

# SAG HARBOR GATEWAY PLAN



Town of Southampton,  
Updated January 2009

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## **I. Introduction**

### **Need for a Study of the Sag Harbor Gateway Area**

In August, 2006, at the request of the Sag Harbor Citizens Advisory Committee, Southampton Town Supervisor Patrick A. Heaney, Town Attorney Garrett W. Swenson, Jr., Esq., and Jefferson Murphree, Town Planning and Development Administrator, met with the committee to discuss their concerns about the effects of future growth on the area known as the gateway to the Village of Sag Harbor, located on the Bridgehampton-Sag Harbor Turnpike at the boundary of Sag Harbor Village, adjacent to Ligonee Brook and the Long Pond Greenbelt.

The following issues were raised about the cumulative impact of existing and proposed development projects in the Gateway, currently zoned Highway Business (HB):

- Community Character
- Gateway beautification
- Traffic analysis, roadway use and improvement, pedestrian sidewalks and sidewalk lanes
- Public transportation, existing and proposed
- Residential use and potential affordable housing creation
- Environmental impacts including the Long Pond Greenbelt and Ligonee Brook
- Land use development options
- Design of architectural and land use form

At this meeting, Supervisor Heaney asked Mr. Murphree and his department to undertake a local study. The Sag Harbor Citizens Advisory Committee then met with the new mayor of the Sag Harbor Village to discuss issues raised in their meeting with Town officials and ways to effect coordination between the Village and the Town of Southampton to address potential over-development of the area. A follow up meeting with Town Officials, the Advisory Committee, and the Mayor of Sag Harbor Village was held on October 30, 2006.

On February 13, 2007, by Resolution 2007-232, the Town Board authorized preparation of the Sag Harbor Gateway Study. (See Appendix One: Resolution 2007-232)

### **Intent of Study as it Relates to the Comprehensive Plan**

The 1999 Comprehensive Plan Update states that clearly, it is in the interest of the Town's tax and jobs' base to stay responsive to retail and commercial development trends; but as clearly, unplanned commercial development puts at risk the town's rural image and resort economy. The Plan further recommends development of small scale

commercial buildings, with the overall vision promoting a simple hierarchy of retail development and office centers that build on existing and potential market assets of hamlet and village centers. A strategy to attain the above goals should build on the clear recognition that each of Southampton's hamlet and village centers present different challenges and opportunities and each should be looked at independently with the participation of that center's business, resident and civic communities.

The Comprehensive Plan also presents a Vision for Natural Resources. "The wealth of natural resources in Southampton Town today, from the Pine Barrens and its pristine aquifer, to the estuaries, wetlands, beaches, parks and open spaces, are integral to Southampton's unique quality of life that is enjoyed by both seasonal and year round residents. As such, the ecological integrity of Southampton's natural resources must be maintained and protected." The goals are to preserve the diversity of Southampton's biotic communities; safeguard rare and or endangered plant and animal species by protecting habitat areas; to protect and restore the Town's freshwater tidal and brackish wetlands; and to create a regional open space system that comprehensively sustains and integrates all of Southampton's natural communities.

The Vision for Greenways and Open Space includes a recommendation to provide increased access to trails and greenways to all residents and visitors of the Town.

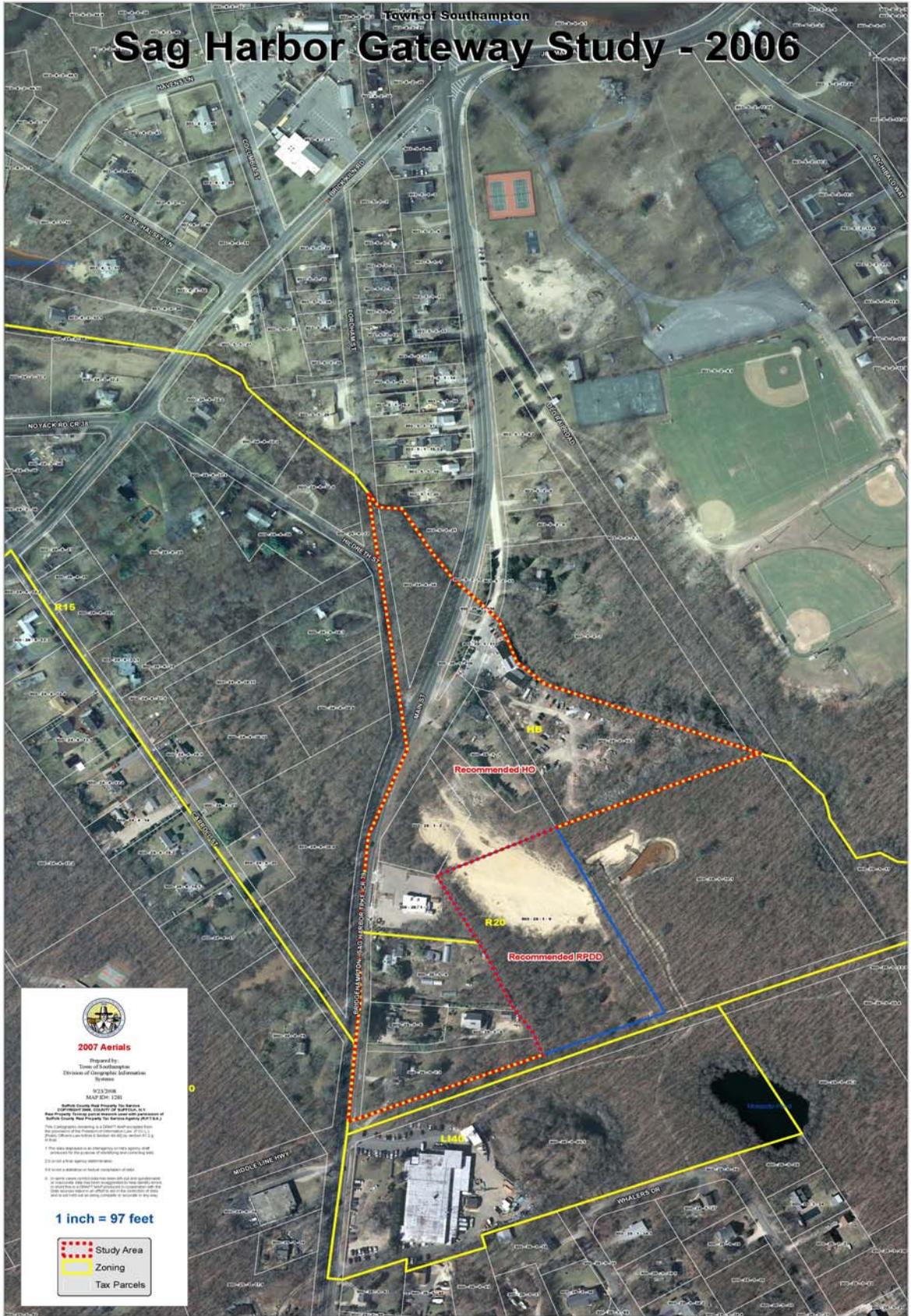
The Vision for Affordable Housing includes creation of affordable housing that is in keeping with the historic, architectural and natural qualities of Southampton that does not stigmatize affordable housing tenants.

