



Southampton Town Board

116 Hampton Road
Southampton, NY 11968

SUBMITTED

TOWN BOARD RESOLUTION (ID # 28268)

Meeting: 12/05/17 01:00 PM

Department: Long Range Planning

Category: Local Laws

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Initiator: Kyle Collins

Sponsors: Supervisor Jay Schneiderman

DOC ID: 28268

Notice of Adoption of a Local Law to Change the Zoning District of Certain Parcels from CR200 to 'The Hills at Southampton Mixed Use Planned Development District (HSMUPDD)' for a Residential Golf Course Development, East Quogue

WHEREAS, on January 12, 2015, the Town Board of the Town of Southampton received a formal application for a Change of Zone to allow a Mixed Use Planned Development District (MUPDD) on several properties in East Quogue; for the project entitled: "The Hills at Southampton" from DLV Quogue, LLC ("Applicant"); and

WHEREAS, the proposed action seeks to change four separate land holdings totaling 591 acres located in the Hamlet of East Quogue, from Country Residential 200 (CR200) to Mixed-Use Planned Development District (MUPDD); and

WHEREAS, the largest owned land component, known as the Hills Property, consists of 340.91 acres south of Sunrise Highway and 86.92 acres north of Sunrise Highway, for a total of 427.83 acres; with contiguous property to the west known as the Kracke property which consists of 61.26 acres, and noncontiguous property to the east known as the Parlato property which consists of 101.91, for a total of 591 acres; and

WHEREAS, the proposed action is to develop a 165.53 acre property with 118 residential units, an 18-hole golf course and associated club house, a pond/pond house, and maintenance area, all to be accessed by new roads and driveways, and to leave 424.4 acres undisturbed; and

WHEREAS, the proposed Change of Zone is a Type I Action pursuant to the State Environmental Quality Review, and the regulating provisions of 6 NYCRR Part 617; and

WHEREAS, on February 10, 2015, by Resolution No. 2015-211, the Town Board commenced the SEQRA process to coordinate lead agency; and

WHEREAS, on March 24, 2015, by Resolution No. 2015-398, the Town Board assumed Lead Agency; and

WHEREAS, on April 14, 2015, by Resolution No. 2015-458, the Town Board adopted a Positive Declaration pursuant to the State Environmental Quality Review Act (SEQRA) and Chapter 157 of the Town Code for this change of zone application; and

WHEREAS, on July 14, 2015 by Resolution No. 2015-733, the Town Board issued a final written scope for the purposes of preparing a DEIS; and

WHEREAS, on October 11, 2016 by Resolution No. 2016-951, the Town Board deemed the DEIS adequate for the purpose of commencing public review; and

WHEREAS, public hearings were held on the DEIS on November 7, 2016, December 5,

2016, January 10, 2017, February 7, 2017; and

WHEREAS, on June 30, 2017 the project sponsors submitted a draft Final Environmental Impact Statement (FEIS) for consideration by the Town Board; and

WHEREAS, in accordance with SEQRA procedures (Section 617.10 of 6 NYCRR), the Town Board as lead agency is charged with issuing its own FEIS; and

WHEREAS, by resolution 2017-875, the Town Board unanimously accepted and filed a Notice of Completion for its Final Environmental Impact Statement (FEIS); and

WHEREAS, SEQRA findings have been considered with a formal determination made by separate resolution prior to the adoption of this Local Law; now, therefore,

BE IT HEREBY RESOLVED, A local law amending Chapter 330 (Zoning) of the Town Code of the Town of Southampton by adding a new Section, §330-248W is hereby enacted as follows:

LOCAL LAW NO. OF 2017

SECTION 1: Legislative Intent.

The Town Board of the Town of Southampton recognizes the importance of sound planning to accommodate growth while protecting the wealth of natural resources that define the Town's special character. This objective has been evident since the adoption of the 1970 Master Plan and has been reiterated in the protective zoning codes and analyses that have been developed through the years to date.

The 1999 Comprehensive Plan Update ("the Update") builds upon the 1970 Master Plan, both of which identify a number of significant land use, transportation, zoning, and capital improvement strategies. The Update further refines strategies for the hamlet business centers, recognizing that each Hamlet presents different challenges and opportunities, and recommends that additional studies be conducted. In the years following the adoption of the Comprehensive Plan, over 800 acres within the boundaries of East Quogue were identified as areas targeted for development which prompted the Town Board to commission an analysis via a Generic Environmental Impact Statement (GEIS) of potential land uses and impact thresholds within a 4,182 acre study area that evaluated land use alternatives in the context of potential cumulative environmental impacts in order to support sound planning, zoning and public investment in the East Quogue.

