Appendix F-9
Carolyn Zenk, Esq. Letter

October 12, 2016

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Southampton Town Board
Southampton Town Hall
116 Hampton Road
Southampton, New York 11968

RECEIVED
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October 12th, 2016

Re: "Hills at Southampton": September DEIS fails to conform to July 1st, 2015 Town Board scoping document & Southampton's Planned Development District.

Dear Supervisor and Southampton Town Board Members:

CLEAN-*Citizens for Clean Drinking Water, Clean Air and Clean Bays*-wishes to put you on **NOTICE** that the September 2016 *Draft Environmental Impact Statement* (DEIS) is inadequate for public review because it is illegal.

F-9.1
Sec. 6.13

THE DEIS IS IN VIOLATION OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT BECAUSE IT DOES NOT CONFORM TO JULY 1, 2015 SCOPE.

The DEIS is in violation of the State Environmental Quality Review Act (SEQRA) because it fails to conform to your final July 1st, 2015 scoping document. The Town Board directed the developer to prepare a **"Current Zoning Alternative"**, which was supposed to conform to *each and every* applicable law. Your current laws include: your zoning code *and* your subdivision regulations. In this case, a cluster subdivision or planned residential development map, meeting all the Town's prerequisites for such a map, would be required. (This includes submitting a standard yield map first.)

The developers have prepared a yield map for "The Hills" central parcel and the Kracke parcel. However, **THERE IS NO YIELD MAP FOR PARLATO** as you directed in your scope and as required by the PDD legislation. See **Exhibit A/Standard yield map for Hills/Kracke alone. Exhibit C/Scope at page 10. Exhibit D PDD law at page 19.**

Several ***conceptual*** maps have been submitted in Chapter 5 of the DEIS as small fold outs. **See Exhibit B/*Conceptual* map for Alternative 2/Current Zoning Alternative.** *However, they are not formal subdivision maps*. None of the following are included: lot size, lot dimensions, open space or fertilized vegetation calculations per lot or per tract, or a park.

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Your scoping document clearly required the developers to prepare:

> "Alternative 2: **Development *per Existing Zoning***" and "Alternative 7: **"Lesser Impact Alternative." See Exhibit C/July 2015 scoping document at page 9.** (Emphasis added)

The July 2015 scope required the following alternatives for the DEIS:

> Alternative 2: ***Development per Current Zoning and all Regulatory Controls:*** Triple emphasis added.

- This should include the ***mandatory requirements of all regulatory controls*** associated with developing this site, including but not limited to:...[open space, fertilized vegetation, and clearing of natural vegetation] **See Exhibit C/page 20 & 21**. (Triple emphasis added.)

Since your subdivision regulations and zoning regulations are part of the "mandatory requirements" and the "regulatory controls associated with developing this site", they must be included in **Alternative 2 (Current Zoning Alternative)** *and* **Alternative 7 (Lesser Impact Alternative)**. Simple *conceptual* maps do not meet the scope criteria.

At your October 11th, 2016 Town Board session, Mr. Kyle Collins, who is a planner, *not an Attorney*, offered incorrect "legal advice" to the Board stating that the DEIS conformed to the SEQRA regulations, without addressing inconsistencies with the July 1st scoping document or illegalities under the Planned Development District Law.

DEIS DOESN'T CONFORM TO PLANNED DEVELOPMENT DISTRICT LAW

F-9.2
Sec. 3.2.2

Mr. Collins failed to remind Board members that they are considering a change of zone from the existing five acre residential and *Aquifer Protection Overlay District* zones to *Planned Development District.* Therefore, the alternatives must meet the standards of the Planned Development District (PDD) law, *as well* as SEQRA.

The Southampton Town Code, Section 330-245, makes it clear that the fundamental criteria for a change of zone to **PDD IS WHETHER THE PROJECT HAS SUFFICIENT "COMMUNITY BENEFITS". See Exhibit D/PDD law excerpts.**

In determining the requisite"community benefits", the Town Board is mandated to consider, "The benefit to the applicant of the proposed zone changes, above an **as-of-right project on the subject property**." **See Exhibit D/PDD law at page 19**. (Emphasis added) Therefore, unless, a **REALISTIC AS-OF-RIGHT SUBDIVISION**, which

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incorporates Southampton's zoning and subdivision regulations, is prepared, the legally-required comparison simply cannot take place.

