



**Southampton Town Board**

116 Hampton Road  
Southampton, NY 11968

**ADOPTED**

**TOWN BOARD RESOLUTION 2007-912**

Meeting: 06/26/07 06:00 PM

Department: Planning

Category: Local Laws

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Initiator: Jefferson Murphree

Sponsors: Councilwoman Linda Kabot

DOC ID: 6167

**Resolution of Adoption of a Local Law to Enact a Zoning Change From Highway Business (HB) to RTW Residential Planned Development District (RTWRPDD) for a 50 Unit Age-Restricted (55 Yrs. +) Housing Development In Hampton Bays**

WHEREAS, a change-of-zone/Residential Planned Development District (RPDD) application has been received by the Town Board of the Town of Southampton to rezone approximately 8.24 acres of land located on the north side of Montauk Highway, 150 feet east of Allamoro Road in Hampton Bays (SCTM No. 900-253-1-22, 23) which is currently owned by RTW Associates, LLC, from Highway Business (HB) to a Residential Planned Development District (RPDD) to allow the construction of a 50-unit age-restricted (55 yrs. and over) housing development, to include a clubhouse/recreation building and an outdoor swimming pool, with 30% of the units set aside as Community Benefit Units for those who qualify under Chapter 216 of the Town Code; and

WHEREAS, the zoning change is a Type I action pursuant to SEQRA and Section 330-246 of the Town Code; and

WHEREAS, after coordination with all involved agencies, by Resolution No. 1519 adopted on October 26, 2004, the Town Board of the Town of Southampton assumed lead agency; and

WHEREAS, the Town Board of the Town of Southampton has conducted a SEQRA review of the subject action consisting of an EAF Part II and Part III where potentially large impacts identified in the Part II have been assessed with concurrent mitigation strategies; and

WHEREAS, on June 26, 2007, the Town Board by resolution adopted a negative declaration for the subject application;

BE IT HEREBY RESOLVED, that Local Law No. 33 of 2007 is hereby adopted as follows:

**LOCAL LAW NO. 33 OF 2007**

A LOCAL LAW amending Chapter 330, Article XXVI (Planned Development District), of the Code of the Town of Southampton by adding a new Section 330-248 (Q) entitled "RTW Associates, LLC" (RTWRPDD).

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

**SECTION 1. Legislative Findings**

It is the intent of this local law to change the zoning classification of the property of RTW Associates, LLC, consisting of two parcels, comprising approximately 8.24 acres located on the north side of Montauk Highway (C.R. 80), approximately 140 feet east of Allomara

Road, south side of LIRR, Hampton Bays, Town of Southampton, Suffolk County, New York, (SCTM #s 900-253-1-22 & 23), from Highway Business (HB) to a specific Residential Planned Development District to permit the construction of up to fifty (50) age-restricted (senior citizen age 55 +) residential housing units to include fifteen (15) Community Benefit Units as described herein to provide affordable housing opportunities consistent with the provisions of Chapter 216 of the Town Code.

The subject properties lie in the HB district along the north side of the Montauk Highway corridor at the western fringe of the Hamlet of Hampton Bays. The site is bounded by Montauk Highway to the south, an office building and four residential lots to the west, the Long Island Rail Road tracks to the north, and a retail center and car wash to the east. The LIRR tracks are immediately north of the site beyond which are approximately 273 acres of vacant forested County-owned land. The majority of land uses south of Montauk Highway in the area are residential in nature; on the north side of the highway the majority of land uses are commercial/office, with a few pre-existing residential uses located immediately adjacent to the site to the west. The site is within ¼ mile of a shopping center (zone: SCB) which includes a supermarket, several take-out restaurants and other retail/service stores.

The Town Board of the Town of Southampton recognizes that Southampton has a high percentage of citizens over the age of 55. Given present economic and other factors impacting many older citizens, including but not limited to fixed incomes, physical restrictions, and the rapidly accelerating costs of maintaining a single family residence, the Town Board has deemed it necessary to provide these citizens with adequate housing throughout the Town. Article III of the Town Code currently provides for the establishment of a 'Senior Citizen Zone District' (SC-44) to provide an opportunity for the development of multi-unit housing on sites located in reasonable proximity to shopping, medical services, and other community facilities and with access to major roads and public transportation-provided the development is planned in a manner that is consistent with the goals and objectives of the Comprehensive Plan. However, pursuant to §330-14 J (2), in lieu of establishing the floating SC-44 district, the Town Board may find the zoning classification for a proposed age-restricted housing development is better accommodated through the use of planned development district (PDD) standards.

The ability to increase the number of dwellings per parcel may, under certain circumstances, lower the purchase price of a home. The PDD process provides a mechanism for the Town Board to review on a case-by-case basis increased density development proposals as an incentive for developers to provide substantial community benefits or amenities pursuant to the applicable provisions of Article XXVI and Town Law § 261-b. The intent is to support creative, desirable and affordable private residential development by providing incentives and flexibility which encourage the use of innovative planning and design techniques, consistent with the recommendations of the 1999 Comprehensive Plan Update (1999 Update). However, a balance must be struck to appropriately place multi-unit housing developments throughout the Town such that the rural/resort character of Southampton is maintained. In order to do this, it is anticipated that enabling a diversity of housing stock will help to provide options for people in all different life-circumstances, especially Southampton's elderly and cost-burdened population.

The Town Board's intent is to promote diversity, affordability, and flexibility in the housing supply. By dispersing different housing types (single family, apartments over office or shops, carriage house, etc.) throughout all hamlets and neighborhoods within the Town, the

need for large condominium developments in any one area will be lessened, thereby making preservation goals achievable while still adequately taking into consideration the regional need for adequate and affordable housing. Where multi-family housing is found to be appropriate, clustering, open space preservation and the most efficient utilization of transportation systems, utilities, and public services are intended to be achieved through implementation of the Residential PDD classification.

The proposed RTWRPDD is found to accomplish several objectives outlined in the 1999 Update, namely by providing a land use that serves an identified community need- housing for persons over the age of 55 years to be constructed in a manner that is consistent with the design objectives for multi-unit housing, as well as entering 30% (15) of the total (50) units into the affordable housing stock as Community Benefit Units for both middle and moderate income levels pursuant to the provisions of Chapter 216 of the Town Code. As offered by the applicant, a preference for Hampton Bays and East Quogue residents shall be established for the below market-rate units. Further, the developer has offered the following additional community benefits:

- In order to enhance a walkable environment and provide transportation alternatives, new sidewalks will be constructed along the north side of Montauk Highway from the subject property to the shopping center a quarter (0.25) mile east of site (in concert with the repair of existing sidewalks)
- A 1,000 dollars park fee per dwelling unit is proposed for contribution to the Town for each of the market rate units with the intention of contributing to capital improvement funds for park facilities to offset any increased usage thereby benefiting the Town and community as a whole.
- Construction of a bus shelter by the developer along Montauk highway in front of the site to facilitate use of public transportation.
- A \$15,000 contribution for traffic pre-emption equipment at the existing signal ¼ mile to the east of the subject site to increase traffic safety along the Montauk Highway Corridor.
- The transfer of two (2) Pine Barrens Credits or Development Rights to facilitate the preservation of open space and offset the increase in residential density.

