

**DRAFT LOCAL LAW TO CREATE  
THE HILLS MIXED USE  
PLANNED DEVELOPMENT DISTRICT (HMUPDD)**

**LOCAL LAW NO. \_\_\_\_ OF 2017**

A LOCAL LAW amending §330-248 of the Zoning Law of the Town of Southampton changing the zoning classification of the property of DLV Quogue, LLC, consisting of several tax parcels comprising 402 ± acres, located in the hamlet of East Quogue, from Residence, CR-200 to a specific Mixed Use Planned Development District to permit the construction of a seasonal residential resort with 118 dwelling units and a golf course to be known as the Hills Mixed Use Planned Development District (“HMUPDD”).

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

**SECTION 1: Legislative Intent.**

It is the intent of this local law to change the zoning classification of the property of DLV Quogue, LLC in order to permit the construction of a master planned and – managed seasonal resort community with 118 dwelling units and a golf course as described in the Final Environmental Impact Statement (“FEIS”) prepared for the application. The overall project involves the assemblage of several separate parcels of land that have been described in four separate groups: Hills South Parcel (340.91 ± acres); Hills North Parcel (86.92 ± acres); Kracke Property (61.26 ± acres); and Parlato North Property (101.91 ± acres). These four groups of properties total approximately 591 acres. The HMUPDD also provides for the preservation of additional off-site properties, including a property known as the Parlato South Property (33 ± acres) and the redemption of an additional thirty (30) Pine Barrens Credits originating in the Core Preservation Area of the Central Pine Barrens of Southampton. The properties to be developed and rezoned to permit the seasonal resort community and golf course include the properties known as the Hills South Parcel (340.91 ± acres) and the Kracke Property (61.26 ± acres), which comprise approximately 402 ± acres (hereinafter referred to as the “Main Parcel”). The development rights from properties consisting of the Hills North Parcel (86.92 ± acres) and the Parlato North Property (101.91 ± acres) are being clustered or transferred to the Main Parcel. Upon approval, these parcels will be dedicated to the Town of Southampton for open space and conservation purposes. The developments rights on the Parlato South Property (33 ± acres) are being retired and the property will be dedicated to the Town of Southampton for open space and conservation purposes.

The Main Parcel is generally north and east of Lewis Road in the vicinity of Spinney Road, and extends north to the Sunrise Highway (NYS Route 27). It is the intent of the HMUPDD to permit the applicant to develop the Main Parcel into seasonal resort community with 118 dwelling units, of which 10 are located within the clubhouse and 13 are referred to as “golf cottages” clustered around the clubhouse; as set forth on the

conceptual Master Plan with a private membership 18-hole championship length golf course (hereinafter called the “golf course” or “course”), utilizing the protocols and technology described in the FEIS prepared for the application. The golf course and clubhouse to be used as an on-site recreational amenity for the residents. The combined Hills South Parcel, Hills North Parcel and the Kracke Property yields under the current zoning 94 dwelling units and the Parlato North Property yields 24 dwelling units. The overall development yield of 118 dwelling units is integrated into the unified Master Plan where all proposed improvements are clustered within the boundaries of the Main Parcel with additional open space areas being preserved. It is expected that the bulk of the dwelling units will be on separate lots while some of the units may be marketed as condominium units. The Planning Board will review the applicable subdivision map and/or site plan for the development of the dwelling units as well as the site plan for the golf course. The development has been located to the maximum extent practicable on those portions of the Main Parcel that were previously cleared and/or impacted, so as to minimize the need to clear undisturbed areas for development. The overall amount of clearing of natural vegetation on the project complies with the clearing standards of the Pine Barrens CLUP and the Town’s Aquifer Protection Overlay District. Of the total 591± acres involved in the project, approximately 167± acres or 28.2±% of the land will be developed, preserving 424± acres of undisturbed natural areas, or 71.8±% of the land. The amount of open space preservation is actually greater when the preservation of the Parlato South Property (33± acres) and the 30 pine barrens credits that originate from 130± acres in the core preservation area of the central pine barrens are taken into account.

