



Southampton Town Board

116 Hampton Road
Southampton, NY 11968

ADOPTED

TOWN BOARD RESOLUTION 2015-60

Meeting: 01/13/15 01:00 PM

Department: Long Range Planning

Category: Local Laws

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Initiator: Janice Scherer

Sponsors: Supervisor Anna Throne-Holst

DOC ID: 21579

Notice of Adoption In Connection with a Local Law to Change the Zoning District of Parcels Identified by SCTM Numbers: 900-207-5-3 & 4; 900-207-4-22.1, 23, 24 & 25; and 900-208-2-18.1 from Resort Waterfront Business (RWB) and Motel Business (MTL) to 'Canoe Place Inn (CPI), Canal & Eastern properties Maritime Planned Development District (CPICEMPDD)', Hampton Bays

WHEREAS, on February 23, 2012, the Town Board of the Town of Southampton received a formal application for a Change of Zone to allow a Maritime Planned Development District (MPDD) on several properties in Hampton Bays; and

WHEREAS, the application requests the re-zoning to facilitate the redevelopment of the Canoe Place Inn (CPI) site (SCTM No's: 900-207-5-3 & 4), as well as the neighboring Canal Property, which consists of four parcels located directly east of the Shinnecock Canal and north of Montauk Highway (SCTM No's: 900-207-4-22.1, 23, 24 & 25), and an Eastern Parcel, which consists of a single parcel located east of North Shore Road (CR 39), and north of Montauk Highway (SCTM No. 900-208-2-18.1); and

WHEREAS, specifically, the proposal seeks to rezone (i) the CPI and Canal properties from their Resort Waterfront Business (RWB) designations to MPDD, and (ii) the Eastern Parcel from Motel Business (MTL) to MPDD; and

WHEREAS, the proposed redevelopment of the CPI site includes renovating the historic CPI building for use as an inn with 20 units, a catering facility with a 350-person maximum room occupancy, a 70-seat restaurant with a 20-seat bar area and 120-seat outdoor seating, and the renovation of the five existing cottages on the property for extended stay non-residential guest units; the Canal Property is proposed to be redeveloped with a reduced yield of 37 townhouses with a 1,900 sq. ft. Clubhouse/amenity building, pool and private marina; the Eastern Parcel will contain a community sewage treatment system to handle the proposed townhouse development; 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 March 27, 2012, by Resolution No. 433, the Town Board commenced the SEQRA process to coordinate lead agency; and

WHEREAS, on May 8, 2012, by Resolution No. 570 of 2012, 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 10, 2012 by Resolution No. 760, the Town Board issued a final written scope for the purposes of preparing a DEIS; and

WHEREAS, the applicant submitted a revised DEIS on May 2, 2013 with additional information given on May 9, 2013; and

WHEREAS, on June 25, 2013 by Resolution No. 2013-672, the Town Board deemed the resubmitted Draft Environmental Impact Statement complete; and

WHEREAS, public hearings were held on the DEIS on August 13, 2013, September 10, 2013, October 22, 2013 and December 10, 2013; and

WHEREAS, on October 16, 2014 by Resolution No. 2014-1067 the Town Board accepted the Final Environmental Impact Statement (FEIS) and directed a Notice of Completion to be filed in the Environmental Notice Bulletin; and

WHEREAS, based on the content and testimony at the DEIS hearings cited above as well as information in the Final Environmental Impact Statement, the Town Board has afforded the public the opportunity to review and comment on the revised plans contained in the FEIS and the corresponding local law by holding public hearings on November 12, 2014, November 25, 2014 and December 9, 2014 where the hearing process was closed with a 10-day written comment period; and

WHEREAS, all SEQRA findings shall be considered with a formal acceptance to be made by separate resolution prior to the adoption of the 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, §330-248V is hereby enacted as follows:

LOCAL LAW NO. 1 OF 2015

A LOCAL LAW amending Article XXVI- Planned Development District of Chapter 330 of the Town Code of the Town of Southampton to enact a new § 330-248 V. that rezones seven parcels of land on both the east and west sides of the Shinnecock Canal from Resort Waterfront Business (RWB) and Motel Business (MTL) to Maritime Planned Development District to facilitate the redevelopment of the Canoe Place Inn (CPI) site (SCTM No's: 900-207-5-3 & 4) to an inn/catering and restaurant use, as well as the neighboring Canal Property, which consists of four parcels located directly east of the Shinnecock Canal and north of Montauk Highway (SCTM No's: 900-207-4-22.1, 23, 24 & 25) to a 37 unit townhouse development, and an Eastern Parcel, which consists of a single parcel located east of North Shore Road (CR 39), and north of Montauk Highway (SCTM No. 900-208-2-18.1) to provide an off-site wastewater treatment plant (Nitrex™ system), in the Hamlet of Hampton Bays.

SECTION 1. Legislative Intent.

The "Canoe Place Inn, Canal and Eastern Property Maritime Planned Development District" (CPICEMPDD) 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 Code of the Town of Southampton, and specifically those established under Section 330-246(E), Maritime Planned Development District (MPDD). Said districts are intended to provide flexible residential and/or commercial development with predominantly water-

dependent or water-enhanced uses, while maximizing the preservation of natural vegetation and resources. Clustering, open-space preservation, water access and the most efficient utilization of the waterfront, transportation systems, utilities and public services are to be achieved through a MPDD designation.

In March 1999, the Town adopted the *Southampton Tomorrow Comprehensive Plan Update Implementation Strategies* ("The 1999 Update"). Today, the Town of Southampton's Comprehensive Plan ("The Plan") is comprised of the 1999 Update along with all subsequent adopted studies and zoning amendments that carry out the implementation strategies to achieve the Town's long-term goals, including the most recent Hampton Bays Corridor Strategic Plan and Cumulative Impact of Build-Out Study/GEIS and the Town of Southampton 400+ Sustainability Plan.

The Hampton Bays Corridor Strategic Plan provides zoning, planning, and capital improvements recommendations to guide development along a portion of the Montauk Highway/East/West Main Street corridor from Jones Road in West Tiana to Peconic Road in Shinnecock Hills and includes several environmental protection, parks and open space recommendations. As outlined in the Hampton Bays Strategic Plan, relevant community goals and objectives for the Canoe Place Inn include:

- Respecting the "legend" of the place, through such means as adaptive reuse of the existing Inn building, use of appropriately historical architectural styles and features on new construction; and historic exhibits commemorating the site's significance as the nation's oldest inn location, its role in the Revolutionary War as the site of Fort Lookout, and the Inn's 20th century history as host to a long series of celebrities. As the practicability of preserving and reusing the existing building has come into question, review of the PDD application should include an independent assessment from both structural and economic standpoints, with applicable tax credits and funding for preservation taken into account.*
- Continued public access to, and enjoyment of, the site through such uses as a restaurant, catering facility, hotel, conference center, spa, health club, etc.*
- Use of the facility by a transient, vacationing population rather than adding to the community's resident population, with its associated fiscal impacts.*
- Maintaining a scale proportionate to the property and the surrounding community. The massing and height of any new proposal should be analyzed for impacts on area aesthetics and community character, and the review process should include a visual analysis to illustrate the impacts of the proposal from key vantage points. Distribution of new bulk in a series of related buildings with varying sizes is preferred, based on the traditional scheme of a resort complex with main building, subordinate buildings and outlying cottages.*
- Use of the site to contribute to the hamlet's economic activity and vitality. Project review should include an assessment of potential impacts to area businesses.*
- Address potential impacts and benefits to the planned maritime park across Newtown Road to the east. Although the history of the CPI site and the maritime history to be celebrated at the park are separate and distinct, the area would benefit*

from some joint site planning to avoid conflicts in access and circulation, plan for intermodal transportation connections, and ensure that the experience of the park is enhanced, rather than hampered, by the adjacent development.