In order to address the recommendations of the Comprehensive Plan, the increasing pressure of auto-dependent, strip commercial development and to address concerns by local residents, the Sag Harbor Gateway Study will review and evaluate existing land uses and zoning in the approximately 14.542 acre Highway Business and R-20 zones and prepare recommendations for future land use development.

## **II. Description of the Study Area**

The Sag Harbor Gateway study area is the Highway Business Zone and Residence 20,000 Square Feet (R-20) zone located on the east side of Bridgehampton-Sag Harbor Turnpike between Middle Line Highway and Brick Kiln Road within the Town of Southampton (145 square miles) and bordering on the incorporated Village of Sag Harbor (2.5 square miles). The study area, approximately 14.542 acres, is comprised of twelve separate parcels of land. The entire area is in close proximity to Freshwater Wetlands, a natural community type that may support Rare Species, a New York State Natural Heritage Rare or Endangered Animal species and Rare or Endangered Plant species area.

# Town of Southampton Sag Harbor Gateway Study - 2006



**SAG HARBOR GATEWAY STUDY AREA**

**HIGHWAY BUSINESS ZONING**

<u>SCTM#</u>	<u>OWNER</u>	<u>ACREAGE</u>	<u>EXISTING USE</u>
26-1-10-2	Reid	2.9 or 3 (includes land owned by Suffolk County)	auto repair garage
26-1-001	1796 Sag Harbor Turnpike, LLC	0.742	single family home
26-1-02	Turnpike Partners	0.9	vacant land
26-01-09	Turnpike Partners	1.2 acre fraction of 4.8 acre parcel	vacant land
26-1-03	Landes Commercial Real Estate	0.8	Bayburger (2006) former Gingerbread Bakery (1983-2005), Whaleburger (1970-1981)
26-1-110	Suffolk County	.2 or 0.17	land used by Reid, as parking area
24-04-034	Sag Harbor Antique Fire Trucks	0.9	vacant land
26-1-108	Sag Harbor Village	0.1	Nancy Boyd Willey Park landscaped area
26-1-109	Sag Harbor Village	0.0	Nancy Boyd Willey Park landscaped area adjacent to 903-5-2-12

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SAG HARBOR GATEWAY  
RESIDENTIAL 20,000 SQUARE FEET (R-20) ZONING

26-1-4	Lacina	1.2	One family and addition, detached garage
26-1-5	Golden	0.5	One and a half story house and one story Guest house and barn
26-1-8	Golden	0.5	Two story house and garage
26-1-7.1	Fabiano	1.0	One family residence
26-1-9	Turnpike Partners	3.6	Vacant

**II. Community Character**



Sag Harbor Village History

The Village of Sag Harbor falls both within the Town of Southampton and the Town of East Hampton. Southampton Town records first mention the village by name in 1709 and East Hampton records note that land given to Joseph Stretton in 1698 later became Sag Harbor. In 1846, Sag Harbor officially became an incorporated village. At the close of the Whaling Industry Era, Sag Harbor turned to the brass, hat, watch making, sugar, cotton, flour and pottery industries. More recently, the Bulova Watchcase Company, the E.W. Bliss Torpedo Company, Agawam Aircraft Products, and Grumman Aerospace resided in Sag Harbor. In 1981, the last heavy industry left Sag Harbor. The Rowe

Industries site was sold to Sag Harbor Industries, Inc. which currently uses the facility to manufacture electronic devices. The village has since relied on tourism.