In 2008, the Town Board adopted the findings statement associated with the GEIS and adopted the Recommended Land Use Plan as a component of the Comprehensive Plan. The principal goal of the Recommended Plan is to preserve the character of the East Quogue hamlet and sets forth managed, low-impact growth while maintaining the scenic, natural, community character and socioeconomic qualities of the hamlet while also allowing for a mix of uses to meet the commercial service and recreation needs of the area. These objectives date back many decades where the Town's Western GEIS and the Central Pine Barrens Land Use Plan (CLUP) identified this mix of uses for East Quogue as part of a local and regional

planning effort. This history is articulated in the East Quogue GEIS and again in the SEQRA documents for the Hills at Southampton Mixed Use PDD proposal.

The East Quogue Land Use Plan and GEIS ultimately recommends that the subject 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 proposed 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 HSMUPDD demonstrate that the project will have less impact than a typical subdivision under the current zoning and will have a significant public benefit.

The dwelling units in the HSMUPDD 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.

The HSMUPDD also provides for the preservation of additional off-site properties, including a property known as the Parlato South Property identified as SCTM 900-316-1-30 (33 ± acres) and the redemption of an additional thirty (30) Pine Barrens Credits originating in the Core Preservation Area of the Central Pine Barrens within the Town 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 to achieve water quality goals in the Weesuck Creek watershed.

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 HSMUPDD 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 are 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 for compliance with the conceptual plans as proposed in the DEIS/FEIS. 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.

Based upon the extensive analysis that was conducted to achieve a plan that is consistent with the Recommended Plan, is the intent of this local law to change the zoning

classification of the properties 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") and findings statement 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.

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. Based on public testimony throughout the SEQRA and local law hearing process, the Town Board wishes to add a public benefit for the Town as a whole by providing public access to this recreational resource beyond the dedicated open space and trail system. Therefore in addition to the outings and other benefits to students that have been offered by the applicant in association with the golf course use, the Town Board will require in this local law that 20% of the tee-times be established for residents of the Town with a maximum fee not to exceed the highest rate of a Suffolk County public course. This is a change from the lottery system proposed by the applicant and will ensure that the residents of the Town can access the property to play golf on a world class course in addition to full-time hiking on the publically accessible trail system, thereby providing an additional level of public benefit that is significant as there are no other golf courses within the Town that provide public access.

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 at Southampton Mixed Use Planned Development District (HSMUPDD).

(1) Purpose and Objectives. The Hills at Southampton 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 HSMUPDD 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 HSMUPDD provides substantial community benefits and amenities. Specific Comprehensive Plan and Zoning Law objectives achieved by the Hills at Southampton Mixed Use Planned Development District are as follows:

(a) The HSMUPDD 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 East Quogue GEIS, which are not possible under current CR-200 zoning.

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

(f) The HSMUPDD provides for the redemption of thirty (30) Pine Barrens Credits (PBCs) within the Town of Southampton to offset the development of the golf course. The underlying CR-200 zoning district permits 118 residential units. As recommended by the Central Pine Barrens Comprehensive Land Use Plan (CLUP) and §330-240C of the Town Code, the HSMUPDD 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 that were proposed in the FEIS to account for the golf course use will originate within the Core Preservation Area within the Town of Southampton and will be redeemed as a condition of approval of the project. and As such, the potential development and density associated with such credits will be forever eliminated. The applicant has amended the proposed project in the FEIS to include the redemption of 30 PBCs which is proposed to address the inclusion of a golf course. The underlying zoning of the subject property is CR-200, where 200,000 square feet of land area is required per dwelling unit. One PBC is equivalent to one dwelling unit. The current layout and design of the golf course indicates a golf course area of approximately 130 acres, which translates to 28 dwelling units or 28 PBCs. Understanding that there may be minor modifications of the layout and design once the application is fully engineered and reviewed by the Town Planning Board, the applicant is committing to the redemption of 30 PBCs. This redemption of the PBCs fulfills the goals and recommendations of the CLUP and the Town Zoning Code and provides conformance with the MUPDD objectives by eliminating the potential development associated with those PBCs.

