



TOWN OF RIVERHEAD
PLANNING DEPARTMENT
200 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901-2596
(631) 727-3200, EXT. 267 FAX (631) 727-9101

Charles R. Cuddy
Attorney at Law
P.O. Box 1547
Riverhead, NY 11901

**Re: SEQR Final Scope of Issues for DEIS on Special Permit;
Historic Village at Jamesport. SCTM 0600-68-1-35**

October 8, 2008

Dear Mr. Cuddy:

Pursuant to 6NYCRR Part 617.8(f) the Riverhead Town Board, as lead agency, hereby issues the final scope of issues for inclusion in the above referenced document. The following is based on agency review of the draft scope by Freudenthal & Elkowitz, submitted under cover letter dated May 27, 2008 and on public comment of its content at the public scoping hearing held August 19, 2008.

1. Project Description: The action is special permit permission in connection with the construction of a commercial facility of 10 buildings with an aggregate footprint of 42,000sq.ft. together with related site improvements on a 9.712ac. parcel zoned Rural Corridor (RLC). The facility includes bistro and professional office uses necessitating special permits in support of the related site plan.

2. Potentially Significant Impacts: Agency analysis and scoping identified the potential for significant impact on: land; water; transportation and parking resources; aesthetic and archeological resources; noise and odor impacts and on community character.

A. Land and Water: The described project attribute of a two year construction period, the site's inclusion of slopes in excess of 15% and the possibility of export of over 1,000 tons or cubic yards of fill contribute to a sense of project complexity and potential for runoff, erosion and fugitive dust effecting the subject site and adjacent properties including the heavily traveled public road. Additionally, commentary was made respecting the impact of urban runoff from the developed site on groundwater or surfacewater quality and on the area's subsurface hydrology. Groundwater is the sole source of the public water supply and the site's within the Central Suffolk Special Groundwater Protection Area, Critical Environmental Area established specifically for the purpose of groundwater protection. The latter topic raised the possibility of elevated water table in the area. Aside from contamination is the potential for the project

improvements and collected stormwater to alter the subsurface flow, possibly flooding the subject or adjacent land uses or adversely affecting nearby freshwater wetlands.

B. Transportation and Parking: The project EAF and technical reference predict traffic generation with peak levels of 185 to 269 trip ends/hour which has the potential to significantly impact area roads and service levels. Periodic congestion is part of the current traffic pattern and volume and queuing at the nearby signalized intersection may directly conflict with the safe and efficient conduct of vehicles into and out of the subject site. The proximity of that signal could preclude another at this site's entry and on street parking may restrict the use of acceleration and deceleration lanes. The previously mentioned fill export would add considerably to construction phase traffic, have similar access conflict with vehicles on the Main Rd. and the bulk of the trucks could damage nearby Town roads if chosen as an alternative route. Agency administration and commentary had also focused on the project's parking. A question occurred if the number of stalls were correctly calculated for the site's uses and in fact exceeded the total requirements needlessly adding to impervious coverage. There were also questions concerning the future municipal parking area shown on the plans. It seemed to have no role in satisfying site demands and also added to hard coverage. A taxing district designation would appear necessary to make it a municipal improvement and the ownership and maintenance responsibilities were unclear. Providing parking in the site's front yard is also in conflict with the RLC zoning.

C. Aesthetic and Archeological Resources: The project's size and appearance are rather a departure from nearby commercial development and the site's elevated nature increases project visibility from the surrounding area. Agency comment on the site plan had noted the necessity to properly screen the parking improvements from the public road due to this condition and to also buffer adjacent residences from business uses. Landscaping and site design appeared inadequate to these purposes. The potential overprovision of parking may needlessly add to the project's eyesock and it's adjacency to the Jamesport Historic District adds to aesthetic concerns.

Of particular concern is the project's potential impact on cultural/archeological resources. Public commentary referred to a 1959 publication of the New York State Science Service which discussed aboriginal artifacts found on several Long Island sites including this land. Local anecdotal evidence was offered as to the long standing knowledge of such resources and a 1/24/08 correspondence from the Inter-Tribal Historic Preservation Task Force, which covered the monograph in question, contends the property to be a Native American burial site.