Furthermore, Town Code, PDD Law, Section 330-245 I. (6), expressly *disallows* the Town Board to count as "community benefits" any benefit, which can be obtained *through the subdivision regulations*. The Board can only do its job, if it determines what the subdivision regulations would *actually* require. The Town Board must determine:

> Whether the applicant proposes project features that would otherwise be required of development on the subject property through the site plan, **subdivision,** architectural, SEQRA, **or other regulatory review process. Said features shall not qualify as community benefits. See Exhibit D/PDD requirements at page 14.** (Emphasis added)

Only a **REALISTIC SUBDIVISION MAP** can determine whether the developer is claiming benefits that the Town Code would legally require anyway.

CLEAN *notes that the developer had submitted a subdivision map to the Planning Board for the central Hills parcel (not Parlato or Kracke). Therefore, it would not be difficult for the developers to prepare subdivision maps for the PDD application.*

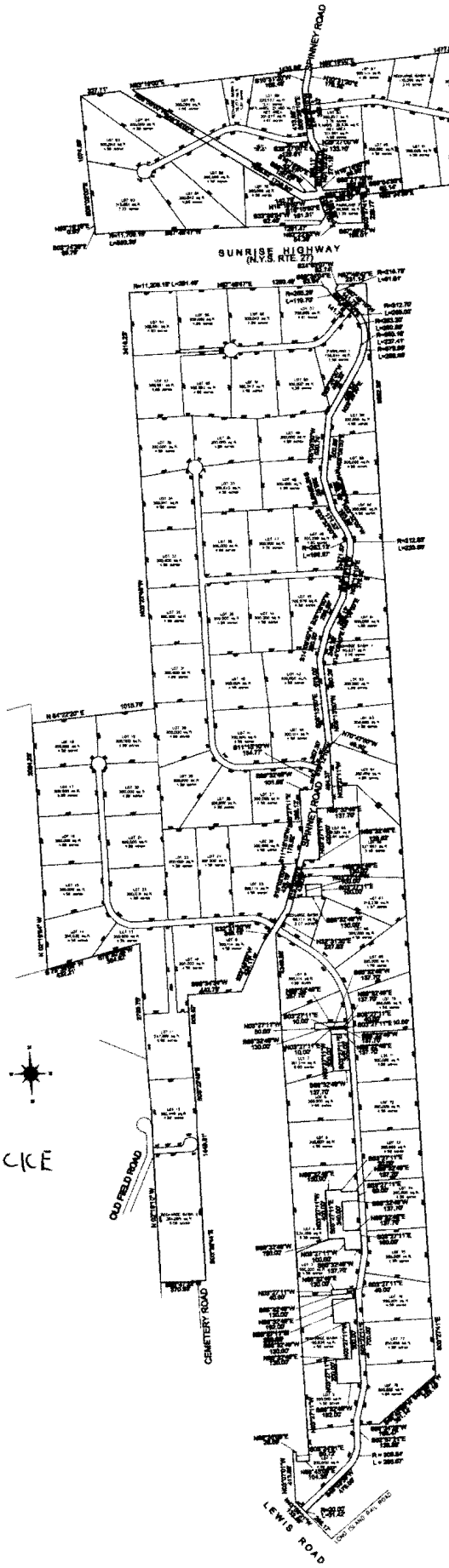
CONCLUSION

The public is entitled to **REALISTIC, LEGALLY-CONFORMING SUBDIVISION MAPS,** consistent with your own scoping document, and consistent with the legal requirements of your Planned Development District legislation.

Without these maps, the Town Board cannot perform its **FUNDAMENTAL TASK OF DETERMINING THE "COMMUNITY BENEFITS" OF THE PDD PLAN *AS COMPARED* WITH A REALISTIC "AS OF RIGHT" "CURRENT ZONING" CLUSTER SUBDIVISION ALTERNATIVE OR AGAINST THE "LESSER IMPACT ALTERNATIVE."**

Sincerely,

Carolyn Zenk
Attorney at Law
Vice President **CLEAN**
Citizens for Clean Drinking Water, Clean Air, and Clean Bays
Enclosures: Excerpts of July 1st, 2015 Scoping document, PDD law, DEIS insufficient yield map and conceptual alternative.