(g) The HSMUPDD 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 HSMUPDD establishes and maintains contiguous 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 HSMUPDD 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 HSMUPDD 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 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 HSMUPDD provides funding of the installation of an advanced 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 HSMUPDD 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 HSMUPDD 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. The fertigation acts as a supplement and not addition to the current fertilizer rates and requirements.

(m) The HSMUPDD 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 HSMUPDD 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 HSMUPDD 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 HSMUPDD 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. As setforth in (f)-(p) herein, these measures result in a net reduction of Nitrogen loading from the proposed project and provide positive improvements to existing degraded water quality conditions within this watershed of East Quogue.

(q) The HSMUPDD 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 HSMUPDD 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 HSMUPDD provides park and recreational space, including public trails.

(t) The HSMUPDD 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 HSMUPDD 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 HSMUPDD increases consideration of and coordination with the school district and will have a net positive fiscal impact. The HSMUPDD 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 HSMUPDD 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 HSMUPDD will promote recreational opportunities 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. Further, the applicant shall reserve 20% of weekly tee-times for Town of Southampton residents. With the site plan, the applicant shall submit a Limited Public Access Plan, which shall incorporate these requirements and specify when the facility will be available for outings and education and specifically identify the tee times and fee structure for the public access component. The rates shall not exceed the rate for a Suffolk County public golf course, and bathrooms, parking, halfway house and pro-shop shall be made available to the golfers.

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

(z) The community benefits offered by the applicant within the HSMUPDD, with the addition of the public access to the golf course, offset and are commensurate with the golf course/clubhouse use, achieve the purpose and objectives of §330-246B and are a documented priority of the East Quogue Hamlet and the Town of Southampton as described in the Comprehensive Plan Update and the East Quogue GEIS and Land Use Plan.

(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. Only 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) One-family, two-family and multiple (attached) dwellings, not to exceed a total of one hundred eighteen (118) units.

(b) Private membership golf club with an 18-hole championship length golf course with accessory comfort station.

(c) Accessory clubhouse with onsite amenity services to include dining facilities, pro-shop, driving range, practice area, indoor fitting facility, cart storage, parking areas and a maximum of ten (10) dwelling units within the second and third stories.

(d) Tennis, handball, racquetball sports courts as accessory uses associated with the clubhouse.

(e) Health and wellness spa facilities and/or other indoor exercise facilities associated with the clubhouse for exclusive use of the resort members and their guests.

(f) Swimming pools.

(g) Playgrounds and trails.

(h) Maintenance buildings with management offices, laboratory, and equipment repair facility, storage areas for maintenance equipment and supplies, fuel storage facilities, irrigation facilities, including manmade ponds and pump houses all accessory to the golf course operation.

(4) Dimensional and Architectural Regulations.

The following bulk, area, height and dimensional regulations shall apply within the HSMUPDDD, notwithstanding any provision in this chapter to the contrary. The Planning Board may, through this 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 of the MUPDD as described herein.

- (a) 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.
- (b) 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, and shall require the dimensional regulations to be identified for the lots on the subdivision map.
- (c) All detached single-family dwellings and any attached multifamily dwellings shall not exceed 32 feet in height from approved grade.
- (d) The clubhouse shall not exceed 40 ~~40~~ 44 feet in height from approved grade, as shown on the conceptual renderings.
- (e) Architecture. The architecture of the proposed buildings, including but not limited to the housing units, clubhouse, maintenance facility, and other accessory structures including but not limited to yoga studio, gate house and comfort station, shall be substantially consistent with the architectural renderings prepared by Hart-Howerton, Planning, Architecture and Landscape Architecture, P.C., as set forth in the FEIS. Architectural elevations and/or structural details shall be submitted with the site plan application for all proposed buildings and structures. The proposed detached single family dwelling buildings shall have a maximum of two stories. All other buildings shall have maximum total floor areas (excluding exterior porches, decks, patios, and basement areas) and number of stories consistent with the following:

Building	Total Floor Area (sq. ft.)	Max. Number of Stories
<u>Clubhouse containing:</u>	<u>=</u>	<u>3</u>
<u>1st floor: Onsite Amenity Services</u>	<u>30,860</u>	<u>=</u>
<u>2nd & 3rd floor: Club Condominiums</u>	<u>24,000</u>	<u>=</u>
<u>Yoga Studio</u>	<u>1,500</u>	<u>1</u>
<u>Pool Snack Bar</u>	<u>750</u>	<u>1</u>
<u>Maintenance</u>	<u>9,000</u>	<u>1</u>
<u>Gate House</u>	<u>250</u>	<u>1</u>
<u>Comfort Stations, each</u>	<u>550</u>	<u>1</u>
<u>All other accessory buildings</u>	<u>1,500</u>	<u>1</u>

(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, the roadway configuration, pedestrian network, and parking and in accordance with the any additional 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 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, restrictions on pesticide and fertilizer application, revegetation and native plant restoration.
- (e) Revegetation and native plant/species restoration plans for disturbed areas. The Planning Board may require a maintenance bond to assure the survival of the plantings. In formulating such plans, floristic surveys shall be conducted at proper times of the year. Field survey forms and accompanying maps shall be submitted for referral to the Land Management Environment Division for review and recommendation. Opportunities for salvage and transplant of existing native vegetation, and well as use of seed and plants of local origin shall be evaluated as part of the site plan/subdivision process.
- (f) Preliminary plans for denitrifying sewage treatment facilities acceptable to the SCDHS as described in the FEIS 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.
- (i) Energy use plan with plans for the provision of community solar for the proposed development.

(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) As described in the FEIS, the method of sewage disposal shall be innovative/alternative nitrogen reducing sewage treatment facilities reviewed and approved by the Suffolk County Department of Health Services; said plans shall be approved by SCDHS prior to the issuance of a building permit for the golf course.

(c) The subdivision maps shall indicate the means of access to Lewis Road. Road and drainage plans indicating any upgrades in the approved improvements and the substitution of bonds or other guarantees shall be submitted with the subdivision application.

(d) A map showing the location of existing and proposed trails and a plan for the construction of the trails and any need for improved access shall be submitted as part of the site plan application. The Trails Advisory Board shall be provided the opportunity to review and comment on said plan as part of the site plan process.

(e) During the subdivision process, the Planning Board shall require the applicant to demonstrate and provide for legal access to the outparcels in the immediate vicinity of the project.

(f) The Planning Board shall require a performance bond relative to the restoration of Lewis Road in the case where the applicant will be going offsite to access the adjacent East Coast Mine.

(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, the applicant shall provide proof of redemption/extinguishment of thirty (30) Pine Barrens credits originating from the Core Preservation Area within the Town of Southampton.

(b) Prior to the signature of the final subdivision map, 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 applicant is restricted from the use of synthetic pesticides at the residential house lots and rough areas of the golf course and shall be limited to 2 lbs/1000 sq. ft. per year of applied fertilizer; this requirement shall be reflected in the ITHMP protocol. The plans shall include the 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 applicant shall annually fund the monitoring program to determine compliance with the ITHMP as the Town Board deems necessary. 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 and clubhouse, the applicant shall restore the disturbed Pine Barrens vegetation on the Main Parcel and the Parlato North Property based on a restoration plan reviewed and approved by the Planning Board with input from the Conservation Board. 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, the applicant shall provide proof of funding of the installation of innovative/alternative 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, 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 approved site plan, 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, 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, the applicant shall provide 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. The dedicated area shall be indicated on the subdivision map.

(l) As offered by the applicant 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

(iii) 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.

(iv) The above occupancy restrictions shall be included in any and all transfer deeds for each parcel and unit.

(v) 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, the applicant shall incorporate the conditions set forth in condition (7)(l) 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. In addition, ~~the applicant shall revise the said covenant document to~~ shall indicate that (i) The Town may seek reimbursement from the applicant and/or Homeowners Association for any costs associated with the enforceability of said covenant, whether that enforcement is realized in the form of a Supreme Court action or otherwise; and (ii) As an additional safeguard, in the event that a child/children residing within the HSMUPDD enrolls in the East Quogue School District for any period of time, the applicant shall make an annual contribution to the School District for each child in an amount equal to the cost of out of District tuition.

(n) Prior to the signature of the final subdivision map, 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. Further, the applicant shall reserve 20% of weekly tee-times for Town of Southampton residents. The rates shall not exceed the resident rate for a Suffolk County public golf course and bathrooms, parking, halfway house and pro-shop shall be made available to the golfers. These conditions shall be incorporated into a Limited Access Plan, which shall provide for 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, the applicant shall comply with the Long Island Workforce Housing Act and Article, II of Chapter 216 of the Town Code.

