

# **SUFFOLK COUNTY/TOWN OF RIVERHEAD EMPIRE ZONE**



## **DEVELOPMENT POLICY**

200 Howell Avenue  
Riverhead, New York 11901  
[edz@riverheadli.com](mailto:edz@riverheadli.com)  
(631)-208-0570

(Revised November 30, 2004)

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### **EXHIBITS**

- A. Original Calverton Enterprise Park Empire Zone Development Policy
- Town of Riverhead Comprehensive Development Plan 2003
- East Main Street Urban Renewal Plan 1993
- Railroad Avenue Corridor Urban Renewal Plan 1997
- Town of Riverhead Business Improvement District Code
- Town of Riverhead Arts District Code
- Town of Riverhead Zoning Codes (pertinent to zone designated areas)
- Town of Southampton Gabreski Airport Planned Development District 2003
- Town of Riverhead Comprehensive Reuse Strategy NWIRP at Calverton 1996
- The Suffolk County Airport Study for Gabreski Airport in Westhampton 1990
- Wyandanch Rising Plan 2003
- Flanders Northampton Riverside Revitalization Study 2004

## **MAPS**

- Current Empire Zone Boundary Maps
- Downtown Riverhead Zoning Map

## **SUFFOLK COUNTY/TOWN OF RIVERHEAD EMPIRE ZONE (SC/TOR EZ)**

As amended November 30, 2004

*Pursuant to the boundary amendment effective September 18, 2003, this policy addresses five distinctive geographic areas within the Suffolk County/Town of Riverhead Empire Zone: 1137 acres in Calverton and 61 acres in the downtown area, both in the Town of Riverhead; 9 acres in Riverside, Town of Southampton; 48 acres at Gabreski Airport Industrial Park, Town of Southampton; and 25 acres in Wyandanch, Town of Babylon. This policy supersedes the original Calverton Enterprise Park Empire Zone Development Policy (see attached as Exhibit A).*

### **SECTION I:**

### **GOALS AND OBJECTIVES**

#### **SUB ZONE 1**

#### **EPCAL**

(1137) Acres

##### Goals and Objectives

The intent of the Town of Riverhead and Suffolk County in preparing and submitting an application to the State of New York for Economic Development Zone designation was and remains under the Empire Zone Program, the creation of jobs and the generation of (property) tax base for the Town of Riverhead and the Riverhead Central School District. Given the amount of agricultural and residential zoned acres in the Town of Riverhead, the focus for the Calverton Enterprise Park here was clearly economic development. Use of a 2900 acre parcel, improved with water, sewer and massive infrastructure, for private development would become a significant economic engine for eastern Long Island. The creation of tax base was, of course, premised on private ownership of the property. The designation of the site as an Economic Development Zone with the tax benefits inherent therein also presumes private ownership of real property. Therefore, the allocation of zone acres and any future allocation of zone acreage should be primarily based on providing the benefits first to private property owners, and secondarily to publicly-owned property.

#### **SUBZONE 2**

#### **DOWNTOWN RIVERHEAD**

(61 Acres)

##### Goals and Objectives

Consistent with the two principal objectives of the Zones Program, Distressed Area Revitalization and Economic Development for Business Retention and Attraction, 61 acres of the distressed downtown area of Riverhead has received empire zone designation.

The objective of the Empire Zone for the downtown Riverhead sub zone is to reduce vacancy rates, encourage redevelopment and revitalize deteriorated and underutilized space and structures, revitalize the Main Street Corridor, encourage small business growth and affordable housing and increase entrepreneurship within the empire zone community. A description of the overall characteristic of this sub zone and the strategic foundation that will be referenced for guiding objectives of this sub zone are consistent with that outlined in Section I and II in the East Main Street and Railroad Avenue Corridor Urban Renewal Plans, and the Business District, Land Use and Economic Development Elements of the Town of Riverhead Comprehensive Plan.

The high cost of operating a business and the substantial increase in property taxes in this area creates a hurdle for small business to remain competitive. The ability to incentivize this area makes it more attractive to entrepreneurs in the tourist industry opening small businesses that compete with big box retail in the surrounding area and provides existing businesses the ability compete and expand. By further using this policy to benefit real estate investor, the Zone Administrative Board intends on encouraging the rehabilitation of blighted and/or vacant buildings for mixed use.

### **SUB ZONE 3**

#### **SOUTHAMPTON/RIVERSIDE**

(9 Acres)

##### **Goals and Objectives**

The overall concept for this area as outlined in the Town of Southampton's 1999 Comprehensive Plan is to foster a "maritime theme," featuring linkages to adjacent downtown Riverhead, interagency cooperation on concentrating development in a manner to improve physical conditions and conserve the natural environment, upgrading of housing and lighting of the area's significant open space and natural resources in order to enhance the neighborhoods image and quality of life.

Seven empire zone acres out of the nine in this sub zone are designated specifically for a project identified as the RIVERCATWALK as submitted by CATCOVE CORP. The intention of incentivizing this project and the additional 2 acres of retail/commercial area is to promote a better sense of identity for the Riverside/Flanders hamlets, induce tax ratable development and coordinate development with neighboring Riverhead. With the assistance of the Empire Zone Program the development of projects proposed in this area will promote additional upgrade and development of the surrounding properties yielding an image of place now lacking in the hamlet of Riverside.

The intent of providing benefits to this area is to have the proposed development act as an anchor project to promote mixed-use residential and low scale commercial development with a recreation/maritime theme along the Peconic River, and to further enhance the corridor to downtown Riverhead.