Redevelopment of the CPI site as a PDD would incorporate provisions for public benefits. As noted, a much desired public benefit for this project is preservation and adaptive reuse of the existing structure.

The Hampton Bays DGEIS states: *to the extent feasible, Town discretionary powers should be used to encourage rehabilitation and reuse of the existing Canoe Place Inn structure. Important features that cannot be preserved should be salvaged for use and display elsewhere. Require oversight of any building demolition and ground disturbance by a qualified archaeologist. CPI redevelopment should highlight its history via an exhibit on or near the site.*

For the eastern side of the Canal, the Strategic Plan points to points to a potential expansion of the Tiderunners restaurant into 'Canalside East,' a complex of shops and restaurants similar to the Gosman's Dock pierside development in Montauk.

The most important component of the Canal property recommendation is the provision of a continuous public access esplanade along the canal front, allowing public pedestrian and water access at a lower level than the development above.

Pursuant to §330-246(E), Maritime Planned Development Districts should be established where they are found to be "beneficial, compatible and harmonious with surrounding land uses, the goals and objectives set forth in this Article [XXVI], the Comprehensive Plan and Local Waterfront Revitalization Program (LWRP) must be maintained and furthered".

The project's viability and appeal is based on its location along the Shinnecock Canal. The Canoe Place Inn rehabilitation plan is a direct result of the developer working with the community to formulate a plan for the adaptive reuse of this historic structure and iconic place that will serve as a defining showpiece for the Hamlet of Hampton Bays. In order to financially accomplish this, the developer has requested a rezoning to include parcels on the eastern side of the Shinnecock Canal to allow for the construction of thirty-seven (37) 3-bedroom residential townhomes with interior recreational space and pool, decks, parking and landscaping on the parcels that currently contain commercial uses (Tiderunners restaurant, Bait and Tackle Shop and other associated buildings). In the MPDD application, a type of development right or density transfer is proposed that transfers the existing development yield between the three subject sites. In this way, the pre-existing 29 inn and cottage units at CPI would be converted/transferred as residential density to the Canal property, leaving a deficit of 8 units (based on the 37 unit revised plan). The 25 potential motel units would be transferred from the Canal and Eastern Properties back to the CPI Property to allow for the 20 inn units and 5 cottages. The Eastern property would only be used as a type of infrastructure lot to contain the Nitrex™ Wastewater Treatment Facility (WWTF) that processes the sanitary discharge from the Canal Property townhomes and as such would be left with no associated development rights. A passive recreational trail easement has also been offered to the Town for connectivity to the Paumanok Path and the applicant has offered to donate an additional \$50,000 to repair and maintain the roadways surrounding the Shinnecock Hills parcel.

Surrounding land uses include residential neighborhoods and marina uses, to which the project is considered to be compatible and harmonious. Section 330-5 of the Town Code defines a "water-enhanced use" as:

Commercial, recreational or not-for-profit activity, facility and/or establishment that does not absolutely require a waterfront location in order to function, but which contributes to the economic viability of water-dependent uses or which increases the public's enjoyment of the waterfront. Water-enhanced uses shall be construed to include restaurants; resort motels; bed-and-breakfasts; retail shops/outdoor markets; offices of marine-related services; marine-related not-for-profit philanthropic, fraternal, scientific research, social or educational institutional offices or meeting rooms; picnic grounds; public parks; maritime museums and outdoor theaters.

The inn/catering with restaurant and cottage units at the Canoe Place Inn are considered to be water enhanced uses, while the proposed townhouses are not considered water enhanced as indicated above but are intended to be high-end second homes that will enhance the tourist nature of the area. Inasmuch as a significant portion of the project proposal is considered water-enhanced and the townhouse project provides opportunities for creating passive public access to the water along the property frontage of the Shinnecock Canal once all connections are secured as well as includes the accessory water-dependent viewing/fishing platform with associated parking and existing floating dock for transient boating and/or fishing, it is considered compatible with the goals and objectives of the Maritime PDD designation.

In terms of the land use goals and objectives for implementing the Town's pending Water Protection Plan as well as the South Shore Estuary Reserve (SSER) and Peconic Estuary Plan (PEP CCMP), public and private development that brings people to the waterfront to live, eat, shop, relax, recreate and participate in cultural events is considered positive because, when done properly with the necessary environmental controls, it has the potential to foster a sense of connection with and stewardship of the Town's water resources. By constructing a boardwalk generally along the frontage of the Shinnecock Canal and providing the necessary legal instruments to ensure for passive public access to the waterfront along with the incorporation of a scenic viewing/fishing platform and existing floating dock access, this component of the project is considered to be consistent with the general philosophy of waterfront revitalization.

In response to nitrogen management and the goals and objectives for water quality and sustainability, the Town Board recognizes the utmost importance of the project design's sensitivity to the impaired water quality of Shinnecock Bay and the Peconic Estuary and therefore the project in its entirety must remove more nitrogen than it discharges, i.e., achieve 94+% nitrogen reduction. In this way, the project is considered an innovative step toward sustainable land use design by addressing the nitrogen-induced water quality problems and will serve as a model for future projects that are situated in close proximity to surface water. The Town Board will also require that the Townhouse development achieve the highest energy rating in the Town Code Chapter 123 and the Canoe Place Inn achieve an energy star rating to the extent that is consistent with the historic rehabilitation program and the cottages also conform to the residential energy standards of Chapter 123.

By combining the sites into an overall Maritime PDD, the Town can therefore facilitate the

rehabilitation of the historic CPI and reinforce the already strong tourism and second home industry, while simultaneously promoting year-round tourism.

SECTION 2. Amendment. Chapter 330 is hereby amended by adding a new Section 248 V. as indicated by underlining as follows:

V. Canoe Place Inn, Canal and Eastern Properties Maritime Planned Development District (CPICEMPDD)

(1) Purpose and Objectives.