Much of the present day tourist industry centers around golf courses, the beaches, sailing, water skiing, sightseeing cruises, private galleries, and gala events, as it does in other parts of the Hamptons. Additionally, Sag Harbor has many historic sites including the Old Custom House, the First Presbyterian-Old Whaler’s Church, the Sag Harbor Whaling and Historical Museum, the Cedar Island Lighthouse, the John Jermain Memorial Library, Long Wharf, the Old Jail House Museum, and the Sag Harbor Fireman’s Museum.

Statistics for the Village of Sag Harbor

The US Census estimated that in the year 2000, there were 1120 occupied housing units and that the total population was 2,313. Estimates for the year 2005 projected 1165 housing units with a population of 2368, an increase of 2.4%. Business use square footage was estimated as follows in July, 2005:

	Retail SF	Services SF	Public SF	Industrial SF
Sag Harbor Village	476,672	214,216	70,571	50,925

Estimates for the Town of Southampton for future build out show there will be a deficit in public and quasi public space and industrial building space. The present zoning will not meet the needs of the projected population.

**IV. Existing Environmental Conditions**

The Sag Harbor Gateway Study Area is within the Aquifer Protection District of the Town of Southampton. It is part of New York State Wetlands, part of the Significant Habitats and Habitat Complexes of the New York Bight Watershed, and part of the New York Bight Coastal Ecosystems. It is also falls under the Long Pond Greenbelt Management Plan and Eastern GEIS Groundwater Study Area. Ligonee Brook runs along the Reid property area and the Sag Harbor Antique Fire Trucks property (see picture on page seven). The Rowe Industries Superfund Water Cleansing affects an adjacent parcel owned by the Town of Southampton which is used as the receiving area for treated contaminated water.

Aquifer Protection Overlay District

§ 330-63 A. The Town Board of the Town of Southampton is empowered by §263 of the Town Law of the State of New York to enact zoning regulations which, in accordance with the Town Master Plan, facilitate the adequate provision of water to the residents of

the Town and also promote the health, safety and welfare of the Town. The sole source of drinking water for the Town is its underground aquifers. The aquifers must be kept pure if a continued source of potable drinking water is to be available for future generations. It is the policy of the Town Board to protect the Town's supply of drinking water in its pristine state and prevent the degradation of this valuable and essential resource. (See Appendix 7 Article XXIII Aquifer Protection Overlay District)

§ 330-67A. To ensure maximum water recharge and to minimize the potential for fertilized vegetation, natural vegetation located on a tract of lot shall be preserved to the maximum extent possible, consistent with the following parameters:

1. The natural vegetation on a lot or tract in the overlay district shall not be disturbed until such time that a building permit, site plan approval or final subdivision approval is received or until such time that the Planning Board has granted approval to a site disturbance plan as provided in a-c.

2. Nonresidential lots and tracts.

- (a). For nonresidential lots or tracts proposed for development, the amount of disturbance of natural vegetation shall not exceed 50% of the area of the respective lot or tract. The Planning Board may restrict the remainder of the site or portions thereof so that the burden of meeting the maximum disturbance limitation is not borne by any future lots resulting from the subdivision of the tract.

- (b). For nonresidential tracts proposed for subdivision, the total amount of disturbance of natural vegetation shall not exceed greater than 50% of the area in said tract. In determining the amount of disturbance on a proposed lot in a subdivision, the Planning Board shall first calculate the amount of disturbance for all roads, common driveways, drainage areas, active park areas and any other improvements connected to the subdivision map and then proportionately divide the remaining area among proposed lots.

3. For multifamily lots or tracts, including parcels for senior citizen and affordable housing projects, but excluding attached-housing planned residential developments, the amount of disturbance of natural vegetation shall not exceed 50% of the area of the respective lot or tract. The Town Board may alter or waive the provisions of this subsection where an affordable housing project otherwise would meet the provisions of the Town Code and a revegetation program which protects the aquifer is incorporated into the project design.

### Long Pond Greenbelt

The study area is situated in the Long Pond Greenbelt, an extensive network of freshwater streams, ponds, wetlands, and adjacent upland habitat. The Long Pond Greenbelt encompasses 1000 acres and stretches nine miles from Ligonee Brook and Otter Pond in Sag Harbor south to Sagg Pond and the Atlantic shore in Sagaponack. This network of regionally and globally rare coastal plain ponds and coastal plain pondshore communities has been designated as a significant fish and wildlife habitat by both the United States Fish and Wildlife Service (Long Pond Greenbelt Significant Habitat Complex #10) and New York Department of State. The ponds are groundwater fed and the water levels fluctuate with the rise and fall of the water table. This ecosystem

includes regionally rare plants and wildlife, and is critical as breeding, migratory, and over-wintering areas for amphibians, reptiles, birds, insects, and other wildlife.

The area contains Ligonee Brook, a Southampton Trustee designated Wildfowl Sanctuary, which flows out of Long Pond in the Greenbelt, into Ligonee Cove, Sag Harbor Cove and the Greater Peconic Bay, which has been designated as an Estuary of National Significance through the USEPA's National Estuary Program. Any significant changes in the water quality or hydrologic regime would pose adverse risks to both the coastal plain ponds and Ligonee Brook, potentially resulting in the degradation of the ecological character and value of the pond and pond shore communities, Ligonee Brook, and Sag Harbor Cove, including loss of rare species, finfish, and shellfish.