Throughout the application process for the RTWRPDD, the Town Board has considered the appropriateness of the zoning change from Highway Business (HB) to Residential PDD to allow for the proposed age-restricted housing development, which has led to discussions related to the nature of the Highway Corridor itself. Conventional Highway Business zoning has designated extensive amounts of highway frontage for high-intensity commercial development which more often than not caters primarily to the needs of motorists. The resultant 'strip zoning' along certain highways has encouraged a linear pattern where uses are separated and multiple curb cuts exist. Strip single-use commercial development is often viewed as the least desirable type of commercial development, because it consumes more land than planned shopping centers with multiple uses or compact central business districts. In many cases the accessibility and large expanses of parking for a single use within the retail and commercial corridors have created an unfair match for the existing central business districts/hamlet centers. The proliferation of strip commercial development in inappropriate areas contributes to homogenization of the visual landscape, causing unattractive streetscapes, the extension of suburban sprawl, and increased opportunities for traffic accidents. Other livability problems are related to the auto dependent nature of strip commercial development (e.g. commercial services, organized in this fashion, are very

difficult, if not impossible, to access by foot therefore causing pedestrian-automobile conflicts).

Ideally a corridor should be characterized by its visual continuity and considered both the connector and separator of neighborhoods and districts. Visual continuity can be construed as either as green or open space or buildings that relate to and complement one another without what would be considered visual pollution or blight (e.g. unattractive or franchise architecture, excessive signage, etc.). In low-density and gateway areas, the corridor may be a continuous green edge, providing long-distance walking and bicycle trails or other recreational amenities and, if wide enough, a continuous natural habitat. In the general recommendations section for Highway Business areas, the 1999 Update recommends that *"every effort should be made to de-intensify the highway business "strip", though this can be accomplished through stricter design guidelines and/or intensification of development on particular sites"*. An alternative to a strip pattern, which still meets the demand for commercial space, is to designate integrated retail clusters or nodes around major intersections and limit or re-design certain retail or commercial uses on other portions of the corridor. The nodes can be planned to integrate other commercial, office, and even housing development, along with retail uses.

The 1999 Update advocates targeting specific highway corridors for townscape design upgrades. The Update further indicates that contiguous business districts add up to over three linear miles of commercial uses on Montauk Highway, making this the largest commercial corridor in Southampton. Currently the Town Board has sponsored a Montauk Highway Corridor Study in Hampton Bays as an update to and expansion of the 1999 Hampton Bays Hamlet Center Strategy Study in order to address the issues and opportunities that may affect future development. The study extends from Jones Road on the west side to the Shinnecock Canal on the east and includes the stretch of HB zoning that the subject premises lie within. The re-zoning from HB to RPDD provides a unique opportunity to implement preliminary findings from the study that consider this area as the western gateway and as such retain a more heavily landscaped transitional area rather than situating buildings closer to the road, as would be the design standard for a traditional hamlet center.

In terms of design, the 1999 Comprehensive Plan Update advocates the promotion of built forms that relate to the historically residential 'approaches' to the hamlet centers. Oftentimes, buildings that are intrinsically out of step with a community, because of their sheer size or their architectural style (or both) are required to be mitigated with heavy plantings of trees and shrubs. The other method, which does not rely upon greenery to mask inharmonious buildings and building arrangements, utilizes a 'scale unit' by which structures may be measured and compared with the human scale. This alternative concept is usually advocated because when designed with traditional patterns and proportion as well as quality materials and landscaping, structures can add to the visual landscape and become attractive features of the Town.

For the subject properties, the conceptual plan that placed buildings and uses closer to the Montauk Highway was rejected primarily based on the public's desire to retain visual continuity along this portion of roadway in the form of green space. Other concerns were based on noise and safety issues for the elder residents in terms of proximity to the highway. Therefore, in order to achieve the goals of the RPDD zoning (flexible, creative aesthetic design) and facilitate retaining a resort/tourism image as advocated by the Comprehensive Plan, the proposed development will retain natural vegetation at the road

frontage and include a significant and heavily vegetated berm (as shown by example in figure 1 below). Internally, the site will be designed at a human scale with Traditional Neighborhood Design (TND) amenities and character rather than a typical condominium complex.

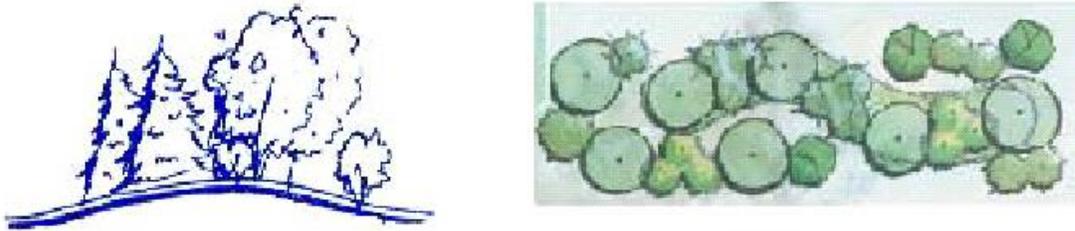


Figure 1. Example of mature landscaped berm with staggered native plantings

Although heavily vegetated and screened from the Highway, the design of the interior site is still considered important because it serves as a model for other multi-unit projects, and in this case it will specifically serve to provide a sense of community where residents can 'age in place'. In order to provide understandable criterion and workable guidelines to define the 'flexible, creative, aesthetic design' that a RPDD is meant to facilitate, the Town Board is requiring the following TND elements for the applicant to include in the site plan design: one entrance point into the community, either one or more village green areas, the multi-family buildings to have a residential character to include front porches for social interaction (see example in figure 2 below), fronting the homes on narrow tree-lined streets or the green(s) with garages behind the units (example shown in figure 3), on-street parking (cross-section sample in figure 4), constructing sidewalks within the development and along Montauk Highway to provide walkability and synergy between residential and business uses, providing recreational opportunities for the residents (example in figure 5) and retaining existing vegetation along the perimeter to buffer adjoining uses. Note that the architectural design of the units will be subject to additional review by the Planning Board and Architectural Review Board.



Figure 2. Example of residential-scale architecture featuring front porches



Figure 3. Example of units facing on common area with garages placed toward rear/outside street element. This pattern could be repeated to create several small central common areas/greens where appropriate. Pedestrian trail linkages are an important feature for this arrangement; sidewalks would be placed along exterior roadway with street trees

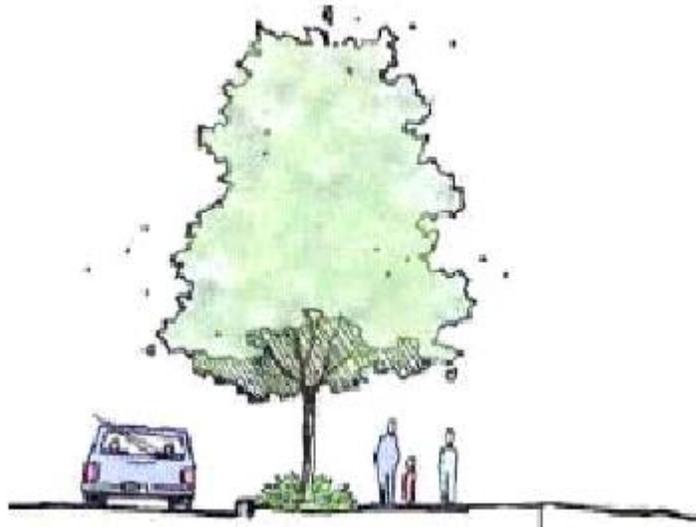


Figure 4. Example of on-street parking with street trees and 5 ft. wide sidewalks



Figure 5. Example of a recreation center/pool with on-street parking and pedestrian walkways. Note that the recreation building should be easily accessible to all residents but not at the expense of the entire central green. Size of facility should be designed using 'scale unit' principle and be consistent with the development's residential architecture.