- (a) Canoe Place Inn, Canal and Eastern Properties Maritime Planned Development District (CPICEMPDD) 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 Code and those established for a Maritime Planned Development District (MPDD). The CPICEMPDD also supports implementation of the Town's Comprehensive Plan, particularly the goals, findings, policies and recommended actions. Specific Comprehensive Plan objectives achieved by the CPICEMPDD are as follows:
- (b) Protection of valuable natural, historic and scenic resources.
- (b) Maintain the existing nature of the local economy, while working to enhance the diversity of the economy for the future, particularly in the areas of tourism and the second home industry by protecting the Town's character and quality of place.
- (c) Devise strategies to maintain the historic character of the Town's hamlets and rural areas, with an increased emphasis on protecting historic landscapes and settings as well as individual structures.
- (d) Focus future visitor promotion on the shoulder seasons and on attractions that do not substantially increase summer peaks. Further, focus this investment on the western half of town, where there is a greater need for tax ratables and business center revitalization.
- (e) Promote small-scale overnight accommodations such as B&B's, inns and conference centers that will provide amenities without substantially increasing visitation.
- (f) Enhance the Town's cultural offerings, and the prestige and enjoyment of the Town's historic, architectural and scenic features.
- (g) Promote architectural, signage, lighting, landscaping, sidewalk and streetscape design improvements consistent with Town of Southampton beautification objectives.
- (h) Alleviate traffic on the CR 80 (Montauk Highway) corridor by providing significant roadway improvements as designed by Suffolk County Department of Public

Works.(i) The CPICEMPDD provides for:

[1] A unified development program that links the east and west sides of the Shinnecock Canal and that accounts for significant upgrades the existing Town parkland adjacent to CPI which will then serve as the fulcrum to unify the two properties in the MPDD district and provide for increased public access to the Canal;

[2] Rehabilitation of the Canoe Place Inn and its revitalization as the Hampton Bays meeting place for use as an inn, catering facility and restaurant; and

[3] Development of a 37 unit luxury waterfront townhouse community designed to attract second home vacationers to Hampton Bays.

[4] Based on the foregoing, the CPICEMPDD shall provide the following public benefits:

[a] Rehabilitation of the Canoe Place Inn for public use (inn, catering facility and restaurant), resulting in improved aesthetics and an architecturally appealing structure on the site consistent with its history that is important to community character;

[b] Consistency with the Town's longstanding waterfront access policies and Public Trust Doctrine by providing a new public access easement extending from North Shore Road over the Canal property to include a public parking area and access to a newly constructed viewing/fishing platform. Public access to the existing floating dock for fishing and transient boaters shall also be provided (subject to necessary approvals, with liability insurance and indemnification to be provided by the Town). The applicant shall also provide a conditional passive public access easement agreement, approved in form and substance by the Town Attorney, along the property's frontage of the Shinnecock Canal (i.e. extending from the southern property line adjoining Montauk Highway right of way to the northern property line adjoining the MTA property). Said easement shall become effective at such time the Town secures the adjoining public easement connections over the MTA and Suffolk County locks property.

[c] A one-time, voluntary contribution of \$300,000 towards improvement/enhancement to the Shinnecock Canal Park in Hampton Bays plus design services and conceptual drawings for said park improvements;

[d] Easement to the Town for public access to be used for passive recreation in connection with the Paumanok Path on the Eastern property;

[e] Roadway safety improvements at the intersections of Montauk Highway (CR 80) and Newtown Road (CR 62) and Montauk Highway (CR 80) and

North Shore Road (CR 39) as outlined in the FEIS, subject to further approval of Suffolk County and the Town of Southampton;

[f] Installation of a new conventional on-site sanitary treatment system and use of a nitrogen reducing Permeable Reactive Barrier (PRB) along appropriate portions of the downgradient borders of the property that will result in a minimum 94% wastewater nitrogen mass removal from the CPI property, subject to a monitoring program with regular reporting as approved by the Planning Board.

[g] Installation of sidewalks along all property roadway frontages of the subject parcels with connectivity to existing sidewalks in front of 227 East Montauk Highway.

[h] A one-time voluntary contribution of \$50,000 to the Town of Southampton who shall establish a road restoration fund in order to use said funds exclusively for the improvement and maintenance of private roads within the Shinnecock Hills community surrounding the Eastern property.

(2) District boundary. The Canoe Place Inn, Canal and Eastern Properties Maritime Planned Development District (CPICEMRDD) shall consist of the following seven (7) parcels. Two (2) parcels designated as Suffolk County Tax Map Nos. 0900-207-5-3 and 0900-207-5-4, comprising 5.65 acres on the northwest corner of Montauk Highway and Newtown Road, Hampton Bays, Town of Southampton (hereinafter referred to as the "CPI"); four (4) parcels designated as Suffolk County Tax Map Nos. 0900-207-4-22.1, 0900-207-4-23, 0900-207-4-24 and 0900-207-4-25, comprising a total of 4.50 acres and including a .52 acre under water lot located on the northwest corner of Montauk Highway and North Shore Road (hereinafter referred to as "Canal Townhouse Property"); and one (1) parcel designated as Suffolk County Tax Map No. 0900-208-2-18.1, comprised of 2.68 acres located on the northeast corner of North Shore Road and Canal Place Road, Hampton Bays, Town of Southampton (hereinafter referred to as the "Eastern Property"). All as shown on Topographical Survey of Property Situated in Hampton Bays prepared by JM Land Surveying, November 18, 2004 and Topographical Survey of Property Situate at Shinnecock Hills prepared by JM Land Surveying, November 14, 2006.

Parcel 1: Canoe Place Inn

ALL that certain plot, piece or parcel of land, situate, lying and being at Hampton Bays, Town of Southampton, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point formed by the intersection of the northerly line of Montauk Highway and the westerly line of Newton Road;

RUNNING THENCE westerly along the northerly line of Montauk Highway, the following two (2) courses and distances:

(1) South 62 degrees 05 minutes 10 seconds west 132.65 feet; and

(2) South 52 degrees 15 minutes 05 seconds west, 140.79 feet to a monument and other lands of Canoe Place Estates Inc.;

RUNNING THENCE south 52 degrees 15 minutes 05 seconds west along the northerly side of Montauk Highway 126.54 feet to a point;

THENCE south 59 degrees 27 minutes 47 seconds west along the northerly side of a taking area 43.20 feet to a point;

THENCE south 56 degrees 43 minutes 41 seconds west still along said taking 97.22 feet to land now or formerly Henry R. Keller;

THENCE along the last mentioned land the following three (3) courses and distances:

- 1) North 35 degrees 43 minutes 40 seconds west 219.27 feet;
- 2) South 54 degrees 33 minutes 00 seconds west 33.42 feet; and
- 3) North 34 degrees 32 minutes 10 seconds west 152.12 feet to land now or formerly of Long Island Railroad;

THENCE along the last mentioned land the following five (5) courses and distances:

- 1) Along the arc of a curve to the left having a radius of 2895.64 feet a distance of 277.93 feet with a chord running north 54 degrees 30 minutes 01 seconds east 277.83 feet; and
- 2) North 51 degrees 44 minutes 05 seconds east 361.44 feet;
- 3) South 12 degrees 30 minutes 55 seconds east 2.22 feet;
- 4) North 51 degrees 44 minutes 05 seconds east 99.87 feet, to the westerly line of Newton Road;

THENCE southerly along the westerly line of Newton Road, south 15 degrees 40 minutes 30 seconds east, 414.54 feet;

THENCE continuing southerly along the westerly line of Newton Road, south 23 degrees 12 minutes 20 seconds west, 31.14 feet to the point or place of BEGINNING. EXCEPTING THEREFROM so much as was taken by the County of Suffolk by appropriation proceeding for project entitled "Reconstruction of a portion of C.R. 80, Montauk Highway, Town of Southampton, Suffolk County, New York (File No. 192726)" and shown as Parcel A on Map No. 3, for which a Receipt and Release dated 11/1/1971 was recorded 11/10/1971 in Liber 7044 of Deeds, Page 487.

