

# SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Department of Economic Development & Planning  
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099

T: (631) 853-5192 F: (631) 853-4044

Joanne Minieri, Deputy County Executive and Commissioner, Department of Economic Development  
and Planning

Sarah Lansdale, Director of Planning

## **Notice of Meeting**

February 5, 2014 at 2:00 p.m.

Maxine S. Postal Auditorium

Evans K. Griffing Building, Riverhead County Center

300 Center Drive Riverhead, New York 11901

### **Tentative Agenda Includes:**

1. Election of Officers
2. Meeting Summary for December 2013 and January 2014
3. Public Portion
4. Chairman's Report
5. Director's Report
6. Guest Speaker
7. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
  - STR Systems NY LLC (Riverhead)  
SCTM No: 0600 11700 0200 009002
8. Section A-14-24 of the Suffolk County Administrative Code  
None
9. Discussion:
10. Other Business:
  - Adoption of 2014 Calendar
  - Adoption of 2014 Rules of Proceedings

**NOTE:** The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on March 5, 2014 at 2:00 p.m. location to be determined



Steven Bellone  
SUFFOLK COUNTY EXECUTIVE  
Department of  
Economic Development and Planning

Joanne Minieri  
Deputy County Executive and Commissioner

Division of Planning  
and Environment

**STAFF REPORT**  
**SECTIONS A14-14 THRU A14-25 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE**

**Applicant:** STR Systems NY, LLC  
**Municipality:** Riverhead  
**Location:** S/s/o Middle Country Road (SR 25), 940' e/o Edwards Avenue

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**Received:** 1/7/2014  
**File Number:** RH-14-01  
**T.P.I.N.:** 0600 11700 0200 009002  
**Jurisdiction:** Adjacent to State Route 25 (Middle Country Road) and Agricultural District #7.  
**Regional Significance:** The subject application proposes physical alteration of 10 or more acres within one of the five designated east-end towns (Town of Riverhead).

**ZONING DATA**

- Zoning Classification: Industrial A
- Minimum Lot Area: 80,000. Sq. Ft.
- Section 278: N/A
- Obtained Variance: No. In order to advance the proposal the applicant will require Planning Board site plan approval; Stormwater Pollution Prevention Plan (SWPPP) approval by Town Engineers; a Town Board clearing permit resolution; and a building permit from the Riverhead Building Department.

**SUPPLEMENTARY INFORMATION**

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: No
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: No
- SEQRA Information: EAF
- SEQRA Type: Pending
- Minority or Economic Distressed: No

## SITE DESCRIPTION

- Present Land Use: Vacant
- Existing Structures: None
- General Character of Site: Majority generally level with some rolling portions
- Range of Elevation within Site: 65' to 70' above msl over subject portion
- Cover: Wild brush & wooded (secondary plant succession)
- Soil Types: Predominately Riverhead Sandy Loam and Haven Loam (Prime Ag Soils), with some Carver and Plymouth Sands (indicative of sloped areas).
  
- Range of Slopes (Soils Map): 0-3%
- Waterbodies or Wetlands: None

## NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Area Variances (rear and side yard setback relief)
- Layout: Clustered to southerly portion of property
- Area of Tract: 12.97 acres portion (rear) of a 32.17 acre parcel
- Yield Map: Not applicable
- Open Space: Not applicable

## ACCESS

- Roads: Middle Country Road (State Route 25)
- Driveways: Internal private (stabilized grass) roadway along the easterly boundary

## ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: None indicated
  - Recharge Basins: No
- Groundwater Management Zone: III
- Water Supply: Indicated as not applicable on application
- Sanitary Sewers: Indicated as not applicable on application

## PROPOSAL DETAILS

**OVERVIEW** – Applicants seeks area variance approval from the Town of Riverhead Zoning Board of Appeals for the construction of a proposed solar panel array containing 12,960 modules to be connected to the LIPA (now PSEG Long Island) power grid. The dimensional relief sought is for the rear and side yard setback requirements in accordance with the Industrial A zoning classification. The requested variances are in connection with the proposed construction of a solar panel array on 12.97 acres of land on the southerly/rear portion of the subject property which has a total area of 32.17 acres.

The Town's Industrial A Zoning Ordinance has no specific provision for solar arrays but their use has been classified by the Town of Riverhead as 'manufacturing' (of electricity) and therefore a permitted use within the Industrial A Zoning District.