As described above, the Town Board has weighed the merits and impacts associated with the HB and RPDD land uses in the context of the surrounding area and in relation to sound physical, social and economic development needs of the community and finds the proposed RPDD use to be compatible and transitional between the single family and office uses to the west and highway business uses to the east. From a land use standpoint, the Town Board has examined the subject property with regard to its size and location within the existing HB district, as well as the extent of potential commercial enterprise that could be developed under current standards in comparison with the nature of the multi- unit senior (55+) housing use that would result from the subject zone change. The proposed RPDD use with a density of approximately 6 units per acre that incorporates all the design controls in this instance is considered less intense than the potential commercial development the site could

support under the current HB zoning and reflects the community's desire to limit the extent of commercial uses sprawling into this section of the corridor. The proposed use is also considered to be more beneficial in terms of traffic impacts, however, in order to account for the possibility of increased emergency services due to the nature of the proposed use and to address other traffic issues along this corridor, the applicant will provide a one-time contribution for a traffic pre-emption device as indicated in the Community Benefits section.

The Town Board recognizes that this re-zoning results in the addition of multi-unit housing in an area that was not zoned for residential use. The 1999 Comprehensive Plan Update states that "PDD zoning provides the ability to modify the uses and densities normally allowed by the underlying zoning, in order to create substantial public amenities and/or in connection with TDR credit purchases"; therefore in addition to the public benefits offered in connection with this application, the applicant will be required to transfer two (2) development rights or Pine Barren Credits to offset any density increase with the preservation of open space.

Using existing development standards for the floating Senior Citizen Zone (SC 44) established in Article III (§330-13, 15) as well as Multi-Family Planned Residential Development District (MFPRD) standards in Article IV (§330-25), and Traditional Neighborhood Design (TND) guidelines as recommended by the Comprehensive Plan and shown by examples herein, it is the purpose and intent of this legislation to rezone the subject properties to Residential Planned Development District (RPDD). In doing so, this legislation further intends to define the necessary parameters to establish a framework for the construction of an age-restricted ("active senior") housing development as provided under the provisions of Article XXVI for review and approval by the Planning Board and Architectural Review Board pursuant to the applicable sections within Chapter 330 of the Town Code.

#### SECTION 2. Map Amendment.

Chapter 330 of the Town Code (Zoning Map) shall be amended by changing the zoning district of parcels identified by SCTM No. 900-253-1-22 and 900-253-1-23 from Highway Business (HB) to RTW Residential Planned Development District (RTWRPD). The parcels consist of 8.24 acres and are located on the north side of Montauk Highway (C.R. 80), approximately 140 feet east of Allomara Road, south side of LIRR, Hampton Bays, Town of Southamptn, Suffolk County, New York

#### SECTION 3. Text Amendment.

Chapter 330, Article XXVI (Planned Development District), of the Code of the Town of Southamptn is amended by adding a new Section 330-248 (Q) entitled "RTW Planned Development District" (RTWRPDD) by adding underlined words as follows:

#### Q. RTW Residential Planned Development District ("RTWRPDD").

(1) Purpose and objectives. The RTW Residential Planned Development District ("RTWRPDD") is designed to accomplish the findings, purposes, and long-term goals established by the Town Board as part of Article XXVI ("Planned Development District") of the Code of the Town of Southamptn, and specifically those established

for a Residential Planned Development District. The RTWRPDD provides an alternative type of residential housing for senior citizens. The Town Board of the Town of Southampton recognizes that Southampton has a high percentage of senior citizens, and given present economic factors impacting many seniors, including but not limited to fixed incomes, physical restrictions, and the rapidly accelerating costs of maintaining a single family residence, the Town Board deems it necessary to provide for such housing within the Town. The RTWRPD also facilitates the use of public transportation, as the site is situated along a public bus route and will incorporate the construction of a bus shelter on the Montauk Highway Corridor as one of the public benefits.

The RTWRPDD also supports implementation of the 1999 Town of Southampton Comprehensive Plan Update and the 1999 Hampton Bays Hamlet Study in that it (a) increases the amount of affordable housing for senior citizens in the Town, not only for moderate-income seniors, but also for middle-income seniors that are priced out of the market, (b) creates affordable housing that is in keeping with the historic, architectural, and natural qualities of the Town, (c) maintains the residential character of the hamlet of Hampton Bays, and (d) helps to retain the visual continuity along this portion of the Corridor by providing substantial landscaping.

The RTWRPDD provides an alternative housing type in the form of multi- units, and much-needed affordable senior housing in the form of Community Benefit Units, as that term is defined in Chapters 216 and 330 of the Code of the Town of Southampton. The RTWRPDD development shall be designed to incorporate various features appropriate for senior lifestyles as well as 'traditional neighborhood design' and 'smart growth' principles including (a) providing centralized common areas/village green(s), around which the residential units will be situated, thereby providing places for the residents to gather and/or engage in recreational activities, (b) constructing sidewalks throughout the development, on-street parking and rear-facing garages to facilitate compact development, (c) providing connections to public transportation and future pedestrian cross access for adjacent uses, and (d) provide building designs that are residential in character, well articulated but not overly exaggerated, that incorporate the traditional architectural features characteristic of the Town of Southampton (including front porches and gabled roofs for all condominium units). In addition, the RTWRPDD shall provide a sewage treatment facility that meets Suffolk County Health Department standards to protect groundwater resources. By enabling a density of approximately 6 units per acre, the RTWRPDD will be able to provide multi-unit housing opportunities in a creative, desirable, and aesthetic design, that will help achieve both the affordable and senior housing goals of the Town. Moreover, the RTWRPDD provides these housing opportunities in a manner that is considered transitional, beneficial and compatible with the surrounding land uses.

Based on the foregoing, the RTWRPDD provides public benefits through (a) the provision of 15 Community Benefit Units, among the 50 total units to be developed, with the first offering of all units including market rate units exclusively to residents of Hampton Bays and East Quogue for a six month period; (b) the construction of sidewalks and, where appropriate, pedestrian trails internally throughout the community; (c) the construction of internal streets that are lined with deciduous trees and provide parallel parking to reflect Traditional Neighborhood Design (TND)

standards (d) the construction of new sidewalks along the entire frontage of Montauk Highway to connect to the existing sidewalks to the east to include the installation of street trees to screen the pedestrian from the Highway (where permissible by Suffolk County Dept. of Public Works) (e) upgrading (repair) of the existing sidewalks to the east that this development will connect to in order to provide a continuous walkway to the nearby shopping center (f) providing a substantial berm with significant and mature vegetation along the entire frontage to provide year-round visual screening and continuity along this stretch of corridor as well as substantial interior and perimeter plantings; (g) construction of a cedar-clad bus shelter along Montauk Highway in front of the site to facilitate use of public transportation; (h) contribution of park fee representing \$1,000 per market rate unit (total of \$35,000) to the Town to facilitate additional recreational amenities for the community of Hampton Bays; (i) contribution of a traffic pre-emption (total of \$15,000) to facilitate ambulance and fire service response to the subject property; (j) installation of fire sprinklers within all residential buildings to enhance life-safety [noting that the cost of said installation is offset by reducing the number of Pine Barren Credits or TDR's required from four (4) down to two (2)]; (k) transfer of two (2) Development Rights or Pine Barrens Credits within the Hampton Bays School District or cash-in-lieu thereof in order to achieve the goals of PDD legislation by offsetting increases in density and providing open space.