In addition to the land preservation, the seasonal resort community is designed to implement the Town’s Comprehensive Plan, particularly the overall vision, goals, findings, policies and recommended actions and specific land use, design and development strategies of the East Quogue Land Use Plan and GEIS, the Town Central Pine Barrens Overlay District, and the Central Pine Barrens Comprehensive Land Use Plan (CLUP). The golf course is designed to protect native species, wildlife and area waters, through the use of lined greens, sophisticated irrigation systems and water recycling techniques, professional management and native and protective plantings. The project will utilize rain gardens to treat stormwater on the site and will ensure water quality protection through design elements consistent with current and innovative technologies. As described in the FEIS, the unified master plan and community controls associated with the seasonal resort community and golf course and the corresponding mitigation measures, and community benefits and amenities incorporated into the HMUPDD demonstrate that the project will have less impact than a typical subdivision under the current zoning and will have a significant public benefit.

The East Quogue Land Use Plan and GEIS, recommends that the Hills property be developed as a mixed use PDD proposal that combines housing, resort/recreation, and open space uses with protected areas for natural resources. As stated in the GEIS Finding Statement: “[t]hese uses in a comprehensive mixed-use plan or resort setting could also reduce the generation of number of students as compared with traditional housing by developing resort-oriented mixed-use community. A mix of uses as recommended in the plan would generate ratables without creating an increase demand on the school district

and would also provide a range of jobs for the community in the tourism-related industry, which is a strong and growing job base in the local economy. With the mix of uses and even considering standard student generation rates, the Recommended Plan is expected to result in net fiscal benefit for the Town and local school district. A resort type development would further increase that fiscal benefit.”

The dwelling units in the HMUPDD are intended to be owned and occupied by second-, third- and fourth-homeowners, who will occupy and use their lot or unit on a seasonal basis. Based upon the demographics of all projects developed by the applicant, it is not expected that the owners and occupants of the lots and units in the seasonal resort community will establish such lots or units as their actual and only residence, to wit: their primary legal or permanent residence and/or domicile. Accordingly, it is not expected that an owner or occupant of the lots and units in the seasonal resort community will enroll their child in the East Quogue School District to receive a tuition-free education, let alone be able to comply with the “residency” requirements under New York State law. To provide assurances that the seasonal occupancy of the lots or units is realized, the HMUPDD provides for the incorporation of a specific enforceable condition in the Zoning Law, and covenants and restrictions that are enforceable by the HOA, which limits and restricts the occupancy of the dwelling units to a seasonal basis. The covenants also establish a notice and registration system for occupancy of the lots and units by the HOA, including a requirement that the prospective purchaser or tenant of each lot or unit shall provide written acknowledgement of and their agreement to comply with the seasonal occupancy restrictions. Moreover, the covenants further establish a presumption of a violation or breach if a lot owner or occupant seeks to apply for certain public benefits or enroll a child in the East Quogue School District on the basis of their lot or unit being their primary legal or permanent residence and/or domicile. Thus, as set forth in the FEIS, in comparison to the development of the property under the current zoning, it is not expected that the HMUPDD will have a significant impact upon the East Quogue School District. Moreover, the benefits and amenities offered demonstrate a significant positive impact to the East Quogue School District.

Consistent with the goals and purposes of a planned development district, the proposed HMUPDD provides flexible but definite standards to facilitate innovative and creative land use planning and development techniques not all possible with the existing Residence, CR-200 zoning district. The proposed HMUPDD will encourage comprehensive and innovative planning and design of the highest quality, utilizing and incorporating a compatible variety of land uses. Consistent with the FEIS and the Findings Statement adopted herewith, the Town Board has considered the potential social, economic and environmental issues associated with the HMUPDD and the various alternatives set forth in the FEIS, and finds that the HMUPDD, as set forth herein will avoid and minimize significant adverse environmental impacts to the maximum extent practicable and will provide significant community benefits and amenities in accord with the requirements of Article XXVI of the Town Code.

**SECTION 2:** Section 330-248 of the Zoning Law of the Town of Southampton is amended by adding as underlined words a new subsection W as follows:

**W. The Hills Mixed Use Planned Development District (HMUPDD).**

**(1) Purpose and Objectives.** The Hills Mixed Use Planned Development District has been structured to accomplish the findings, purpose and long-term goals established by the Town Board as part of Article XXVI (Planned Development District) of the Town of Southampton Zoning Law. The HMUPDD also supports implementation of the Town's Comprehensive Plan, Central Pine Barrens Comprehensive Land Use Plan (CLUP), the Town's East Quogue Land Use Plan (EQLUP) and Generic Environmental Impact Statement (GEIS), and the best practices from the Town's Water Quality Improvement Project Plan, particularly the overall vision, goals, findings, policies, recommended actions for natural resource protection, economic development, recreation and open space planning, specific design and development strategies for modern golf courses and environmentally sensitive planning and design. The HMUPDD provides substantial community benefits and amenities. Specific Comprehensive Plan and Zoning Law objectives achieved by the Hills Mixed Use Planned Development District are as follows:

(a) The HMUPDD supports the most efficient and purposeful use of vacant and disturbed land, and provides flexible but definitive standards to facilitate innovative and creative land use planning and development techniques recommended by the EQLUP, which are not possible under current CR-200 zoning.