The proposal indicates side yard widths of 19 feet on each side instead of the required 50 feet each, and to have a combined side yard width of 38 feet instead of the required 100 feet; and to also have a rear yard depth of 22.8 feet instead of the required 75 feet; as required by Town of Riverhead Zoning Law.

No connection to public water or generation of sanitary waste has been proposed with this application.

The subject parcel is located on the south side of Middle Country Road (State Route 25) approximately 940 feet east of Edwards Avenue in the hamlet of Calverton.

Access to the solar array site as depicted on the 'conceptual' site plan, is provided via a 'new stabilized grassed roadway' running 2,309 feet (the entire depth of the subject parcel) for ingress/egress to Middle Country Road. It should be noted 'Six (6) vehicle trips per year when project completed' were estimated on the conceptual site plan.

A review of the character of the land use and zoning pattern in the vicinity reveals that the subject property is zoned in the same contiguous block of 'Industrial A' zoning as all the surrounding parcels to the west, south and east, with a block of Industrial C parcels further to the west, and Rural Corridor (RLC) directly north, across Middle Country Road with a largest Agricultural Protection Zone (APZ) block of parcels further to the north. Local land uses include agriculture, recreation (Splish Splash amusement park to the east), industrial, commercial and educational (Riverhead Charter School abuts the subject to the west).

The subject property is situated in Hydro-geologic Ground Water Management Zone III pursuant to Article 6 of the Suffolk County Sanitary Code, and within the Central Suffolk NYS Special Groundwater Protection Area (SGPA). The subject site is not located in the Central Suffolk Pine Barrens NYS Critical Environmental Area, and there are no State mapped and regulated fresh water wetlands on the subject property. The subject property is not within an Agricultural District however, soils on the subject property are categorized as prime agricultural soils and classified within soil group 1 thru 4 pursuant to the NYS Land Classification System (NYCRR 370). Properties just to the south and east of subject parcel are in Ag. District 7 and the adjacent property to the south is in the Suffolk County PDR farmland program.

According to communications with the Town of Riverhead planning staff the proposed use is a permitted use; and the Town of Riverhead Planning Board would consider the site plan application following the Zoning Board of Appeal determination.

## **STAFF ANALYSIS**

**GENERAL MUNICIPAL LAW CONSIDERATIONS:** New York State General Municipal Law, Section 239-I provides for the Suffolk County Planning Commission to consider inter-community issues. Included in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment.

It is the belief of the staff that the proposed installation of solar panel arrays and the requested area variances would not impact surrounding land uses and would while provide an appropriate location for the proposed solar energy facility.

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:** The 2003 Town of Riverhead Comprehensive Land Use Plan designates the subject site Industrial A for a heavy industrial use. Manufacturing is a permitted use in the Industrial A zoning district; and even though there is no specific provision for solar energy panels the Riverhead Department of Planning considers the proposed use 'manufacturing' therefore a permitted (as of right) use of the subject parcel; and therefore in conformance with the Town's adopted comprehensive plan.

## **SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:**

The Suffolk County Planning Commissions has identified six general Critical County Wide Priorities and include:

1. Environmental Protection

2. Energy efficiency
3. Economic Development, Equity and Sustainability
4. Housing Diversity
5. Transportation and
6. Public Safety

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted July 11, 2012). Below are items for consideration regarding the Commission policies:

In terms of environmental protection, the subject property is situated within the Central Suffolk NYS Special Groundwater Protection Area (SGPA) designated as a 'deep ground water recharge area'. Prominent among the concerns in this location is the discharge of sanitary waste; the clearing of natural vegetation and use of pesticides; and impacts of stormwater runoff. For 'Industrial A' zoned properties the maximum percentage of impervious surfaces permitted is 70%, and the proposed solar panel arrays considered impervious by the Town account for 18.6% of the total area of the subject parcel.

It is evident in the referral to the Suffolk County Planning Commission that the applicants will have to work with the Town of Riverhead in order receive SWPPP (Stormwater Pollution Prevention Plan) approval. It is not evident however, if the applicants have reviewed the Commission's publication on Managing Stormwater-Natural Vegetation and Green Methodologies though bioswales are proposed as an element in the plan. It is the belief of the staff that the publication should be reviewed and additional stormwater mitigations incorporated where practical.

In terms of energy efficiency, it is the belief of the staff that by the very nature of the proposal is promoting one of the Suffolk County Planning Commission's County-wide priorities by installing a sustainable and renewable energy production system.

## **STAFF RECOMMENDATION**

**Approval**, subject to the following comments:

1. The Suffolk County Planning Commission's publication on Managing Stormwater - Natural Vegetation and Green Methodologies should be reviewed and additional stormwater mitigations incorporated where practical.