(q) As part of the site plan review, the applicant shall complete an energy analysis of the homes and clubhouse as well as electrical use associated with the operation of the golf course and provide a plan to offset such usage with the installation of community solar panels.

(r) As part of the site plan review, the Planning Board shall ensure that all mitigations and commitments ensured in the SEQRA findings are complied with. A construction management plan will be prepared and submitted to the Town for review and approval to ensure the mitigation measures and construction approaches described in the DEIS and FEIS (e.g., truck and vehicle traffic trip reduction, noise and fugitive dust controls) are properly implemented during construction and the applicant shall delineate limits of clearing and any large caliper trees that can be retained within the development area shall be marked for preservation.

(s) Notwithstanding the provisions of §330-244J 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.

(t) The ITHMP and covenants shall be filed to specifically indicate the following conditions in the case where a pesticide or nitrogen sample is detected above a response threshold in any lysimeter or groundwater sample: (a) The use of the golf course will be halted; (b) the use of the pesticide and or nitrogen fertilizer shall be stopped; (c) the lysimeter or well will be

tested again as soon as practically possible to confirm the presence of the pesticide/nitrogen and to see if the concentration is rising; (d) the environmental (rainfall after application) and management (amount of irrigation after application, amount of pesticide-fertilizer application, etc.) conditions at the time of the pesticide-fertilizer application and immediately after would be documented; (e) when nitrate concentrations drop below 2 mg/L fertilization can resume; (f) when the concentration of a pesticide drops below the response threshold or other approved remediation is employed, the golf course use may resume. The applicant shall post a renewable bond, suitable in amount and duration as recommended by the Planning Board in conjunction with the Town Attorney's office, to ensure compliance with above. The Town Board shall have ultimate authority to require amendments or modify the ITHMP protocols as well as impose fines and penalties pursuant to §330-186 for noncompliance with this section.

(u) The applicant has offered and the Town Board encourages the employment of local residents in the development and operation of the site.

(v) The applicant shall provide a commitment to work with the Town and State agencies to accomplish priority forest management goals for the suppression and prevention of Southern Pine Beetle outbreaks.

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

SECTION 4. 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 5. Effective Date

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

; and

BE IT FURTHER RESOLVED, that the Town GIS Department is hereby authorized to amend the zoning map for the parcels identified herein to change from CR-200 to HSMUPDD; and the Town Clerk is hereby authorized to publish the following Notice of Adoption:

NOTICE OF ADOPTION

TAKE NOTICE, that after a public hearing was held by the Town Board of the Town of Southamptton on November 13, 2017, the Town Board, at its meeting of December 5, 2017, adopted LOCAL LAW NO. ____ OF 2017 as follows: "A LOCAL LAW amending §330-248 of the Zoning Law of the Town of Southamptton by adding a new subsection W thereto, which changes the zoning classification of four separate land holdings (The Hills Property, consisting of 340.91 acres south of Sunrise Highway and 86.92 acres north of Sunrise

Highway, for a total of 427.83 acres; the Kracke property contiguous to the west consisting of 61.26 acres, and a noncontiguous property to the east known as the Parlato property which consists of 101.91 acres) comprising approximately 591 acres total in the Hamlet of East Quogue, from Country Residence, CR-200 to a specific Mixed Use Planned Development District to be known as The Hills at Southampton Mixed Planned Development District (HSMUPDD).”

Summary of Law

Of the total 591 acre project site, 165.53 acres has been proposed for a development as a seasonal resort that will be comprised of 118 seasonal housing units and includes a 97.81 acre private golf course, as well as a 37,860 square foot private clubhouse that will provide onsite amenity services strictly accessory to the proposed development. Outside of the development area, the proposed project will provide 424.14 acres of dedicated open space and includes the Transfer of Pine Barrens Credits, extinguishment of additional development rights in the vicinity as well as public benefits that improve water quality and meet the socioeconomic needs of the East Quogue Hamlet and School District.

Copies of the local law, sponsored by Supervisor Jay Schneiderman are on file in the Town Clerk’s Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m. and can be accessed online at: <http://ny-southampton.civicplus.com/987/The-Hills-at-Southampton-MUPDD>

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

Financial Impact

None