(b) The HMUPDD provides efficient and viable land use options that complement the surrounding pattern and types of development and improves the overall quality of the surrounding residential neighborhoods.

(c) The HMUPDD provides an economically viable adaptive use of the property in such a way that is consistent with the visions, objectives and goals of the Town's Comprehensive Plan and East Quogue Land Use Plan and GEIS to encourage recreational amenities that capitalize on the Town's resort, second-home and tourist based economy with little or no negative impact upon the East Quogue School District.

(d) The HMUPDD provides a positive economic impact to the Town and to the surrounding hamlets and villages and will enhance property values to the residents of the Town and to the surrounding hamlets and villages.

(e) The HMUPDD encourages the preservation of a quality of place in community, which fosters the sharing of amenities and the utilization of local services

(f) The HMUPDD provides for the redemption of thirty (30) pine barrens credits to offset the development of the golf course. The underlying CR-200 zoning district permits 118 residential units but does not permit the golf course. As recommended by the Central Pine Barrens Comprehensive Land Use Plan and §330-240C of the Town

Code, the HMUPDD is identified as a receiving site for pine barrens credits. The portion of the Main Parcel that is devoted to the non-residential golf course use comprises approximately 130 acres along its outside boundaries and the 30 pine barrens credits in this case represent the equivalent area from which the pine barrens credits originated in the core preservation area of the central pine barrens. The 30 pine barrens credits will be redeemed as a condition of approval of the project and the potential development associated with such credits will be forever eliminated.

(g) The HMUPDD provides incentives for the reclamation and reuse of disturbed parcels and the restoration of 33.17 acres of environmentally disturbed pine barrens vegetation on the Main Parcel and the Parlato North Property.

(h) The HMUPDD establishes and maintains open space and open space corridors for passive recreational uses. The Hills North Parcel (86.92 ± acres) and the Parlato North Property (101.91 ± acres), and the Parlato South Property (33 ± acres) will be dedicated to the Town of Southampton for open space and conservation purposes.

(i) The HMUPDD allows the creation of a golf course that meets the most stringent requirements of modern golf courses and as set forth in the FEIS includes an integrated turf health management plan limiting the amount of fertilizer and water use, and will have a complete groundwater monitoring program equivalent to the programs at the Bridge and Sebonack golf courses as recommended by the EQLUP. The FEIS details all of the elements of this management plan for the seventy-eight acres of fertilized turf in the golf course and the monitoring program.

(j) The HMUPDD provides for the protection and improvement of the groundwater resources of the property and the Weesuck Creek watershed. The HMUPDD provides for the installation and use of innovated nitrogen reducing sewage treatment facilities acceptable to the SCDHS for the seasonal resort community, where current standards for residential development under the current CR-200 do not require same. The seasonal nature of the resort community also mitigates the impacts on groundwater resources. Additionally, the HMUPDD provides funding of the installation of an innovative nitrogen reducing sewage treatment facilities acceptable to the SCDHS for the East Quogue School District, at no cost to the taxpayers of the Town of Southampton and will be funded entirely by the applicant.

(k) The HMUPDD further enhances the protection and improvement of the groundwater resources of the property and the Weesuck Creek watershed by retirement of the development rights and dedication of the Parlato South Property (33 ± acres), which is located within 500 feet of Weesuck Creek, to the Town of Southampton for open space and conservation purposes.

(l) The HMUPDD further enhances the protection and improvement of the groundwater resources of the property and the Weesuck Creek watershed by utilization of groundwater currently laden with nitrogen from agricultural uses to the west of the Main

Parcel for fertigation on the golf course thereby reducing current nitrogen levels in the groundwater.

(m) The HMUPDD further enhances the protection and improvement of the groundwater resources of the property and the Weesuck Creek watershed by funding a program to subsidize East Quogue residents for the upgrade and replacement of existing substandard septic systems.