PARLATO
MISSING

KRACKE

HILLS

— EXHIBIT A/DEIS YIELD MAP w/out PARLATO —

YIELD MAP

NOTE:
DRAINAGE TO BE SUPPLIED BY LANDOWNER POOLE

REVISIONS			
ITEM	DATE	APP'D	DATE

NELSON & POPE, LLP

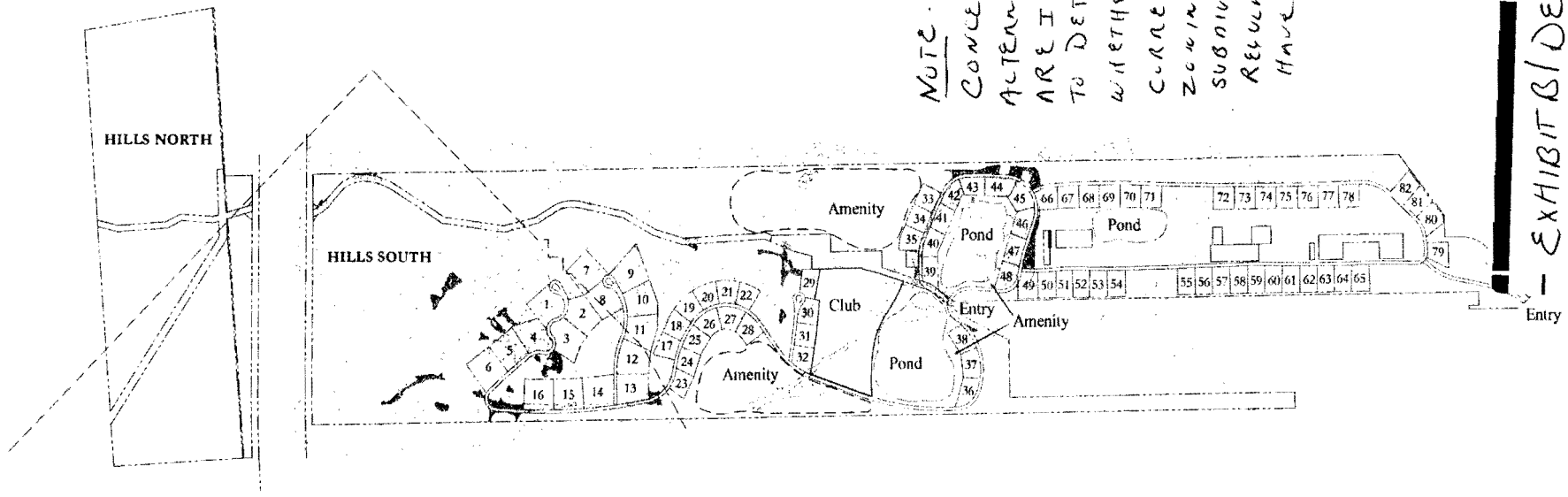
SUBMITTED: N.Y.S. L.C. No.
APPROVED: TOWN ENGINEER
DESIGNED: KDO DATE: DEC. 2014
DWG. CY DATE: DEC 2014
SCALE: 1" = 300'
FILE: 340-302
SHEET 1 OF 1

(1)

- EXHIBIT B/DEIS Conceptual Alternative/# Subdivision -

(2)

NOTE: CONCEPTUAL ALTERNATIVES ARE INSUFFICIENT TO DETERMINE WHETHER CURRENT ZONING & SUBDIVISION REGULATIONS HAVE BEEN MET



NELSON & POPE ENGINEERS & SURVEYORS FAZIO DESIGN VITA

FIGURE 5-1a
ALTERNATIVE 2a: HILLS SOUTH PARCEL / "CURRENT ZONING ALTERNATIVE"

The Hills at Southampton

Draft EIS

Source: Design Plans from Vita Landscape Architects
Note: Not to Scale

Appendix A-4
Final Scope of Draft EIS

Southampton Town Board

July 1, 2015

- EXHIBIT C / SCOPE July 1, 2015 -

NELSON POPE & VOORHIS, LLC
ENVIRONMENTAL • PLANNING • CONSULTING

3.4 Community Character
3.4.1 Existing Conditions
3.4.2 Anticipated Impacts
3.4.3 Proposed Mitigation
3.5 Cultural Resources
3.5.1 Existing Conditions
3.5.2 Anticipated Impacts
3.5.3 Proposed Mitigation

4.0 OTHER REQUIRED SECTIONS
4.1 Construction-Related Impacts
4.2 Cumulative Impacts
4.3 Adverse Impacts that Can not be Avoided
4.4 Irreversible and Irretrievable Commitment of Resources
4.5 Effects on the Use and Conservation of Energy Resources
4.6 Growth-Inducing Aspects

5.0 ALTERNATIVES
5.1 Alternative 1: No Action
5.2 Alternative 2: Development per Existing Zoning
5.3 Alternative 3: Development per East Quogue Land Use Plan
5.4 Alternative 4: Reduced Density Alternative
5.5 Alternative 5: Alternative Site Design
5.6 Alternative 6: Alternative Technologies
5.7 Alternative 7: Lesser Impact Alternative

6.0 REFERENCES

APPENDICES

5.0 Detailed DEIS Scope

As required under SEQRA, the DEIS should include *"a statement and evaluation of potential significant adverse impacts at a level of detail that reflects the severity of the impacts and the reasonable likelihood of their occurrence"*. Included in this evaluation will be short-term and long-term impacts, with other required sections identified in Section 6.0 of this scoping document. This section further describes the level of analysis and the type of analysis expected with respect to the key environmental impacts of the project as outlined in the Positive Declaration. Each major section is followed by a description of the extent and quality of information needed to perform the evaluation of each of the impacted resources.

