

RIVERHEAD Comprehensive Plan Update



Chapter 6: Agricultural Lands *Working Draft*

This document is presented in its current form as a preliminary draft for public review. We encourage all stakeholders to provide comments as your input will play a vital role in shaping the final version of the Comprehensive Plan. Please email comments to compplan@townofriverheadny.gov.

Please note that the document will be further refined once comments are received from the community. Since it is an interim document, it is in a raw formatted form. The revised draft will be arranged in a more graphic format with photos, figures, and other visual elements to enhance clarity and understanding. Thank you for your time and participation in this important planning process.

Submitted by BFJ Planning

January 26, 2024

CHAPTER 6: AGRICULTURAL LANDS

Introduction

Riverhead is known for its abundant farmland, lucrative farming activity, and attractive rural landscapes. A wide variety of agricultural products are grown and raised in Riverhead. Duck, fruit, bison, and vegetable production provide foodstuffs for residents living throughout the region. Vineyards and wineries contribute to the reputable Long Island wine industry. Farm stands, pumpkin-picking, wine-tasting, and other activities provide agritourism opportunities for visitors.

Riverhead's agricultural industry will continue to play a role in the Town's economy and shape the Town's character and way of life. Riverhead is home to multigenerational farm families. Agriculture supports approximately 4% of the Town's employment and is a key sector throughout the Town. Agriculture provides direct and indirect economic benefits by enhancing the local character and promoting tourism.

At the same time, new development is depleting Riverhead's farmland resources. Long Island's intense housing demand and limited land supply are creating pressure for conversion of farmland into new residential and commercial uses. The COVID pandemic has further exacerbated the housing shortage. Development is moving eastward from Brookhaven, leapfrogging over the Pine Barrens preservation area, and northward from Southampton, where land shortages and high prices are forcing prospective home-buyers to look elsewhere.-

Preserving Riverhead's agricultural and rural character is a priority issue expressed by both farmers and residents. It is important to note that in the community, there are different interpretations of what it means to preserve agricultural character. Views of agricultural land are integral to Riverhead's identity as a rural community and play an important role in attracting tourists who support a growing number of agriculture-associated retail businesses. However, the importance of preserving bucolic open space and agricultural vistas doesn't always align with needs of the agricultural industry. Frequent topics of conflict have been the construction of greenhouses or the hosting of events which help to subsidize the challenging economics of running a farm.

This Chapter, in conjunction with Chapter 3 Land Use and Zoning and Chapter 4 Economic Development, lays out strategies for preserving farmland and supporting the local agricultural industry. Recommendations identify opportunities to do this in a manner that respects private property rights, protects landowner equity, and ensures flexibility and choice in the use of farm property.

Existing Conditions

Agricultural Industry

Agriculture is an important economic industry in Riverhead. As discussed in the Economic Development Chapter, Agriculture, Forestry, Fishing and Hunting has declined by job share in Riverhead from 5.9% to 4.4% from 2002 to 2021, a decline representing about 67 jobs.¹ Empire State Development has identified agribusiness as a priority growth industry on Long Island.² In response to economic challenges, farmers have been diversifying their crops and business services, sometimes incorporating agritourism activities.

Agricultural Lands and Preservation Programs

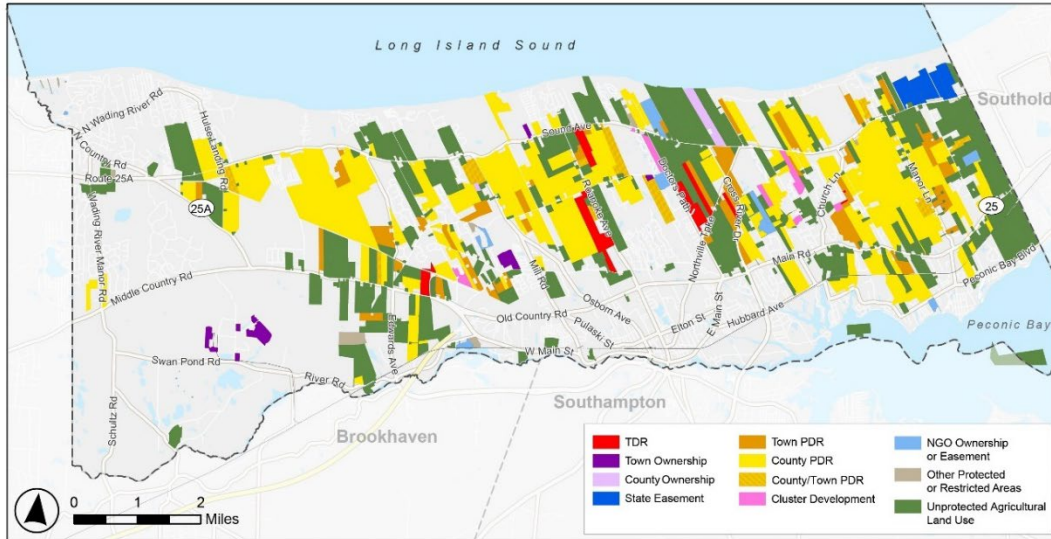
Approximately 15,145 acres of land in Riverhead, 36.5% of the Town’s total land area, is used for agricultural purposes. Approximately 8,900 of those acres are in the Agriculture Protection Zone (APZ). The APZ was created in 2003 following the Comprehensive Plan. The APZ extends from Sound Avenue to Route 25. Agricultural lands in Riverhead have rich prime agricultural soil compositions. The Natural Features and Environmental Resources chapter provides more specific information on soil types.

Approximately 8,800 acres of land used for agriculture in Riverhead has been protected through various means, primarily Purchase of Development Rights by the Town and County, the Town’s Transfer of Development Rights Program, and cluster development. A smaller portion of agricultural lands have been protected by Town, County, State or non-profit ownership, easements, or other means. Figure 1 shows lands used for agricultural purposes in Riverhead categorized by protection type. Agricultural lands that have not been protected are show in dark green.