(n) The HMUPDD further enhances the protection and improvement of the water resources of Weesuck Creek and Shinnecock Bay by funding programs for further study, research and education on nitrogen in the waters of Shinnecock Bay and its tributaries, and programs for eelgrass restoration, seeding of bivalve filter feeders, upwellers and clam racks.

(o) The HMUPDD further provides for the maintenance of a data base of the reduction of nitrogen in the watershed as a result of the project.

(p) The HMUPDD further enhances the protection and improvement of the water resources of Weesuck Creek and Shinnecock Bay by funding programs for further study, research and education on nitrogen in the waters of Shinnecock Bay and its tributaries, and programs for eelgrass

(q) The HMUPDD provides funding and/or land for additional public parking in the business center of East Quogue, at no cost to the taxpayers of the Town of Southampton and will be funded entirely by the applicant.

(r) The HMUPDD provides funding and/or land for the East Quogue Fire District to establish a new satellite facility off of Lewis Road, at no cost to the taxpayers of the Town of Southampton and will be funded entirely by the applicant.

(s) The HMUPDD provides park and recreational space, including public trails.

(t) The HMUPDD provides for the dedication of approximately 4 acres to the Suffolk County Water Authority for a future well field, at no cost to the taxpayers of the Town of Southampton and will be funded entirely by the applicant.

(u) The HMUPDD does not require any public funding. The preservation of open space and the development of the seasonal resort development and golf course will come at no cost to the taxpayers of the Town of Southampton and will be funded entirely by the applicant.

(v) The HMUPDD increases consideration of and coordination with the school district and will have a net positive fiscal impact. The HMUPDD as a seasonal resort community with covenants limiting occupancy on a seasonal basis minimizes or negates any potential impact on enrollment in the East Quogue School District, which has already seen its student body grow significantly in recent years. The typical subdivision

alternative under the current zoning has the potential to increase enrollment in the district by more than 50 students. That, together with other factors that are currently increasing enrollment, might force the district to expand its facilities or relocate elsewhere, with negative impacts on local property taxes.

(w) The HMUPDD provides for funding to the East Quogue School District for two college scholarships, capital improvements, including the construction of a new playground, and other improvements, at no cost to the taxpayers of the Town of Southampton and will be funded entirely by the applicant. Additionally, the applicant will permit the East Quogue School District to utilize the premises for educational programs.

(x) The HMUPDD will promote the game of golf and permit limited public access to the private golf course, like other recent golf course approvals, the applicant will make the facility available to local charitable organizations for a minimum of five (5) golf outings each year. One of the golf outings will be allocated for the benefit of the East Quogue Fire District, one will be allocated to the East Quogue School District and one will be allocated for organization benefiting the water quality improvement communal fund. Additionally, the facility will be made available to the Westhampton Beach High School golf team for practice or matches. Lastly, the golf course will be opened one (1) day per year for play for up to 72 residents of the Town of Southampton at a reduced greens fee not to exceed \$100.00. All greens fees received on the public access date are to be donated to a local charity.

(y) The HMUPDD will provide funds for the establishment of affordable housing as may be required under the Long Island Workforce Housing Act and Article, II of Chapter 216 of the Town Code.

**(2) District Boundary.** The Hills Mixed Use Planned Development District shall consist of the boundaries of the properties comprising the Main Parcel, including the properties known as the Hills South Parcel and the Kracke Property comprising approximately 402 acres. These properties include the following tax map parcels and are depicted on the surveys filed in the Town Clerk's office with the application:

Suffolk County Tax Map Numbers:

0900-219-1-11.1, 12 through 19, 20.1, 21, 22, 47 through 50  
0900-250-3-1 through 6, 9, 11, 13, 14, 17, 30  
0900-288-1-61, 121, 122, 123, 125, 127, 130, 132, 133, 136, 138, 140.2, 141.1, 153  
0900-314-2-20.5  
0900-250-2-4  
0900-288-1-59.1, 60

**(3) Permitted Uses within the HMUPDD.** The following uses as shown on the “Updated PDD Master Plan” for The Hills, prepared by Vita Planning & Landscape Architecture, last dated June 28, 2017, shall be permitted, subject to compliance with the standards and conditions set forth in this section, and all other applicable laws, rules and regulations:

(a) Dwelling unit and customary accessory buildings, structures and uses as permitted under the CR-200 zoning district. The total number of dwelling units shall not exceed one hundred eighteen (118). Subject to subdivision and/or site plan review by the Planning Board, the design and configuration of the dwelling units may be in the form of single-family detached dwellings, or two-family or multi-family attached dwelling units. The clubhouse may include up to ten (10) dwelling units. Accessory indoor and outdoor recreational amenities such as swimming pools, tennis courts, exercise or spa facilities, sports courts and ball fields may also be established for the benefit of the residents in clearly delineated common areas.