### **SUBZONE 4**

#### **SOUTHAMPTON/GABRESKI INDUSTRIAL PARK AT GABRESKI AIRPORT**

(48 Acres)

##### **Goals and Objectives**

The proposed Gabreski Airport Industrial Park is a joint effort between Suffolk County and Southampton Town. The Goals and Objectives of the Empire Zone is to create a unique employment and business center that will attract year round decent paying jobs that will complement and not compete with existing village and hamlet centers in terms of retail sales, services and visitor attractions. It will attract future development that will create mixed use activity, consisting of complementary aviation, light industrial, office, service, lodging and related uses. Development may consist of multiple tenants and uses that will coincide with current and future on-site aviation and non-aviation demands. This business magnet is designed to supplement the existing industries in the area, including the important tourism industry.

In the Town of Southampton, there are a number of factors that now support the potential growth and development of the Airport. Depending upon the location, business growth and development in the Town of Southampton is encouraged. In this regard, a local zoning amendment, passed in 1998, established an Airport Planned Development District at Gabreski Airport. The intent of the ordinance was to offer specific development guidelines on a planned basis that would provide opportunities for compatible development at the Airport that would not otherwise be possible. It is further believed that this non-aviation business development has the potential to concurrently increase aviation activity by bringing a segment of the itinerant business and corporate aviation market to the Airport.

### **SUB ZONE 5**

#### **WYANDANCH**

(25 Acres)

##### **Goals and Objectives**

Empire zone designation in Wyandanch is one of many initiatives the Town of Babylon is undertaking in the community. Declared the most economically distressed community on Long Island by the Suffolk County Planning Department, based on available 2000 census data, Wyandanch is the primary focus of the Town's community revitalization efforts. Therefore 25 acres of zone now overlay this area.

Suffolk County provides the following data as indicators of Wyandanch's economic distress: percent unemployed, 9.3%; percentage on public assistance, 12.9%; median family income, \$41,857; percent below the poverty level, 16.4%; median home value, \$124,900; percentage of high school graduates 65.4% (source: US Census 2000, Suffolk County Planning Department).

The Town began its efforts by leading a community visioning process in June of 2003. Sustainable Long Island, a regional non-profit organization, facilitated the vision process which culminated in "Wyandanch Rising" (the "Plan") a hamlet plan and guideline for future development. The Empire Zone is featured in the Plan as an important revitalization tool.

There are several other Town-sponsored, significant economic development initiatives underway in Wyandanch. These initiatives include a Brownfield Opportunity Area Grant submitted to the New York State Departments of State and Environmental Conservation; an FTA Wyandanch Intermodal Transit Facility grant to be used to study the feasibility of creating a transit hub at the LIRR station, coordinating train and bus schedules to encourage mass transit rider ship and to enhance pedestrian safety at the LIRR grade crossing; an Urban Forestry Grant to plant trees in the downtown area; a NYSDOT grant to purchase and install new street lighting along Straight Path; EPA funding to assess Brownfield's (EZ properties are targeted); and an RFP to examine the feasibility and cost of extending the Southwest Sewer District to the commercial corridor along Straight Path. A façade renovation program is being prepared which will be available to existing and new businesses in the downtown area.

The Town of Babylon established a Downtown Revitalization Office that is working on these initiatives as well as preparing an Urban Renewal Plan for the area, drafting a mixed-use amendment to the zoning code and working with Suffolk County Agencies such as Economic Development/Workforce Housing and Public Works to develop affordable housing opportunities and coordinate traffic calming and intersection improvements on Straight Path. A Wyandanch Community Implementation Committee has been formed, consisting of 13 community leaders who will provide a continual link between the Town and the community and work toward implementing the Plan. Organizing the community through dialogue will empower stakeholders to take an active part in revitalization efforts.

The EZ Development Policy, coupled with other initiatives the Downtown Wyandanch, will begin to achieve community goals of revitalization through economic development. The creation of services, jobs and housing opportunities will stabilize the economic base of the community and strengthen community identity.

## **SECTION II:**

## **STRATEGY**

### **SUBZONE 1**

#### **EPCAL**

##### **Strategy**

In 1995 the Town of Riverhead commissioned the preparation of a redevelopment strategy to guide the transformation of the Naval Weapons Industrial Reserve Plant at Calverton (now known as EPCAL) into an engine for regional economic growth. The recommended reuse strategy describes how to manage the transition of the site from its dependence on defense related procurement to reliance on a broad range of private sector economic activity. The Comprehensive Reuse Strategy (CRS) by HR&A is a blueprint for future development of the Calverton site, including consideration of future land uses, the economics of development by the Town of Riverhead, and the fiscal impact on the region. In addition, the Reuse Strategy is designed to accommodate changes in the marketplace over time. The Reuse Strategy contains the determination of goals and objectives, marketing strategies, redevelopment scenarios, a recommended development plan, and steps for implementation for utilization by both local officials and residents.

A parcelization process is the intended method of conveyance from the Town of Riverhead to private development and achieving the goal to create high quality jobs, restore and expand the tax base and to respect the realities of the market will take years. However, with the assistance of the empire zone program, the Zone Administrative Board intends to accelerate the process of identifying and attracting those enterprises and technologies which will generate employment of high skill

levels, apprenticeship programs and lower skill support employment. The program will be used to combat high energy rates, taxes, and general cost-of-living that tend to discourage business expansion and attraction of new business to this region.

In addition, the Town of Riverhead Community Development Agency donated 50 of the 1137 acres of zone property to the State of New York for the construction of a Business Incubator with the intention that neophyte businesses will graduate and expand into the Industrial Park. The business incubator is one of the many initiatives that can be utilized for economic development and support of small businesses.

A more detailed strategy for redevelopment of this site is outlined in the Comprehensive Reuse Strategy for NWIRP at Calverton.

#### Real Estate Tax Abatement 485e

The 485e is currently authorized by the Town of Riverhead and the Riverhead Central School District

### **SUBZONE 2**

#### **DOWNTOWN RIVERHEAD**

##### Strategy

The Town Board and the Planning Board of the Town of Riverhead embarked upon the preparation of the Comprehensive Plan in the late 1990's. Early on, the Town established a goal to develop a plan that fully takes into account the concerns of the community and strives for fair, balanced solutions to complex problems. Working with local consultants, the Town coupled extensive research and field work with a multifaceted community outreach program.