Parcel 2: Canal Property

ALL that certain plot, piece or parcel of land, situate, lying and being In the Town of Southampton, County of Suffolk and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the Northwesterly side or County Road 39; where same is

Intersected by the Northerly side of Montauk Highway;

RUNNING THENCE South 62 degrees 09 minutes 25 seconds West, 68.65 feet;

RUNNING THENCE in a Westerly direction along the arc of a curve bearing to the left having a radius of 1,029.93 feet a distance of 71.27 feet;

RUNNING THENCE North 86 degrees 10 minutes 19 seconds West, 152.18 feet;

RUNNING THENCE North 49 degrees 50 minutes 43 seconds West, 12.14 feet;

RUNNING THENCE North 05 degrees 11 minutes 03 seconds East, 41.69 feet;

RUNNING THENCE North 60 degrees 12 minutes 51 seconds East, 14.17 feet;

RUNNING THENCE North 06 degrees 52 minutes 19 seconds East, 20.33 feet;

RUNNING THENCE North 10 degrees 55 minutes 17 seconds East, 11.15 feet to the Record North Road Line of (Old) Montauk Highway;

THENCE along the bulkhead of Shinnecock canal as it presently exists along tie lines the following Eighteen (18) courses and distances:

1. North 10 degrees 55 minutes 11 seconds East, 57.19 feet;
2. North 09 degrees 04 minutes 28 seconds East, 36.51 feet;
3. North 00 degrees 43 minutes 49 seconds East, 45.48 feet;
4. North 10 degrees 22 minutes 20 seconds West, 30.54 feet;
5. North 04 degrees 05 minutes 55 seconds East, 36.57 feet;
6. North 45 degrees 58 minutes 46 seconds West, 18.66 feet;
7. North 21 degrees 35 minutes 20 seconds West, 22.78 feet;
8. North 19 degrees 29 minutes 11 seconds West, 25.20 feet;
9. South 84 degrees 15 minutes 16 seconds West, 7.93 feet;
10. North 30 degrees 35 minutes 30 seconds East, 3.61 feet;
11. North 03 degrees 36 minutes 08 seconds East, 56.07 feet;
12. North 11 degrees 39 minutes 17 seconds East, 91.31 feet;
13. North 27 degrees 26 minutes 50 seconds East, 21.49 feet;
14. North 14 degrees 04 minutes 03 seconds East, 11.21 feet;

15. North 13 degrees 23 minutes 29 seconds East, 43.46 feet;

16. North 10 degrees 08 minutes 04 seconds East, 81.51 feet;

17. North 00 degree 18 minutes 30 seconds West, 8.16 feet;

18. North 01 degrees 48 minutes 04 seconds East, 81.23 feet;

19. North 01 degrees 59 minutes 37 seconds East, 34.09 feet to lands now or formerly of the Long Island Railroad;

THENCE along lands now or formerly of the Long Island Railroad the following Four (4) courses and distances:

1. North 60 degrees 50 minutes 10 seconds East 207.17 feet to a monument;

2. Along the arc of curve which bears to the right having a radius of 1,357.40 feet a distance of 58.35 feet (Deed) 59.09 feet (Actual) to a monument;

3. North 26 degrees 40 minutes 11 seconds West, 25.00 feet to a monument;

4. Along the arc of a curve which bears to the right having a radius of 1,382.40 feet a distance of 65.88 feet (Deed) 66.98 feet (Actual) to the Westerly side of County Road 39;

THENCE Southerly along the westerly side of County Road 39 the following Three(3) courses and distances:

1. South 18 degrees 41 minutes 00 seconds West, 272.26 feet (Deed) 273.07 feet (Actual) to a monument;

2. Along an arc of curve which bears to the left having a radius of 605.96 feet a distance of 366.78 feet to a concrete monument;

3. South 15 degrees 59 minutes 50 seconds East, 135.25 feet;

THENCE in a Southerly direction along the arc of a curve bearing to the right having a radius of 407.74 feet a distance of 144.22 feet;

RUNNING THENCE South 04 degrees 16 minutes 07 seconds West, 45.69 feet to the point or place of BEGINNING.

Parcel 3: Eastern Property

ALL that certain plot, piece or parcel of land, situate, lying and being at a place called Shinnecock Hills in the Town of Southampton, County of Suffolk and State of New York, known and designated as a portion of Lot No. 14, Block 115, on a certain map entitled, "Amended Map "A" of the Westerly part of Shinnecock Hills", and filed In the

Office of the Clerk of the County of Suffolk as Map No.213 on the 22nd day of October, 1925, which premises are more particularly bounded and described as follows:

BEGINNING at a monument set at the Intersection of the southerly line of lot 1, Paumanok Terrace, and the Easterly line of North Highway (County Road 39A);

RUNNING THENCE Easterly along southerly line of said lot 1, a 20 foot right-of-way, and lot 8(Paumanok Terrace), North 85 degrees 53 minutes 30 seconds East a distance of 455.22 feet to a point and the Westerly side of Wildwood Lane;

RUNNING THENCE Southerly along said westerly side of Wildwood Lane, South 01 degree 35minutes 20 seconds East, 30.02 feet to a point and land now or formerly of Donald and Patricia O'Flaherty;

RUNNING THENCE Westerly along the said lands now or formerly of Donald and Patricia O'Flaherty, South 85 degrees 53 minutes 30 seconds West, 323.00 feet;

RUNNING THENCE Southerly along the said lands now or formerly of Donald and Patricia O'Flaherty, South 10 degrees 27 minutes 10 seconds East, 201.04 feet;

RUNNING THENCE Easterly and still along the said land now or formerly of Donald and Patricia O'Flaherty, North 85 degrees 53 minutes 30 seconds East, 292.00 feet to a point and the Westerly side of Wildwood Lane;

RUNNING THENCE Southerly along the said Westerly side of Wildwood Lane, South 01 degree 35minutes 20 seconds East, 184.11 feet to a monument;

RUNNING THENCE still Southerly along the Westerly side of Wildwood Lane, on the arc of a regular curve to the right having a radius of 25.34 feet, a distance of 39.46 feet to a monument situate on the Northerly side of Canoe Place Road;

RUNNING THENCE Westerly along the Northerly side of Canoe Place Road, South 87 degrees 38minutes 30 seconds West, 288.81 feet to a monument;

RUNNING THENCE North 64 degrees 05 minutes 07 seconds West, 17.94 feet;

RUNNING THENCE Northerly along the Easterly side of North Highway (County Road 39) the following Five (5) courses and distances:

1. On the arc of a regular curve to the right having a radius of 681.20 feet a distance of 230.00 feet to a monument;

2. North 15 degrees 59 minutes 35 seconds West, 52.69 feet to a monument;

3. South 74 degrees 00 minutes 19 seconds West, 2.00 feet;

4. North 15 degrees 59 minutes 41 seconds West, 3.76 feet;

5. On the arc of a regular curve to the right having a radius of 539.96 feet a distance

of 153.03 feet to the point or place of BEGINNING.