(b) Private membership golf club with an 18-hole championship length golf course with customary accessory uses, including but not limited to a clubhouse with dining facilities, indoor exercise and spa facilities, pro-shop, driving range, practice area, indoor fitting facility, cart storage, parking areas, maintenance buildings with management offices, laboratory, equipment repair facility and storage areas for maintenance equipment and supplies, fuel storage facilities, irrigation facilities, including manmade ponds and pump houses, and employee housing.

**(4) Dimensional Regulations.** Within the HMUPDD, the lot area, lot width and configuration of the lots and the bulk, area, height and dimensional regulations for corresponding dwelling units and golf structures shall be established by the Planning Board upon its review of the subdivision map and/or site plan in accordance. The general form and layout of the subdivision map and site plan for the golf course and club shall be consistent with the layout and design set forth on the conceptual “Updated PDD Master Plan” prepared by Vita Planning & Landscape Architecture last dated June 28, 2017. The Planning Board shall generally use the dimensional regulations of the zoning district most similar to the size and configuration of the lot so created, unless certain physical features or the layout of the golf course warrant a particular building envelope. All detached single-family dwellings shall not exceed 32 feet in height. The clubhouse and any attached multifamily dwellings shall not exceed 40 feet in height. Notwithstanding any provision in this Chapter to the contrary, the Planning Board may, through the subdivision and site plan review process, further waive the minimum standards required herein, provided that no significant adverse environmental impact to the surrounding property will occur and the goals of this section are achieved. Nothing in this Chapter legislative act approving the zone change shall preclude the future alteration, reconstruction, enlargement or expansion of the buildings or structures erected on the premises, provided site plan review and approval is obtained, and all other zoning regulations not expressly superceded by this local law are complied with.



**(5) Site Plan for Golf Club and Multifamily Units.** A detailed site plan substantially consistent with the conceptual “Updated PDD Master Plan” for The Hills, prepared by Vita Planning & Landscape Architecture, last dated June 28, 2017, which depicts the golf course routing plan ,and in accordance with the conditions herein, shall be submitted to the Planning Board for review, refinement and approval pursuant to §330-243B and §§330-181 through 330-184.1 of this Chapter. In addition to the submission requirements set forth in §330-183, the site plan application shall include the following documents:

- (a) Soil erosion and sediment control plans.
- (b) Site clearing, grading and drainage plans.
- (c) Ground Water Monitoring Plan
- (d) Integrated Turf Health Maintenance Plan (“ITHMP”) and/or Natural Resources Management Plan (“NRMP”) setting forth the procedures for implementation of the golf course routing plan and organic protocol as set forth in the FEIS, including the construction schedule, the clearing and grading procedures, soil testing, revegetation and native plant restoration.
- (e) Revegetation and native plant restoration plans for disturbed areas. The Planning Board may require a maintenance bond to assure the survival of the plantings.
- (f) Preliminary plans for sewage treatment facilities utilizing innovated nitrogen reducing sewage treatment facilities acceptable to the SCDHS. As described in the FEIS, the method of sewage disposal shall be an innovated nitrogen reducing sewage treatment facilities that is reviewed and approved by the Suffolk County Department of Health Services prior to the issuance of a building permit for the golf course.
- (g) Limited Public Access Plan as set forth in §330-248W(7)(o) below.
- (h) Architectural elevations and floor plans.