Description of the Proposed Project

Description of the Project Area

1. Describe the entire project area that is subject to the proposed actions, which include: a listing of all tax lots within the project area, proposed uses of said tax parcels, and accompanying map illustrating the same.

Description of the current zoning and the Town's PDD and MUPDD Ordinances

1. Describe the current zoning at the site and the development potential under the current zoning on a standard yield map, taking into account other regulatory requirements and site design factors

STANDARD YIELD MAPS REQUIRED FOR ALL PROPERTIES
HILLS, KRACKE, & PARLATO

(e.g., easements or other development controls). Provide standard yield maps for all properties associated with this project, including the Kracke and Parlato properties.

2. Describe the Town's PDD and MUPDD ordinances. Include a description of the overall intent of the PDD law, a listing of the specific public goals and objectives to be achieved by the MUPDD law, and how these relate to the proposed project. Note that conformance to these goals will be analyzed in Section 3.2.2.

Background and History

1. Describe the site and application history; include a full description of the existing and historic use of the site, a description of previous clearing activities, the status of the current use of the site, site ownership, and existing easements.
2. Describe the Town Board's moratorium on development of properties in the area (including the subject site), the legislative history of the 5 acre zoning of the subject site, and the East Quogue GEIS and associated Findings Statement related to the subject properties.
3. Summarize the Phase I and/or Phase II Environmental Site Assessments (ESAs) that were prepared for the subject site and attach excerpts to establish background conditions and to document dumping on the property.

Public Need and Municipality Objectives

1. Relate the proposed project to the Town goals for the site as outlined in the East Quogue GEIS and Findings Statement.
2. Discuss the public need for the proposed project.

Objectives of the Project Sponsor

1. Discuss the objectives of the project sponsor.

Benefits of the Project

1. Discuss the economic benefits expected.
2. Discuss the purpose and specific language of the restrictive covenant related to occupancy.
3. Discuss the demographic characteristics of the proposed annual occupancy of the units as related to other DLC projects.
4. Provide the basis for limited annual occupancy of the units and the absence of project-generated school children.

Community Benefits of the Project

1. Discuss the community benefits proposed by the applicant for each of the categories established as community benefits under the PDD law. These are as follows: ≠ COMMUNITY BENEFITS – CONDITIONS FROM: SEQRA CONDITIONS SITE/SUBDIVISION ARCHITECTURAL REVIEW
   1. Open space;
   2. Housing for persons of low or moderate income;
   3. Parks;
   4. Elder care;
   5. Day care;
   6. Other specific physical, social or cultural amenities.

2. Verify that each of the community benefits listed in support of the PDD is in conformance with §330-245(I) (6) of the Town Code, which reads: "In determining the community benefit requirement for a proposed PDD, the Town Board shall consider whether the applicant proposes

NOTE:
WITHOUT LEGAL SUBDIVISION MAP, THE COMMUNITY BENEFITS CANNOT BE DETERMINED

✓ project features that would otherwise be required of development on the subject property through the site plan, subdivision, architectural, SEQRA, or other regulatory review process. Said features shall not qualify as community benefits".

Project Location and Existing Site Conditions

1. Describe the location of the site, using appropriate mapping and/or tables in terms of adjacent/nearby significant properties, zoning, and planning.
2. Describe the project's location in the Core and Compatible Growth Areas of the CPB Zone and other Town overlay districts.
3. Utilize regional mapping resources to identify existing protected, unprotected and developed land, including anticipated future land use build-out patterns from the East Quogue GEIS.
4. Provide the existing conditions of the site in terms of a site survey, vegetative cover and any ESA as an overall background of existing site conditions.