(3) Permitted Uses. The following uses shall be permitted subject to site plan review and approval by the Planning Board and compliance with all applicable laws, rules and regulations:

(a) Canoe Place Inn Property (Parcel 1):

[1] Catering facility, including outdoor event seating

[2] Inn/motel units and five (5) non-residential resort cottage units for transient stay as defined in §330-5.

[3] Restaurant, cocktail lounge, including outdoor seating (outdoor seating shall be included and comply with all occupancy standards).

[4] Customary accessory structures and uses incidental to the Canoe Place Inn including a gift shop, meeting and conference facilities, seasonal tents for events (in specified and approved areas only), and spa facilities for guests, as approved by the Planning Board.

[5] Parking areas

[6] Fences, retaining walls, trellis, walkways, decks and patios as approved by the Planning Board.

[7] Recreation - swimming pool for use by guests and employees

(b) Canal Property (Parcel 2):

[1] Single-family attached townhouses

[2] Accessory marina to townhomes to provide for the berthing of recreational watercraft with no change to marina size or encroachment into the Shinnecock Canal

[3] Recreation - indoor/outdoor recreation areas, swimming pool for use by residents and their visitors.

[4] Pool/equipment enclosure

[5] Parking areas, including parking associated with the viewing/fishing platform and floating dock access.

[6] Community recreation building/interior space not to exceed size limitations set forth in Section 5(B)[4] herein.

[7] Fences, retaining walls, trellis, walkways, decks and patios as approved by the Planning Board

(c) Eastern Property (Parcel 3):

[1] Wastewater treatment facility ("Nitrex™" system or other alternative denitrification system that is proven to treat nitrogen to an even higher standard than Nitrex™ as approved by the Suffolk County Department of Health Services) and associated infrastructure/ maintenance access.

[2] Passive Recreation Trail for connectivity to the Paumanok Path.

(d) In no case shall any sculpture or art installation occur on any property included within the subject MPDD without prior Town Board review and approval.

(5) Dimensional regulations. The following bulk area height and dimensional regulations shall apply within the CPICEMPDDD 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 MPDD as described herein.

(a) CANOE PLACE INN (Parcel 1):

[1] Minimum lot area: 5 acres;

[2] Maximum lot coverage (main and accessory building): 20%;

[3] Yards, principle building:

[4] Front #1 (Newtown Road): 10 feet

[5] Front #2 (Montauk Highway): 50 feet

[6] Side minimum for one: 50 feet

[a] Side total: N/A

[7] Rear: 50 feet

[8] Yards, accessory structures except fences and retaining walls:

[9] Distance from street: 60 feet

[10] Distance from side yard: N/A

[11] Distance from rear yard: 10 feet

[12] Maximum Height:

[a] Canoe Place Inn, existing to remain; (connector area between inn and dance pavilion not to exceed 42 ft. when measured from existing grade)

[13] Off-Street parking setback:

[a] Newtown Road: 10 feet

[b] Montauk Highway: 5 feet with attendant landscaping as approved by the Planning Board.

[14] Transitional Yards adjoining residential districts: N/A

[15] Pyramid Law: N/A

[16] Yield and Unit Size:

[a] The total number of hotel/inn units within the CPI main building shall not exceed twenty (20).

[b] The total number of cottage units (as currently exist) shall not exceed five (5) and each shall not exceed the existing floor area or height maximum of two-story (32 ft.)

[c] Restaurant, Bar, Catering Facility, Canoe Place Inn:

[i] Restaurant: 70 seats maximum

[ii] Bar/Lounge: 20 seats maximum

[iii] Outdoor seating: 120 seats maximum

[iv] Catering: 350 seats maximum

(b) CANAL PROPERTY (Parcel 2):

[1] Minimum lot area: 40,000 sq. ft.

[2] Maximum lot coverage (main and accessory building): 20%

[3] Minimum lot area per attached dwelling unit: 4,500 sq. ft.

[4] Maximum floor area, recreational building: 1,900 sq. ft.

[5] Maximum height:

[a] Three stories

[b] 33.5 feet when measured from approved grade.

[6] Yards, principle buildings:

[a] Front #1 (Shinnecock Canal): 8 feet

- [b] Front #2 (Montauk Highway): 10 feet from existing property lines.
- [c] Side minimum for one (Railroad ROW) 18 feet
- [d] Rear (North Shore Road): 35 feet
- [7] Yards, accessory structures (except fences, trellises, and retaining walls, as approved by the Planning Board):
 - [a] No accessory structures permitted except pool/equipment enclosures as approved by the Planning Board
 - [b] Off-Street parking setback: as shown on the Conceptual Plan dated August 12, 2011 and last revised April 8, 2014 with attendant landscaping/screening.
- [8] Transitional Yards adjoining residential districts: N/A
- [9] Pyramid Law: N/A
- [10] Yield and unit size:
 - [a] The total number of units shall not exceed thirty-seven (37).
 - [b] The average size of all units shall not exceed 2,000 SF so that the total floor area of townhomes shall not exceed 74,000 SF of habitable space.
 - [c] The total amount of bedrooms shall not exceed 111.

(c) EASTERN PROPERTY (Parcel 3):

- [1] Access. The sole access point to the Wastewater Treatment Facility (WWTF) shall be from Old Canoe Place Road.
- [2] Transitional Yards: Note: A clearing plan for all infrastructure installation/access and subsequent revegetation shall be required for review and approval by the Planning Board as part of the site plan review process.
 - [a] Adjoining residential districts: N/A
 - [b] From Wildwood Lane: 25 ft. minimum.
 - [c] From North Highway (N. Shore Rd): 100 ft., except for pipe installation area (in the case of future required WWTF expansion, 25 ft. with attendant landscaping).
- [3] WWTF Maintenance Building Setbacks:

[a] 60 ft. from Old Canoe Place Road

[b] 120 ft. from North Highway

[c] 120 ft. from Wildwood Lane

[d] 75 ft. from Northern Property Line

[4] Clearing restriction. 30% (0.81 acres) maximum (except in case of required WWTF expansion, where clearing would be limited to a maximum of 50%).

(6) General development standards. To ensure consistency with the findings, purpose, goals and general development standards established for planned development districts, all development shall conform to applicable standards of §§330-240 through 330-245 of the Code of the Town of Southampton.

(7) Specific development standards.

(a) A site plan must be submitted to the Town of Southampton Planning Board for review and approval pursuant to §330-243 B and §§330-181 through 330-184.1 of the Town Code of the Town of Southampton. The proposed development shall be consistent with the conceptual plans entitled R Squared Canoe Place Inn Montauk Highway and New Town Road, Hampton Bays dated July 27, 2012 and last revised April 8, 2014; and R Squared Canal Properties North Shore Road and Canoe Place Road, Hampton Bays, dated August 12, 2011 and last revised April 8, 2014; subject to revisions that conform to dimensional requirements and other performance standards outlined herein.

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

(c) All new construction shall be subject to the review of the Board of Architectural Review, pursuant to Article XIX of this chapter.

(d) The Planning Board may require limits of clearing or retention of significant sized trees, if any, as part of the site plan review for all parcels as well as limitations on fertilizer-dependent landscaping.