As indicated above, establishment of the RTWRPDD helps implement the overall goals and recommendations of the 1999 Town of Southampton Comprehensive Plan Update. Specifically, the RTWRPD:

- (a) Promotes an efficient and purposeful use of vacant land;
- (b) Creates a planned residential community that provides senior housing to address the social and economic needs of the older residents of the hamlet of Hampton Bays and the overall needs of the Town of Southampton;
- (c) Increases the amount of senior and affordable housing in the Town and helps to disperse it throughout the Town;
- (d) Provides affordable housing that is in keeping with the historic, architectural, and natural qualities of the Town, and does not stigmatize the residents of such housing;
- (e) Establishes innovative land use and zoning standards;
- (f) Allows development of a community wherein the housing type, layout and arrangement encourages the creation and preservation of a sense of place, pride, and values;
- (g) Effectively protects groundwater resources by providing a sewage treatment system;
- (h) Provides open space;

- (i) Encourages comprehensive and innovative planning and design of the highest quality; and
- (j) Encourages the use of public transportation.
- (k) Preserves open space and implements the Central Pine Barrens Plan through transferring Pine Barren Credits or Development Rights or contributing the cash equivalent based upon fair market value for municipal purchase to accomplish same.
- (l) Incorporates design standards in the interest of 'aging-in-place' and independent-living/life-safety enhancements appropriate for higher-risk occupancies, such as age-restricted housing.

(2) District boundary. The Hampton Bays West Residential Planned Development District shall consist of two (2) parcels designated as Suffolk County Tax Map Nos. 0900-253-1-22 and 0900-253-1-23, comprising approximately 8.24 acres located on the north side of Montauk Highway (C.R. 80), approximately 140 feet east of Allomara Road, south side of LIRR, Hampton Bays, Town of Southampton, Suffolk County, New York, as shown on surveys prepared by Jacob Buckheit of Dolliver Associates, (survey of 253-1-22 dated November 27, 2000 and revised August 15, 2002; survey of 253-1-23 dated May 17, 1982 and revised November 27, 2000) and more particularly described as all that certain plot, piece or parcel of land situate, lying and being in Hampton Bays, Town of Southampton, County of Suffolk and State of New York, bounded and described as follows:

(a) Parcel 1: BEGINNING at a point in the northerly line of Montauk Highway, distant from the intersection of the northerly line of Montauk Highway with the southerly line of land of the Long Island Railroad Company, the following 4 courses and distances along the said northerly line of Montauk Highway:

- [1] South 45 degrees 13 minutes 20 seconds West, a distance of 71.35 feet;
- [2] South 51 degrees 29 minutes 20 seconds West, a distance of 975.57 feet;
- [3] South 61 degrees 5 minutes 30 seconds West, a distance of 580.28 feet;
- [4] South 78 degrees 32 minutes 0 seconds West, a distance of 1191.05 feet;

RUNNING THENCE from said point of BEGINNING, along the northerly line of Montauk Highway, South 78 degrees 32 minutes 00 seconds West, a distance of 331.21 feet to land now or formerly of William W. Hubbard;

THENCE along said land now or formerly of William W. Hubbard, North 11 degrees 28 minutes West, a distance of 661.14 feet to land of the Long Island Railroad Company;

THENCE along said land of the Long Island Railroad Company, North 78 degrees 37 minutes East a distance of 331.21 feet to other land now or formerly of William H. Hubbard;

THENCE along said other land now or formerly of William W. Hubbard, South 11 degrees 28 minutes East, a distance of 660.64 feet to the point or place of BEGINNING.

(b) Parcel 2: BEGINNING at a point in the Northerly line of Montauk Highway which is a distance of 937.29 feet Eastwardly from the Easterly line of the New York State Parking Area, which lies opposite or near opposite Jones Road;

AND FROM said point of beginning running thence North 11 degrees 28 minutes West 661.45 feet (deed) 661.37 (actual) to land now or formerly of Long Island Railroad Company;

THENCE along said land now or formerly of Long Island Railroad Company North 78 degrees 37 minutes East 212.46 feet to land now or formerly of Depak Realty Assoc.;

THENCE along said land now or formerly of Depak Realty Assoc., South 11 degrees 28 minutes East 661.14 feet (deed) 661.06 (actual) to the northerly line of Montauk Highway;

THENCE along the Northerly line of Montauk Highway, South 78 degrees 32 minutes 00 seconds West, 212.46 feet to the point or place of BEGINNING.

(3) Permitted uses within the RTWRPD may include the following uses only subject to review and approval by the Planning Board and compliance with all applicable laws, rules and regulations:

(a) Multi-family dwellings, single-family townhouses, duplexes, attached condominiums, manor houses, zero-lot-line residences and other multiple dwellings in a single building.

(b) Parking areas, attached or detached garages.

(c) Sewage treatment facility (Chromaglass or similar as approved by the Suffolk County Department of Health Services), to be accessory to the planned development, subject to review and approval from the Suffolk County Department of Health Services.

(d) Fences, arbors, trellis, walkways, decks and patios, provided same are subject to site plan review and approval by the Planning Board.

(e) Permitted buildings, structures and accessory uses for the residents and their guests and customarily incidental to the primary use:

[1] Park area to include passive recreational facilities such as: benches and picnic areas; gazebo.

[2] Park area to include active recreational facilities such as golf putting green or similar; pedestrian trails; exercise trails, etc.

[3] A community building with indoor/outdoor recreational facility such as a community swimming pool, and scooter recharge area.

[4] Bus shelter.

(4) Dimensional regulations. The following bulk, area, height and dimensional regulations shall apply within the RTWRPDD. Notwithstanding any provision in this Chapter to the contrary, the Planning Board may, through the site plan review process, modify the standards required herein, provided that: no significant adverse environmental impact to the property or its surroundings will occur, the change is considered minor, and the modification would better achieve the goals and objectives described within the legislative intent and this section.

(a) Lot area, minimum: 8.24 acres

(b) Maximum lot coverage by main and accessory buildings: 20%

(c) Maximum building size:

[1] Manor House (2-4 units): 6,000 sq. ft.

[2] Apartment House (5-10 units): 12,000 sq. ft.

[3] Recreation building (floor area): minimum 10 sq. ft. indoor space per unit, maximum 74 sq. ft. per dwelling unit (2,500 sq. ft. footprint; 3,700 sq. ft. maximum gross floor area).

[4] Detached garages (2 car): 565 sq. ft. maximum

(d) Minimum lot area per dwelling unit: 7,150 sq. ft.

(e) Maximum total impervious surface area: 50%

(f) Height, maximum:

[1] Stories: two

[2] Feet: 32

(g) Yards, principal building, minimum:

[1] Frontage/Building setback from Montauk Highway: 80 feet

[2] Front (internal streets): 30 feet

[3] Side- (perimeter of site): 40 feet

[4] Side- (internal) minimum for one: 0 feet middle units; 10 ft. min. for end units.