There are 59 species of special emphasis in the Long Pond Greenbelt complex, incorporating 27 species of plants, and including the following federally and state-listed species. (Living resources and their habitats are dynamic; therefore, the ecological significance and species information presented here may not be complete or up-to-date. State and federal environmental agencies should be consulted for additional information.)

State-listed endangered

Tiger salamander  
Least tern  
Drowned beaked-rush  
Water-pennywort  
White boneset  
Pymyweed

State-listed rare plants

Red-rooted flatsedge  
Short-beaked bald-rush  
Long-beaked bald-rush  
Slender crabgrass  
Rose tickseed  
Stueve's pr tall bush-clover  
Round-fruited ludwigia  
Wafer-ash  
Pine barren gerardia

State-listed threatened

Osprey  
Knotted spikerush  
Orange fringed orchid  
Crested yellow orchid  
Long-tuberclad spikerush  
Carolina redroot  
Southern yellow flax  
Featherfoil  
Clustered bluets

State-listed special concern animals

Spotted salamander  
Spotted turtle

Pursuant to Section 325-9A, 75-foot natural buffer setbacks, 100-foot construction setbacks, and 150-foot sanitary system setbacks are required landward of the wetland boundary for new construction on existing developed land. Pursuant to Section 325-9B, "no wetlands permit shall be issued unless the applicant demonstrates and the approving authority finds that the following standards have been met:

The proposed project is compatible with the purposes and findings listed in § 325-1 and §325-2.

The maximum practicable buffer zone, sufficient to protect and preserve the wetland (as required by Subsection A above), has been established for all activities regulated by this chapter.

All reasonable mitigation measures have been taken to ensure that wetlands of their benefits will not be adversely affected.”

## **V. History of the Sag Harbor Gateway Study Area Land Use by Parcel**

### **1. The Reid Brothers Site (900-026-1-10-2) 2.9 acres (1810 Bridgehampton/Sag Harbor Turnpike)**



View from Reid Brothers looking north toward Sag Harbor Village on Old Highway



View from Reid Brothers out to Bridgehampton Sag Harbor Turnpike



Reid Brothers facing Bridgehampton/Sag Harbor Turnpike



Rear of Reid Brothers Shop



Ligonee Brook to the rear of Reid Brothers shop



Ligonee Brook



Salvage Yard of Reid Brothers Property and entrance to Town of Southampton Property

The buildings at the current Reid Brothers site existed prior to October 14, 1957. A 1972 Certificate of Occupancy shows the premises as a one-story metal garage and a one-story masonry garage. A 1981 Certificate of Occupancy presents the premise uses as a one-story repair garage, gasoline sales, wrecking yard and auto storage. An update to the 1982 Certificate of Occupancy describes the uses as one concrete garage building used as a gas station with pumps and buried tanks; garage, repair and body shop; junk and storage yard.

In 1982, the property was split into two sites, one 2.9 acre and the other 7.546 acres. The 2.9-acre parcel, Parcel One, is the present Reid property. According to Board of Appeals decision number 6341, "The preexisting uses as a gasoline station and auto repair shop, junk yard and storage yard are to be permitted to continue upon Parcel One only."

The Town of Southampton now owns what was then known as Parcel Two, (SCTM No. 900-26-1-10.1.), the 7.546 acre site, and this piece of property is the location of the recharge basin which receives treated groundwater discharged from the Rowe Industries Ground Water Contamination Site (SCTM No. 900-26-1-95.1)

The 1984 Certificate of Occupancy for Parcel One replaced the 1982 Certificate of Occupancy but remained the same as above. Between 1984 and 1992, the gas station use was abandoned. A 1992 application for a Building Permit states that uses on the site were for engine repairs.

A 2006 Site Plan application from Reid Brothers stated that the existing uses were a garage, repair and body shop (4,132 sq. ft.), junk yard and storage yard. The following issues were raised by interested parties during the review process: Adverse effects on groundwater, traffic, noise and aesthetics, potential runoff into Ligonee Creek, and the effects of this project in combination with other proposed projects in the area. A Phase I archeological investigation report done in connection with the 2006 site plan assessed the study area as having a higher than average potential for the recovery of prehistoric and historic sites; however, no historic or prehistoric artifacts or features were encountered.

The site plan application was withdrawn in January 2007.

## 2. Suffolk County (26-1-110) (County Road 79)



Tax assessment documents show that this 0.17 acre piece is owned by Suffolk County. It is used by Reid Brothers as a parking area.

3. Village of Sag Harbor (26-1-108) (0.1 acres) and (26-1-109)

This area is landscaped and maintained by Sag Harbor Village. Together with parcel 903-5-2-12, it is known as the Nancy Boyd Willey Park.