D. Noise and Odors: Concerns were expressed respecting the impacts of project noise and odors on adjacent uses; especially from the specially permitted bistros. Residences in particular might suffer from these impacts which were difficult to judge without knowing where the bistros would locate and if there would be any control of business hours or of live entertainment. The possible absence of adequate buffering landscaping adds to this concern.

E. Growth and Community Character: In addition to the sheer visual, noise and odor impacts, the agency has received considerable public comment centering on the project's general impact on area character. Issue was taken as whether the project conformed to the RLC vision of very limited range of shops and services compatible with the rural and agricultural setting and notice was made of the possibly unsuitable proximity of the specially permitted bistros to the Congregational Church and the facilities of the George Young Community Center. The possibility of the Main Rd. being widened or otherwise significantly altered for traffic mitigation was viewed as another source of area character impact and a potential for nearby businesses to lose on street parking. These area impact issues are connected both to the project's size and the arrangement of its proposed uses and may involve possible conflicts with the zoning ordinance.

As mentioned, agency administration of the related site plan petition had noted the overprovision of parking and the lack of sufficient information and design to screen and buffer the facility. Also absent at least from those original plans was information critical to insuring that performances and design requirements of the RLC zone and the purposes of the site plan code were met. The plan itself was drawn at a scale unsuitable to that task, did not identify the location of the specially permitted professional offices and bistros and of the retail uses. In addition to the dimensional requirements, the RLC district places a limit on retail space such that no more than 10% of the site's area within 500ft. of the road frontage can be put to that use. Departures from adopted plans and goals may set an improper precedent that might be relied on by others and also be the focus of public interest and controversy.

3. Extent of Information Needed to Adequately Address Identified Impacts:

A. Land and Water: An analysis is to be provided depicting all areas of slope greater than 15% which would allow a comparison to project improvements and demonstrate the constraining features are avoided to the maximum extent practical. Existing and proposed contours of elevation is a part of this demonstration and to why a balanced cut and fill isn't possible. The fill export needs justification and if unavoidable, its impact must be discussed (i.e.: size and number of trucks to be used, number of trip ends and their route to and from the site). A Stormwater Pollution Prevention Plan for the project as envisioned is to be submitted consistent with the requirements of Chapter 110 of the Town Code to demonstrate adequate control of erosion, fugitive dust and site runoff during construction. Test hole data is to be provided sufficient to illustrate depth to groundwater across the project site. In addition to impact on groundwater quality, the project's potential effect on subsurface flow and on adjacent properties is to be thoroughly discussed. Possible impact on surface waters and wetlands is to include those subject to the authority of Chapter 107 of the Town Code.

B. Transportation and Parking: A Traffic Impact Study is to be undertaken which shall determine existing levels of service, compute the projects daily and peak hourly traffic contribution and analyze the effect when those trips are added. Ingress and egress to the site should be examined and mitigation offered to those movements or to the effect on service at other area intersections. Project traffic for both weekdays and weekends is to be provided and existing volume is to be based on summertime counts. In addition to the site entry, the intersections of Main Rd. with South Jamesport Ave., Manor Ln. and Circle Drive are to be analyzed. A breakdown of the site's required and provided parking is to be offered as well as an explanation of the use, ownership and maintenance responsibilities of the municipal parking lot.

C. Aesthetic and Archeological Resources: A complete phase I archeological study of the site is to be performed by a qualified professional with phase II as necessary. The study area is to include the adjacent parcel to the north (0600-47-1-3.3) also held by the applicant. The expert retained will also provide an analysis of the monograph "The StonyBrook Site and its Relation to Archaic and Transitional Cultures on Long Island", by William A. Ritchie, State Archeologist (NYS Museum and Science Service Bulletin #372, dated January 1959 and reprinted in 1965) as it pertains to this site. An explanation of the nature and importance of the artifacts described from the project site is to be given in lay terms and the location on site where they were found identified if possible. A principal aim of this work is to determine the presence and extent of burials on site.