[5] Side-(internal) total: 30 feet

[6] Side, (abutting internal street on corner lot): 30 feet

[7] Rear (perimeter): 50 feet

(h) Yards, accessory buildings and structures, including detached garages, except fences and retaining walls:

[1] Distance from (internal) street: 40 feet

[2] Distance from (perimeter) side and rear lot lines: 10 feet

(i) Buffer yards:

[1] A buffer yard with a minimum width of 65 feet shall be established and heavily landscaped along the entire property line fronting Montauk Highway with the exception of the required site and emergency access locations. The first 10 feet of said buffer (measured from the edge of the Montauk Highway right-of-way) shall maintain the existing grade, and a heavily landscaped berm 6 ft. in height shall be established in accordance with §330-110 for the remaining 55 feet (to include irrigation). Landscaping shall be staggered, and of sufficient height to fully diffuse and screen the mass and scale of the development from street view year-round. The term "sufficient height" shall mean deciduous trees no less than 3½ inch caliper diameter and a variety of evergreen trees a minimum of 6 feet in height.

[2] A buffer yard of a minimum width of 30 feet shall be provided along all side and rear property lines. Other landscaping requirements shall be implemented by the Planning Board as outlined in (7)(d)[10].

[3] The Town Planning Board may increase or decrease the depth of a required buffer yard based upon findings that such an increase or decrease is warranted as a result of an analysis of existing on-site or off-site uses or dimensional conditions pertaining to the subject property or adjoining properties. In no case shall the front buffer yard be less than 50 feet.

(j) Porches:

[1] Depth: 8 ft. minimum

[2] Width: 10-12 ft.

[3] Height (from grade): 24 in. maximum

(5) Yield and Unit Size.

(a) The total number of dwelling units within the RTWRPD shall not exceed 50.

(b) The size of the market-rate units shall be limited to a maximum total gross floor area of 1,800 square feet and a minimum total gross floor area of 1,000 square feet, exclusive of basements, garages, and attics, if any.

(c) The size of the fifteen (15) community benefit units shall be limited to a maximum total gross floor area of 1,200 square feet and a minimum total gross floor area of 1,000 square feet, exclusive of basements, garages, and attics, if any.

(d) The total amount of bedrooms on site shall not exceed 100. Bedroom mix may vary from 1 to 3 between market-rate units, however, all of the 15 Community Benefit Units shall have two bedrooms.

(6) General development standards. To ensure consistency with the findings, purpose, goals, and general development standards established for planned development districts, all

development shall conform to §330-240 and §330-245 of the Code of the Town of Southampton.

(7) Specific development standards.

(a) A revised site plan must be submitted to the Town of Southampton Planning Board for review, refinement and approval pursuant to §330-243B and §330-181 through §330-184.1 of the Town Code of the Town of Southampton. The proposed development shall be consistent with the conceptual plan entitled 'Arborview at Tiana' prepared by A. Sutton dated 3/21/05 and last revised 4/7/06, subject to revisions that conform to dimensional requirements and other performance standards outlined herein.

(b) The Town of Southampton Planning Board, in reviewing and approving a final site plan, shall ensure that the plan conforms to the requirements and intent of the RTWRPDD.

(c) All construction shall be subject to the review of the Board of Architectural Review, pursuant to Article XIX of this chapter, or its successor. The design and location of all site improvements and all buildings must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements for older persons as outlined herein.

(d) Site Plan Elements

[1] Architecture and design. Building construction and design shall reflect traditional hamlet architecture, with consideration being given to the special character of Southampton as a rural and resort community.

[a] Requirements. Buildings shall have a common design theme that provides variety and character within the project. The design shall maintain proportional scale and massing with details appropriate the architectural style emulated. In the choice of exterior finishes, care shall be taken to avoid the appearance of a development in which all units appear exactly the same. Walls and roofs shall include separations, changes in plane and height, and architectural elements such as porches, dormers, and cross-gables. Techniques for complying with this requirement include, but are not limited to:

[i] facade modulation (e.g., stepping back or extending forward portion of the facade for each interval) to minimize bulk and massing of buildings;

[ii] articulating each interval with architectural elements such as porches, balconies, bay windows, etc;

[iii] articulating the roof line by stepping the roof and by emphasizing dormers, chimneys, or gables; and

[iv] providing a ground or wall-mounted fixture, a trellis, a tree, or other site feature within each interval.

[b] Exterior. Facades of dwelling units shall be designed to avoid monotony and blank walls. The exterior of the dwelling units shall be constructed with Hardi-Plank or similar quality material.

[c] Porches. Covered porches consistent with the dimensional regulations provided in (4)(j)[1-3] shall be provided for all units on the first floor.

[d] Detached Garages. The Planning Board shall limit the amount of 'extra' detached garages when internal garages have been provided. In no case shall any detached garage cause the site to exceed impervious surface area percentage requirements or compromise any perimeter buffer areas.

[e] Energy. To the maximum extent practicable, the Planning Board shall assess energy conservation measures that may be appropriate for incorporation into building and site designs (e.g. Energy Star® in Market Rate units, water conservation/low-flow irrigation, etc.).

[f] Noise. During site plan review, the Planning Board shall assess and determine the need for noise attenuating structures and/or building materials. The Planning Board may require a notification covenant for residents of this development to be advised of potential noise from pre-existing uses surrounding the site.

[2] Privacy.

[a] Buildings shall be oriented for privacy, to the extent practicable, both within the project and in relation to the surrounding properties. Techniques for complying with this requirement include, but are not limited to:

[i] Reducing the number of windows or decks on the proposed building which overlook the neighbors;

[ii] Staggering windows to avoid aligning with adjacent windows;

[iii] Increasing the side or rear yard setback, or stepping back the upper floors so that window areas are farther from the property line.

[iv] Any proposed fencing shall be part of a coordinated plan for the entire site and consistent with §330-109.

[v] Gatehouse or driveway entrance gates shall not be permitted.

[b] In addition to the above, each housing unit shall be oriented toward an internal street or common green with primary entrances and porches facing these features.

[3] General Floor Plan and Site Design Objectives. To the extent that the proposed floor plans affect external appearance and unit circulation under ADA and similar requirements, floor plans shall be reviewed by the Planning Board with referral to the Architectural Review Board to determine compliance with the standards outlined herein and to obtain any additional recommendations that will help to maximize functionality, privacy, and layout/arrangement objectives for persons to safely 'age in place' as follows:

[a] Accessibility. The development shall conform to the provisions of the American Disability Act (ADA) and the Fair Housing Act (FHA) by implementing the American National Standards (ANSI) for buildings and facilities providing accessibility and usability for physically handicapped persons. To this end, the Planning Board shall:

[i] Ensure that construction and arrangement of each dwelling unit is done in a cost-effective yet dignified and pleasant manner assuring a convenient, safe, and secure environment for all persons residing in such development, whether active or physically challenged, youthful or elderly.

[ii] Ensure that all designs allow for future renovations, if needed, to meet the requirements for accessibility pursuant to the ADA.

[b] Universal Design. Residential units, to the extent practicable, shall incorporate visitable and adaptable design concepts by conforming to the supplemental design requirements listed in Chapter 123, Article IV, Universal Design, including but not limited to:

[i] Due consideration shall be given in planning walks, ramps, and driveways to prevent slipping or stumbling, and handrails and ample places for rest shall be provided. Gradients of walks shall not exceed five percent (5%) and single riser grade changes in walks shall not be permitted, unless it is impractical to do so because of terrain or unusual characteristics of the site.

[ii] All outdoor areas available to residents shall permit such residents to move about without danger and with minimum effort.

[c] Life-Safety Requirements.