Figure 1. Protected and Unprotected Land used for Agriculture

¹ US Census OnTheMap LEHD

² Empire State Development, https://esd.ny.gov/regions/long-island?%252525253Fpage=3&%252525253Futm_source=facebook&%2525253Fpage=3&%2525253Futm_source=facebook&%25253Fpage=3&%25253Futm_source=facebook&field_region_cc_tid=111&%253Fpage=3&%253Futm_source=facebook&page=200



Sources: Peconic Land Trust, Suffolk County, Riverhead, NYS GIS, USGS, BFJ Planning

Table 1. Protected and Unprotected Land Used for Agriculture

	Acres	Percentage
County PDR	5,980	39.5%
Town PDR	1,126	7.4%
County/Town PDR	374	2.5%
TDR	338	2.2%
State Easement	259	1.7%
Town Ownership	148	1.0%
Cluster Open Space	147	1.0%
Trust Easement	107	0.7%
Other	101	0.7%
County Ownership	100	0.7%
Nonprofit Easement (Unknown)	76	0.5%
Trust Ownership	27	0.2%
Homeowner Associations	20	0.1%
Pine Barrens Easement	2	0.0%
	8,804	58.1%
Unprotected Agricultural Lands	6,342	41.9%
Total	15,145	100.0%

The data used to calculate the acreage of agricultural land preserved by protection type is derived primarily from the Peconic Land Trust Interactive map³ and supplemented by the Town of Riverhead and Suffolk County. The Peconic Land Trust gathered data on land protection, including farmland and open space protection, in cooperation with the Town of Riverhead, the Farmland Advisory Committee, and the Open Space Advisory Committee when preparing the Community Preservation Fund Comprehensive Plan in

³ <https://peconiclandtrust.org/our-work/map>

2021. This data is supplemented with information provided by the Town on parcels that have issued TDR credits and data from Suffolk County's Farmland PDR Parcel Viewer.⁴ The Town of Riverhead provided Land Use data.

Community Preservation Fund and Project Plan

The Peconic Bay Region Community Preservation Fund is a public program that was established by a referendum in 1998. The purpose of the fund and program is the protection of open space, farmland, and community character. Each of the five East End towns manage their own funds. The CPF revenues come from a two-percent real estate transfer tax, other Town sources, and gifts. Funds can be used for the establishment of parks, nature preserves, wildlife refuges, recreational areas, greenbelts, and waterway access; preservation of agricultural lands, open space, wetlands, aquifer recharge areas, undeveloped beaches and shorelands, streams and riverine areas; and water quality improvement projects, including wastewater treatment; aquatic habitat restoration; and pollution prevention. The Town maintains a Community Preservation Plan which identifies priority properties that should be protected.

Through legislative actions the initial 2010 expiration date on the transfer tax was extended through 2050 in 2015. Riverhead set up a \$72,000,000 bond against future revenues to enable the Town to preserve key properties. The bond is expected to be paid off by 2030. The Town's opportunity to purchase development rights, acquire land, or invest in other eligible projects is limited by the repayment of the bond indebtedness.

Per the 2021 Community Preservation Fund (CPF) Plan, the Town has invested \$52,000,000 in the purchase of development rights for properties in active agricultural production, preserving over 2,000 acres of farmland. The plan identifies priority farmland for protection and recommends the use of the Town's Transfer of Development Rights (TDR) program, Purchase of Development Rights (PDR) programs, and cluster development provisions as the primary methods for preserving farmland in Riverhead.

Community Preservation Project Plan (2021)

The Town, and the Farmland Committee, and the Open Space Committee worked closely with the Peconic Land Trust to update the Community Preservation Fund Project Plan, originally created in 1998-2001.⁵ The update was supported by a New York State Land Trust Alliance Conservation Partnership Program grant and adopted in 2021.

As part of the Plan development, Peconic Land Trust mapped eligible parcels and identified priorities for preservation in 2001. Since, Peconic Land Trust has updated the map, inventorying preserved farmland and open space parcels by program. This information was used in the 2021 Plan to evaluate remaining farmland and open space to be protected and recommends the best method to do so.

⁴ <https://gis.suffolkcountyny.gov/portal/apps/webappviewer/index.html?id=e12cd834147643288f870f3c781a831d>

⁵ Town of Riverhead, Community Preservation Project Plan, Adopted 2021

The Farmland Committee identified priority farmland for preservation by ranking parcels based on soil suitability for agriculture, presence of or potential for agricultural production, proximity or contiguity to existing farmland, and development pressures.

The Open Space Committee also established a parcel ranking system to evaluate open space for preservation, which is discussed in more detail in the Parks and Open Space chapter.

All in all, the unprotected farmland and open space recommended for preservation totaled 8,259 acres.⁶ The primary preservation tools recommended by the Plan, in order of most to least acreage, are Purchase of Development Rights (PDR), TDR, cluster development, and fee acquisition.

Town of Riverhead Purchase of Development Rights (PDR)

Over 1,100 acres have been preserved by the Town's PDR program (see Table 1). Public funds are used to purchase the development rights of a property, extinguishing development potential beyond their intended agricultural use. For example, farmland in a residentially zoned area of town could be developed into residential uses as-of-right. By purchasing development rights, the Town or County eliminate the potential of residential development. The owner of the property remains the owner, the property can remain in agricultural production, and structures required for the primary agricultural use may be permitted. In the Town's PDR Program, development rights are not transferred elsewhere, as they are in the TDR program. The majority of the Town's CPF funds have been used to purchase development rights.

Suffolk County Purchase of Development Rights (PDR) Program

About 6,000 acres of farmland in Riverhead have been preserved by the Suffolk County PDR Program (see Table 1). This represents 57% of the County's total PDR program, which is the oldest of its kind in the nation.⁷ ⁸ Sometimes the County extinguishes the development rights when needed to support the increased sewage flow capacity of a particular workforce housing project (elsewhere).