4. Sag Harbor Antique Fire Trucks (24-04-034) (1827 Sag Harbor Turnpike)



Sag Harbor Antique Fire Trucks Property

Sag Harbor Antique Fire Trucks .9 acres is presently vacant land. Its Property Classification Code is 311: Residential Vacant Land. This parcel, sandwiched between Main and Fordham Street, is located in an Open Space /Greenbelt Area priority and is in the Eastern GEIS/Great Swamp Target Area. Part of the parcel has been designated Freshwater Wetlands by the Department of Environmental Conservation. (Any proposed future development will be monitored by both the DEC and the Town to ensure that all

sensitive lands are protected and that as much open space as possible is preserved to safeguard the best interests of the Sag Harbor community and ensure an attractive gateway.)

5. The 1796 Sag Harbor Turnpike, LLC Property (900-26-1-001) .742 acres (1796 Bridgehampton Sag Harbor Turnpike)



Reid Brothers and Adjoining 1796 Property



Looking South from front of 1796 Property



The 1970 Certificate of Occupancy states that the two-story, one family dwelling existed prior to October 14, 1957. In the 2007 Town of Southampton tax assessment, the residence was described as a two story, one family with one kitchen, one full bath, one half bath, three bedrooms, and an enclosed deck. It was classified 210: One family year-round residence. This parcel was sold in 2008.

6. Turnpike Partners (900-21-1-02 and 900-26-1-9) (1768 and 1784 Bridgehampton/Sag Harbor Turnpike): Trunzo Property





Turnpike Partners own a total of 5.7 acres in two contiguous parcels which remain vacant. SCTM No. 26-1-2, .9 acres, is zoned HB. SCTM No. 26-1-9 is 4.8 acres, with approximately 1.1 acres zoned HB along the road frontage, and the remaining 3.6 acres zoned R-20

7. The Bayburger Site (900-026-1-3) .8 acres (1742 Bridgehampton/Sag Harbor Turnpike,)



Bayburger during Renovation



Rear of Bayburger

In December, 1969, the Board of Zoning Appeals granted a change of use from gas station to take-out restaurant saying that their standard was not whether or not there would be an increase in traffic but rather whether or not there would be the creation of undue increase of traffic congestion.

Whaleburger continued as a restaurant from June 1970 through the early 1980s. It was succeeded by the Gingerbread Bake Shop which has just been replaced by Bayburger. The (.8 acre) Bayburger site has an indoor dining area of 1760 square feet and a new outdoor dining courtyard of 698 square feet.

During the 2006 review process to convert the former Gingerbread Bake Shop to Bayburger the following concerns were raised by interested parties: Highway Business Zoning, residences on all sides, keeping rural character, expanding seats, buffer zones, lighting, outside seating, hours of operation, parking, liquor license, noise, odors, music, traffic, need for GEIS, consistency with Master Plan, impact on community character, intensification of business. The immediate neighbor to east and north was in support of the project, subject to fencing and screening. The immediate neighbor to the south was in opposition.

It should be noted that as a condition of approval, Bayburger was required to submit a future cross access agreement with the property to the north, the Turnpike Partners/Trunzo property (SCTM No. 900-25-1-2), 0.9 acres.

8. Lacina (900-26-1-4) 1.2 acres (1726 Bridgehampton/Sag Harbor Turnpike)  
The certificate of occupancy for this property lists a one family dwelling and addition, and a one-car, detached garage.



Assessor's photograph 3/29/08

9. Golden (900-26-1-5) 0.5 acres (1710 Bridgehampton/Sag Harbor Turnpike)

The certificate of occupancy dated 5/19/97 list a one and one half story dwelling, one story guest house and frame barn.



Assessor's Photograph 3/29/03



Assessor's photographs 3/29/03

The certificate of occupancy dated 5/19/97 list a one and one half story dwelling, one story guest house and frame barn.

10. Golden (900-26-1-8) 0.5 acres (1702 Bridgehampton/Sag Harbor Turnpike)  
The certificate of occupancy dated 10/20/2006 lists a single family, two-story dwelling, garage with second story, porch, finished basement, and walk up unfinished attic.



Assessor's photograph 6/25/08

11.Fabiano (900-26-7.1) 1.0 acres (1694 Bridgehampton/Sag Harbor Turnpike)