Implementation of the Comprehensive Plan will be an incremental process. The town's zoning ordinance will be updated (2004) to reflect the newly adopted goals and policies in the plan. Then, as development proposals come forward from the private sector, those new projects will have to conform to the new zoning provisions.

It will be the policy of the Zone Administrative Board to incorporate elements of and maintain consistency with downtown and waterfront revitalization, the Business Improvement District and Arts District, and as expressed in the East Main Street Urban Renewal Plan (1993), the Railroad Avenue Corridor Urban Renewal Plan (1997) and the Town of Riverhead Comprehensive Plan (2003). The Town of Riverhead is also developing a supplemental Urban Renewal Plan to encompass the Second and Third Street area of the sub zone, due for review and adoption in 2005. For the purposes of the Empire Zone Development Plan the ZAB will refer to all applicable data contained in the aforementioned plans.

The SC/TOR Empire Zone will act in further accord with the Urban Renewal Law to promote the safety, health, morals and welfare of the residents of the Town of Riverhead. Therefore it will promote the correction of substandard, unsanitary, blighted or deteriorated conditions by replanning, clearing, reconstructing, redeveloping and restoring such areas for residential, commercial, industrial, community, public and other desirable uses with the encouragement of participation in these programs by private enterprise. The primary treatments proposed for urban renewal in the downtown sub zone include acquisition, demolition, redevelopment, rehabilitation, code enforcement and public improvements. The implementation of this plan is outlined in Section V, page 20 of both the East Main Street and the Railroad Avenue Corridor Urban Renewal Plans.

It is the policy and intention of the Zone Administrative board to facilitate that which is outlined above and to facilitate reaching the goals and objectives through the use of empire zone benefits. This will include using the Empire Zone status to facilitate relief from legislation, specifically the Wild and Scenic Rivers Act, currently impeding redevelopment along downtown Riverhead and portions of EPCAL. In addition to utilizing business certification to assist in implementing the goals and objectives described in Section I, the Zone Administrative Board, through the use of Zone Capital Credits, will pursue attracting Community Development Projects into the downtown sub zone area that are in direct support of economic development and business revitalization.

#### Real Estate Tax Abatement 485e

The 485E in the Town of Riverhead is currently authorized for the downtown Riverhead sub zone as of September 18, 2003.



### **SUBZONE 3**

#### **SOUTHAMPTON/RIVERSIDE**

##### **Strategy**

The RIVER CATWALK proposal as submitted by CATCOVE CORP. to the Town of Southampton calls for rezoning an area to develop approximately 20 acres of property as a “Mixed Use and Maritime Planned Development District.” It is the objective of the applicant to develop the property as three separate sites intended for a resort waterfront inn, conference facility and extended stay cottages. Seven empire zone acres were designated to overlay the footprint of this project. The proposal for the 7 acres of this sub zone cites consistency with the “Southampton Tomorrow, Comprehensive Plan Update, Implementation Strategies, Southampton, New York of March 1999.” Specifically, the plan suggests an overall concept for the Hamlet of Riverside of a “maritime” theme, featuring linkage to adjacent downtown Riverhead. The project application also references objectives cited in the “Town of Southampton, Flanders Northampton Riverside Revitalization Study (draft)” of May 2003.

There are an additional 2 acres in the Riverside sub zone contiguous to the downtown Riverhead sub zone along Peconic Avenue. It is important to revitalize this area since it is a southern entrance into the Town of Riverhead. Consistent with the goal to coordinate development with neighboring downtown Riverhead, the property owners in this area will be encouraged to mimic an adjacent project proposed for 40 Peconic Avenue located in the Riverhead sub zone which entails the renovation of a blighted building into a mixed use commercial building offering smaller first floor retail space than currently unavailable in the downtown area. Incentives will be provided to property owners who renovate blighted buildings and encourage mixed use commercial that is (preferably) architecturally consistent with neighboring, newly renovated buildings. The goal of the empire zone designation in this area is consistent with that outline in the Town of Southampton’s 1999 Comprehensive Plan and will be used to compliment the strategy outlined in the Downtown Riverhead Sub Zone section.

##### **Real Estate Tax Abatement 485e**

The Real Estate Tax Abatement 485E in the Town of Southampton is currently not authorized. However, this portion of the zone lies within the Riverhead Central School District which has opted into the 485e and is applicable to this sub zone as of September 18, 2003.

### **SUBZONE 4**

#### **SOUTHAMPTON/GABRESKI INDUSTRIAL PARK AT GABRESKI AIRPORT**

##### **Strategy**

The 1990 Suffolk County Airport Study for Gabreski Airport in Westhampton determined that approximately 58 acres was available for a commercial and industrial park for non-aviation use. In 1995, the Central Pine Barrens Comprehensive Land Use Plan was adopted incorporating the Airport within the Compatible Growth Area (CGA) and designating the Gabreski Industrial Park as a potential receiving area for the transfer of Pine Barrens Credits. The Town of Southampton's draft Comprehensive Plan Update report on economic development (Economic Development: Issues, Opportunities and Plan) recommended that Suffolk County and the Town of Southampton jointly pursue plans for a business/light industrial park at Gabreski Airport.

The Town of Southampton worked closely with Suffolk County as a member of the Gabreski Airport Task force that was convened by the Suffolk County Executive in 1996. The role of this Task Force was to coordinate and stimulate redevelopment: activity at the airport including refinement of the non-aviation development strategy and supporting land use regulations consistent with the Central Pine Barrens Plan.

The Town of Southampton has adopted the "Gabreski Airport Planned Development District (APDD) April 17, 1998) Zoning Amendments" that support the implementation of both Suffolk County's Airport development program and the Town's draft Comprehensive Plan Update in a manner compatible with the Central Pine Barrens Plan. The Airport Planned Development District includes for example such business areas as light industrial, office, service, and lodging.