**(6) Subdivision for Detached Single-Family Units.** A detailed subdivision application substantially consistent with the conceptual “Updated PDD Master Plan” prepared by Vita Planning & Landscape Architecture, last dated June 28, 2017, and in accordance with the conditions herein, shall be submitted to the Planning Board for review, refinement and approval pursuant to the mapping requirements, procedures and provisions of Chapter 292 (Subdivision of Land) of the Town Code. The subdivision application shall be commenced at the preliminary plat stage and processed through the final map. The subdivision application shall also include the following documents:

- (a) The applicant shall be responsible for payment of all costs and fees associated with the review and approval of the subdivision, except that in consideration of the substantial park and recreation and open space dedications herewith, the subdivision application shall not be subject to the payment of a park fee under §292-35B of the Town Code.
- (b) Preliminary plans for sewage treatment facilities utilizing innovated nitrogen reducing sewage treatment facilities acceptable to the SCDHS. As described in the FEIS, the method of sewage disposal shall be an innovated nitrogen reducing sewage treatment facilities that is reviewed and approved by the Suffolk County Department of Health Services prior to the issuance of a building permit for the golf course or final approval of the subdivision, whichever shall come first.

(c) The subdivision maps shall indicate the means of access to Lewis Road over and through the existing right-of-way known as Old Field Road or over and through other lands within 500 feet. Road and drainage plans indicating any upgrades in the approved improvements and the substitution of bonds or other guarantees shall be submitted with the application.

(d) A map showing the location of existing and proposed trails.

**(7) Conditions.** In addition to all design standards set forth herein, the applicant shall comply with the following conditions:

(a) Prior to the signature of the final subdivision map or site plan, whichever shall come first, the applicant shall provide proof of redemption of thirty (30) pine barrens credits originating from the Core Preservation Area in the Town of Southampton.

(b) Prior to the signature of the final subdivision map or site plan, whichever shall come first, the applicant shall provide proof of the dedication of the properties encompassing the Hills North Parcel (86.92 ± acres), Parlato North Property (101.91 ± acres), and Parlato South Property (33 ± acres) to the Town of Southampton for open space and conservation purposes.

(c) A Groundwater Monitoring Agreement that implements the groundwater monitoring program, including the maintenance of a data base of the reduction of nitrogen in the watershed as a result of the project, shall be executed between the applicant, the Town of Southampton and a third-party consultant designated by resolution of the Town Board, which agreement shall be submitted prior to the construction of the golf course. The applicant shall be responsible for the cost of such monitoring. Such agreement shall be in a form approved by the Town Attorney and, if applicable, a memorandum or declaration shall be recorded in the Office of the Suffolk County Clerk prior to the issuance of a Certificate of Occupancy for the golf course. Remediation procedures shall be formalized during the site plan review process, as recommended by the Town's consultant. All costs for this review shall be borne by the applicant and a central repository for this data shall be established within the Department of Land Management. Monitoring commitments shall be outlined as project commitments as part of the site plan conditions and any remediation necessary shall be borne by the responsible party/property owner.

(d) The Integrated Turf Health Maintenance Plan ("ITHMP") and/or Natural Resources Management Plan ("NRMP") setting forth the procedures for implementation of the golf course routing plan and protocols as set forth in the FEIS, including the construction schedule, the clearing and grading procedures, soil testing, revegetation and native plant restoration plan, shall be submitted with the site plan application. The plans shall include the plans procedure and protocol for the monitoring, pumping and utilization of groundwater currently laden with nitrogen from agricultural uses to the west of the Main Parcel for fertigation on the golf course. The Planning Board may require such agreements, covenants and/or performance/maintenance bonds to guarantee compliance with the ITHMP and/or NRMP. Such agreements, Declaration of Covenants

and/or bond shall be in a form approved by the Town Attorney and, where applicable, be recorded in the Office of the Suffolk County Clerk prior to the issuance of a Certificate of Occupancy for the golf course.

(e) Prior to the issuance of the Certificate of Occupancy for the golf course, the applicant shall restore the disturbed pine barrens vegetation on the Main Parcel and the Parlato North Property. The applicant may post a performance bond to guarantee the satisfactory restoration and the Planning Board may require a maintenance bond to assure survival of the revegetation.

(f) Prior to the signature of the final subdivision map or site plan, whichever shall come first, the applicant shall provide proof of funding of the installation of an innovative nitrogen reducing sewage treatment facilities acceptable to the SCDHS for the East Quogue School District. Such funding shall, if applicable, include, funds for design and approval of the system.

(g) Prior to the signature of the final subdivision map or site plan, whichever shall come first, the applicant shall provide proof of funding of a program described in the FEIS with One Million Dollars (\$1,000,000.00) to subsidize East Quogue residents for the upgrade and replacement of existing substandard septic systems.

(h) Prior to the signature of the final subdivision map or site plan, whichever shall come first, the applicant shall provide proof of funding of programs described in the FEIS for further study, research and education on nitrogen in the waters of Shinnecock Bay and its tributaries, and programs for eelgrass restoration, seeding of bivalve filter feeders, upwellers and clam racks.