Reason: It is evident in the referral to the Suffolk County Planning Commission that the applicants have to coordinate with the Town of Riverhead on a SWPPP. It is not evident however if the applicants have reviewed the Commission's publication on Managing Stormwater-Natural Vegetation and Green Methodologies or that they are proposed as an element in the plan.

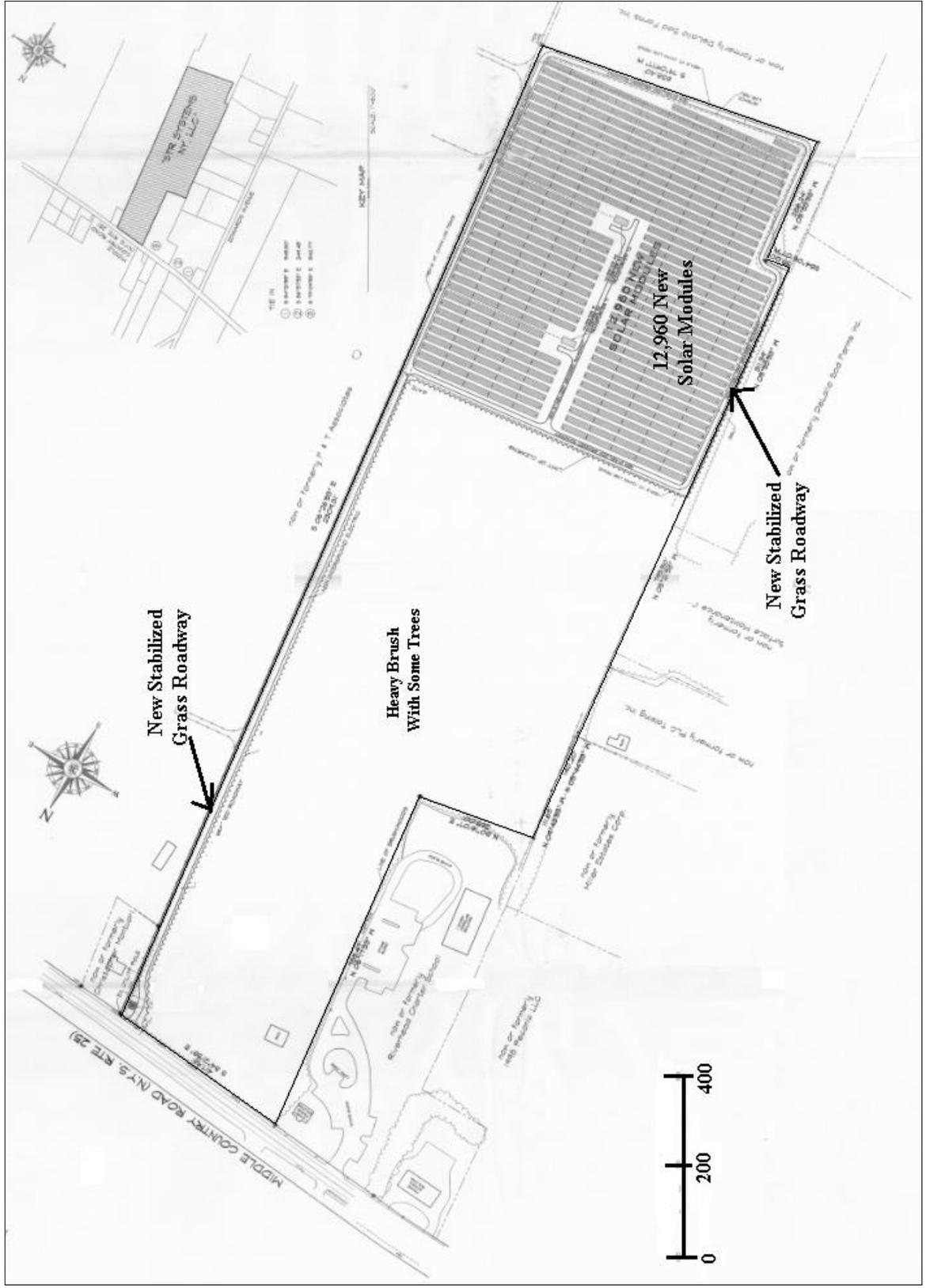
2. The Town should require that the applicant be prohibited from exporting any soil material, classified as prime agricultural soils, off the subject parcel. Further, the proposed solar panel arrays should be designed to protect the viability of the prime agricultural soils on-site.