(e) Site plan elements, Canoe Place Inn (Parcel 1):

[1] Architecture and design. The rehabilitation of the Canoe Place Inn building and pre-existing cottages shall be similar to the height and footprint of current conditions and consistent with the height and footprint of the building and cottages prior to World War II as depicted in the images and plans provided in the DEIS.

[2] The existing number of stories and height of the Canoe Place Inn structure shall be maintained as currently exist except in the connector area between the inn and dance pavilion as shown in the Canoe Place Inn concept plans which will

exceed its current height but will not exceed the highest part of the structure (42 ft.) as measured at existing grades.

[3] Site access shall be limited to one curb cut on Montauk Highway and one curb cut on Newtown Road, respectively subject to Suffolk County Department of Public Works and Town of Southampton approval.

[4] Utilities and services.

[a] Water supply. The CPICEMPDDD development shall be served by public water, designed in accordance with the specifications of the Hampton Bays Water District. All necessary approvals shall be obtained from the Hampton Bays Water District for water supply. For the purpose of fire protection, the Planning Board shall solicit comments and review from the Fire Marshal pursuant to §330-184C.

[b] Sanitary Sewage and nitrogen mitigation. Installation of a new conventional on-site sanitary treatment system including septic tank and leaching pool and installation and use of a PRB along appropriate portions of the downgradient borders of the property to remove nitrogen from the new on-site sanitary system as well as non-project wastewater such as stormwater and off-site, upgradient locations. All necessary approvals shall be obtained from the Suffolk County Department of Health Services for sewage disposal;

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

[d] Refuse storage and collection. Plans for the storage and collection of refuse shall be subject to Planning Board approval. The outside storage of refuse shall be in rodent proof containers conveniently located and enclosed or otherwise screened from view pursuant to §330-109. Regular trash collection shall be required. The Planning Board may impose additional covenants to ensure property maintenance and upkeep where necessary.

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

[5] Building Rehabilitation. The rehabilitation of the Canoe Place Inn structure will be accomplished in such a manner so as to bring the Inn's essential visual characteristics back to its historically significant period between 1922 and World War II and return the site to its former position as an important asset to the community. The key design elements of the rehabilitation shall include:

[a] Re-grading along Montauk Highway to expose the full height of the existing

building.

- [b] The currently existing portions and essential visual characteristics of the pre-World War II construction will remain and be rehabilitated, which will include the retention of as much of the historic fabric of the building as practicable. The Planning Board shall require submittal of construction drawings that specifically identify what historic fabric is being saved, and which elements are being used to base new replacement materials where existing materials are beyond their useful life. Specifications shall be prepared detailing the methodology for preserving specific elements identified as well as stabilizing the existing building during the rehabilitation effort. Drawings shall be annotated so that existing conditions can be compared with proposed conditions in the field. A local architectural preservation consultant qualified by the Planning Board shall be retained by the applicant to review said construction drawings and the historic rehabilitation program prior to site plan approval as well as to be available for consultation and regular reporting of progress to the Planning Board in connection with this requirement.
- [c] The connector, bar and kitchen additions built between the inn and pavilion after 1922, not part of the essential character of the inn building and/or the dancing pavilion, will be replaced with new construction more in keeping with the historic design of the inn and visual character of the inn and pavilion during its historic period. The reconstruction of this area shall be done in such a manner so as not to disturb or destruct other portions of the CPI building being rehabilitated.
- [d] The first floor of the inn and pavilion will be refurbished with casements and lattice work consistent with that shown in the historic photographs and as approved by the Planning Board and Architectural Review Board.
- [e] The existing roof shingles will be replaced with a more traditional color and texture to be visually consistent with the roof as shown in the historic photographs and approved by the Planning Board and Architectural Review Board.
- [f] Portions of the inn interior from the historically significant period that remain intact and can be reused and/or repaired will be, particularly in the dance pavilion. Other areas will be renovated with finishes that match the visual character of the inn from the historically significant period.
- [g] A new, formal drop-off will be located consistent with the historic drop off and front door to the inn between the building and Montauk Highway along with new landscaping which will be installed throughout the site including new pathways, parking and lawns where the existing gravel parking lot is located.
- [h] The new lobby for the inn and pavilion will be located in the new "connector" and reestablish the original, formal entry sequence shown in old photographs and drawings as discussed in the DEIS.
- [5] Parking shall be provided as shown on the Canoe Place Inn Concept Site Plan as

follows:

[a] 122 standard stalls

[b] 6 handicap stalls

[c] 108 event valet stalls, with grass pavers.

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

[a] Landscaping along roadway frontages, including but not limited to street trees, ornamental shrubs and flowers.

[b] A landscape planting area shall be provided next to all sidewalks through the development and planted with deciduous street trees at a consistent spacing (minimum: 22 feet on-center; maximum: 35 feet on-center).

[c] All parking areas and valet areas shall be screened from view with vegetation approved by the Planning Board.

[d] Fences and retaining walls shall be screened with vegetation approved by the Planning Board.

[7] Exterior lighting. A lighting plan shall be submitted for review and approval as part of the overall plan submission for the development in accordance with Article XXIX, Outdoor Lighting of the Town Code.

[8] Signage. Ground signage at the Canoe Place Inn shall be found consistent with the historic design theme and shall not exceed the maximum dimensions permitted within the Sign Code for RWB districts.

[9] Energy. To the maximum extent practicable, the Planning Board shall require energy conservation measures for the CPI rehabilitation to meet the requirements of Chapter 123-38 for incorporation into building and site designs (e.g., Energy Star® water conservation/low-flow irrigation, etc.) such that energy conservation measures shall not impact the retention or rehabilitation of existing historic fabric. All cottages on the CPI property shall meet the HERS index requirements prescribed in §123-37 A (1).

(e) Site plan elements, Canal property Townhouses (Parcel 2):

[1] Architecture and design. Building construction and design shall reflect traditional "bay homes" architecture of Hampton Bays/Shinnecock Hills, with consideration being given to the special character of Southampton as a rural and resort community.

[2] Requirements. Buildings shall have a common design theme that provides design coherence while allowing variety and character for individual buildings within the

project. The design shall maintain proportion, scale and massing with details appropriate to the architectural style emulated. In the choice of exterior finishes, care shall be taken to avoid the appearance of a development in which all units appear exactly the same. Walls and roofs shall include separations, changes in plan and height, and architectural elements such as porches, dormers and cross-gables. Techniques for complying with this requirement include, but are not limited to:

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

[b] Articulating each interval with architectural elements such as porches, balconies, bay windows, etc.

[c] Articulating the roof line by stepping the roof and by emphasizing dormers, chimneys or gables.

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

[e] Use of consistent detailing of finishes, terminations and other architectural elements within the variety of building to building required.

[3] Exterior. Facades of dwelling units shall be designed to avoid monotony and blank walls on all four facades. The exterior of the dwelling units shall be constructed with cedar shingles, Hardi-Plank or similar high quality material.

[4] Energy. To the maximum extent practicable, the Planning Board shall require energy conservation measures to meet the minimum home energy rating index as defined in the Town's building code [Chapter 123-37A(4)] for incorporation into building and site designs (e.g., Energy Star® water conservation/low-flow irrigation, etc.).

[5] Noise. During site plan review, the Planning Board shall assess and determine the need for noise attenuating structures and/or building materials.