Attract future development that will create a mixed use activity center consisting of complementary aviation businesses, light industrial, office, service, transportation, lodging and related uses.

#### Real Estate Tax Abatement 485b

The 485b real estate tax abatement has already been approved by Southampton Town for various industries through the Industrial Commercial Incentive Program. The Gabreski Industrial Park has been designated by Southampton Town and approved by Suffolk County as a targeted area.

#### Real Estate Tax Abatement 485e

The 485e in the Town of Southampton is not currently authorized.

### **SUBZONE 5**

#### **WYANDANCH**

##### Strategy

The SC/TOR Empire Zone Board supports the Town of Babylon's goals and its redevelopment strategy for Wyandanch based upon its community Vision Plan, "Wyandanch Rising," (the Plan) which was conducted during June 2003.

The action plan designed for downtown Wyandanch through the community participation process includes the following:

- Community Initiatives
- Establishment of a Business Association
- Traffic Engineering study
- Pedestrian safety measures
- Streetscape program
- Welcome gateways
- Zoning code modifications
- Façade improvement program
- Establishment of an Urban Renewal plan
- Identification of infill opportunities

The Plan also addresses the following economic development issues:

- Attraction of new businesses to the downtown
- Encouragement of expansion of existing appropriate businesses
- Encourage mixed use buildings, with a combination of residential and commercial/retail uses.
- Job creation
- Commercial / Industrial land use conflicts

"Wyandanch Rising," initiated by the Town of Babylon, was created through a professionally conducted community visioning process with significant community input. Economic development issues are at the heart of the community's concerns for its future and are thus at the heart of the Hamlet Plan. The Plan provides the foundation for this development policy because it reflects community needs and the economic development strategies of the town.

#### Real Estate Tax Abatement 485e

The 485E in the Town of Babylon is not currently authorized.

### **SECTION III:**

#### **INDUSTRY CLUSTERS**

### **SUB ZONE 1**

#### **EPCAL**

##### Industry Clusters

The Comprehensive Reuse Strategy calls for a multi use Enterprise Park that has at its core the existing industrial complex. The major components of the proposed Calverton Enterprise Park (EPCAL) are: an industrial park, a theme-attraction area, sports park/commercial recreation areas, and retained open space. In addition, a hotel/conference center, golf facilities, and parking for a few thousand vehicles could be accommodated.

EPCAL includes a 500 acre planned industrial park adjacent to a planned recreational park. Since the aviation infrastructure is the most defining element at the site, integrating businesses such as air cargo and air maintenance is recommended. A hotel/conference center placed near the northern gateway will complement the development of theme attractions and business activity in the industrial core. Aqua cultural and Agricultural businesses will be fostered and targeted through the business incubator with the intention that the start ups will graduate and expand into the industrial core.

## **SUB ZONE 2**

### **DOWNTOWN RIVERHEAD**

#### **Industry Clusters**

The Downtown Center zoning district is also broken up into several sub districts within the Empire Zone designated area. These sub districts, each with subtle differences, are intended to carefully balance downtown land uses and development patterns in a manner that fits into the historic and natural context of the area. The specific zoning uses are identified in the Land Use Element of Section 2 in the Comprehensive Plan.

The downtown area was not previously configured as an “attraction “for the tourist market. Due to the low demand from the normal resident market, major revitalization/expansion efforts were unsupported. Recent efforts have procured new developments, such as the Atlantis Marine World Aquarium, the Dinosaur Museum, and Fauna (reptile center). Therefore, the ZAB will continue to promote a mix of cultural, retail, civic, park, tourism, office, entertainment, and residential uses in order to create a dynamic, 7-day a week, 4 seasons destination generating new dollars and economic activity.

## **SUB ZONE 3**

### **SOUTHAMPTON/RIVERSIDE**

#### **Industry Clusters**

Seven acres are identified as project specific. The remaining 2 acres are targeted for mixed use commercial.

## **SUB ZONE 4**

### **SOUTHAMPTON/GABRESKI INDUSTRIAL PARK AT GABRESKI AIRPORT**

#### **Industry Clusters**

The availability of industrial land on the south fork in the eastern portion of Suffolk County has nearly vanished. The creation of the Gabreski Industrial Park and the subsequent Empire Zone designation will allow the County to retain those businesses in the local vicinity, offer the opportunity to expand and also allow for the attraction of new businesses. The expansion and attraction opportunities available through the Empire Zone will offer new, full-time, year round jobs to a community that has relied significantly on the tourism economy for employment.

Uses in the zone may be guided by the Southampton Town’s APPD (based upon LI 200 zoning), its subsequent Master Plan and the Suffolk County Industrial Commercial Incentive Program (ICIP). These documents list specific mix use industries (by SIC Codes) that can take advantage of the benefits offered by the Empire Zone. These industries include the manufacturing of furniture and fixtures, printing and publishing, engineering and scientific instruments, as well as the wholesale of industrial supplies, automobile parts and supplies, electronic parts and equipment among many others.

## **SUB ZONE 5**

### **WYANDANCH**

#### **Industry Clusters**

The Wyandanch sub zone includes the retail and light industrial center of the community located along the Straight Path Corridor. Light industry is targeted in the areas that form the east and west boundaries of the Zone. Light industry is

discouraged from the Straight Path corridor, which is more appropriate for retail development. Retail/commercial businesses that will cater to the community, such as a dry cleaners, drug store, and full-service bank will be encouraged to locate in the Zone. The Town of Babylon will also seek to attract a downtown retail anchor to Wyandanch which will draw from a larger radius than the immediate community. Some of the industry that will be targeted include, but is not limited to: Private Health care and professional office, Private training/educational services, Cultural facility Restaurants, Retail/commercial, Light industry, Finance and insurance and Telecommunications, information technology.