Assessor's photograph 3/29/03

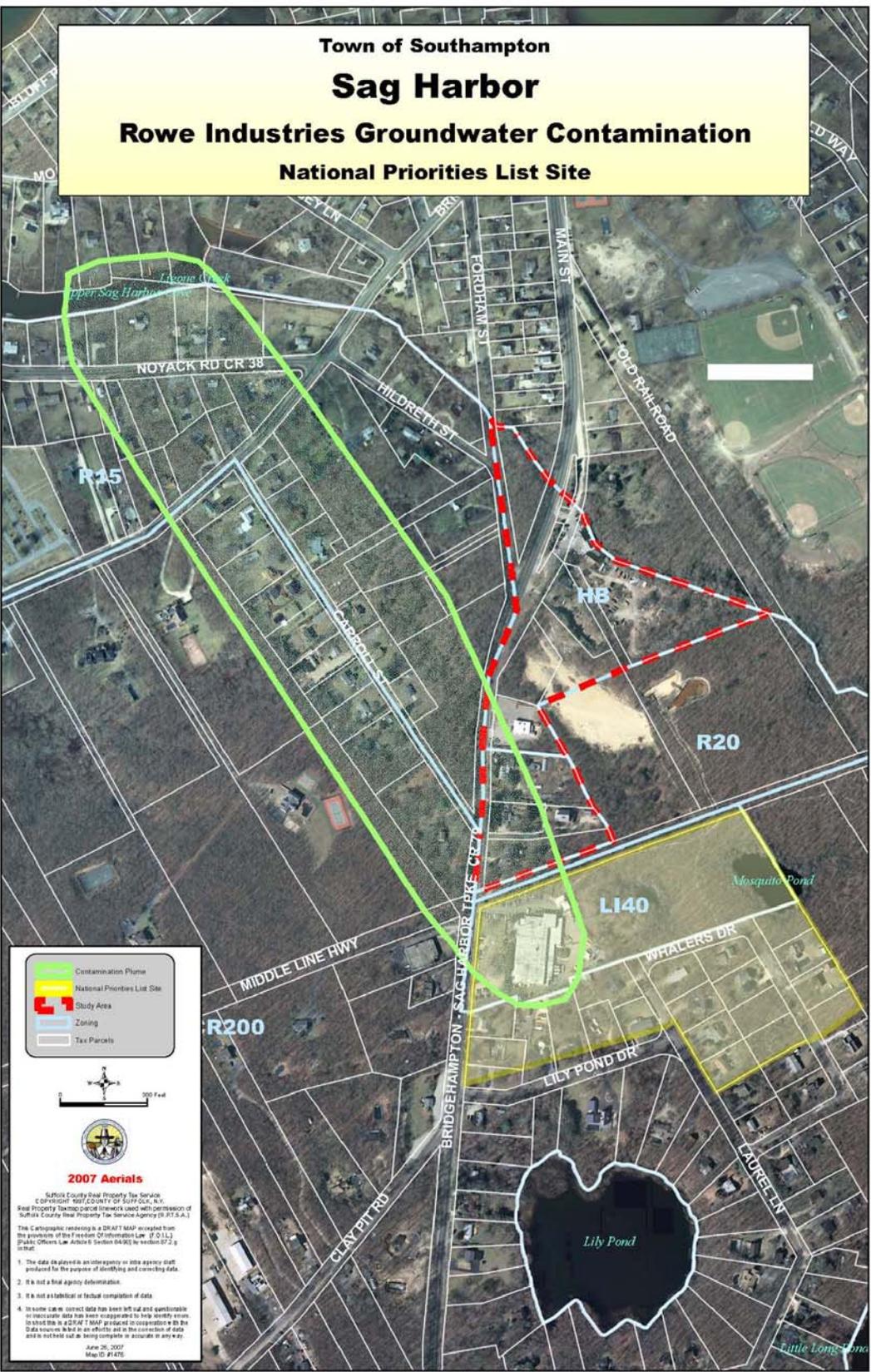
Surrounding Area Parcels

Surrounding area parcels, such as the Rowe Superfund Cleanup Site, the Town owned Groundwater Treatment Site, and the Mashashimuet Park also leave a unique imprint on the Gateway study area.

12. Rowe Industries Ground Water Contamination Superfund Site (026-1-95.1) 1500 feet south of Sag Harbor Village- 1668 Sag Harbor Turnpike and (026-1-10)1075 Midline Highway owned by the Town of Southampton and used to allow for the discharge of treated ground water from the Superfund Site to a recharge basin on this land. (See Appendix 12, USEPA)

The 8-acre Rowe Industries Ground Water Contamination site, located on the eastern side of the Sag Harbor Bridgehampton Turnpike, was owned and operated by Rowe Industries, Inc. from the 1950s through the early 1960s. During that time, the company manufactured small electric motors and transformers. Rowe Industries, Inc. was purchased by Aurora Plastics, Inc. in the late 1960s, and by Nabisco, Inc. in the early 1970s. In 1980, the site was sold to Sag Harbor Industries, Inc., which currently uses the facility to manufacture electronic devices. Reports from former workers indicated that solvents were stored outside in a wooded area behind the facility; this area was determined to be the main source of the contamination. Ground water contamination was first discovered in the Sag Harbor area in 1983 when water samples collected from a private well by the Suffolk County Department of Health Services (SCDHS) revealed solvent contamination . As a result of these findings, the SCDHS and Environmental Protection Agency (EPA) conducted further investigations. The results of samples collected from 46 private wells and 21 observation wells in 1984 indicated that there was a volatile organic contaminant plume, including tetrachloroethene and trichloroethene, in the ground water that was approximately 500 feet wide. (Potential contact with contaminated ground water through drinking water is no longer a concerns since all the affected residences were connected to a public water supply in 1985.)