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

[a] Staggering windows to avoid aligning with adjacent windows.

[b] Increasing the side or rear yard setback, or creating balconies and porches at upper floors so that window areas are farther from the property line.

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

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

[e] Utilities and services.

- [i] Water supply. The CPICEMPD development shall be served by public water, designed in accordance with the specifications of the Hampton Bays Water District. All necessary approvals shall be obtained from the Hampton Bays Water District for water supply and fire protection. For the purpose of fire protection, the Planning Board shall also solicit comments and review from the Fire Marshal pursuant to §330-184C.
- [ii] Sanitary Sewage. A Nitrex™ Wastewater Treatment Facility, shall be constructed on the Eastern Property to service the Canal property Townhouses. All necessary approvals shall be obtained from the Suffolk County Department of Health Services for sewage disposal.
- [iii] Drainage. Stormwater drainage systems shall be designed so that all potential runoff will be recharged on-site. The calculation of stormwater retention and the design of the drainage system shall be subject to review and approval of the Town Engineer.
- [iv] Refuse storage and collection. Plans for the storage and collection of refuse shall be subject to Planning Board approval. The outside storage of refuse shall be in rodent proof containers conveniently located and enclosed or otherwise screened from view. Regular trash collection shall be required. The Planning Board may impose additional covenants to ensure property maintenance and upkeep where necessary.
- [v] Utilities and screening of appurtenances on building facades. All utilities, including electric, telephone and cable television service shall be placed underground. Utility meters and other appurtenances shall be screened by landscaping or other approved method to soften appearance. Condensing units and other mechanical systems shall likewise be screened, to be determined by the Planning Board.
- [f] Common space. In order to provide focal points for community recreation and interaction that adds to the overall quality of life for residents, common open space areas shall be integrated purposefully into the overall design and not be residual areas left over after buildings and parking lots are sited, including an on-site community recreational area, pool and deck area.
- [g] Private outdoor space. Each individual dwelling unit shall be provided with a private outdoor space in the form of a patio, terrace, garden, courtyard, deck or balcony, which space shall be immediately adjoining and directly accessible to the dwelling unit which it serves. To avoid the possibility of disparate building materials that may affect the appearance of the overall development, all private outdoor spaces shall be subject to review and approval by the Planning Board as part of the site plan submission for the entire development.
- [h] Pedestrian circulation. Pathways shall be utilized throughout the development to connect all housing units to the common space areas and active and

passive recreation areas. Pathways shall be sufficiently wide to accommodate walkers, joggers and bicyclists and should be easily accessed from all housing units. Park benches and suitable resting places along pedestrian pathways and walking trails may be provided to encourage outdoor activity.

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

[i] Landscaping along North Shore Road, including but not limited to street trees, ornamental shrubs and flowers.

[ii] A landscape planting area shall be provided next to all sidewalks through the development and planted with deciduous street trees at a consistent spacing (minimum: 22 feet on-center; maximum: 35 feet on-center).

[iii] A 25-foot wide natural buffer shall be created along the southern portion of the Canal property waterfront, landward of the water's edge.

[iv] Clearing limits and revegetation of cleared areas will be established based on a Clearing Plan to be approved by the Planning Board with input by the Town Conservation Board to meet the intention of retaining existing vegetation on site to the maximum extent practicable with special consideration to the existing natural vegetation at the boat basin berm

[j] Exterior lighting. Exterior lighting. A lighting plan shall be submitted for review and approval as part of the overall plan submission for the development in accordance with Article XXIX, Outdoor Lighting of the Town Code.

[k] Parking.

[i] Pursuant to §330-94, the CPICEMPDD development shall use the parking calculation of 2.5 spaces per dwelling unit including 19 land-banked spaces plus 5 public spaces, and shall include a sufficient amount of handicap-accessible spaces. The Planning Board shall require a landbanked parking covenant pursuant to §330-100E.

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

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

[l] Signage. All residential identification signage shall be consistent with Article XXII (Signs) of the Town Code except where provided for herein. Only warnings/placards as required by law shall be permitted for the Eastern Property WWTF.

[m] Life-safety requirements.

[i] In accordance with the recommendations of the Hampton Bays Fire District, all attached dwelling units shall be equipped with fire sprinklers or as required by the New York State Residential Building Code and the National Fire Protection Association (NFPA) standards, as applicable.

[ii] All basements, if any, shall have outside entrances;

[iii] Coordination with the Hampton Bays Fire District is required in the event that a central alarm system is proposed for installation.

[iv] Common attics and basements or crawl spaces shall be prohibited with the exception of the clubhouse to be located in a portion of the basement area of one building.

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

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

(a) Canoe Place Inn (Parcel 1):

[1] The permitting process for Canoe Place Inn and the Canal Townhomes will occur simultaneously and construction will commence within 150 days of issuance of a Building Permit.

[2] Roadway improvements at the intersection of Montauk Highway (CR 80) and Newtown Road (CR 62) will occur in substantial conformance with the Canoe Place Inn Concept Site Plan and as approved by the Suffolk County Department of Public Works, shall be constructed by the owner prior to the issuance of a certificate of occupancy for the Canoe Place Inn building.

[3] All outdoor events, including outdoor parties, weddings and other events, shall be held only in the "outdoor tent area" as shown on the Canoe Place Inn conceptual site plan and the final approved site plan for Canoe Place Inn.

[4] Outdoor musical events will be restricted to noon to 10:00 PM on Sundays through Thursdays and noon to midnight on Fridays and Saturdays.

[5] Music sound from outdoor events shall not exceed the decibel levels provided in Chapter 235 at or beyond the line of the property on which such noise is being generated.

[6] The Canoe Place Inn and cottages will not be demolished but will be constructed pursuant to the approved site and building plans and will remain in perpetuity as a functioning Inn upon completion of the work and at no time shall the Canoe Place Inn be operated as a nightclub.

(b) Canal Townhouse & Eastern Property (Parcels 2 and 3):

[1] No dwelling unit shall be eligible for an accessory apartment permit as defined in Town Code §§330-11.1 and 330-11.2.

[2] Prior to the issuance of a building permit, the applicant shall comply with the provisions of the Long Island Workforce Housing Act as follows:

[a] Prior to site plan approval, the number of workforce housing units required shall be determined in accordance with Article 2 (Long Island Workforce Housing) of the Town Code of the Town of Southampton.

[b] The timing for payment of a fee in lieu of units may be staggered or otherwise connected to the phasing plan for the entire CIPDD project, as determined by the Planning Board.

[3] Individual residents shall not alter or change exterior facades, construct additions or any other type of appurtenance other than those approved by the Planning Board through the site plan process.

[4] Failure to file these covenants prior to signature of the approved site plan in accordance herewith shall be deemed a violation of the conditions of this zoning approval and may be grounds for the Town to initiate proceedings to withhold the issuance of a building permit to the subject parcel(s) back to its/their prior zoning classification after a public hearing.

[5] The Eastern Property shall have no associated development rights and be forever limited to the construction of the Suffolk County Department of Health Services-approved Nitrex™ System (or other alternative denitrification system that is proven to treat nitrogen to an even higher standard than Nitrex™) and associated approved maintenance building, access road, fence, and retaining wall as well as the public trail easement.