Transfer of Development Rights (TDR)

Transfer of Development Rights (TDR) refers to the practice of severing development rights from a property in a sending area, allowing them to preserve the land in perpetuity, and selling those development rights to the owner of a property in a receiving area, allowing them to develop additional units or square footage. When a property owner sells their development rights, an easement is recorded restricting the use of the property to agricultural use or open space and strictly limiting development on a property, generally just to renovations of pre-existing farm structures. For example, most agricultural lands in Riverhead fall within residential zoning use districts, meaning the property can develop a former farm with homes as-of-right. By severing the development rights, no

⁶ Town of Riverhead, Community Preservation Project Plan, Adopted 2021

⁷ SUFFOLK COUNTY PURCHASE OF DEVELOPMENT RIGHTS PROGRAM, Distribution of County of Suffolk Purchased Development Rights by Town, Updated 6/10/2021, [https://www.suffolkcountyny.gov/Portals/0/formsdocs/planning/Farmland_Comm/2021/Distribution%20of%20SC PDR%20by%20Town%206-10-2021.pdf](https://www.suffolkcountyny.gov/Portals/0/formsdocs/planning/Farmland_Comm/2021/Distribution%20of%20SC%20PDR%20by%20Town%206-10-2021.pdf)

⁸ Suffolk County, <https://www.suffolkcountyny.gov/Departments/Economic-Development-and-Planning/Planning-and-Environment/Open-Space-Preservation/Farmland-Preservation>

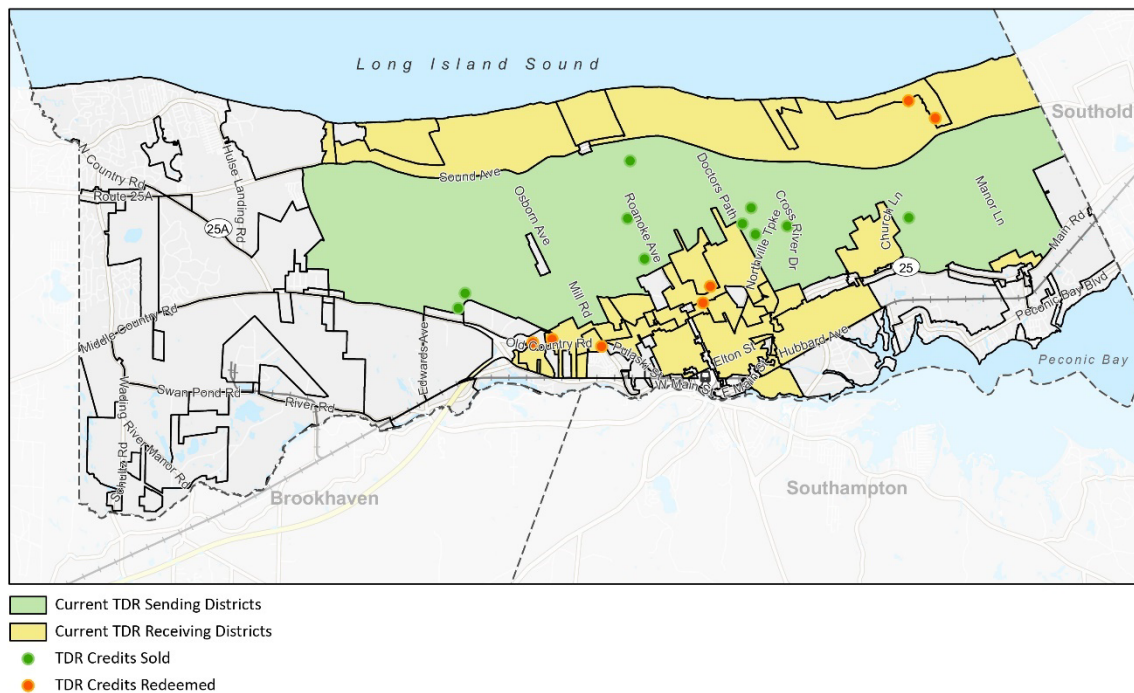
property owner will ever be able to develop the agricultural land for other uses. The land can still be developed for agricultural purposes (i.e. barns, greenhouses, etc.) and be kept in agricultural production. kept in agricultural production in perpetuity, or left fallow to return to its natural state

The Riverhead TDR Program has been in effect since 2003. Over 300 acres have been preserved through the program, and about 265 TDR credits have been redeemed, including 171 for residential development and 94 for commercial development. In total, approximately 43 credits have not yet been redeemed.⁹

Figure 2 shows existing sending and receiving areas in Riverhead. On the map, Properties that have sold development rights are marked with green dots, and properties that have redeemed TDR credits are marked with orange dots.

Sending areas are within the Agricultural Protection Zone (APZ) in Riverhead. Receiving areas are within Residence A-80 (RA-80), Residence A-40 (RA-40), Hamlet Residential (HR), Retirement Community (RC), Business Center (BC), Shopping Center (SC), Destination Retail Center (DRC), Commercial Residential Campus (CRC), Business F, and Planned Recreational Park (PRP) zoning districts.

Figure 2. Existing TDR Sending and Receiving Areas and Transfers



Sources: Riverhead, NYS GIS, USGS

⁹ Riverhead Planning Department, Town of Riverhead, 2023

Cluster Development

Cluster development has preserved approximately 365 acres of land, with about 150 of those acres used for agriculture (see Table 1). The purpose of cluster development is to allow for maximum flexibility in achieving a compatible arrangement of agricultural and residential land uses and to protect prime agricultural soils, scenic vistas, and significant natural features.

In a cluster development, or cluster subdivision, an applicant concentrates residential lots in a portion of the plat while preserving the remainder of the land. In Riverhead, cluster development is mandated in the APZ, RA-80, and RB-80 zoning districts. The cluster development requires 70% of prime agricultural soils to be preserved through the creation of farm lots or the preservation of 70% of the land as farmland or open space. The Planning Board may approve a cluster subdivision with a lower percentage, no less than 50%, and provide reasoning for their decision in the resolution approving the preliminary plat.

Easements on the preserved agricultural and open space lands are recorded to ensure protection from development in perpetuity. If the open space is not dedicated to the Town or similar authority, the developer must create a property owners' association or provide a maintenance plan approved by the Planning Board to ensure the ongoing upkeep of the land.

The same number of residential lots calculated for a conventional subdivision is allowed in the cluster subdivision and reduces some of the dimensional restrictions of the zoning district. The result is the same net density on the plat as in a conventional subdivision, with the added benefits of preserved farmland, open space, scenic vistas, and more compact neighborhoods.

Suffolk County Farmland Preservation

Purchase of Development Rights Program

The first such program in the United States, the Suffolk County Farmland Purchase of Development Rights program, was created in the early 1970's for the purchase of acquiring development rights to working farms. Suffolk County Farmland PDR Program evaluates parcels based on soil quality, farmland contiguity, potential to preserve scenic vistas, property values, and development pressure in the community. Farmers agree to sell their development rights to Suffolk County and retain ownership of the land. The land is restricted to agricultural uses only.

