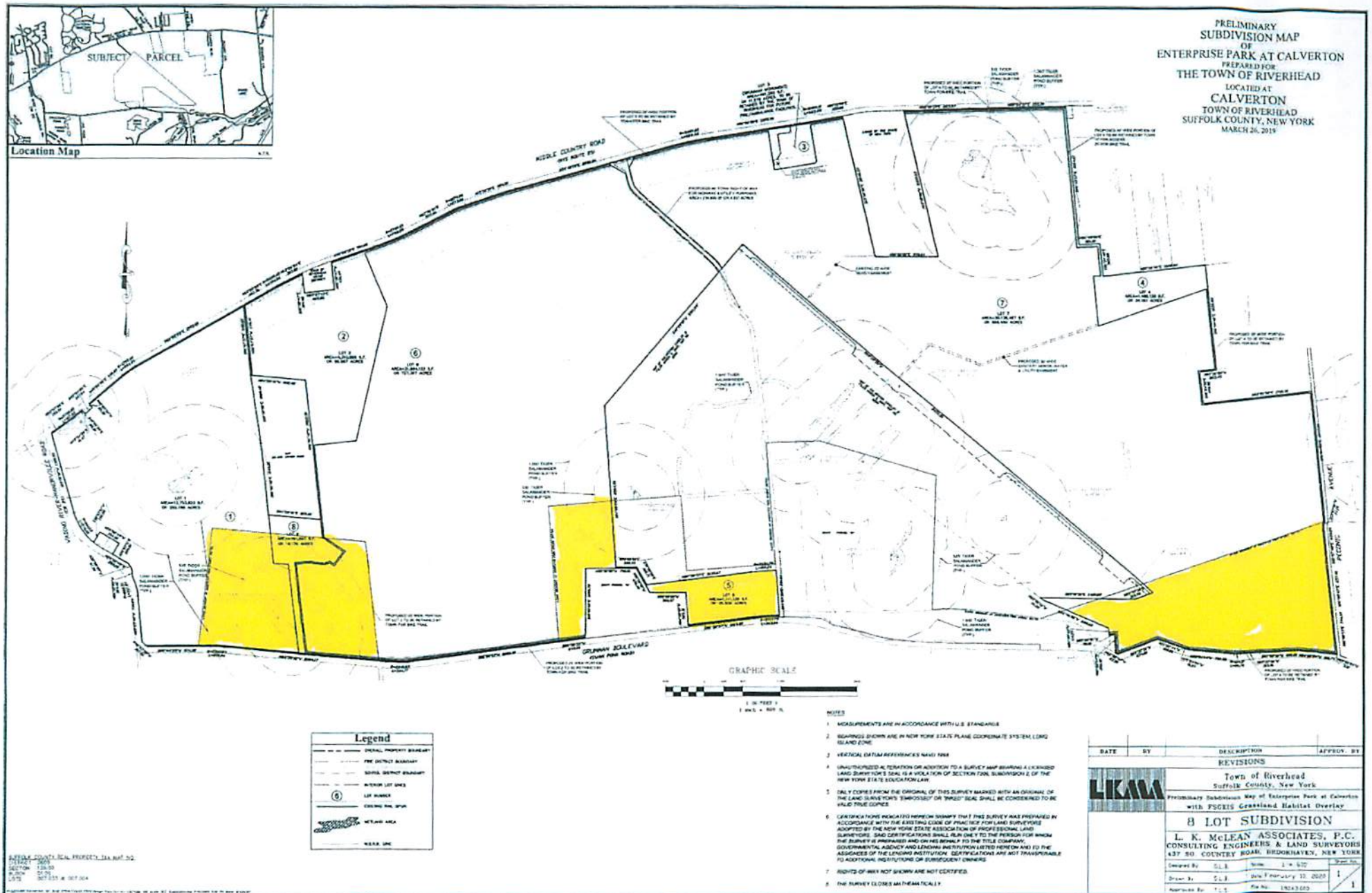
**Engineering, Surveying  
& Landscape Architecture, P.C.**  
Transportation  
Land Development  
Environmental Services

2150 Joshua's Path, Suite 300  
Hauppauge, New York 11788  
631.234.3444 • FAX 631.234.3477



## **Exhibit C**

# Wild, Scenic and Recreational Rivers (WSRR) 8 Lot Subdivision Acreage Within WSRR Boundary



## **Exhibit D**

Wild, Scenic and Recreational Rivers (WSRR) 8 Lot Subdivision Acreage Within WSRR Boundary And Located Outside Of Tiger Salamander 1000' Buffer Excluding Land Underwater