[6] A 30 ft. wide trail easement, the precise location on the Eastern Property to be determined by the Planning Board with recommendation from the Trails Advisory Board at the time of site plan review, shall be deeded to the Town of Southampton for passive recreational pedestrian access and connectivity to the Paumanok Path. Said trail easement shall not interfere with the Wastewater Treatment Facility or future expansion area.

[7] The applicant shall agree to the construction and maintenance of a new public access easement extending from North Shore Road over the Canal property to include a five-car public parking area and access to a newly constructed viewing/fishing platform. Public access to the existing floating dock for fishing

- and transient boaters shall also be provided (subject to necessary approvals, with liability insurance and indemnification to be provided by the Town; noting that the Town Board may seek to have the easement for the floating dock granted to the Town Trustees for public access). The applicant shall also provide a conditional passive public access easement agreement, approved in form and substance by the Town Attorney, along the property's frontage of the Shinnecock Canal (i.e. extending from the southern property line adjoining Montauk Highway right of way to the northern property line adjoining the MTA property). Said easement shall only become effective at such time the Town secures the adjoining public easement connections over the MTA and Suffolk County locks property.
- [8] Roadway improvements to the intersection of Montauk Highway (CR 80) and North Shore Road (CR 39) in substantial conformance with the Canal Eastern Property Concept Site Plan and as approved by the Suffolk County Department of Public Works, shall be constructed by the owner prior to the issuance of a certificate of occupancy for the last Townhouse building to be constructed.
- [9] All covenants and restrictions required by the Town Board as conditions of approval shall only be modified, waived, amended, repealed or terminated, by the Town Board, after a public hearing and a Town Board approval by a majority plus one.
- [10] The applicant shall develop an acceptable monitoring program for the Permeable Reactive Barrier (PRB) as part of site plan review and a covenant shall be required by the Planning Board to ensure continued maintenance and viability.
- [11] Any violation of the covenants and restrictions filed in connection with this PDD shall also be deemed a violation of this chapter, and the Town Board may avail itself of any and all remedies allowed by law. Further, as any violation shall be deemed a Southampton Town Code Zoning violation under Chapter 330 this will subject the applicant and property owners to any and all applicable fines and remedies thereunder.
- (c) Concurrent with the issuance of the initial building permit, the applicant shall remit a one-time payment to the Town Board of the monetary sum of \$300,000 to be used for enhancement to the Shinnecock Canal Park and an agreement to provide design services and conceptual drawings for said park improvements as offered.
- (d) Concurrent with the issuance of the initial building permit, the applicant shall remit a \$50,000 contribution to a road restoration fund to the Town of Southampton to be used exclusively for maintenance and improvements on private roads within the Shinnecock Hills community surrounding the Eastern property.
- (e) A comprehensive and unified pedestrian access and circulation plan shall be submitted with the final site plan. The plan shall incorporate all public sidewalks, streetscape improvements including trees and the internal pedestrian circulation for the public viewing/fishing platform and floating dock as well as conceptual plan related to the conditional passive access easement along the Canal.

- (f) No deciduous tree existing or established as part of the CPICEMPD shall be topped during ordinary maintenance. For the purpose of this section, "topping" shall mean the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal tree canopy and disfigure the tree.
- (g) Clearing limits and revegetation of cleared areas will be established based on a Clearing Plan to be approved by the Planning Board with input by the Town Conservation Board to meet the intention of retaining existing vegetation on site to the maximum extent practicable with special consideration given to the existing natural vegetation at the boat basin berm.
- (h) With the exception of one-time signage that may be permitted during the initial "grand opening" period for the Canoe Place Inn and during the sales period of the townhomes, if any (the timeframes, location and specific nature of such "grand opening" or promotional signage shall be reviewed and approved by the Planning Board as part of the site plan submission); temporary signs, boards or banners for advertisements, promotions, events, etc. of any kind that are affixed/attached to the CPI building are prohibited. Applications for temporary ground signs shall be consistent with §330-205.
- (i) A phasing plan shall be submitted as part of the site plan application, reviewed and approved by the Planning Board to ensure the concurrent and timely construction of the townhouses and the CPI rehabilitation. In connection with the construction drawings and methodology plan required in item (j) below, milestones shall be identified for the CPI rehabilitation that the release of Certificates of Occupancy (CO) for townhomes shall be based on (e.g. for every 25% completion of work for CPI, a group of CO's may be released). The Planning Board shall ensure that all work on the Canoe Place Inn site is completed prior to the issuance of the last group of townhouse CO's.
- (j) Construction drawings and plans for CPI shall be submitted to the Planning Board that identifies the methodology for those elements of the existing historic building that are worthy of preservation and how those elements are to be preserved during the rehabilitation of the structure. In addition, for the elements that are in such poor condition that they cannot be preserved, a procedure shall be identified for determining new replacement materials with the intent of preserving as much of the historic fabric of the building to the maximum extent practicable. Specifications shall be prepared detailing the methodology for preserving specific elements identified as well as stabilizing the existing building during the rehabilitation effort. Drawings shall be annotated so that existing conditions can be compared with proposed conditions in the field. A local architectural preservation consultant qualified by the Planning Board shall be retained by the applicant to review said construction drawings and the historic rehabilitation program prior to site plan approval as well as to be available for consultation and regular reporting of progress to the Planning Board in connection with this requirement and the phasing plan.

SECTION 4. Authority.

The Town Board is authorized to amend its zoning map and make local laws for Planned

Development Districts pursuant to Article 16 of the State of New York Town Law.

SECTION 5. Effective Date.

This local law shall take effect upon the filing of this Local Law with the Secretary of State pursuant to the Municipal Home Rule Law. Pursuant to §330-244J, this local law 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.

SECTION 6. Severability.

If any section or subsection, paragraph, clause, phrase of this law shall be judged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not effect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that, after public hearings were held by the Town Board of the Town of Southampton on November 12, 2014, November 25, 2014, and December 9, 2014, the Town Board adopted LOCAL LAW No. 1 of 2015 as follows:

A LOCAL LAW amending Article XXVI- Planned Development District of Chapter 330 of the Town Code of the Town of Southampton to enact a new §330-248 V. that rezones seven parcels of land on both the east and west sides of the Shinnecock Canal from Resort Waterfront Business (RWB) and Motel Business (MTL) to Maritime Planned Development District to facilitate the redevelopment of the Canoe Place Inn (CPI) site (SCTM No’s: 900-207-5-3 & 4) to an inn/catering and restaurant use, as well as the neighboring Canal Property, which consists of four parcels located directly east of the Shinnecock Canal and north of Montauk Highway (SCTM No’s: 900-207-4-22.1, 23, 24 & 25) to a 37 unit townhouse development, and an Eastern Parcel, which consists of a single parcel located east of North Shore Road (CR 39), and north of Montauk Highway (SCTM No. 900-208-2-18.1) to provide an off-site wastewater treatment plant (Nitrex™ system), in the Hamlet of Hampton Bays.

Copies of the proposed local law, sponsored by Supervisor Anna Throne-Holst 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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Anna Throne-Holst, Supervisor
SECONDER:	Christine Preston Scalera, Councilwoman
AYES:	Throne-Holst, Bender, Scalera, Fleming, Glinka