Suffolk County Agricultural Protection Plan (2015)

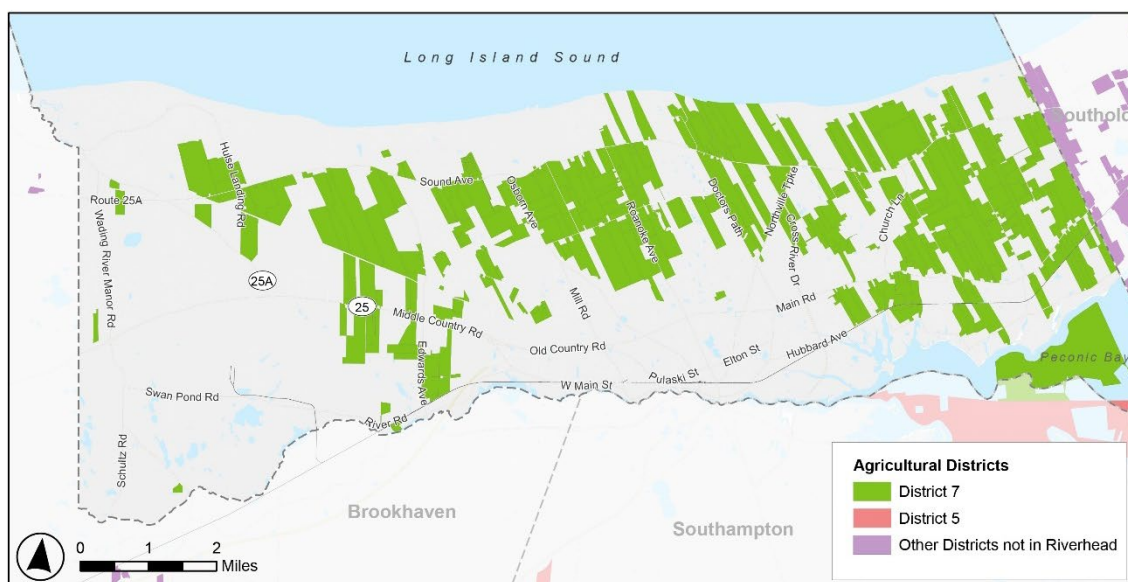
An important cornerstone of the regional effort to preserve farmland is the Suffolk County Agricultural Protection Plan. The plan was updated in 2015 with funding from a Farmland Protection Planning Grant from the New York State Department of Agriculture and Markets, a grant from the Long Island Community Foundation, and an in-kind match from Suffolk County. The Plan documents that state of farming in Suffolk county and identifies challenges faced by the agricultural community and courses of action to address them. Some of these challenges include high production costs, excessive regulations, farm labor availability, and protection of ground and surface waters.

Suffolk County Agricultural District Program

Article 25-AA of the Agriculture and Markets Law of New York established the Agricultural District Program and gives Counties authority to create districts and administer enrollment of farmlands in the program. The purpose of the program is to protect and promote the availability of farmland for agricultural uses. Suffolk County has four Agricultural Districts.

Approximately 14,420 acres of Riverhead’s land, and 258 acres of water, is included in the 7th Agricultural District (see Figure 3). A very small portion of Riverhead’s waters are included in District 5. Inclusion in an Agricultural Districts provides farmers with the right to farm law and protects farm properties from nuisance complaints related to standard agricultural practices and protection from over-restrictive local regulations. Land within the Agricultural District includes active agricultural lands and lands that have potential for agricultural use but may not be currently in production.

Figure 3. Suffolk County Agricultural Districts



Sources: Suffolk County; Town of Riverhead, NYS GIS, USGS, BFJ Planning

New York State Farmland Protection Program

This program directly supports preservation of farmland by providing funds for purchase of development rights. Grants are awarded to town or county farmland boards for 75 percent of the funds needed to purchase development rights; the municipality provides the remaining 25 percent. Selection criteria include whether there is significant development pressure on a particular piece of property; whether the farm is economically viable; and whether the farm is close to an ecological resource or an adjacent protected farm. The NYS Farmland Protection Program, between 2004-2008 provided matching funds for preservation of several active farms in Riverhead.

Suffolk County Shellfish Aquaculture Lease Program (SCALP)

Shellfish cultivation has been conducted in the Peconic Estuary for centuries. Most underwater lands in Suffolk County are owned by the County or State, with few exceptions. The County created

private oyster grants through land grants offered by the County between 1885 and 1914.¹⁰ While most of these deeds have reverted to County or State ownership, a few have remained in private ownership.

In 2004, the State transferred 110,000 acres of underwater lands in the Bays to the County to implement an aquaculture lease program. SCALP was adopted in 2009. SCALP authorized the County to lease underwater lands for the cultivation of shellfish within the County's adopted Shellfish Cultivation Zone located in the Peconic and Gardiners Bays.

Through SCALP the County determines the location and extent of shellfish farms through limits on the size and number of leases. The State and Federal agencies (i.e., NYS DEC, USACE, and US Coast Guard) regulate the species and number of shellfish allowed to be farmed and the methods for their cultivation, harvesting, and handling.

During the first ten years of SCALP, Phase I, a lease acreage cap was set at 600 acres, allowing up to 60 acres to be leased annually through an application cycle. The Shellfish Cultivation Zone included historic, private oyster grants and NYS DEC Temporary Marine Area Use Assignments (TMAUAs) issued before implementing the Lease Program. These established shellfish farms were given priority to lease underwater lands through the program. Oyster grants allow for the cultivation of oysters only and do not count towards the cap. However, if an oyster grant owner wishes to expand their production to other types of shellfish, they are required to apply for a lease.