[i] In accordance with the recommendations of the Hampton Bays Fire District, all attached dwelling units shall be equipped with fire sprinklers as per National Fire Protection Association NFPA Life-Safety residential code.

[ii] All basements, if any, shall have outside entrances, however units shall comply with the 2-story height limitation.

[iii] Coordination with the Hampton Bays Fire District is required in the event that a Central Alarm System is proposed for installation.

[iv] All staircases in two story units shall be straight-runs so as to facilitate extraction needs for emergency medical service providers and the comfort and convenience of occupants requiring medical attention.

[v] All units shall be equipped with an emergency pull cord.

[vi] The recreational facility ("clubhouse") shall be provided with an Automatic Defibrillator (AED) and the site plan shall ensure adequate parking area reserved for emergency services adjacent to the clubhouse area.

[vii] Common attics and basements or crawlspaces shall be prohibited.

[viii] Fire hydrants shall be required in such number and location as determined by the Planning Board during site plan review, after referral to the Fire Marshal and Fire District having jurisdiction.

[4] Utilities and Services.

[a] Water supply and sewage disposal. The RTWRPD development shall be served by public water. All necessary approvals shall be obtained from the Suffolk County Department of Health Services for sewage disposal, and water supply. For the purpose of fire protection, the Planning Board shall solicit comments and review from the Fire Marshal pursuant to §330-184.C.

[b] A looped water main shall be designed in accordance with the specifications of the Hampton Bays Water District. Easements necessary for maintenance of the system required shall be specified by the Planning Board during site plan review.

[c] Drainage. Stormwater drainage systems shall be

designed so that all potential runoff will be recharged on-site. The calculation of stormwater retention and the design of the drainage system shall be subject to review and approval of the Town Engineer.

[d] Refuse storage and collection. Plans for the storage and collection of refuse shall be subject to Planning Board approval. The outside storage of refuse, shall be in rodent proof containers conveniently located and enclosed or otherwise screened from view. Such facilities shall comply with all setback requirements applicable to accessory buildings, and be fully screened. Regular trash collection shall be required. The Planning Board may impose additional covenants to ensure property maintenance and upkeep where necessary.

[e] Utilities and screening of appurtenances on building facades. All utilities including electric, telephone and cable television service, shall be placed underground. Utility meters and other appurtenances shall be screened by lattice enclosures and / or landscaping to soften appearance. Condensing units and other mechanical systems shall likewise be screened, to be determined by the Planning Board.

[5] Other conveniences.

[a] Laundry. Each unit shall contain a washer and dryer.

[b] Mailboxes. Each unit may have a private mailbox or a common mailbox facility may be located in a convenient area for occupant retrieval as well as postal delivery.

[c]Cable Television. Each unit shall be wired for Cable Television and Internet access.

[6] Common Open Space. In order to provide focal points for community recreation and interaction that adds to the overall quality of life for residents, common open space areas shall be integrated purposefully into the overall design and not be residual areas left over after buildings and parking lots are sited, as follows:

[a] The minimum amount of common open space shall be 300 sq. ft. per unit

[b] Open space areas shall be clearly identified on the site plan submitted for review and approval by the Planning Board. Such designated open space may be in a natural, undisturbed state; be landscaped for more formal courtyards or plazas; or may be designed for active and passive recreation.

[c] Areas Not Allowed as Part of Common Open Space. The

following shall not count toward common open space set-aside requirements:

[i] Private yards, balconies, patios, decks or other similar appurtenance dedicated for use by a specific unit;

[ii] Public right-of-way or private streets and drives;

[iii] Open parking areas and driveways for dwellings;

[iv] Land covered by structures except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters or recreational facilities as provided in (7)(F) below

[v] Land areas between buildings and parking lots or driveways of less than 40 feet;

[vi] Required perimeter setbacks; and

[vii] Detention/retention facilities, including drainage swales, except that detention or retention areas and stormwater management structures or facilities may be determined by the Planning Board to meet the required common open space amount provided such areas or facilities are accessible and useable as year-round community amenities by the residents of the development (e.g., picnic areas, passive recreation areas, etc.) and will not cause detriment to the health, safety and welfare of the residents,

[d] Design Criteria. Common open spaces, other than those preserved as natural features or areas, should include gardens, courtyards, or recreation areas. Compliance with this requirement may include providing the following features:

[i] Seasonal planting areas and/or community gardens

[ii] Large, deciduous and/or flowering trees

[iii] Seating

[iv] Gazebos or other decorative shelters

[v] On-site Recreation facility (clubhouse)

[7] Recreational Facilities. An On-Site Community Recreational Building designed in accordance with the dimensional requirements

outlined in (4)[c][3] herein and any other applicable standard regarding siting, materials, etc. may be counted toward the common open space requirement as set forth in (7)(d)[6][a] above.

[8] Private outdoor space. Each individual dwelling unit shall be provided with a private outdoor space in the form of a patio, terrace, garden, courtyard, deck or balcony, which space shall be immediately adjoining and directly accessible to the dwelling unit which it serves. To avoid the possibility of disparate building materials that may affect the appearance of the overall development, all private outdoor spaces shall be subject to review and approval by the Planning Board as part of the site plan submission for the entire development. Said review may provide for approval of a palette of options the homeowners will choose from (deck, patio, etc.) and specifications for installation (e.g. setbacks for decks, etc.).

[9] Pedestrian Circulation. Pathways shall be utilized throughout the development to connect all housing units to the community open space areas and active and passive recreation areas. Pathways shall be sufficiently wide to accommodate walkers, joggers, and bicyclists and should be easily accessed from all housing units. Park benches and suitable resting places along pedestrian pathways and walking trails may be provided to encourage outdoor activity and active lifestyles for seniors. A comprehensive and unified pedestrian and bicycle access and circulation plan shall be submitted in conjunction with the final site plan, to include provisions for future cross-access (pedestrian and bicycle paths) with adjacent properties.

[10] Landscaping. The applicant shall be required to prepare and submit a comprehensive landscape plan for review and approval by the Planning Board, including but not limited to the following:

[a] Landscaping for the front berm along Montauk Highway and appropriate low-lying vegetation for the central village green/open space areas.

[b] A landscape planting area shall be provided next to all sidewalks throughout the development and planted with deciduous street trees at a consistent spacing (minimum: 22 ft. on-center, maximum: 35 ft. on-center). Corner intersections shall be landscaped with street trees, shrubs and appropriate ground cover.

[c] The Planning Board may require submission of a tree preservation and limits of clearing plan to preserve existing large caliper trees (if any) and buffer vegetation on-site prior to construction. Where appropriate, buildings shall be sited to retain/minimize impacts to any existing large caliper trees.

[11] Exterior Lighting. A lighting plan shall be submitted for review

and approval as part of the overall plan submission for the development. A lighting plan shall include the type, height, location, and illumination coverage all proposed exterior lighting. Site lighting shall be provided along walkways throughout the project that is pedestrian scale, and low in height and intensity, as well as security lighting in parking areas and trail/recreational areas.

[a] Lighting fixtures shall have a maximum height of twelve (12) feet; shorter pedestrian scaled lighting with a maximum height of ten (10) feet is preferred where sidewalks are present.

[b] All outdoor lighting fixtures shall be of a type containing shields, reflectors, fracture panels or recessed light sources such that the cutoff angle is less than ninety (90) degrees. The cutoff angle is an angle formed by a line perpendicular to the ground and a line drawn from the light source in the direction of light rays.