Reason: It is not evident in the referral to the Suffolk County Planning Commission if the proposal will involve any grading or excavating of the subject parcel, and the prime agricultural soils on-site are considered a valued County natural resource to be protected.

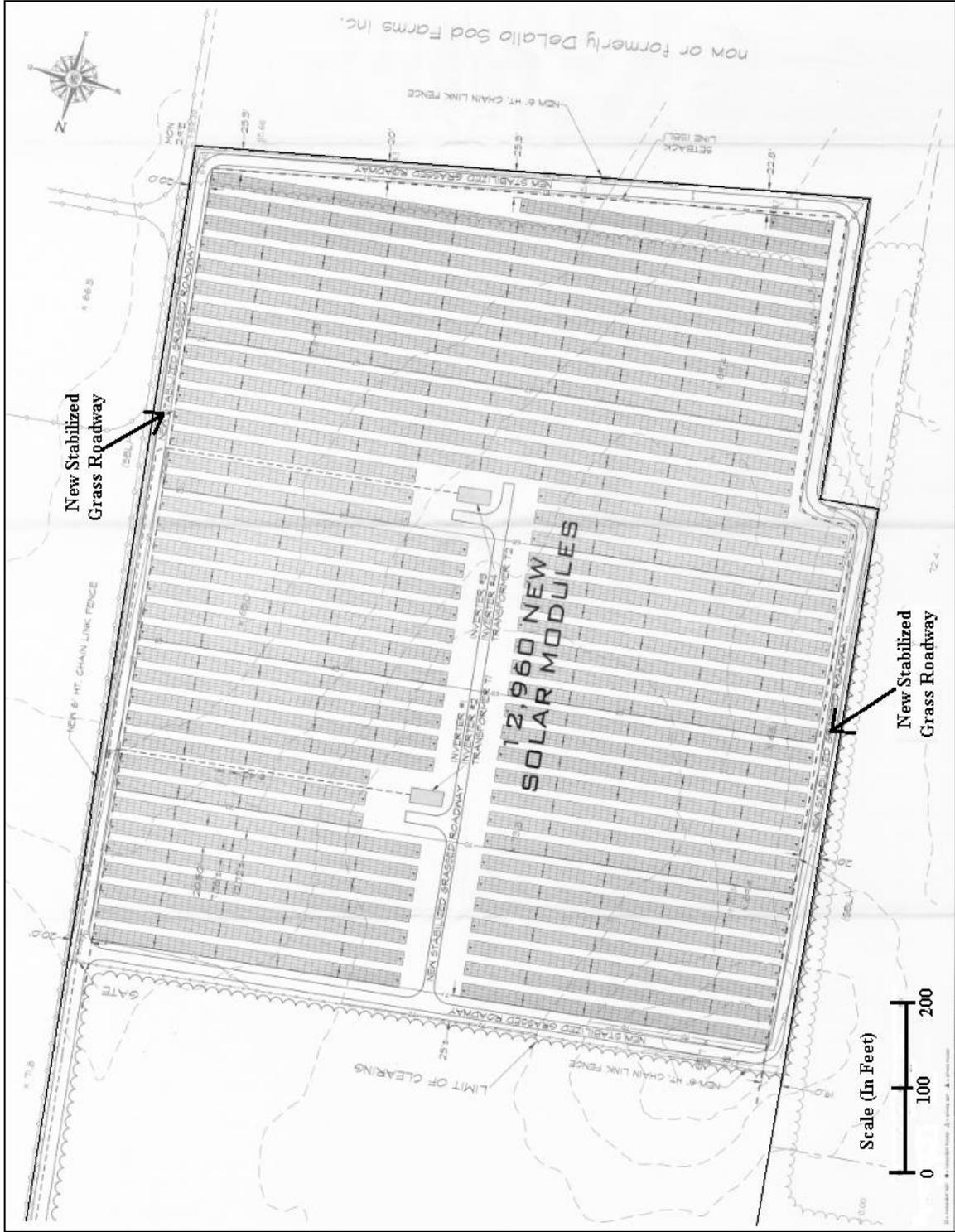
3. The proposed action should be approved in such a manner that is in accordance with the New York Agriculture & Market's Law.

Reason: The proposal is within 500 feet of a farm operation located in an Agricultural District.





Z-1: STR Systems NY LLC  
 SCPD: RH-14-01  
 SCTM No: 0600-117.00-02.00-009.002



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