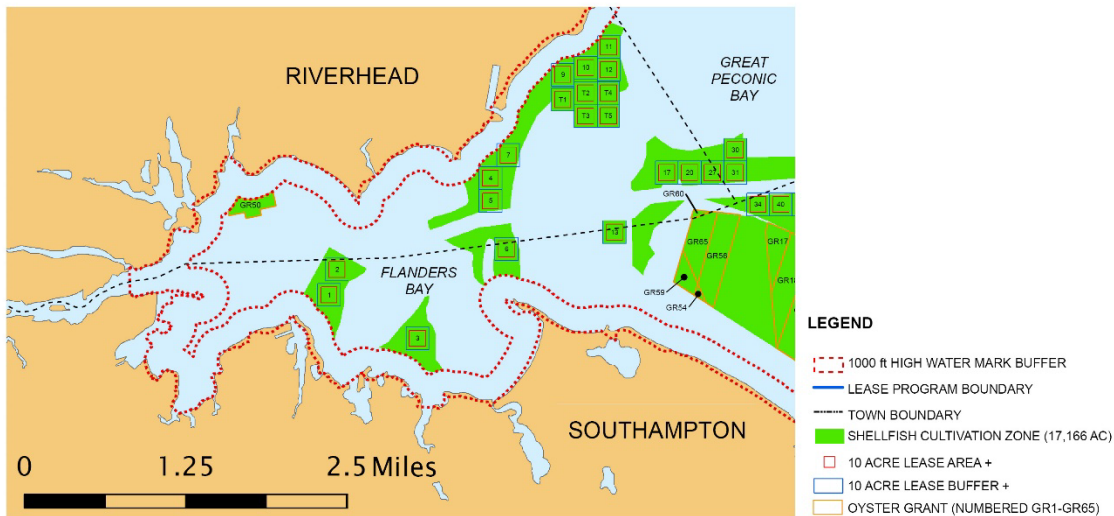
SCALP was reviewed and amended in 2021, Phase II, which applies through 2030. The allowable Shellfish Cultivation Zone was reduced to about 17,000 acres. Within the zone are 61 private oyster grants and 601 10-acre lease sites. Phase II capped the lease acreage program to 600 acres and continues to allow only 60 acres for "new" leases by application each year. Preexisting oyster grants do not count towards the cap.

Within Riverhead are 14 total and three partial (boundary crosses Town line) 10-acre lease sites (see Figure 4). Of these, five are leased, and one is pending lease as of 2023.¹¹ There is also one Private Oyster Grant property owned by Eastern Bays Company Inc.

Figure 4. Shellfish Aquaculture in Riverhead

¹⁰ Suffolk County, Lease Program Overview and Program History, 2024, <https://www.suffolkcountyny.gov/Departments/Economic-Development-and-Planning/Planning-and-Environment/Environmental-Planning-and-Aquaculture/Shellfish-Aquaculture-Lease-Program/Program-Overview>

¹¹ Suffolk County SCALP Lease Mapper, Accessed 1/26/2024, <https://gis.suffolkcountyny.gov/portal/apps/View/index.html?appid=6ae708a346f340ada850544fe25ce0fb>



Sources: adapted from Aquaculture Lease Sites Map Suffolk County, New York, 2021¹²

Other Regulations and Resources

Right-to-Farm Provisions

Chapter 201 of the Riverhead code addresses Agricultural Land Preservation. It targets the conservation and preservation of prime agricultural lands used in bona fide agricultural production because of their vital role in both the character of the Town and its economy. The code addresses a farmer's right to partake in activities related to farming practice.

Agricultural Advisory Committee

The Agricultural Advisory Committee is comprised of residents of the Town of Riverhead from the agricultural community appointed by the Town Board, who meet six to eight times yearly. The Committee serves as a conduit between the agricultural community and the Town Board, Planning Board, and other relevant boards/committees. Their task is to advise the Town Board on agricultural issues and code recommendations and review Planning Board proposals affecting agriculture in Riverhead Town. Some of the Committee's specific responsibilities include the following:

- Review agriculture-related site plan applications and subdivisions related to agricultural activities or contemplating the use of transfer development rights for land located in an agricultural zoning district or land currently used for agriculture.
- Review proposed zoning changes in agricultural zoning districts.
- Review local, county, state, and federal legislation affecting agricultural issues and communicate the effect to the appropriate board and the Town Board.
- Submit to the Town Board an annual summary of the activities of the Agricultural Advisory Committee.

¹² Aquaculture Lease Sites Map Map Suffolk County, New York, 2021, https://suffolkcountyny.gov/Portals/0/formsdocs/planning/EnvPlanning/Aquaculture/Map_2.pdf

Transfer of Development Rights (TDR Committee)

The TDR Committee is a subcommittee of the Agricultural Advisory Committee and was originally formed in 2017 and reconstituted in 2023. The Committee meets monthly to review the TDR plan developed and implemented after the 2003 Comprehensive Plan, to discuss mechanisms for preserving farmland and creating a TDR certificate, and reviews sending and receiving areas to ensure there is a good balance.

Farmland Preservation Committee

The Farmland Preservation Committee comprises seven members appointed by the Town Board. Committee members must include four members of the agricultural community of the Town who are actively engaged in the ownership and/or operation of a farm located on the agricultural lands within the Town of Riverhead, a member of the Riverhead Planning Board, and two at-large members as appointed by the Town Board.

The Farmland Preservation Committee oversees the assessment and prioritization of agricultural land for preservation or acquisition, recommending lands for the purchase of development rights by the Town or County. Additionally, the committee reviews construction permit applications for structures on agricultural lands after the development rights have been acquired, proposing rules and regulations for its activities, subject to Town Board approval. The committee plays a crucial role in addressing development issues concerning agricultural lands, develops an annual report on development rights acquisition, permit reviews, major decisions, and acts as a clearinghouse advisory board.

Suffolk County Farmland Committee

The Suffolk County Farmland Committee evaluates and approves agricultural development and special event permits on preserved Suffolk County farmland and recommends properties for preservation acquisitions. Out of 20 members of the board, one is appointed by Riverhead’s Town Board.

