



Southampton Town Board

116 Hampton Road
Southampton, NY 11968

Meeting: 01/09/18 01:00 PM

Department: Town Attorney

Category: Public Hearings

Prepared By: Kathleen Murray

Initiator: James Burke

Sponsors: Supervisor Jay Schneiderman

DOC ID: 28575

ADOPTED

TOWN BOARD RESOLUTION 2018-51

Notice of Public Hearing to Consider Amending Town Code §330-248(Q) (RTW Residential Planned Development District) to Extend the Expiration of Approval

RESOLVED, that the Town Board of the Town of Southampton hereby directs that a public hearing shall be held on **February 13, 2018, at 1:00 p.m.**, at Southampton Town Hall, 116 Hampton Road, Southampton, New York, to hear any and all persons either for or against a proposed local law entitled, "A LOCAL LAW to consider amending Town Code §330-248(Q) (RTW Residential Planned Development District) to extend the expiration of approval," which provides as follows:

LOCAL LAW NO. OF 2018

A LOCAL LAW to consider amending Town Code §330-248(Q) (RTW Residential Planned Development District) to extend the expiration of approval.

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

SECTION 1. Legislative Intent.

On June 26, 2007, by Local Law No. 33 of 2007, the Town Board of the Town of Southampton approved the RTW Residential Planned Development District ("RTW RPDD"), aimed at achieving several objectives outlined in the 1999 Comprehensive Plan Update. Specifically, the RTW RPDD provided a land use plan that would serve an identified community need, that is, 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 Chapter 216 of the Town Code.

Pursuant to the approval for the RTW RPDD, which authorized the zoning change of approximately 8.24 acres of land on the north side of Montauk Highway, 150 feet east of Allomara Road in Hampton Bays (SCTM #900-253-1-22 & 23), from Highway Business (HB) to Residential PDD, the applicant offered the following additional community benefits:

- The construction of new sidewalks along the north side of Montauk Highway from the subject property to the shopping center a quarter (0.25) mile east of the site (in concert with the repair of existing sidewalks), in order to enhance a walkable environment and provide transportation alternatives;
- A \$1,000 park fee per dwelling unit 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, and benefitting the Town and the community as a whole;

- The construction of a bus shelter along Montauk Highway in front of the site to facilitate the use of public transportation;
- A \$15,000 contribution for traffic pre-emption equipment at the existing signal ¼ mile east of the subject site to increase traffic safety along Montauk Highway; and
- The transfer of two (2) Pine Barren Credits or Development Rights to facilitate the preservation of open space and to offset the increase in residential density.

Subsequent to the approval of the RTW RPDD, the Town Board (i) ratified the adoption of said zone change by Resolution No. 320 of 2008, adopted on February 12, 2008, and (ii) by Resolution No. 1118 of 2009, adopted on November 10, 2009, amended Local Law No. 33 of 2007 to retain the natural vegetation, in lieu of a constructed planted berm, within the 65-foot wide buffer along Montauk Highway as a result of public comment at the site plan stage before the Town Planning Board. Since the time of these approvals however, no work at the subject premises has begun.

At the time of its adoption, that is, in June of 2007, the PDD regulations stated, at what was then §330-244(H), the "approval of the establishment of a PDD shall expire 18 months after the date of approval by the Town Board, unless the appropriate Planning Board approvals have been obtained and substantial construction has begun." Thereafter, in May of 2009, by Local Law No. 18 of 2009, the Town Board amended the provision to extend the time frame for the expiration of an approval from 18 months to 36 months, in order to allow adequate time for review and approval by all involved agencies, and to allow applicants more time to meet the substantial construction requirement. Two years later, in May of 2011, by Local Law No. 14 of 2011, the Town Board revised the PDD regulations in their entirety, with the operative provision now changed to §330-244(J), but with the terms remaining substantially the same stating, "approval of the establishment of a PDD shall expire 36 months after the date of approval by the Town Board unless the appropriate Planning Board approvals have been obtained and substantial construction has begun."

Today, applicant seeks to extend the expiration of approval for two years, that is, until February, 2020.

SECTION 2. Amendment.

Town Code §330-248(Q) (RTW Residential Planned Development District) is hereby amended by adding the additional underlined words as follows:

(9) Expiration. This local law shall take effect upon its filing with the Secretary of State, and shall expire on February 13, 2020, unless the appropriate Planning Board approvals have been obtained and substantial construction has begun.

SECTION 3. Authority.

This local law is adopted pursuant to Municipal Home Rule Law §§10(1)(ii)(a)(11), (12), and (14).

SECTION 4. Severability.

If any section or subsection, paragraph, clause, phrase or provision 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 invalid or unconstitutional.

SECTION 5. Effective Date.

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

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Southampton hereby directs the Town Clerk to forward a copy of this proposed local law to the Southampton Town Planning Board, as well as the Suffolk County Planning Commission pursuant to General Municipal Law §239-m, for their review and recommendations; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish and post the following Notice of Public Hearing:

Notice of Public Hearing

TAKE NOTICE, that the Town Board of the Town of Southampton hereby directs that a public hearing shall be held on **February 13, 2018, at 1:00 p.m.**, at Southampton Town Hall, 116 Hampton Road, Southampton, New York, to hear any and all persons either for or against a proposed local law entitled, "A LOCAL LAW to consider amending Town Code §330-248(Q) (RTW Residential Planned Development District) to extend the expiration of approval."

Summary of Proposed Law

The zoning classification for the subject premises, that is, RTW RPDD, identified as SCTM # 900-253-1-22 & 23, has expired. The purpose of this local law is to extend the expiration of approval for this proposed development until February 13, 2020.

Copies of the proposed law, sponsored by Supervisor Schneiderman, are 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

None; see resolution text.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christine Preston Scalera, Councilwoman
SECONDER:	Julie Lofstad, Councilwoman
AYES:	Julie Lofstad, Christine Preston Scalera, John Bouvier, Tommy John Schiavoni
ABSENT:	Jay Schneiderman