## **SECTION IV:** **GEOGRAPHIC TERRITORY**

## SUBZONE 1

**EPCAL**

Geographic Territory (1137 acres)

EPICAL is set in a predominantly agricultural section of Long Island. Located on the edge of the Central Suffolk Pine Barrens Core Protection Area, the site is characterized by a well buffered center of industrial activity amidst an undeveloped natural setting. In the heart of the property lies approximately one million square feet of industrial, office and support facilities. The facility includes a final aircraft assembly and manufacturing center, numerous hangar facilities; a 10,000 ft runway, and an auxiliary 7,000 ft runway, a secondary sewage treatment plant, water distribution system and fire prevention system, and a central steam plant. Appendices in the Reuse Strategy for the NWIRP at Calverton provide a detailed discussion of the site facilities and infrastructure. The site rests at the confluence of several major roadway systems. The northern boundary is NYS Route 25, a major east/west connector for the northern half of Long Island. Route 24 from the east provides an important connection to the South Fork of Long Island, while 25 continues east into the Riverhead Business District, and is a major connection to LI's North Fork. The immediate road network surrounding the boundaries of the site includes 2-lane roadways adequate for uses comparable to the previous industrial use. A spur from the LI Railroad Main Line extends directly into the site from the southeast, providing major transportation access from the NYC market for freight and tourists.

The fenced in facility is approximately 1.5 miles by 3.5 miles in size and is located entirely within the Town of Riverhead. The property is surrounded by a 3,000 acre buffer zone that must remain in its natural state under federal and state laws.

### Areas Targeted (1137)

Over 500 empire zone acres lie within the Planned Industrial Park (PIP) District.

Targeted uses will include light manufacturing, warehouse and distribution, research and development and aviation related industry as permissible in the zoning. Given the hurdles that face the isolated location of the proposed industrial park and in an effort to foster its growth during the infancy stage, most of the permitted uses will be considered for eligibility for empire zone benefits excluding any business posing a negative environmental impact on the community and those that do not follow the general guidelines for development in the Comprehensive Reuse Strategy.

The remaining empire zone area is currently zoned Planned Recreational Park (PRP) District. The PRP is created of 6 underlying sub districts. Of those 6 districts the Empire Zone will target specific uses permitted within four of the sub districts, including but not limited to:

Amusement Park Sub district (AP) - theme parks and theaters for live performances.

**Hotel-Conference Center Sub district (HCC) – Hotels and Health Spas**

Sports Park Sub district (SP) – sports and equestrian arenas, riding academies, professional sports club facilities, sports instructional academies, and stadiums.

Family Entertainment Center Sub district (FEC) – Auction houses, commercial museums and art galleries, Farmers markets, and ice skating and roller rinks.

## **SUB ZONE 2**

### **DOWNTOWN RIVERHEAD**

#### **Geographic Territory (61 acres)**

The majority of the 61 acre downtown Riverhead sub zone lies within the boundaries of the Business Improvement District. A portion thereof is also complimented by a designated Urban Renewal Area. As noted in Section III of the East Main Street Urban Renewal Plan, the downtown portion of Riverhead in the Empire Zone area is bisected by New York State Route 25 which serves as the main thoroughfare for the entire business district. A number of collector streets intersect with Main Street both feeding and relieving Route 25 vehicular traffic. The area is immediately accessible to County Routes 24 and 51, high speed arterial highways, and to County Roads leading east. Many important cultural and civic institutions are located on or just off Main Street, including Town Hall, the Suffolk Theater, the Riverhead Free Library, the Suffolk County Historical Society, and the East End Arts Council. The County Courts are located just north of Main Street on Griffing Avenue and lie within the Railroad Avenue Urban Renewal Area. The downtown commercial core is found on Main Street.

There exists an underutilization of real property and marginal uses of improved properties within the Main Street Corridor. Commercial uses along Peconic Avenue are marginal and, with the exception of the Vail Leavitt Music Hall building, are targeted for uses more in character with the revitalization efforts to provide a physically attractive entrance to the Town. Peconic Avenue also provides a link to a portion of the Southampton, Riverside sub zone.

According to the East Main Street Urban Renewal Plan, the core of the downtown sub zone includes approximately 300,000 square feet of street level commercial space housing a mixture of retail, office, residential, service and quasi-public uses. There is approximately 40,000 square feet of vacant ground level retail space at this time. A more detailed inventory of the properties that lie within the sub zone can be found in both the East Main Street and Railroad Avenue Corridor Urban Renewal Plans.

#### **Areas Targeted (61 acres)**

Consistent with the permitted uses in zoning districts DC-1, 2, 3, 4, and 5 (see attached maps) and as they apply to the empire zone designated area, encouraged industry may include but not be limited to:

Tourism related uses such as cultural attractions, theaters, retail stores that are unique to the area, indoor public markets, art galleries, hotels/marinas/resorts, and residential/commercial mixed use (DC-1 only), specialty food stores, and commercial projects committing to a significant capital investment or rehabilitation of currently vacant or blighted buildings. Businesses captive to a customer base for tourism will be targeted for certification.

A Downtown Center Office District is also an element of the Downtown Riverhead Sub Zone. This district compliments the State Supreme Court and Suffolk County complex, adjacent to the sub zone area, by allowing a moderate-intensity mix of uses with ground floor offices and retail. Since these uses are considered inherent to the building of the court complex, they will not be encouraged with zone benefits. However, the Town of Riverhead is entertaining the private development of parking facilities to meet the needs of the complex in the Railroad Avenue portion of the sub zone such a project may be eligible for certification if combined as mixed use.

#### **Areas to Be Targeted For Future Designation**

Each of the town's referenced development plans suggest that the corridor to and downtown Riverhead be bolstered as a regional tourism center. Therefore, should the Zone Administrative Board entertain the reallocation of acreage it will target the corridor to the downtown area on West Main Street and supplemental areas surrounding downtown business district.