Goals and Recommendations

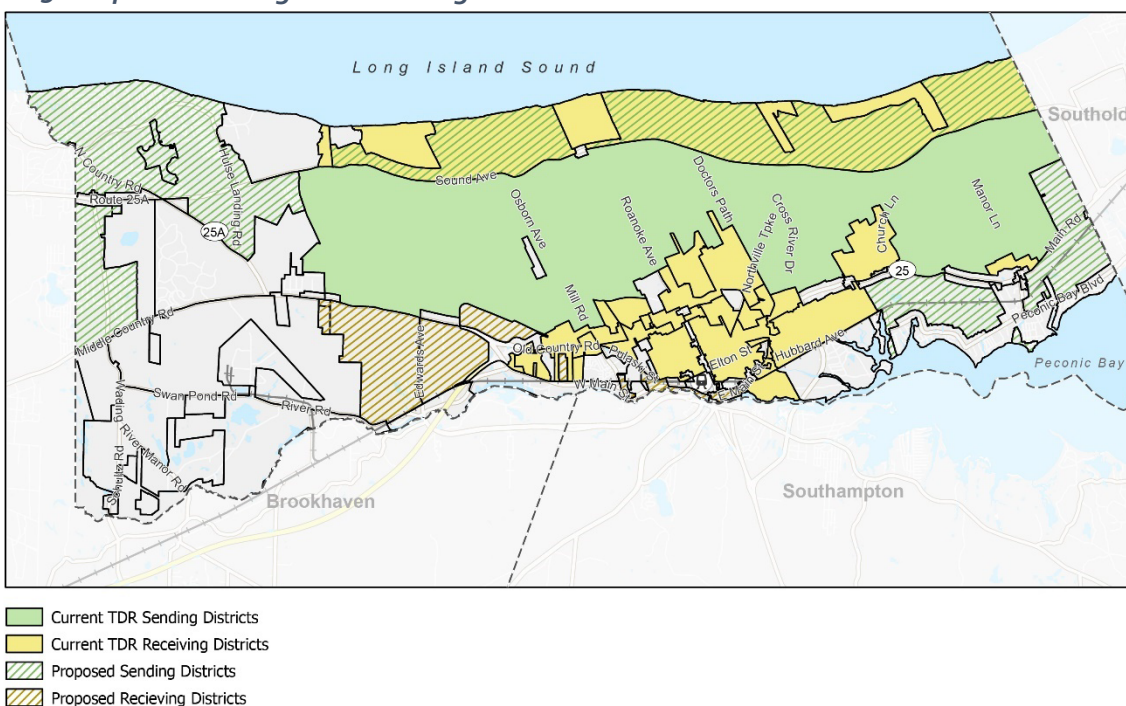
Goal 1. Improve the marketplace for the TDR program.

This goal addresses the need to bolster the effectiveness of the Transfer of Development Rights (TDR) program in Riverhead, focusing on creating a more robust marketplace to encourage TDR participation. To achieve this, the plan advocates for the designation of additional receiving areas where responsible and sustainable development can be accommodated. Another key strategy is to explore options to increase the value of TDR credits, which will stimulate greater interest and participation. This multifaceted approach aligns with the town's commitment to promoting balanced growth while preserving the unique character, agricultural heritage, and natural resources that define the community.

1.1. Designate additional receiving areas where some increased development can be accommodated.

This recommendation identifies new areas where TDR credits can be utilized, to effectively create new demand for preservation credits where it does not currently exist. Several areas that can support increased residential or commercial growth are proposed (see Figure 3). The proposed areas were vetted with the community and with the TDR committee to help ensure that growth occurs in a planned and controlled manner, preventing urban sprawl and preserving open space. The map below shows the proposed changes, which aim to direct growth away from areas with unique natural value to areas that can better manage urban growth and density. Areas proposed to be included as new sending and receiving districts are summarized below and discussed in further detail in Chapter 13: Future Land Use.

Figure 3. Proposed Sending and Receiving Districts



Sources: Riverhead, NYS GIS, USGS

Single Family Districts

Consider sending areas in all RB-80 and RA-80 districts. Areas in RA-80 north of Sound Ave are currently a receiving district and is proposed to be both a sending and receiving districts.

Industrial areas throughout Riverhead (IND A, IND B, and IND C)

The plan envisions a modest decrease in Floor Area Ratio, accompanied by the option to regain a portion of the reduced FAR through the utilization of Transfer of Development Rights (TDR) credits. TDR Credits would also be required to achieve heights over 30 feet to a maximum of 40 feet. Buildings over 30 feet would need to be set back further from the property line.

Downtown Area

Consider allowing buildings to exceed the 500-unit cap only if TDR credits are provided for additional housing units. The housing units achieved with TDR must be for homeownership opportunities only or for age-restricted living.

Assisted Living Overlay Zone

Consider permitting assisted living in new overlay zone bounded by CR58, Middle Road, Northville Turnpike, and Osborn Avenue. The overlay zone could allow assisted living with an as-of-right base density (potentially the FAR of the underlying zoning district), with the potential for more density with the use of TDR credits. Concepts for this overlay zone are discussed further in Chapter 13.

Hospital District

This plan supports Peconic Bay Medical Center’s long-term plans to expand its existing campus with wellness related retail and supportive housing on adjacent sites. An expanded campus could provide for a slight increase in permitted density (FAR) from current zoning with the use of TDR.

CRC and Peconic River Community (PRC) Districts

The CRC Zone is intended to allow for a variety of housing types; however, the existing zoning standards only permit one dwelling unit per acre (single-family). It would be reasonable to accommodate slightly higher densities in this area (potentially 4 units per acre) with the ability to increase with the use of TDR (potentially up to 8 units per acre) if infrastructure is in place. This would allow for the development of "missing" middle-housing typologies such as townhouses and garden apartments

Planned Industrial Park (PIP)

Many property owners in the PIP district have expressed interest in expanding their businesses within the existing district. As discussed in Chapter 13, the Town should revisit regulations within the Comprehensive Development Plan (CDP) to determine whether PIP could become a receiving district. The Town would need to work with NYSDEC to determine whether the existing CDP, filed subdivision map, covenants and restrictions can be modified

Ensure the success of the TDR program through revisions of the transfer formulas. The transfer formula quantifies how development units in the sending district are realized in the receiving district. The current transfer formula is a one-to-one basis, meaning that 1 TDR credit is equal to one residential unit in a receiving district regardless of unit size or type. The TDR Toolbox developed by NYSERDA recommends a more dynamic approach. If the transfer occurs from a low-density area to a higher-density area, there may be a need to establish a transfer formula that equates the development right from one single-family home to more than one multifamily unit because the proportional infrastructure cost impacts of a multifamily unit are lower than for a single-family dwelling in a low-density area.

Market conditions play a significant role in the success of TDR programs. If there is not enough demand for TDR credits, the existing TDR ratio may need to be adjusted to maintain to make the TDR financially feasible and to adequately compensate the property owner in the sending district for

selling their development rights. The TDR Toolbox suggests that the transfer formula could be based on the average sizes of single-family homes compared with the average sizes of apartment units or comparative traffic generation rates. Sanitary sewer demand is also another metric to consider for calculating TDR ratios.

