

RESOLUTION: 2005-1010
CATEGORY: Local Laws
SPONSORED BY: Supervisor Patrick Heaney
DEPARTMENT: Planning

Notice of Adoption to Change the Zoning Classification of Certain Parcels In Noyac From Village Business (VB) to Hamlet Office/Residential (HO), From VB to Hamlet Commercial/Residential (HC), From VB to Residential (R-10, R-40) and From Residential R-10 to HC

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

NOTICE OF ADOPTION

TAKE NOTICE, that after public hearings were held by the Town Board of the Town of Southampton on April 12, 2005, May 24, 2005 and June 14, 2005, at the Town Hall, 116 Hampton Road, Southampton, New York, to hear any and all persons either for or against and closed June 14, 2005 with a ten (10) day written comment period, the Town Board at their meeting on July 26, 2005 at 7 pm shall consider for adoption LOCAL LAW NO.38 OF 2005 as follows:

“A LOCAL LAW to amend §330, Zoning, of the Town Code of the Town of Southampton in order to re-classify zoning districts from Village Business District (VB) to Hamlet Office/Residential (HO); from (VB) to Hamlet Commercial/Residential (HC); from VB to Residential (R-10, R-40); and from Residential (R-10) to HC located in the Hamlet of Noyac pursuant to Section 330-185 of the Town Code”.

Copies of the proposed law, sponsored by Supervisor Patrick A. Heaney, 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
MARIETTA M. SEAMAN, TOWN CLERK

LOCAL LAW NO. 37 OF 2005

LOCAL LAW amending Chapters 330 of the Code of the Town of Southampton.

SECTION 1. Legislative Intent

The 1999 Comprehensive Plan Update recommended a ‘country crossroads’ theme for Noyac that features small-scale development and rural vistas along Noyack Road, at the Berkshire Place/Pine Neck vicinity and the Bay Avenue/Cedar Lane vicinity. At both of these locations

there are sporadic shops in an area otherwise characterized by small homes on relatively small lots. The Noyac Hamlet Study (November 2004) focused on three different existing commercial 'nodes' along Noyack Road, and made land use and design recommendations in tandem with transportation and traffic calming recommendations. Given the scale of the existing land uses in the Study Area and throughout the Hamlet, the study recommended adoption and implementation of the HO-HC zoning for specific parcels in order to accomplish the following objectives of the Comprehensive Plan Update:

- Creating low impact attractive neighborhood centers with a rural character,
- Slowing and altering traffic to increase pedestrian and bicyclist safety as well as ease access in and out of businesses,
- Obviating the need to travel long distances for convenience shopping, and
- Providing an orderly transition in uses, density and bulk between residential, retail and office development along the central business corridor.

Therefore, Hamlet Office/Residential (HO) zoning and Hamlet Commercial/Residential (HC) zoning classifications would replace the current Village Business (VB) in certain locations of Noyac. VB zoning will remain on parcels situated to the south of Noyack Road between Pine Neck Avenue and Chestnut Street. Those parcels fronting on Noyack Road (south of Munchogue Road) that are currently VB will be re-zoned to HO; the parcel on the southwest corner of Noyack Road and Burkshire Drive will be re-zoned to HC as well as those parcels fronting on the south side of Noyack Road and extending from the east side of Burkshire Drive to the south of Pine Neck Avenue as the permitted uses, scale of development and project design would render development that is more compatible with the surrounding community character.

These areas should maintain their current residential scale as a transition to adjacent commercial (retail/office), open space or residential development. The re-zoning will maintain the existing concentrated retail node around the Deli, but will also ensure that new development to the west provides more office and small-scale commercial type uses and follows a more residentially scaled model. HO would generally allow offices, housing, and low-traffic generating retail and service uses such as those now allowed in office districts, i.e. antique stores, galleries, restaurants but without liquor licenses). High traffic/impact uses would not be allowed, i.e. video stores, liquor stores, fast food establishments, laundromats, dry cleaners, and gas stations. In addition, HO zoning would entail performance standards, requiring that buildings appear to be residential (no front parking, ear or side parking), use residential style setbacks, reduced lot coverage, i.e. 20% - 25%, small building footprints, i.e. up - to 3,000 square feet, residential style windows and entries, pitched roofs, and discrete signage.

The HC zone would involve much the same design and performance standards as HO zoning, but would allow by special exception some of the commercial and retail uses allowed in the Village Business districts, in addition to housing, offices and other HO uses. Certain pre-existing non-conforming business uses that are currently zoned residential (R-10) between Cedar Lane and Bay Avenue have accordingly been identified for change to HC, which would eliminate the non-conformities (in terms of use) and encourage development that is more consistent with the residential character of this area.

The intent of the Comprehensive Plan is to keep commercial development along major arterial roads (i.e. CR 38, Montauk Hwy, SR 24, etc.). Therefore the specific commercial to residential changes (i.e. VB to R-10, VB to R-40) are related to those properties that cannot be accessed directly from main thoroughfares (have frontage on local streets/minor arterials) and are either vacant or currently developed with single-family homes.

SECTION 2. Amend the Zoning Map of the Town Code as follows:

The subject parcels being re-zoned are as follows: VB to HO, VB to HC, VB to R-40, VB to R-10, and R-10 to HC, as shown on the maps entitled "Proposed Hamlet Office/Residential (HO) and Hamlet Commercial/ Residential (HC) Zoning Districts- Noyac", prepared by the Town of Southampton, Department of Land Management - Long Range Planning Division, dated July 8, 2004 and last revised March 2, 2005 and specifically indicated on the table below:

TAX MAP #	ACREAGE	EXISTING ZONING	PROPOSED ZONING
900 - 4 - 3 - 35.3	0.3	VB	HO
900 - 4 - 3 - 36.1	0.3	VB	HO
900 - 4 - 3 - 37	0.2	VB	HO
900 - 4 - 3 - 38	0.2	VB	HO
900 - 4 - 3 - 39.1	0.1	VB	HO
900 - 4 - 3 - 39.2	0.1	VB	HO
900 - 4 - 3 - 39.3	0.1	VB	HO
900 - 4 - 3 - 39.4	0.2	VB	HO
900 - 4 - 3 - 40	0.4	VB	R-10
900 - 4 - 3 - 41.3	0.2	VB	R-10
900 - 4 - 3 - 42	0.2	VB	R-10
900 - 4 - 3 - 43	0.3	VB	R-10
900 - 4 - 3 - 44	0.2	VB	R-10
900 - 6 - 1 - 42	0.3	R-10	HC
900 - 6 - 1 - 43	0.3	R-10	HC
900 - 14 - 1 - 40	0.8	VB	R-40
900 - 14 - 1 - 41	0.4	VB	R-40
900 - 14 - 1 - 42	0.3	VB	HC
900 - 14 - 1 - 45	0.2	VB	HC
900 - 14 - 1 - 66.5	2.5	VB	HC
900 - 14 - 1 - 66.27	2.0	VB	HC

SECTION 3. Severability.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be judged 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 4. 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.

✓ Vote Record - Resolution 2005-1010					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Patrick Heaney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Nancy Graboski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Dennis Suskind	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Steven Kenny	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Linda Kabot	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>