Project Design and Layout

1. Provide a table summarizing the breakdown of associated land use and development components of the project site with build-out of the proposed project (e.g., open space as defined by the Town code, residential structures, roads and parking, etc.) and compared with the land cover of the project site under the existing conditions.
2. Include a brief description of the overall project layout; describe basis for site yield, location/distribution of proposed structures on the site, services, utilities, access points, road system including road clearing corridors, limits of site disturbance, drainage systems, etc., as well as areas to remain natural and open space/recreation areas clearly identified.
3. Discuss the sizes, numbers, bedroom counts, heights, etc. of the residential and associated structures.
4. Describe and discuss the effectiveness of the proposed lined greens in preventing lawn chemicals from impacting groundwater. Describe what percentage of the golf course that will be lined and where the run-off from the liner is distributed.
5. Discuss the golf course layout, including the associated buildings, maintenance area, etc., and golf course maintenance practices.
6. Discuss the grading program and associated areas disturbed, along with areas to be cleared.
7. Provide estimates of the volume of soil excavated, cut/filled, removed from site and the maximum depths of cut/fill.
8. Discuss the anticipated employees at the project including: types of jobs, expected location of residency and potential for secondary impacts from labor pool that will serve the project.
9. Provide information on site drainage, proposed drainage system, and capacity and function along with a discussion of conformance to NYSDEC SPDES stormwater and erosion control regulations for construction and post-construction conditions.
10. Describe the vehicle access points, internal roadway layout, and internal traffic circulation.
11. Discuss any off-site road improvements and internal roadway maintenance responsibilities and processes.
12. Identify the intended use of the existing improved portion of Spinney Road, including potential for emergency access.

6.0 Other Required Sections

In addition to the key resources identified in the Positive Declaration, SEQRA identifies other required sections for a complete DEIS as included in 6NYCRR Part 617.9 (b)(3). Mitigation measures will be included with respect to each key impact area as noted in Section 5.0. Alternatives to be studied are identified in Section 7.0. The following Other Required Sections and evaluations will be provided in the DEIS.

- **Construction-Related Impacts** - Describe the impacts related to construction noise, air quality and dust, erosion and sedimentation, area receptors, applicable nuisance regulations, applicable agency oversight and safeguards, phasing of the project, staging areas, parking areas, operation areas, duration, hours, and related mitigation measures to reduce construction impacts.
- **Cumulative Impacts** - Describe other pending projects in vicinity, determine potential for impacts due to implementation of proposed project in combination with others and discuss/analyze potential cumulative impacts the natural and social environments.
- **Adverse Impacts That Cannot Be Avoided** - Provide a brief listing of those adverse environmental impacts described/discussed previously that are anticipated to occur, which cannot be completely mitigated.
- **Irreversible and Irretrievable Commitment of Resources** - Provide a brief discussion of those natural and human resources which will be committed to and/or consumed by the proposed project.
- **Effects on the Use and Conservation of Energy Resources** - Provide a brief description of planned and/or potential energy-conserving measures, which may include use of energy-efficient devices. Include a general discussion related to the potential for buildings and site to be constructed to LEED® certification.
- **Impact on Public Health** – Provide a brief discussion of the potential impacts of the development on public health.
- Growth-Inducing Aspects - Provide an analysis of whether or not the proposed project may contribute to future growth in the area or result in secondary demands due to the employment.
- **Mitigation** - Provide a summary of mitigation measures in a mitigation chapter.

7.0 Alternatives to be Studied

SEQRA requires a description and evaluation of the range of reasonable alternatives to a proposed action that are feasible, considering the objectives and capabilities of the project sponsor. Alternative technologies should be considered, where appropriate. As noted in SEQRA, "*The description and evaluation of each alternative will be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed*". The following alternatives are required for the DEIS:

- **Alternative 1**: No Action (zoning remains the same; no municipal acquisition and no site development).
- **Alternative 2**: Development per Current Zoning and all Regulatory Controls:
  - This should include the mandatory requirements of all regulatory controls associated with developing this site, including, but not limited to:
    - Central Pine Barrens Overlay District

NOTE: CAN ONLY BE DETERMINED w/ SUBDIVISION MAP

- Groundwater Management III Zone
- Aquifer Protection Overlay District – Specifically explain how the project will conform to §330-68 of the Town Code which states that "fertilized vegetation shall not exceed 15% of the area of a lot within in the Aquifer Protection Overlay District, and fertilized vegetation on a tract shall not exceed 20,000 square feet".

  Specifically explain how the project will conform to §330-67 of the Town Code which states that "for residential lots, the amount of disturbance of natural vegetation shall not exceed 20% for lots between 140,001 and 200,000 square feet and shall not exceed 15% for lots between 200,001 or greater".

- Open Space – Specifically explain how the project will conform to §247-8(H) of the Town Code which states "where a parcel is located in Residence Zone CR-200 and is in the Aquifer Protection Overlay District, at least 65% of the parcel shall be preserved". 65% MIN OPEN SPACE
- Mitigation measures imposed during site plan and subdivision review.
- SEQRA

- **Alternative 3**: Development per East Quogue Land Use Plan
- **Alternative 4**: Reduced Density Alternative (an alternative which considers reduced density, clearing or development and may assume partial acquisition of development rights).
- **Alternative 5**: Alternative Site Designs that may assume alternative arrangements for buildings and/or reduced managed turf with enhanced clustering of structures and roads.
- **Alternative 6:** Alternative Technologies that may assume alternative technologies for site operations and maintenance (e.g., natural organic turf management for the golf course and Integrated Land care Management Plan for other turf, alternative wastewater treatment technologies, utilizing domestic wastewater for irrigation).
- **Alternative 7**: Lesser Impact Alternative for technical areas where the DEIS may identify potentially significant adverse impacts, an alternative that reduces or eliminates those impacts. Included, but not limited to:
  - No golf course.
  - No septic systems, turf, or clearing located in the "areas of influence" for public and private wells.
  - Locating housing away from the habitat of endangered, threatened, or "species of special concern".