**Town of Southampton**  
**Sag Harbor**  
**Rowe Industries Groundwater Contamination**  
**National Priorities List Site**



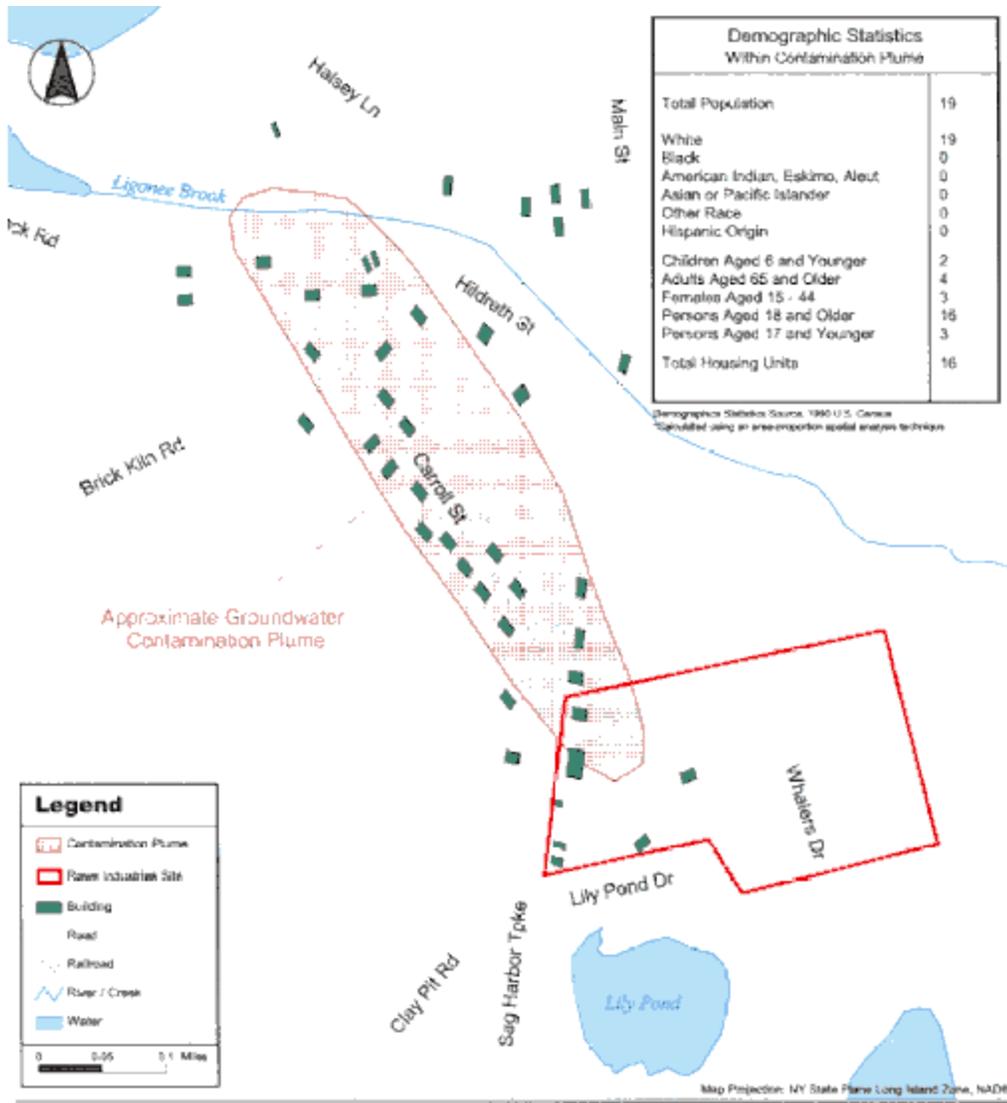
**2007 Aerials**

Suffolk County Real Property Tax Service  
 COPYRIGHT 1997, COUNTY OF SUFFOLK, N.Y.  
 Real Property Taxmap/Cadastral Network used with permission of  
 Suffolk County Real Property Tax Service Agency (R.T.S.A.)  
 The Cartographic rendering is a DRAFT MAP accepted from  
 the provisions of the Freedom of Information Law (F.O.I.L.)  
 Public Officers Law, Article 6, Section 86(2)(g) by resolution 07-2-8  
 in that:

1. The data do not constitute an interagency or intra-agency draft produced for the purpose of disseminating and conveying data.
2. It is not a final agency determination.
3. It is not a statistical or factual compilation of data.
4. In some cases, correct data has been left out and questionable or inaccurate data has been exaggerated to help identify errors, to avoid this is a DRAFT MAP produced in cooperation by the data sources listed in an effort to aid in the correction of data and is not held out as being complete or accurate in any way.

June 26, 2007  
 Map ID: #1476

PICTURE OF GROUNDWATER PLUME AS IT RELATES TO THE GATEWAY



Appendix A, Figure 2 - Vicinity Map for

# Rowe Industries Groundwater Contamination National Priorities List Site

Sag Harbor, New York CERCLIS No. NYD981486954

Base Map Source: 1995 TIGER/Line Files, Groundwater Contamination Plume Source: Lippetta, Blashorn & Graham, 1992



Suffolk County, New York

Under EPA oversight, the potentially responsible parties (PRPs), Nabisco Inc. and Sag Harbor Industries Inc., performed a remedial investigation and feasibility study (RI/FS) to determine the nature and the extent of contamination at the site and to identify and evaluate remedial alternatives. Based upon the results of the RI/FS, in September 1992, EPA signed a Record of Decision (ROD), selecting a remedy for the site, which includes excavating volatile organic-contaminated soils located in a former solvent storage area, the excavation of three on-site dry wells, the off-site disposal of the contaminated soils and dry well contents, and the pumping and treatment of the contaminated ground water.