[c] All new or replacement permanent outdoor luminaires shall be required to be fully shielded and energy efficient. Any structural part of the light fixture providing this shielding must be permanently affixed.

[d] All outdoor lighting shall be designed, located, lamped, and directed to prevent light pollution including excessive lighting, glare, light trespass, and skyglow.

[e] The permitted illumination average shall be calculated in footcandles and measured for the required area only.

[f] The maximum maintained illumination average shall not exceed 2.0 footcandles. The minimum maintained illumination average shall not be less than 0.5 footcandles.

[12] Parking.

[a] Pursuant to §330-94, the RTWRPD development shall use the parking calculation of 1.5 spaces per dwelling unit and shall include a sufficient amount of handicap-accessible spaces.

[b] Internal and detached garages may be used in the parking count determination.

[c] To the maximum extent practicable, the site plan shall utilize parallel on-street parking. The Planning Board may prohibit parking in every other parking stall so that maneuvering into parallel parking stalls is simplified.

[d] All on-street parking shall be designed in coordination with sidewalks and street trees at regularly spaced intervals.

[e] Alleys may be utilized where appropriate to provide access to parking facilities located in the rear or side yards or behind buildings.

[f] Where provided, small parking lots shall include trees and appropriate groundcover, to be located in internal planting islands or along the perimeter of the parking lot.

[g] Where appropriate, parking spaces may be designed at a larger than average width to accommodate senior needs.

[h] Parking spaces shall in no case be considered an "extra" or an "upgrade" for any dwelling unit in the development.

[13] Signage. All residential identification signage shall be consistent with Article XXII (Signs) of the Town Code.

(e) Community Benefit Units. There shall be maintained on the premises at all times subject to the re-sale provisions of Chapter 216, fifteen (15) Community Benefit Units. The Community Benefit Units will be available for eligible households meeting the age restriction criteria as set forth in subsection [3][a-c] below, earning up to 120% of the median family income for a family of that size as promulgated for the Nassau-Suffolk primary metropolitan statistical area as published by the Department of Housing and Urban Development (HUD).

[1] Units Reserved. At least fifteen (15) dwelling units shall be set aside as units for moderate and middle income households in conformance with Chapter 216 and the Nassau-Suffolk primary metropolitan statistical area as published by the Department of Housing and Urban Development (HUD). The objective of this development is to provide ten (10) dwelling units as units for moderate-income households, and five (5) dwelling units for middle income households; however, distribution shall be determined by the pool of qualified applicants meeting program requirements and therefore may be subject to change upon verification of the Housing Director.

[2] Eligibility. All sustainable affordability, eligibility and assessment provisions, standards and/or procedures for the sale and/or re-sale of the Community Benefit Units shall be subject to and in conformance with Chapter 216 and covenants and restrictions shall be filed on the premises reflecting the mandates of Chapter 216 and this section.

[3] Priority of Households. The Town or its agent shall determine from the list of applicants who have received Certificates of Eligibility, to the extent permitted by Federal and State funding programs, the priority of households which will be as follows:

[a] Income eligible, bona fide residents of the Hamlet of Hampton Bays, 55 years or older, in accordance with standards established by the Town or its agent.

[b] Income eligible, bona fide residents of the Town of Southampton, 55 years or older, in accordance with standards established by the Town or its agent.

[c] All other income eligible applicants 55 years or older.

[4] Initial Sales Price. The first offering of the Community Benefit Units shall be through a lottery coordinated with the Town or its agent. The maximum initial sales price for an applicant with a Certificate of Eligibility shall be determined in accordance with the "formula multiplier" as set forth in Town Code Chapter 216 and by Town Board Resolution, as may be amended.

[5] Adjustments. The sales prices for the units set forth above may only be adjusted if: there is a change in the median family/household income for the Nassau-Suffolk Metropolitan statistical area as established by HUD and by Town Board Resolution. To enhance the affordability to purchasers, the developer shall pursue available subsidies to reduce the sales cost of the Community Benefit Units.

[6] Community Benefit Units shall be de-concentrated and dispersed throughout the overall RTWRPDD development in a manner satisfactory to the Town of Southampton Planning Board.

[7] Each Community Benefit Unit shall be rated as a New York Energy Star® labeled home prior to the issuance of any certificate of occupancy for such unit.

[8] Owner occupancy of Community Benefit Units. The owner of a Community Benefit Unit is required to occupy the unit as his/her primary residence and shall not lease any portion of such unit, as an absentee landlord or otherwise. In the event the owner of a Community Benefit Unit fails to occupy said unit as his/her primary residence, or in the event he/she rents said premises or any portion thereof or conveys or contracts to convey said unit or any portion thereof to an absentee landlord or an ineligible buyer, or conveys or contracts to convey all or any portion of the owners interest in said unit to an ineligible buyer, all shall be deemed a violation of this Section. A Covenant and Restriction shall be filed reflecting the mandates of this subsection.

[9] Any Town Buyer-Benefit recording fee shall be paid by the developer in connection with the sale of each Community Benefit Unit.

(8) Conditions.

(a) As a requirement of the Residential Planned Development District and with adoption of same, said district shall at all times hereinafter be maintained as a Planned Retirement Community and be subject to the requirements established under the provisions herein. To that end, covenants and restrictions approved by the Town Attorney's office and recorded with the Suffolk County Clerk's office prior to the issuance of a building permit shall be filed on the subject parcel(s) providing the following:

[1] All dwelling units within the RTWRPD shall be limited to occupancy by persons who are 55 years of age or over, with the following exceptions:

- [a] A husband or wife or domestic partner under the age of 55 years who is residing with his or her spouse who is 55 years of age or older.
- [b] Children or grandchildren residing with their parents or grandparents where one of said parents or grandparents with whom the child or children or grandchild or grandchildren is/are residing is 55 years of age or older, provided that said child or children or grandchild or grandchildren is/are over the age of 19 years.
- [c] One adult under 55 years of age may be admitted to reside in the same housing unit as their relative or caregiver who is 55 years of age or older if it is established to the satisfaction of the Town or its agent that the presence of such person is essential for the physical care and economic support of the eligible older person(s).
- [d] One market-rate unit may be occupied by a caretaker/superintendent of the premises who is under the age of 55 and duly employed by the Homeowner's Association.
- [2] The premises shall be developed and maintained, subject to the resale provisions of Chapter 216, with fifteen (15) age-restricted and owner-occupied Community Benefit Units subject to the provisions outlined in (7)(e)[8] herein.
- [3] The owner of any dwelling unit shall not sublease any portion of their premises, as an absentee landlord or otherwise. Basements, attics and garages, if any, shall not be used as habitable living space or sleeping quarters.
- [4] The recreation/community center building or any part thereof shall at no time be eligible for conversion into a dwelling unit.
- [5] No dwelling unit (both Market Rate and Community Benefit Units) shall be eligible for a summer rental permit as defined in the Southampton Town Code §330-71.
- [6] No dwelling unit or detached garage, if any, shall be eligible for an accessory apartment permit as defined in Town Code §§330-11.1 and 330-11.2.
- [7] Individual residents shall not alter or change facades, construct additions or any other type of appurtenance other than those approved by the Planning Board through the site plan process.
- [8] Failure to file these covenants prior and/or comply with the conditions of this approval prior to receiving a building permit in accordance herewith, shall be deemed a violation of the conditions of this zoning approval and may be grounds for the Town to initiate proceedings to revert the zoning of the subject parcel(s) back to its/their prior zoning classification after a public hearing.