## **SUB ZONE 3**

### **SOUTHAMPTON/RIVERSIDE**

#### **Geographic Territory**

The Riverside Hamlet is located in the central portion of the Town of Southampton, in Suffolk County, north of Route 27. The Peconic River defines the northern boundary, while the southern portion is defined by the boundaries of the Central Pine Barrens Reserve.

#### Areas Targeted (9 Acres)

Seven of the designated acres specifically calls for a resort waterfront inn and conference center and extended stay cottages. The remaining 2 acres are contiguous to the downtown Riverhead sub zone and will be targeted for mixed use commercial projects consistent with Southampton zoning and complimentary to the adjacent revitalization efforts of downtown Riverhead.

#### Areas Targeted for Future Designation

There are no plans for expanding the Empire Zone designated areas within the Town of Southampton at this time.

### **SUB ZONE 4**

#### **SOUTHAMPTON/GABRESKI INDUSTRIAL PARK AT GABRESKI AIRPORT**

#### Geographic Territory (48 acres)

The 48-acre zone designation is part of the 58 acre Gabreski Industrial Park located within the Francis S. Gabreski (Suffolk County) Airport. Francis S. Gabreski Airport is located adjacent to the Village of Westhampton Beach in the Town of Southampton, Suffolk County, New York, and 78 miles east of New York City. The airport encompasses 1480 acres, with three active runways and is the home to the 106<sup>th</sup> Rescue Wing of the Air National Guard. The potential for aviation industry development on the remaining property is significant, leaving the Empire Zone acreage to be used for light industrial mixed uses. Due to the size of the zone (48 acres) designating certain locations for certain industries is not practical. Site location will be based upon what best suits the applicant and the County's ability to accommodate other applicants.

#### Areas Targeted

By relying on the Town of Southampton's Airport Planned Development District's guidelines that limit support retail and service uses to a maximum of 5%, the empire zone will focus on attracting light industrial businesses. The 5% retail will be ancillary retail to those businesses that exist in the industrial park/empire zone and those that will complement and not compete with local village and hamlet centers.

#### Areas Targeted for Future Designation

There are no current plans to consider additional zone acreage for this location.

### **SUB ZONE 5**

#### **WYANDANCH**

#### Geographic Territory (25 acres)

The designated Empire Zone area is 25 acres and runs along the east and west portions of the Straight Path corridor just south and north of the LIRR tracks in the hamlet of Wyandanch. This area is in the center of the northern portion of the Town of Babylon. The sub zone targets retail and commercial businesses located along the Straight Path commercial corridor as well as light industrial properties located east and west of Straight Path along Long Island Avenue and Merritt Avenue. Both Long Island Avenue and Merritt Avenue run parallel to the LIRR tracks. Most properties are contiguous.

#### Areas Targeted

The Town of Babylon is reviewing its zoning code and is in the process of rewriting it to accommodate mixed use development at higher density than is currently permitted. Relaxation of certain requirements such as parking and front-, rear- and side-yard dimensions are included in the code revision. The new businesses will be required to conform to the new zoning code which will give incentives for desirable development.

Because most retail development in Wyandanch is soft, or marginal, the new businesses will form the new downtown economy. The combination of commercial/retail/office and housing will be the mix of businesses and uses that will be encouraged. Neighborhood commercial uses with an anchor with a more regional draw will be sought. Business development by local entrepreneurs (start-ups, for example) and businesses providing goods and services not readily available to residents of Wyandanch will be encouraged such as:

Sit-down, family style restaurants, Specialty food stores, Clothing Stores, Home Improvement Stores

Industry that will not be encouraged in the targeted areas include, but is not limited to:  
Warehouse/distribution, Truck depot, Fast food restaurants, Auto/bus/truck repair  
Gas stations and Video arcades.

### Areas Targeted For Future Designation

## SECTION V: BOUNDARY REVISIONS

- Site Alternatives – Likelihood of the project locating elsewhere resulting in subsequent real economic loss.
- Project location – Current status of the proposed property.
- Project costs – Impact of the project and the extent the project will require additional services from local government entities.

Specific projects considered for a boundary revision must be an industry that is consistent with the goals and objectives expressed in this policy, applicable development plans/strategies and substantiate creating a minimum of 50 jobs.

Given the agricultural nature of the Riverhead area, further cause for a boundary revision may include consideration for designation of empire zone acreage for an agricultural cooperative pursuant to Article 9 of the Real Property Law, shall be at the discretion of the Zone Administrative Board.

In order to be considered for inclusion into the empire zone via a boundary revision, a letter of interest providing a summary of the project, the proposed location, and the significance of the Empire Zones Program to the project should be sent to the Zone Administrative Board from the applicant.

## **SECTION VI: CERTIFICATION REQUIREMENTS**

With reference to applications, a business will be eligible for joint certification as an Empire Zone Business Enterprise to the extent that it meets all the criteria listed in Section IV of the NYS Empire Zones Programs & Procedures Guidebook. It is further the authority of the SC/TOR ZAB, Zone Certifying Officer and the Zone Administrative Staff to encourage businesses consistent with all applicable zoning codes, development plans and economic development goals in an effort to enhance the image and quality of life of each area in which there is a sub zone. If deemed necessary on a case by case basis, it is the recommendation of the ZAB to have the Zone Coordinator and Zone Certifying Officer request additional information to document or expand upon data presented in a certification application. Such information may include but not be limited to: letters of commitment from funding sources, purchase offers/real estate options, business plans, employment records, licenses, certificates, required insurance and/or financial records and necessary use permits.

It is the intent of the Zone Administrative Board to encourage/certify current property owners and real estate developers who can demonstrate significant capital investment for renovations and who have demonstrated an affiliation with an operating company that will create substantial economic activity consistent with the goals set forth for each sub zone in Section I and in the aforementioned development plans respective to each sub zone. Determination of substantial economic benefit will take into account such factors as: how much investment in the property the applicant intends to make; whether the applicant has a well defined plan for marketing the property to potential businesses for occupancy, or whether the investment in or intended use of the property will enhance the economic climate of the zone.