Each alternative will use graphics, text, tables and analytical data that detail:

1. The qualitative and quantitative comparison of the environmental and social impacts of each of the alternatives and the proposed project;
2. The mitigation that may be necessary under each alternative and with the proposed project;
3. The comparison of each of the impact categories presented in this scope as they relate to each alternative and the proposed project.
4. The construction impacts of each of the alternatives.

ALTERNATIVES @ SAME LEVEL OF DETAIL AS POD

All graphics, text, tables and analytical data for the alternatives will be formatted in the same way for ease of comparison among scenarios.

This document is intended to fulfill the lead agency requirements for issuance of a Final Scope for a DEIS in accordance with 6 NYCRR Part 617.8. The document assists the lead agency in evaluating the DEIS for content and adequacy for public review and assists the applicant in understanding the extent and quality of information needed to evaluate the proposed project and allow the lead agency and involved agencies to obtain the information necessary to reach an informed decision on the proposed project.

PLANNED DEVELOPMENT DISTRICT

the time it approved a particular PDD application, the Department of Land Management shall provide comments and recommendations to the Planning Board for any pending PDD application, adopted by the Town Board but being reviewed by the Planning Board, which may be affected by any recently adopted hamlet study, moratorium study, or Comprehensive Plan update findings, for the Planning Board's due consideration when considering said PDD application. In the event of an expiration of approval, the PDD may, after proper notice and a public hearing, revert to its prior zoning classification, and the Town Clerk shall amend the official copy of the Zoning Map in accordance therewith. Approval for a specific PDD shall be use-specific and shall not entitle the substitution of another PDD without an entirely new application under this article. There shall be no expiration of the approval of the establishment of a PDD where the Town Board establishes said PDD on its own motion.

K. Oversight and review.

(1) For each PDD approved, except for Agricultural PDDs, the Town Board shall establish a committee to provide oversight and make recommendations to the Town Board on such actions as may be needed to ensure implementation of the required community benefit according to the schedule established by the Town Board and in accordance with the intent of PDD-specific community benefit requirement. Said committee shall also provide oversight on project development, as needed, to ensure that it is built to the approved plan. The Oversight Committee shall be appointed by the Town Board and shall include stakeholder representation including the applicant or designee, one member of the Community Advisory Committee (CAC) in which the project is located, and the following Town officials or their designees: Town Comptroller, Town Attorney, Town Planning and Development Administrator, Chief Building Inspector and, when land preservation is required, the Town's Community Preservation Fund Manager.

(2) By June 1 of each year, the Department of Land Management shall provide the Town Board with a brief report on the PDD application activity over the previous year, including, but not limited to, a listing of new and pending applications and their status, a qualitative assessment of the applications received in the previous year, and an assessment of the quantity and content of public comments on those applications.

(a) Within 45 days of the receipt of the said report, the Town Board shall, at a public work session, consider the contents of said report, the impact of the Town's PDD legislation on Town growth and development, and whether further action is needed to amend the PDD provisions of the Town Code.

§ 330-245 **Evaluation criteria and general development standards.**

A. No earth work, land clearing, construction or development shall take place on any property in a PDD except in accordance with the subdivision or site plan approved by the Planning Board in accordance with this article and the procedures and standards for site plan approval set forth in this chapter.

B. In cases in which a proposed project also involves the subdivision of land, no development may proceed until the Planning Board has granted final subdivision approval in accordance with the standards and procedures of Chapter **292** of this Code.

C. Approval of a site plan for any of the uses listed in this article shall be conditioned upon sanitary waste discharge levels which are found to be acceptable by the Suffolk County Department of Health Services.

D. Unless restricted otherwise herein, minimum yard setbacks, allowable lot coverage, maximum height or other dimensional requirements for any of the structures devoted to uses listed in this article shall be set by the Planning Board and delineated on the approved plan rather than determined by any other provisions in this Code, but shall in no event be less restrictive than those dimensions set forth on the preliminary site plan submitted in accordance with § **330-244** and upon which the Town Board placed reliance in approving the PDD amendment. The Town Board and Planning Board shall consider the dimensional requirements of the underlying zone as the initial basis for the development design.

