



Office of the Town Clerk
James M. Wooten, Town Clerk

Registrar of Vital Statistics

Records Management Officer

Marriage Officer

June 4, 2026

General Code Publishers
781 Elmgrove Road
Rochester, NY 14624
Attn: Jan Medina

Dear Ms. Medina:

ENCLOSED HERewith please find the following resolution which was adopted by the Riverhead Town Board at a Regular Town Board meeting on June 2, 2026.

#12- Resolution # 560– Adopted 6/2/2026

ADOPTS A LOCAL LAW AMENDING CHAPTER 301 OF THE RIVERHEAD TOWN CODE ENTITLED "ZONING AND LAND DEVELOPMENT, PART 3., SUPPLEMENTARY REGULATIONS"

Sincerely,

James M. Wooten
Town Clerk
JW:cd

TOWN OF RIVERHEAD**TB Resolution 2026-560****ADOPTS A LOCAL LAW AMENDING CHAPTER 301 OF THE RIVERHEAD TOWN CODE ENTITLED
"ZONING AND LAND DEVELOPMENT, PART 3., SUPPLEMENTARY REGULATIONS"**

Councilman Kern offered the following resolution,
which was seconded by Councilwoman Merrifield

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to amend Chapter 301 of the Riverhead Town Code Entitled "Zoning And Land Development, Part 3., Supplementary Regulations"; and

WHEREAS, a public hearing was held on the 20th day of May, 2026 at 6:05 p.m. at Town Hall, 4 West Second Street, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the proposed amendment is a Type II action pursuant to SEQRA.

NOW, THEREFORE, BE IT RESOLVED, that a local law to amend Chapter 301 of the Riverhead Town Code Entitled "Zoning And Land Development, Part 3., Supplementary Regulations" is hereby adopted as specified in the attached notice of adoption; and be it further,

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the News Review Newspaper and to post same on the signboard at Town Hall; and be it further,

RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

RESULT:	Adopted
MOVER:	Councilman Robert Kern
SECONDER:	Councilwoman Denise Merrifield
AYES:	Jerry Halpin, Kenneth Rothwell, Robert Kern, Denise Merrifield, Joann Waski
NAYS:	None

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 301 of the Riverhead Town Code Entitled "Zoning And Land Development, Part 3., Supplementary Regulations" at its regular meeting held on May 20, 2026.

The intent of the proposed legislation is to address Hazardous Material Response Team costs related to decommissioning of Battery and Solar Installations and requisite equipment, pre-planning, and support for emergency response.

A copy of the entire text of the adopted local law may be reviewed at the Office of the Town Clerk, 4 West Second Street, Riverhead, New York 11901, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday and can be accessed on the Town of Riverhead website at: www.townofriverheadny.gov under the Agenda and Minutes for the June 2, 2026 Town Board Meeting.

Dated: Riverhead, New York
June 2, 2026

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

JAMES WOOTEN, Town Clerk

Chapter 301. Zoning and Land Development
Part 3. Supplementary Regulations
Article LII. Commercial Solar Energy Production Systems

§ 301-283. Decommissioning plan; fees.

A.

All applications for a commercial solar energy system shall be accompanied by a decommissioning plan to be implemented upon abandonment and/or in conjunction with removal of the commercial solar energy system. Before beginning any decommissioning activities, the applicant must submit a performance bond in a form and amount satisfactory to the Town Attorney, which shall be based upon an estimate approved by the Town's consulting engineer or Town Engineer, assuring the availability of adequate funds to restore the site to a useful, nonhazardous condition in accordance with the decommissioning plan. Prior to removal of a commercial solar energy system, a permit for removal activities shall be obtained from the Building Department. The decommissioning plan shall include the following provisions:

(1)

Restoration of the surface grade and soil after removal of aboveground structures and equipment.

(2)

Restoration of soil areas with native seed mixes and/or plant species suitable to the area, which shall not include any invasive species.

(3)

Retention of access roads, fences, gates or buildings or buffer plantings, as required at the discretion of the Town.

(4)

Restoration of the site for agricultural crops or forest resource land, as applicable.

(5)

The disposal of all solid and hazardous waste shall be in accordance with all local, state, and federal waste disposal regulations.

(6)

An applicant of a commercial solar energy system comprising more than 10 acres shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in the amount and form deemed to be reasonable by the Town Engineer. Such surety will not be required for municipal or state-owned facilities. The applicant of the facility shall submit a fully inclusive estimate of the cost associated with removal, prepared by a professional engineer.

(7)

The Town of Riverhead Fire Marshal's Office shall require a one-time Hazardous Materials Fee to be paid prior to the issuance of a building permit for said installations

and shall be deposited into a Hazardous Materials Dedicated Fund. The Hazardous Materials fee "dedicated fund" will support the Town of Riverhead Hazmat Teams acquisition of equipment, training and pre-planning to assess, contain and mitigate any hazards associated with the decommissioning of battery energy storage systems or commercial solar energy production systems. This fee shall be reflected as equivalent to 1% of the cost of the Decommissioning Fund calculated by the Towns Consulting Engineer or Town Engineer and as required by § 231-14.1.

§ 301-283.31. Requirements for Tier 2 battery energy storage systems.

Tier 2 battery energy storage systems are permitted through the issuance of a special permit by the Town Board, pursuant to Article LVII, within the Calverton Industrial (CI), Light Industrial (LI), Planned Industrial Park, Agricultural Protection, and Residence A-80 Zoning Use Districts and shall be subject to site plan review by the Planning Board pursuant to Article LVI and as follows:

A.

Decommissioning fund. The owner and/or operator of the battery energy storage system shall continuously maintain a fund, either through escrow account, bond or otherwise payable to the Town of Riverhead, in a form and amount approved by the Town Engineer or the Town's Consulting Engineer, for the decommissioning and removal of the battery energy storage system, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant.

B.

The Town of Riverhead Fire Marshal's Office shall require a one-time Hazardous Materials Fee to be paid prior to the issuance of a building permit for said installations and shall be deposited into a Hazardous Materials Dedicated Fund. The Hazardous Materials fee "dedicated fund" will support the Town of Riverhead Hazmat Teams acquisition of equipment, training and pre-planning to assess, contain and mitigate any hazards associated with the decommissioning of battery energy storage systems or commercial solar energy production systems. This fee shall be reflected as equivalent to 1% of the cost of the Decommissioning Fund calculated by the Towns Consulting Engineer or Town Engineer and as required by § 231-14.1.

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