Not for Profit organizations seeking certification for the sole purpose of utility rate savings who exhibit a significant impact on the economic development of the zone will be considered for approval.

Businesses that are in tax arrears with the County of Suffolk may be denied approval for certification until all back taxes are paid.

Additional uses that may be permitted within local zoning codes, but will not be eligible for certification include, but are not limited to liquor stores, cell phone establishments, discount retailers, adult entertainment facilities, pawn shops, check cashing facilities and fast food establishments, bars, taverns or nightclubs whose sole purpose is the sale of alcoholic beverages.

It is within the authority of the Zone Certifying Officer to deny certification to companies that do not meet the criteria stated in this policy. It is further the authority of the ZAB, Zone Certifying Officer, and the Zone Administrative Staff to discourage and prevent businesses located within or interested in the zone from taking advantage of the NYS Empire Zones Program benefits through means unintended by and not in the true spirit of the Zones Program.



## **SUB ZONE 1**

### **EPCAL**

#### **Certification Requirements**

This policy will be used to assist any new business locating within the business incubator. Since the intention of the incubator is to encourage start up companies, there will be minimum thresholds on employment and investment.

Any business with a negative environmental impact on the community, as determined by the Zone Administrative Board, and those that do not follow the general guidelines for development in the Comprehensive Reuse Strategy will not be considered for certification.

Industry that may be permitted through local zoning, but will not generally be considered eligible for benefits include, but are not limited to: Environmentally insensitive research and laboratory testing facilities (as determined by the ZAB), public utility and service facilities, government business offices, animal exhibits, circuses, carnivals, motels, discotheques/nightclubs, movie theaters, stand alone golf courses and speedway operations.

#### **Job/Investment Thresholds**

Any industry locating within the EPCAL sub zone must project a minimum of 2 employees and/or a capital investment at least \$500,000.

Any business relocating from *within* the Town of Riverhead into the Empire Zone designated areas must substantiate extraordinary circumstances that warrant the relocation in the zone, a significant capital investment of \$1 million dollars or more and/or an increase of 15 or more employees to be considered eligible for certification.

If in the best interest of the zone, the ZAB reserves the right to waive a threshold for an applicant.

## **SUB ZONE 2**

### **DOWNTOWN RIVERHEAD**

#### **Certification Requirements**

An analysis done for the Business Improvement District by Yeiser, Tkacik and Associates (1993) cites the economic overview/climate and potential for downtown Riverhead and supports revitalization efforts and the downtown areas role in Suffolk County. The SC/TOR EZ focuses on targeting and assisting start up businesses and the expansion of existing businesses.

Small businesses that are at high risk of relocating and/or having difficulty in competing with big box industry and/or sustaining themselves in the current local economy are targeted. Businesses advancing the goals and objectives of the Business Improvement District and Arts District as identified in the applicable zoning codes and development plans, and as noted in Section III will be targeted.

Uses permissible through local zoning that will not be eligible for certification in the downtown sub zone include, but are not limited to: Retail in DC-3 & 4, Banks, Real Estate Offices or Professional Offices on ground floors DC-1, Funeral Homes,, Fast Food Stores, Big Box Retail or Franchises. These businesses are not considered conducive to the tourism industry by the Zone Administrative Board and/or may already saturate the surrounding area.

#### **Job/Investment Threshold**

Consistent with the goal to encourage local entrepreneurs and small business development within the tourism related industry and general small business retail, the job threshold is minimal in the downtown sub zone and will be used to attract Mom & Pop businesses in this particular area. Therefore no minimum threshold, beyond what is legislatively required will be considered criteria for certification eligibility in DC 1 & 2 for small businesses. Commercial real estate projects however, such as mixed use residential, must substantiate a minimum capital investment of \$2 million dollars in order to be considered eligible for certification. Only offices and professional space located on second floors will be eligible for certification. Existing businesses in the zone will not be rewarded with zone certification unless significant job creation 5 or more jobs and/or significant capital investment \$50,000 or more is projected and/or it is determined by the ZAB that certification is necessary to retain the business in the zone. This criterion for pre-existing businesses will take effect as of January 1, 2005.

The ZAB reserves the right to deny any application from a business that they deem as already saturating the surrounding zone area. If in the best interest of the zone, the ZAB reserves the right to waive a threshold for an applicant.

### **SUB ZONE 3**

#### **SOUTHAMPTON/RIVERSIDE**

##### **Certification Requirements**

Eligibility for empire zone benefits in the 7 acre Riverside parcel is project specific.

For the remaining 2 acres, certification requirements are consistent with that expressed in the overall Certification Requirements and are compatible with the Downtown Riverhead Sub Zone Job/Investment Thresholds.

### **SUB ZONE 4**

#### **SOUTHAMPTON/GABRESKI INDUSTRIAL PARK AT GABRESKI AIRPORT**

##### **Certification Requirements**

Certification of businesses in this zone will be consistent with those industries which meet the requirements as set forth in the Southampton Towns Master Plan for the Airport Planned Development District, the Industrial Commercial Incentive Program and that meet all necessary local, state and federal (including FAA) requirements.

Businesses that offer aviation related uses such as electronic components, security components etc will be allowed. Aviation businesses that could be located elsewhere at the airport, as determined by Suffolk County and the ZAB, will not be considered. This will allow the park to target mixed uses as outlined in the documents noted above.

Retail business will not be allowed unless it is ancillary to the overall operation and will be limited to 5%.

##### **Job/Investment Thresholds**

The Gabreski Industrial Empire Zone is unique in that the land can only be leased. The lease commitment on behalf of the business will be for no less than 20 years. The job threshold and investment threshold will be based upon the amount of land leased and the term of the lease. The County and the Zone Administrative Board must be sure that those businesses seeking certification show the ability to make significant investment and demonstrate how the empire zone will impact their operation, the local community and economy. This information will be part of the overall lease application that will include but not be limited to, financial capability to fund project, business plan, employment projections and expansion proposals.