[9] All covenants and restrictions required by the Town Board as conditions of approval shall only be modified, waived, amended, repealed or terminated, by the Town Board, after a public hearing and a Town Board approval by a majority plus one.

(b) All Certificates of Occupancy issued for the dwelling units of this RPD shall be designated as Age-Restricted (55 years +) market rate housing or as Age-Restricted (55 years +) Community Benefit Units, as the case may be and shall be endorsed with a notation that occupancy of such units is conditioned upon continued compliance with the provisions of this Section, Chapter 330, Chapter 216 and any other applicable laws, rules and regulations.

(c) Prior to the issuance of the first Certificate of Occupancy, the developer shall pay a park fee to the Town in the amount of one thousand dollars (\$1,000) per residential unit, excluding the Community Benefit Units reserved for moderate- or middle-income households. All such payments shall be held by the Town in the Park District fund established for Hampton Bays and exclusively used for the physical improvement and development of neighborhood parks, playgrounds or other lands for public use located within the boundaries of the Hampton Bays school district.

(d) Prior to the issuance of a building permit, the developer shall pay a one-time \$15,000. contribution to the Town of Southampton for a traffic pre-emption device to be installed at the existing traffic signal immediately east of the subject property to facilitate ambulance and fire service response.

(e) Sidewalks shall be provided along all internal and external street frontages. The applicant shall continue the sidewalk construction eastward beyond the Montauk Highway frontage to extend and connect to the existing sidewalks that lead to the Tiana Shopping Center (SCTM No. 900-255-1-7.1). The applicant shall repair said existing sidewalks as necessary to the satisfaction of the Town. Subject to Suffolk County DPW approval, the Planning Board shall ensure that this age-restricted housing complex has a safe walking linkage to said Shopping Plaza, meaning having adequate sidewalks, street lights, street trees on the south-side of the sidewalks and other pedestrian-friendly, traffic calming amenities presently available to be established as a condition of site plan approval.

(f) The applicant shall execute the necessary legal instruments prepared in form and substance to the satisfaction of the Town Attorney to provide for pedestrian and bicycle cross access to the east and west of the subject premises. The Planning Board shall determine the location of the pedestrian and bicycle corridor route along the south side of the premises by taking into consideration any recommendations adopted as part of the Hampton Bays Hamlet Center Strategy Update (Corridor Study- Jones Road to Shinnecock Canal).

(g) In addition to the sidewalk extension required in subsection (e) above, the applicant shall construct, at his own expense, a cedar-clad bus shelter based

upon the Town's specifications, or may contribute a cash-in-lieu amount equivalent to the Town's cost to install such bus shelter, which amount shall be held in a Trust Fund to accomplish said objective. Said bus shelter shall be installed on Montauk Highway in the vicinity of this housing complex at a bus stop location to be determined by the Suffolk County Department of Public Works and the Town of Southampton.

(h) Upon construction of the berm and installation of landscaping as per the approved re-vegetation plan, the applicant shall place a Conservation Easement/ non-disturbance covenant over the 65 foot wide buffer area along Montauk Highway in a form satisfactory to the Town Attorney to be filed in the Office of the Suffolk County Clerk prior to the issuance of the first Certificate of Occupancy. The Planning Board shall ensure that the berm is constructed and landscaped prior to building construction, and may approve a phased site plan in order to achieve this objective.

(i) Prior to the issuance of a building permit, the applicant shall submit proof that the (2) subject properties have been merged into one parcel through the Suffolk County Office of Real Property.

(j) In addition to the requirements pertaining to the Community Benefit Units, the applicant shall covenant that the first offering of all market rate units shall be extended to persons 55 years of age or older who are bona fide residents of the Town of Southampton, with a higher priority for residents of Hampton Bays (zip code 11946) and East Quogue (11942) for a period of six (6) months from the date the offering plan commences. Upon approval of the offering plan by the Attorney General, the applicant shall provide both the Town of Southampton Land Management Administrator and Housing Director written notice 2 weeks prior to the commencement and completion of the 6 month offering period.

(k) Prior to the issuance of a Certificate of Occupancy, the developer shall transfer two (2) Pine Barren Credits or Development Rights or contribute a cash-in-lieu equivalent based on appraisal and fair market value for municipal purchase of same within the boundaries of the Hampton Bays School District. In the instance that a Community Benefit Unit is sold by the developer at market value pursuant to the procedures of § 216-5(J), the applicant shall be additionally required to transfer one full development right per unit to the Town pursuant to the procedures outlined in Chapter 244. A covenant to this effect shall be filed in the Suffolk County Clerk's office, after approval of form and substance by the Town Attorney's Office.

(l) All covenants and restrictions in connection with the dwellings of the RTWPDD shall be filed in the Suffolk County Clerk's office, after approval of form and substance by the Town Attorney's Office and prior to the issuance of a building permit. Further, an Advisory Covenant shall be placed on any deed in connection with any transfer of title of any unit advising of the age restriction for market rate units and the age restriction and income restriction for the Community Benefit Units.

(m) Any violation of the covenants and restrictions filed in connection

with this RPD shall also be deemed a violation of this Chapter and the Town Board may avail itself of any and all remedies allowed by law and/or equity which in the instance of the Community Benefit Units may include but not be limited to forfeiture, reversion of title, the Town's right of re-entry and possession. Further, as any violation shall be deemed a Southampton Town Code Zoning violation under Chapter 330, this will subject the non-compliant owner to any and all applicable fines and remedies thereunder.

(n) The applicant shall be responsible for compensating the Town of Southampton for the consulting costs incurred for the review and preparation of documents for the proposed PDD, consistent with §330-185 and §330-244 as amended by Local Law No. 6 of 2007.

SECTION 4. Authority. The Town Board is authorized to amend its zoning map and make local laws for Planned Development Districts pursuant to Article 16 of the State of New York Town Law.

SECTION 5. Effective Date. This local law shall take effect upon the filing of this Local Law with the Secretary of State pursuant to the Municipal Home Rule Law.

SECTION 6. Severability. If any section or subsection, paragraph, clause, phrase of this law shall be judged invalid or held unconstitutional by any court of competent jurisdiction, any judgement made thereby shall not effect 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.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to publish the following Notice of Adoption:

#### NOTICE OF ADOPTION

PLEASE TAKE NOTICE that after public hearings were held beginning October 26, 2005 with the final hearing closed on May 22, 2007, the Town Board at their meeting of June 12, 2007 adopted LOCAL LAW NO. 33 OF 2007 as follows: "A LOCAL LAW amending Chapter 330, Article XXVI (Planned Development District), of the Code of the Town of Southampton by adding a new Section 330-248 (Q) entitled "RTW Associates, LLC" (RTWRPDD)".

Copies of the local law as attached (RTWRPDD Local Law Final) sponsored by Councilwoman Linda Kabot, are also on file in the Town Clerk's Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

BY ORDER OF THE TOWN BOARD  
TOWN OF SOUTHAMPTON, NEW YORK  
SUNDY A. SCHERMEYER, TOWN CLERK

**Financial Impact**

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Linda Kabot, Councilwoman
<b>SECONDER:</b>	Steven Kenny, Councilman
<b>AYES:</b>	Nancy Graboski, Linda Kabot, Steven Kenny, Chris Nuzzi
<b>NAYS:</b>	Patrick Heaney