D. Noise and Odors: Describe the project's compliance with Chapter 81 of the Town Code respecting noise and methods by which noise and odor emissions would be limited to residential

receptors. A part of this presentation would identify the location within the facility of all bistro uses such that acoustical analysis could most accurately predict decibel levels at the receptor property lines. Information should be provided pertaining to hours of operation and presence of live entertainment.

E. Growth and Community Character: The project's compatibility with both the special permit considerations and determinations and with the zoning district requirements bear analysis and to a degree are interrelated. It's the applicant's burden to provide information and demonstrations under Section 108-133.3A.,B.,&C. that the specially permitted use will be in harmony with the appropriate and orderly development of the district in which it's located, that it will not hinder or discourage the appropriate development and use of the adjacent lands and uses and that its operations will not be more objectionable to nearby properties than those of a permitted use. In addition to answering the community character issues outlined above, a demonstration is appropriate to insure compliance with the RLC bulk and supplementary requirements and with all other expectations of the site plan. Bear in mind that the area identified in the slope analysis as exceeding 15% must be extracted from the parcel's area for computation of building coverage. Also insure that the brick walkways are included in the facility's impervious coverage.

To that end a site plan is to be provided drawn to a scale suitable for a site of two acres or more (1inch=40ft. per Section 108-131B.(5)(b)). Included shall be a complete tabulation of RLC dimensional requirements and the project's performance and identification of any prerequisite relief necessary. Where applicable this data should be presented in square footage and as a percentage of the lot area. Any buildings of over one story must be clearly identified and be reflected in the tabulated floor area ratio. Proposed water, sanitary and utility services are to be shown as well as ownership, use and zoning of all adjacent properties. The existing parcels, uses and curb cuts across the Main Rd. shall also be shown. Additionally, the square footage of the lot within 500ft. of the road frontage is to be presented with a demonstration that no more than 10% of that area will be devoted to floor area of retail uses. Parking calculations shall be based on the facility's net floor area with exclusions made for mechanical, HVAC, stairs and restrooms and with a percentage of handicapped stalls in accord with Section 108-60M. Due to the elevation of the parking areas, planted berms to screen vehicles from the road should be made part of the design and the requisite 15% landscaping of parking area and orchard plantings (and landscape schedule) provided. The dimensions of all stalls, aisles and drive to be provided as well as drainage calculations and depicted improvements. The landscaped buffer between the facility and all residential uses shall be demonstrated at the required 10ft. width with evergreen plantings at not less than eight feet to provide adequate screening and clearing limits are to be shown.

Other Topics: Although not identified as significant impacts, the draft scope's inclusion of ecology, socioeconomics and community facilities and services should be included as proposed sections in the DEIS.

4. Initial Identification of Mitigation Measures: The creation of a Storm Water Pollution Prevention Plan provides erosion and runoff control measures specific to this project. Adherence to recommendations and statutory requirements related to groundwater quality is an expectation. Demonstration of adherence is mitigation only to the extent that the subject statutes are argued to offer the maximum practical protection to the resource. Drainage calculations and engineered improvements demonstrate positive long term stormwater control and a landscaping schedule should be able to be arranged with native species featured. Additional mitigation or avoidance of

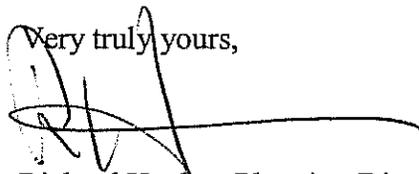
a possible significant potential is expected from the test hole work called for. Traffic mitigations may include a new signal but as called out, that is subject to the approval of State DOT.

5. Reasonable Alternatives: In addition to the proposed project and the no action, the DEIS should provide an identically sized alternative which doesn't involve special permissions. This allows a direct comparison of the impacts of the as of right and petitioned projects as called for in Section 108-133.3C.

6. Information to be Included as an Appendix: The SWPPP, archeological study and traffic impact study should be so treated and summarized in the body of the EIS.

7. Agency Analysis and Scoping Issues Determined Not to be Significant: None.

I trust the above will serve to accurately represent the agency Town Board's concerns and interests on the EIS for this project. Please submit three copies of the revised DEIS for its acceptance consideration and feel free to contact the undersigned with any questions you may have in this matter.

Very truly yours,


Richard Hanley, Planning Director