E. On-site parking and access requirements shall be determined by the Planning Board based upon the off-street parking schedule in this chapter and reasonable planning standards. Parking and access requirements shall not be less than those shown on the preliminary site plan unless the Town Board shall, by resolution, consent to any such

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EXHIBIT D | PLANNED DEVELOPMENT DISTRICT LAW

reduction. The Town Board and Planning Board shall consider the requirements of the underlying zone as the initial basis for the development design.

F. No planned development district shall be located within the Central Pine Barrens core preservation area as defined in § **330-217** of this chapter.
[Amended 12-21-2001 by L.L. No. 54-2001]

G. No planned development district shall be located within the Central Pine Barrens compatible growth area as defined in § **330-217** of this chapter or within a critical resource area as defined in § 4.5.4.1 of the Central Pine Barrens Comprehensive Land Use Plan, unless the proposed development adheres to the Commission's review pursuant to § 4.5.4 of the Central Pine Barrens Comprehensive Land Use Plan, provided that the PDD ensures enhanced protection of the critical resource feature for which the CRA is designated and if the PDD is located within the Aquifer Protection Overlay District, also complies with the minimum clearing restrictions set forth in § **330-67** and, if applicable, open space requirements of § **247-8**.
[Amended 12-21-2001 by L.L. No. 54-2001]

H. A planned development district may be authorized where the Town Board finds that the development will be beneficial, compatible and harmonious with the surrounding land uses and not have a significant adverse impact upon the environment. The siting of a planned development district shall also be consistent with the recommendations of the Comprehensive Plan.
[Added 12-21-2001 by L.L. No. 54-2001]

I. Community benefit. For each PDD approved, the Town Board shall establish a required community benefit(s) specific to the project. The required benefit(s) shall be detailed in the resulting PDD legislation. In determining the community benefit requirement for a proposed PDD, the Town Board shall consider:
[Added 5-24-2011 by L.L. No. 17-2011; amended 7-26-2011 by L.L. No. 24-2011]

N. SUBDIVISION MAP NEEDED TO DETERMINE AS OF RIGHT

(1) The benefit to the applicant of the proposed zone changes, above an as-of-right project on the subject property;

(2) The value to the Town and hamlet of achieving the proposed development or redevelopment project in the project location, including, but not limited to, whether the project:

(a) Advances the goals of the Town's Comprehensive Plan and other adopted plans relevant to the project location;

(b) Eliminates a nonconforming use;

(c) Meets an established community need;

(d) Involves site rehabilitation or reclamation;

(e) Will set a model for future area development or redevelopment; or

(f) Stimulates desired economic development activity;

(3) Community impacts anticipated as a result of the PDD that cannot be mitigated through project design and traffic system improvements. Such impacts include, but are not limited to, long-term costs of community services and development inducing impacts;

(4) The cost to the applicant of providing the community benefit, with such costs verified by independent, fair appraisals, professionally prepared estimates and/or other relevant documentation as may be appropriate to the specific benefit(s) under consideration;

(5) Whether the project is in a school district with unredeemed Pine Barrens credits. If so, priority shall be given to PBC redemption as all or part of the required community benefit;

(6)

PDD
SUBDIVISION MAP REQ

* (6) Whether the applicant proposes project features that would otherwise be required of development on the subject property through the site plan, subdivision, architectural, SEQRA, or other regulatory review process. Said features shall not qualify as community benefits.

(7) Whether affordable housing is an appropriate public benefit, that is, when there is a demonstrated need in the hamlet where the project would be located for the type of affordable units proposed.

(a) In making said determination, consideration shall be given to the need for affordable housing in the particular hamlet, the appropriateness of the proposed site, the environmental suitability of the site, and the protection of community character;

(b) In making said determination, the density incentive should not result in an adverse impact on the affected school district or other special assessment district.

(8) A list of desired hamlet-specific community benefits, maintained by the Department of Land Management, and prepared in accordance with community input, and hamlet-specific priorities identified in the Comprehensive Plan and/or other related studies. Said list shall not be exclusive.

(a) Where there are several alternative benefits being considered, the Town Board shall consider the feasibility and timing of the implementation of each, with priority being given to benefits that may be more readily achieved.

§ 330-246 **Development standards for specific PDD classifications.**

[Amended 11-13-2001 by L.L. No. 51-2001; 6-25-2002 by L.L. No. 19-2002; 12-23-2002 by L.L. No. 57-2002; 2-22-2005 by L.L. No. 5-2005]

A. Residential Planned Development District (RPDD). The RPDD is predominantly intended to encourage flexible residential development with provisions for recreational, agricultural, community uses, services and activities normally accessory to residential use, while maximizing the preservation of natural vegetation and resources. Clustering, open space preservation, and the most efficient utilization of transportation systems, utilities and public services are intended to be achieved by the RPDD. 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.
[Amended 9-13-2005 by L.L. No. 50-2005]

(1) Requirements.