Chapter 13: Future Land Use Plan provides a revised transfer formula that considers both wastewater flow, traffic generation, and market dynamics. It is recommended that the transfer formula be revisited in consultation with the TDR committee every 5 years, or as market conditions change, to ensure that they are appropriately calibrated to both maximize the use of TDR credits without overburdening potential projects.

Goal 2. Increase use of TDR through administrative improvements and access to new funding mechanisms.

The effectiveness of the Transfer of Development Rights (TDR) program can be improved through the implementation of several administrative modifications and facilitating access to new funding mechanisms. This goal is aligned with the town's commitment to balanced growth and preservation of vital resources. It is also acknowledged that the Town has limited capacity to address the unique challenges involved with administering a complex program like TDR. The small-town context necessitates strategic approaches that balance program effectiveness with administrative feasibility.

2.1. Establish a TDR Bank to facilitate transactions.

A TDR bank would serve as a central, trusted repository for developers and landowners to deposit, purchase, and trade development rights, simplifying the complex process while ensuring compliance with local zoning and land use regulations. A TDR Bank could connect interested buyers and sellers and hold credits or cash between transactions. A TDR Bank could also collect fees for TDR transactions to pay for the administration of the program. Establishing a TDR Bank does come with administrative considerations; significant resources and funding would be needed for the bank's establishment and ongoing long-term management.

2.2. Support TDR administrative efforts and leverage community resources to connect buyers and sellers.

The Town is an essential partner in ensuring the TDR program is successful. Administrative resources are needed to document and track conservation credits in the program. Currently, the Planning Department and Town Clerk track certificates and credits and when they have been placed. Resources are also needed to connect interested buyers and sellers, and the Town should establish an active-list of both. The Town does not currently have a list of farmers (sellers) that are interested. The Town should work with other partners such as the Long Island Farm Bureau, to assist with connecting buyers and sellers. ~~The Town has an active list of interested buyers, but more can be done to track interested sellers.~~

2.3. Continue to work with the TDR Committee to revise regulations as needed to better facilitate preservation of agricultural lands.

The TDR program should be reevaluated on a regular basis. The market may change, and the Town will need to ensure that the ratios remain attractive to developers and equitable to landowners.

Goal 3. Safeguard agricultural land through diverse approaches to preservation.

Preserving Riverhead's agricultural heritage requires a multifaceted approach. This goal addresses the need for a holistic and sustainable framework that combines financial collaboration, strategic land-use planning, and dedicated administrative oversight to ensure the long-term preservation of the Town's valuable agricultural lands.

3.1. Continue to plan for and coordinate efforts to permanently preserve farmland.

The Town should consult the CPF Fund Plan adopted in 2021 to ensure that priority properties are preserved when funds are available. While CPF funding is not currently available, the Town should continue to identify grants and collaborate with county, state, and federal agencies, as well as non-profit organizations, to explore additional funding sources and partnership opportunities. The primary means of farmland preservation should continue to be purchase of development rights which keeps agricultural land in production.

3.2. Continue to promote cluster development subdivisions to preserve agricultural lands.

Cluster developments can be an effective land-use strategy for preserving agricultural lands while accommodating population growth and development. This approach involves concentrating housing and infrastructure in specific areas, and leaving a significant portion of the land for agricultural use or open space. In the subdivision review process, the Town should ensure that preserved lands result in a single contiguous agricultural parcel rather than dispersed properties. More details on this recommendation regarding open space preservation can be found in the Open Space chapter.

3.3. Consider establishment of a CPF Management Division in the Town to administer the program.

Riverhead bonded against the CPF when it was established and is thus indebted until 2030. Once the debt is paid down, the Town will be able to use CPF funds to protect farmland, open space, and water quality. The Town should review the CPF Fund Plan adopted in 2021 with the Farmland Preservation Committee, Open Space Advisory Committee, and Peconic Land Trust to ensure that properties are prioritized when funds become available. A CPF Management Division in the Town would allow for ease of administration of property acquisitions and a strategy for long-term maintenance and stewardship of lands protected through the CPF program.

Goal 4. Cultivate agricultural resilience and innovation for a sustainable future.

This goal centers on preserving and enhancing Riverhead's agricultural legacy while supporting the economic vitality of local farmers. The recommendations address opportunities to foster collaboration amongst the community, promote innovation and streamline the zoning code to

ensure that it provides clarity, reduces obstacles, and facilitates the growth of the local agricultural sector.

4.1. Consider flexibility in the zoning code to allow for agricultural innovation.

Farming is an ever-evolving industry—economics dictate what crops farmers will grow and technology advances can change the way farms operate. Recognizing that farming will continue to evolve, providing flexibility in the zoning code can help the Town and farmers adapt to changing demands and techniques in the agricultural industry.

Conditional use permits for agricultural uses could allow unique uses that are not covered in the zoning code to be considered on a case-by-case basis. The Town Board would review the proposed use and consider any impacts, such as traffic or noise and visual impacts, and could require conditions to be met to ensure that those effects are mitigated. Conditional use permits would not be a town-wide option and would only apply to agricultural uses. Conditional use projects would not be exempt from SEQR.

All sections of any conditional use permit for agricultural operations and buildings should reference NYS Dept. of Ag & Markets Law Section 301 for accepted agricultural definitions, practices, and rights of farmers. Any new conditional use permits should be developed in conjunction with the Towns Agricultural Advisory Committee.

Renewable Energy: Solar facilities for commercial energy production are currently only allowed in industrial zoning districts. For agricultural properties in other districts, New York State's current agricultural policies allow solar but limited to 110% of the anticipated annual electricity needs of the farm. It may be reasonable to provide some flexibility in allowing farmers to incorporate renewable energy facilities (i.e. solar or wind) beyond the 110% threshold, provided the solar is an accessory use to the primary agricultural use. This supports the financial stability of farmers and fosters the integration of renewable energy.

This recommendation could be addressed with the creation of a special permit by the Town Board for solar or wind as an accessory use to the principal agricultural use. This mechanism would provide the Town Board with discretion to ensure that visual and other impacts are addressed. The Town Board may also consider whether development rights have been previously extinguished (i.e. through the TDR or PDR programs). The Town Board could also provide flexibility for agrivoltaic projects, which provide for a dual use with the production of vegetables or other crops. This approach allows for the prioritization of a site's continued agriculture use, as the project may be designed to maximize both renewable energy production and crop yields.