### **SUB ZONE 5**

#### **WYANDANCH**

##### **Certification Requirements**

Businesses including, but not limited to, establishments that are auto-oriented or require drive-in facilities with access from Straight Path, businesses with a negative environmental impact on the community and those that do not follow the general guidelines for development as noted in the "Wyandanch Rising" Plan will not be considered for joint certification. These types of businesses will be addressed in the new zoning code and will most likely not be permitted.

Certification of businesses in this sub zone will remain consistent with zoning relative to the empire zone designated area of Wyandanch.

##### **Job/Investment Thresholds**

Since the primary focus of this sub zone is to attract investment rather than focus on employment numbers, retail businesses seeking certification within this sub zone must substantiate a capital investment of at least \$100,000 dollars or a minimum job creation of 2 employees.

Non targeted industry will only be considered for certification on a case by case basis. ZAB will consider a non targeted business only by recommendation in writing from the Town of Babylon. Any non targeted project in this sub zone must project a capital investment of \$300,000 dollars or more and a minimum of 4 employees with salaries equal or greater than the area Nassua/Suffolk median income as established by HUD. As the area strengthens economically, a job/investment threshold may be revisited.

## **SECTION VII:**

### **DECERTIFICATION**

#### **Decertification**

Relative to the entire SC/TOR Empire Zone, with each of its sub zones, the Suffolk County/Town of Riverhead Empire Zone Board and the New York State Commissioners of Labor and Economic Development may, after providing notice and an opportunity for a hearing, jointly revoke the certification of a business enterprise upon finding that the business enterprise materially failed to fulfill its commitments to the State and to the municipality. Grounds for such a finding are set forth in section 959(a) (iv) of the law Part 11.9 of the Empire Zone Regulations outlining the criteria for decertification of a business enterprise and may include, but not be limited to, the following:

- The business either misrepresented or failed to disclose facts that would disqualify it from certification.
- The business failed to construct, expand, rehabilitate or operate its facility in accordance with the representation set forth in the application for certification.
- The business failed to create new employment or prevent the loss of employment in the Empire Zone provided, however, that such failure was not due to economic circumstances or conditions which the business could not anticipate or which were beyond its control.
- The business failed to submit an annual report after it applied for zone incentives or program assistance based on new hires or investments or failed to submit other information to the local economic development zone administrator when due.
- The business has violated one or more laws for the protection of workers, including the National Labor Relations Act, 29 U.S.C.S sections 151-168.
- Prior to the Commissioners of Economic Development and Labor and the Suffolk County Empire Zone Board rendering a decision revoking a business enterprise's certification, the Department of Economic Development shall notify the business of the intent to revoke the certification of the business and its right to a hearing pursuant to the procedures set forth in Part 12 of this Title. A business enterprise shall have 30 days within which to request a hearing from its receipt of the notice of intent to revoke certification and opportunity for a hearing. Failure to request a hearing within 30 days will be deemed a waiver of the business's right to a hearing.
- Notice of revocation of certificate shall be served by certified or registered mail to the business by the Counsel to the Economic Development Zones Board. The Counsel to the Economic Development Zones Board shall simultaneously send copies to the Commissioners of Labor, Economic Development, Taxation and Finance, Suffolk County Empire Zone administrator and any applicable utility company.
- Specific to the Southampton sub zone area 3 and the proposed River Catwalk project the ZAB will reevaluate the project and progress annually and move to recapture the designated acreage after (3) three years if the zone is deemed unproductive.

Further cause for decertification may include a change in circumstance where a business becomes detrimental to the environment or has become an environmental hazard or creates a negative impact on the image or quality of life within the zone.

## **SECTION VIII:**

### **TAKE BACK PROVISION**

#### **Take Back Provision**

- After a three year period with annual performance reviews, if a sub zone is deemed unproductive by the Zone Administrative Board, the board reserves the right to evaluate and consider recapturing previously designated acreage placed outside the boundaries described in the original application for zone designation for reallocation in the Town of Riverhead. Unless extenuating circumstances beyond the municipality's control can be illustrated, poor performance will be based on the lack of progress with private/public capital investment, lack of job creation and/or lack of meeting infrastructure and revitalization goals as expressed in the sub zone sections of the development policy starting from the date of designation. Understanding that the participating municipalities must adopt a concurring resolution in order to de-designate acreage, the board will require a four party agreement to be executed by the impacted municipality, the State of New York, Suffolk County and the Town of Riverhead. This document

will specify a period of performance for the zone and/or project and provide for a reversion of the designated site to the Zone's land bank (or reallocation) for non-performance.

- Further cause for recapture of zone acreage located outside Riverhead would be the result of noncompliance by the participating municipalities in accordance with any intermunicipal agreement or the delay or obstruction of due process with regard to the proper administration of the Suffolk County/Town of Riverhead Empire Zone.
- Acreage deemed nonproductive due to business decertification may be considered for recapture by the Zone Administrative Board. The ZAB reserves the right to remove designated acreage from the zone if at any time a business does not fulfill its obligations as outlined above or to the New York State Commissioners of Labor and Economic Development. The business will have the opportunity to maintain its status as a zone certified business if it can demonstrate extenuating circumstances beyond its control have contributed to its failure to meet said obligations.
- In the event a participating municipality within the SC/TOR Empire Zone, outside the Town of Riverhead, receives its own Empire Zone designation, the SC/TOR EZ will recapture the amount of acreage previously designated within its jurisdiction.
- Any action to recapture acreage is subject to appropriate local laws and required legislation.

*\*\*If in the best interest of the operation of the Suffolk County/Town of Riverhead Empire Zone, the Zone Administrative Board reserves the right to amend this policy at any time.*