(a) The RPDD shall be beneficial, compatible and harmonious with the surrounding land uses, and the goals and objectives set forth in this article and the Comprehensive Plan must be maintained and furthered.

(b) No RPDD shall be located within the Tidal Floodplain and Ocean Beach Overlay District.

(c) There shall be no commercial or industrial enterprises as a principal use within an RPDD.

(d) Any building that contains four, five, or six dwelling units shall be equipped with an automatic fire sprinkler system in accordance with National Fire Protection Association (NFPA) 13D Standards.
[Added 9-11-2007 by L.L. No. 45-2007]

(e) Any building that contains seven or more dwelling units shall be equipped with an automatic fire sprinkler system in accordance with National Fire Protection Association (NFPA) 13R Standards.
[Added 9-11-2007 by L.L. No. 45-2007]

(2) Yield.

(a) The initial yield for the receiving site shall be determined by a yield map prepared in accordance with the existing zoning set.

safety agencies providing the primary fire protection and emergency medical services to the location. Compliance with the provisions of Chapter **330**, Article **XXX**, Driveway Standards, is also required.
[Added 7-28-2009 by L.L. No. 32-2009]

B. Mixed-Use Planned Development Districts (MUPDD). The Mixed-Use Planned Development District (MUPDD) is intended to provide a flexible mixture of usage among residential, commercial services and institutional uses while maximizing the preservation of natural vegetation and resources. The commercial uses provided in this district should provide convenient services to the residential uses therein. Clustering, open space preservation, elimination of sprawling complexes and developments, and the most efficient utilization of transportation systems, utilities and public services are intended to be achieved by the MUPDD. The intent is to support creative, desirable and affordable private residential and nonresidential development by providing incentives and flexibility which encourage the use of innovative planning and design techniques.
[Amended 9-13-2005 by L.L. No. 50-2005]

(1) Requirements.

(a) The MUPDD shall be beneficial, compatible and harmonious with the surrounding land uses, and the goals and objectives set forth in this article and the Comprehensive Plan must be maintained and furthered.

(b) No MUPDD shall be located within the Tidal Floodplain and Ocean Beach Overlay District.

(c) Any building that contains four, five, or six dwelling units shall be equipped with an automatic fire sprinkler system in accordance with National Fire Protection Association (NFPA) 13D Standards.
[Added 9-11-2007 by L.L. No. 45-2007]

(d) Any building that contains seven or more dwelling units shall be equipped with an automatic fire sprinkler system in accordance with National Fire Protection Association (NFPA) 13R Standards.
[Added 9-11-2007 by L.L. No. 45-2007]

YIELD MAP REQUIRED

(2) Yield.

(a) The initial yield for the receiving site shall be determined by a yield map prepared in accordance with the existing zoning set.

(b) The resultant yield of an MUPDD shall be the sum of the receiving parcel yield plus the density obtained from the transfer of development rights or PBCs from any sending parcels as set forth in this chapter. Each development right or Pine Barrens credit shall be equivalent to a sewage flow rate of 300 gallons per acre per day as described in the Suffolk County Department of Health Services standards and/or up to a two-percent increase in building coverage, floor area, height or building mass. However, there shall not be an overall increase in building coverage, floor area, height or building mass greater than 10% over the requirements of the underlying zone (i.e., where 30% is the maximum coverage in the underlying zone, a maximum of 40% may be permitted).

(c) Notwithstanding the provisions of the aforementioned subsections, the yield or the building coverage, floor area, height, or building mass may be increased, at the discretion of the Town Board, to achieve any of the goals set forth in this chapter, or to provide for community benefits or public facility that satisfies an identified public need as recommended by the Comprehensive Plan or as established by the Town Board, excluding common and/or requisite public improvements. New York State Law permits the Town to utilize incentive zoning for the purpose of obtaining community benefits. New York State Town Law § 261-b of the State of New York defines "community benefits or amenities" as "open space, housing for persons of low or moderate income, parks, elder care, day care, or other specific physical, social or cultural amenities, or cash in lieu thereof, of benefit to the residents of the community authorized by the Town Board." The Town's Master Plan recommends that the use of planned development district (PDD) zoning for large senior housing or multifamily housing developments, whereby additional density can be achieved through the transfer of development rights (TDRs) or Pine Barrens Credits (PBCs), such that there is no substantial