Vertical farming can complement traditional farming methods by allowing for year-round cultivation of crops and crop diversification. This can significantly increase a farm's overall productivity, providing a consistent supply of fresh produce and opening up new revenue streams and income opportunities for farmers, potentially increasing their economic stability.

Traditional horizontal farming requires large expanses of land. Vertical farming allows farmers to produce more on a smaller footprint, making more efficient use of their available land resources. Concerns about vertical farming include the visual impact of these structures. The Town should consider clear guidance for the total size, setbacks, landscaping, etc. to minimize the visual impact

of these structures. For example, a vertical farm would have to conform to bulk standards (i.e. FAR and setbacks). Additional standards could apply. Flexibility should be provided for the adaptive reuse of agricultural buildings such as when these facilities are integrated into existing farm infrastructure.

4.2. Provide flexibility for adaptive reuse of agricultural structures for permitted uses.

Zoning regulations should be flexible enough to not overly burden applications for permitted uses within pre-existing agricultural structures. One example would be to ensure an expedited Planning Board review process for the reuse of pre-existing non-conforming structures used for agricultural purposes. These changes will help to strike a harmonious balance between preserving agricultural heritage and encouraging adaptive reuse for contemporary and sustainable purposes.

4.3. Cleanup the zoning code to address inconsistencies and make sure farming activities are supported.

There may be some instances where the zoning code could be revised to explicitly support farm operations that are already occurring and should continue to be allowed to do so. For example, the RA-80 district and APZ district are very similar with regard to permitted farming operations. However, APZ allows for "Farm Operations" as an accessory use; this use is not provided for in RA-80. Properties that front both sides of Sound Avenue should be treated the same regarding the regulation of farm operations.

4.4. Support aquaculture and commercial fishing industries.

Aquaculture and commercial fishing are important sectors for Riverhead's economy. To ensure that these businesses can operate efficiently, the Town should ensure that commercial fisherman and shellfish farmers are able to access the waterfront. With the development of private marinas, these water-based industries are facing barriers to accessing their farms or fishing areas and bringing their produce or catch to land efficiently.

Goal 5. Cultivate agritourism as a sustainable income source, balancing economic growth and community well-being.

Riverhead recognizes the potential of agritourism to bolster local farm incomes while being mindful of mitigating negative impacts such as traffic and noise.

5.1. Define agritourism.

The agritourism label is an umbrella term which can apply to a wide range of agricultural and rural tourism activities, such as farm tours, u-pick operations, winery and brewery tours, pumpkin patches, and similar ventures. Creating clear definitions will help the Town to monitor and regulate activities in a consistent framework. It may also be necessary to create sub-definitions as all agritourism uses are not alike regarding character and impacts. This will ultimately help the Town to promote responsible and sustainable tourism while preserving the essence of Riverhead's rural landscape.

The NYS Department of Agriculture and Markets provides resources on agritourism, including existing definitions that the Town could consider. The Town should work closely with the farm

community to ensure that definitions and regulations are not overly restrictive which could harm the viability of farming operations.

5.2. Regulate events through a permitting process and size restrictions.

It is important for the Town to address and balance the benefits of agritourism with the potential impacts on agricultural operations, public safety, and the surrounding community.

Generally, New York Department of Agriculture and Markets protects agritourism activities with the intention of directly marketing the farm's products, to a certain extent (see NYS Agricultural Districts Law 25-AA). When special events are conducted on a farm, the farm must ensure that profits from admissions, facility rentals, or vendor fees do not exceed income from sale of farm produce.

One approach would be enumerating allowable agritourism events that are considered to directly market farm products, size limits, and parking requirements. For example, Suffolk County Code considers the following types of agritourism events part of agricultural production when accessory to an active farming operation: U-Pick, Crop mazes, Hayrides, or agricultural educational tours. Catered events are excluded. Permeable parking areas for agritourism events may be permitted as necessary.

All other events that do not meet the agreed upon definition of agritourism require a special events permit. The permitting process can help to identify traffic and safety concerns and provide a funding mechanism for traffic control when needed. In addition, the Town should develop more transparent regulations that address event space. Limiting the capacity of these spaces can help manage traffic and mitigate safety risks.

When developing regulations, The Town should work with the Agricultural Advisory Committee and Farmland Preservation Committee, consult resources available through New York Ag and Markets and Cornell Cooperative Extension, and engage with stakeholders, including farmers, residents, and event organizers, to strike a balance that allows agritourism to thrive while addressing local concerns and maintaining the integrity of agricultural operations and rural communities.

5.3. Support efforts to enforce the Town's existing noise ordinance during events.

The Town's noise ordinance is in Chapter 201 of the Town Code. The ordinance does not apply to farm practices that create noise (e.g., tractors, tillers, irrigation systems). The regulations allow code enforcement officers and police to issue violations for loud music, without needing to do a comprehensive sound study.

5.4. Continue to allow bed and breakfast by special permit in the APZ, RA-80, RB-80 zones.

Bed and breakfasts are currently allowed in the zones by special permit where most of Riverhead's agriculture is concentrated: APZ, RA-80, and RB-80. Allowing B&B on farms can provide farmers with an additional source of income, making it financially viable for them to continue farming. This can contribute to the preservation of farmland and open space, which is often threatened by development. This type of tourism can attract visitors interested in experiencing the countryside, leading to the preservation of rural culture and heritage.

Goal 6. Help promote Riverhead's agricultural industry and products.

This goal strives to create a vibrant and interconnected ecosystem that champions Riverhead's agricultural industry, ensuring its continued growth and prosperity.

6.1. Continue enforcement of farm stand regulations and streamline the farm stand application process.

The Farm Stand Review ordinance (§ 301-283) should be revised to streamline the permit application process for farm stands. Any amendments to the farm stand review code should be done in consultation with the Agricultural Advisory Committee and local farmers.

6.2. Partner with the local farmers market to promote the sale and purchase of local produce and products.

East End Foods provides an indoor farmers market in Riverhead that is open seasonally and for holidays. They also offer a virtual farmers market that delivers goods. With the revitalization of the Downtown, there may be opportunities to expand the local farmers market to reach additional audiences. For example, the Town could partner with East End Foods to host farmers markets in the new Town Square.

6.3. Encourage public and private entities to buy and sell local produce.

Consider partnerships between farmers and Town Hall, the School District, and other institutions to provide local produce for food service. A partnership with the BID could help promote the use of local produce and products in downtown restaurants and specialty stores.