(i) Prior to the signature of the final subdivision map or site plan, whichever shall come first, the applicant shall provide proof of dedication and improvement of land in the form of fee title or an easement for additional public parking in the business center of East Quogue, or proof of funding to the Town of Southampton in lieu thereof.

(j) Prior to the signature of the final subdivision map or site plan, whichever shall come first, the applicant shall provide proof of dedication of land to the East Quogue Fire District to establish a new satellite facility off of Lewis Road.

(k) Prior to the signature of the final subdivision map or site plan, whichever shall come first, the applicant shall proof of dedication of land of approximately four (4) acres on the Main Parcel to the Suffolk County Water Authority for a future well field.

(l) To assure that the lots and units in The Hills are occupied on a seasonal basis and are not occupied as a place of primary legal residence and/or domicile; the occupancy of the lots and units on The Hills shall be restricted as follows:

(i) At no time hereafter, shall the dwelling units erected on the lots and/or units shown on the aforesaid subdivision map be occupied as a place of primary or permanent residence or domicile;

(ii) There shall be no time limits on occupancy of a lot or unit between May 1 and October 15 in any given year, provided, however, that the total number of days of occupancy in any calendar year shall not exceed one-hundred-eighty-three (183) days; and

(c) A lot or unit may not be occupied for more than thirty (30) consecutive days or an aggregate of sixty (60) days between October 16 and April 30 in any given year.

These conditions shall be enforceable by the Town and subject to penalties and remedies under 330-186 of the Zoning Code.

(m) Prior to the signature of the final subdivision map or site plan, whichever shall come first, the applicant shall incorporate the conditions set forth in condition (v) above in a Declaration of Covenants and restrictions, which shall be in a form approved by the Town Attorney and recorded in the Office of the Suffolk County Clerk.

(n) Prior to the signature of the final subdivision map or site plan, whichever shall come first, the applicant shall provide proof of funding to the East Quogue School District for two college scholarships, capital improvements, including the construction of a new playground, and other improvements, as set forth in the FEIS. Additionally, the applicant shall permit the East Quogue School District to utilize the premises for educational programs.

(o) The applicant shall make the facility available to local charitable organizations for a minimum of five (5) golf outings each year. One of the golf outings shall be allocated for the benefit of the East Quogue Fire District, one shall be allocated to the East Quogue School District and one shall be allocated for an organization benefiting the water quality improvement communal fund. Additionally, the facility shall be made available to the Westhampton Beach High School golf team for practice or matches. Lastly, the golf course shall be opened one (1) day per year in the Spring or Fall for play for up to 72 residents of the Town of Southampton on a lottery basis at a reduced greens fee not to exceed \$100.00. All greens fees received on the public access date shall be donated to a local charity. These conditions shall be incorporated into a Limited Access Plan, which shall provide for an annual reporting to the Town. Prior to the signature of the final subdivision map or site plan, whichever shall come first, the applicant shall incorporate the conditions of the Limited Access Plan in a Declaration of Covenants and restrictions, which shall be in a form approved by the Town Attorney and recorded in the Office of the Suffolk County Clerk.

(p) Prior to the signature of the final subdivision map or site plan, whichever shall come first, the applicant shall pay applicable funds as determined by the Planning Board for the establishment of affordable housing as may be required under the Long Island Workforce Housing Act and Article, II of Chapter 216 of the Town Code.

(q) Notwithstanding the provisions of §330-244H and any other provision of this Chapter to the contrary, there shall be no limitation on the time periods in which an application for building permit(s) and/or Certificates of Occupancy must be submitted

and approved for each of the individual buildings approved by the Planning Board. The applicant, for example, may choose to phase in over several years, the construction of the residences. The golf course, however, may not operate without the completion of the maintenance facilities and clubhouse.

**SECTION 3.** The HMUPDD is exempt from the provisions of Local Law No. 16 of 2017, adopted on July 20, 2017.

**SECTION 4.** This local law shall be subject to the approval of the Central Pine Barrens Joint Planning & Policy Commission pursuant to §§4.5.3.1 - 4.5.3.6, Central Pine Barrens Comprehensive Land Use Plan.

**SECTION 5.** Severability

If any section or subsection, paragraph, clause, or phrase of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

**SECTION 6.** Effective Date

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.