

**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 6th day of January, 2009 at 2:20 p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**Chapter 108
Zoning
ARTICLE VI
Agriculture Protection Zoning Use District (APZ)**

§ 108-26. Cluster development and additional subdivision requirements.

A. Purpose and intent. It is the purpose of this article to require cluster development pursuant to §278 of the Town Law in order to allow for maximum flexibility in achieving a compatible arrangement of agricultural and residential land uses and to protect prime agricultural soils and scenic vistas without impeding agricultural land use on a portion of a property or on adjacent or nearby properties.

B. In order to accomplish the clustering of residential lots within the APZ, an applicant for subdivision shall provide a standard yield plan and a cluster plan, which succeeds in preserving agricultural land for agricultural use to the greatest extent practicable. In its review of a cluster subdivision plan, the Planning Board shall consider the following:

- (1) The location and extent of prime agricultural soils;
- (2) The location of wooded areas;
- (3) The location and extent of natural features;
- (4) The general topography and the location and extent of sloped areas;
- (5) The spatial relationship of the property to continuous or neighboring preserved agricultural land;
- (6) The general stormwater tributary area and the extent and direction of overland drainage.

- C. ~~Cluster development in this article shall require that a minimum of 70% of Class I or Class II prime agricultural soils are preserved through the creation of farm lots and the recording of agricultural easements, except that the Planning Board may approve a cluster subdivision with a lower percentage of preserved prime agricultural soils in order to ensure appropriate arrangement of lots, streets, and public facilities.~~

Cluster development in this article shall require that a minimum of 70% of Class I or Class II prime agricultural soils are preserved through the creation of farm lots or preservation of 70% of land as open space, recording of agricultural or open space easements which restrict division of said lot(s), coverage and such other items as the Planning Board deems appropriate to preserve the agriculture and scenic vistas created by the farm lot or open space area.

- D. ~~In the event that the Planning Board approves a cluster plat that preserves less than 70% of the prime agricultural soils, the reasons supporting such decision shall be set forth within the resolution approving the preliminary plat. The Planning Board shall not approve a cluster subdivision plat with less than 50% of the area of the tract being preserved as prime soils or open space areas.~~

The Planning board may approve a cluster subdivision with a reduced percentage of preserved prime agricultural soils or open space based upon unique characteristics of land such that public utilities, streets, arrangement of lots or existence of natural features require development with less than 70% preservation of prime agriculture soils or open space. In the event that the Planning Board approves a cluster subdivision that preserves less than 70% of prime agricultural soils or open space, the Planning Board must set forth all considerations, practical difficulties, and or reasons supporting a decision to approve the cluster plat within the resolution approving the preliminary plat. In no event may the Planning Board approve a cluster subdivision plat with less than 50% of the area of the tract being preserved as prime soils or open spaces area.

§ 108-26.1 Guidelines

The following guidelines are to be applied in addition to subdivision regulations (Article XX) and cluster development (Article XIX) and shall apply to all cluster subdivisions within the APZ:

- A. ~~In order to better preserve agricultural vistas, the cluster subdivision plat shall be designed so as to situate agricultural lots along Sound Avenue or NYS Route 25~~

The cluster subdivision plat shall be designated so to situate the agricultural lots or open space along Sound Avenue or NYS Route 25 or adjacent to existing agricultural lots or preserved land or such other location such that maximum preservation of agricultural and scenic vistas are achieved.

- B. The cluster subdivision plat must locate and arrange the residential lots so as to protect the maximum extent practicable, that portion of the tract preserved for agricultural use.
- C. The cluster subdivision plat must depict an arrangement of residential lots so as to reduce, to the maximum extent practicable, any nuisance or conflict between residential and agricultural uses, both within the tract and in relation to adjoining and nearby tracts and to demonstrate compatibility of the cluster plat with existing residential development and agricultural land uses.
- D. The residential portion of the cluster subdivision plat must be so laid out, and protected during construction, as to remain as harmonious to the greatest extent practicable with the natural environment minimizing the clearing of treed areas, the grading of earth, removal of soils, and precluding the disturbance of surface waters and wetlands and other similar disturbances of the natural environment pursuant to Chapter 107 of the Riverhead Town Code.
- E. ~~The agricultural lots of a cluster subdivision plat must be so laid out as to provide for a minimum lot size of 10 acres, a minimum building area of one acre, contiguity with existing agricultural tracts, bounding of prime agricultural soils and retention of all stormwater runoff.~~

The agricultural lot shall be laid out as to provide for one building area and said building area shall be counted towards yield. The Planning Board shall describe the square footage of the building area, and the Planning Board may, in its discretion, require that the building area be plotted on the subdivision map. The Planning Board shall require covenants and restrictions to enforce dimensional requirements, lot coverage, impervious surface limits, retention or plan for all stormwater runoff for both the residential and agricultural component of the subject property as set forth in the Town Code, and such other items the Planning Board deems appropriate to conform with the intent of the cluster regulations, including but not limited to, location and limitation of parking, outdoor storage, clearing limits, and means of ingress and egress. The Planning Board shall require covenants and restrictions to be filed affecting the aforesaid prior to issuance of final plat approval.

- F. ~~The cluster subdivision tract must demonstrate ways in which scenic vistas are being considered or enhanced and shall depict a lot arrangement which has considered the visual impact of residential development upon such vistas.~~

The agricultural lot must be laid out so as to provide a minimum lot size of 10 acres. An agricultural lot with a lot size greater than 20 acres shall only be divided if required to ensure appropriate arrangement of lots, streets and public utilities or preserve or highlight existence of natural features. An agricultural lot shall prohibit erection, construction, placement of any structures, permanent or temporary, without prior approval of the Planning Board.

G. The Planning Board shall not cluster lots in order to create golf courses, playgrounds, tennis courts, swimming pools or any other amenity as required open space. The sole purpose of the cluster plan is to preserve agricultural land for agricultural use and other natural features and open space to the greatest extent practicable.

* Underline represents addition(s)

*Strikethrough represents deletion(s)

Dated: Riverhead, New York

December 16, 2008

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD**

DIANE M. WILHELM, Town Clerk