As part of the remedial design effort, the Potentially Responsible Parties' contractor collected numerous soil and ground-water samples and performed a number of ground water tests necessary to prepare the design of the selected remedy. As a result of this sampling effort, the estimated volume of contaminated soil requiring excavation increased from the ROD estimate of 360 cubic yards to approximately 1,700 cubic yards. In light of the significant increase in the volume of soils requiring excavation in the former drum storage area, the selected remedy was modified to include a partial excavation of the former drum storage area, the installation of soil vapor extraction (SVE) wells to remediate the remaining unsaturated (located above the water table) contaminated soils and air sparging wells to assist in the remediation of the saturated (located below the water table) contaminated soils during extraction and treatment of the ground water.

In 1997, SVE wells and their associated piping were constructed on the facility's property. In April 1998, contaminated soils located in adjacent residential yards (the former drum storage area) were excavated to a depth of four feet and placed in a soil impoundment for pre-treatment (prior to off-site disposal). In addition, SVE wells and air sparging wells were installed. The excavated areas were sealed with a vapor barrier and were backfilled with clean fill. The disturbed areas were regraded and landscaped. The three dry wells were pumped out in June 1998; the contents were containerized and disposed of off-site at a regulated facility.

Using the SVE wells, vacuum pumps drew contaminated vapors from the soils. These vapors were piped to the treatment units located on the facility. Confirmatory sampling of the soils and the extracted air was performed periodically to determine the effectiveness of the system. After operating the SVE system from December 1998 through March 2000, confirmatory soil sampling revealed one small area within the former drum storage area which required additional treatment. The SVE system was restarted in December 2000 to treat that area and operated until January 2004. The unsaturated soils have met the clean up objectives. During the fall of 2000, four small ground water recovery wells were installed in a portion of the former drum storage area where water samples indicated elevated levels of VOCs. These wells began pumping contaminated ground water in March 2001 and continued until January 2004. The ground water was treated using activated carbon and disposed of on-site. The ground water remedy includes the installation of six off-site and three on-site extraction wells placed strategically

within the ground water contaminant plume, the installation of a piping network, and the construction of an air stripper treatment system. The extraction well installation work was completed during the summer of 2000.

The ROD called for the treated ground water to be discharged into Ligonee Creek/Inner Sag Harbor Cove. However, in response to public concerns about potential impacts resulting from the discharge of fresh water into a saline environment, the remedy was modified so as to allow for the discharge of the treated ground water to a recharge basin.

13. The Town of Southampton granted the Potentially Responsible Parties access to the Town's property (SCTM No. 900-26-1-10.1) for the construction of a recharge basin.



Town of Southampton Land Used as Recharge Area for Cleansed Water From Rowe Superfund Cleanup.



Construction of the ground water extraction and treatment system and the recharge basin commenced in September 2001 and was completed in early September 2002. Following full scale testing of the system, full system startup began in mid-December 2002. {The Deed of Dedication offered by John Leonard to the Town of Southampton, pertaining to SCTM No. 900-26-1-10.1, which was subject of the transfer of development rights application known as “Muskrat Woods”, offered pursuant to Section 247 of the General Municipal Law of the State of New York, was accepted for filing on December 16, 1993. Said land was accepted for open space and conservation use. }

The air sparging wells noted above were utilized from February 2003 to January 2004 to enhance the removal of contaminants from the ground water in the former drum storage area. This was accomplished by bubbling air down into the saturated soils, which then volatilized the solvents. The volatilized solvents were captured by the SVE wells and piped to treatment units.

#### Cleanup Progress

By providing a safe drinking water supply to the 25 residences affected by contaminated ground water, the potential of exposure to contaminants has been greatly reduced. It is estimated that 80 tons of contaminated sludge and underlying soils associated with the dry wells and 336 tons of volatile-organic-contaminated soils within the former drum storage area were excavated during the spring of 1998. The sludge was disposed of off-site. The excavated drum storage area soils were treated on-site via an SVE system and were disposed of at an off-site facility. Approximately 3,800 tons of contaminated soils were remediated via SVE and air sparging. To date, over 900 pounds of VOCs have been removed from the contaminated soils and ground water plume via the SVE and ground water pump and treatment systems. It was estimated that 150 million gallons of contaminated ground water would be extracted and treated annually for 10 years (1.5 billion gallons total).

Between 12/17/02 and 6/30/06, 473,199,962 gallons of contaminated water have been treated. The cumulative mass of volatile organics (VOCs) removed from the groundwater since 12/17/02 are 185.8 pounds.

While there is public water supplied to the area affected by the Rowe Superfund Cleanup Site, there is still ongoing remediation taking place. It is presumed that groundwater treatment will continue for another five years until the year 2011 or 2012.

Building on the Sag Harbor Gateway Study Area Properties will require research and disclosure about impacts upon or from the superfund cleanup site.

#### 14. Turnpike Partners Split Parcel Zoned R-20

SCTM No. 26-1-9 is 4.8 acres, with approximately 1.1 acres zoned HB along the road frontage, and the remaining 3.6 acres zoned R-20, permitting single family dwellings on sites that have a minimum of 20,000 square feet. Parcel 26-1-09 (4.8 acres) was one of several identified in the Community Preservation Project (2003) Plan for acquisition within the Long Pond Greenbelt Open Space Target Area. A major portion of the site is cleared of existing vegetation. It is one of several access points used by ATVs to enter the Greenbelt. The lot is adjacent to the Paumanok Path, which runs along the right of way of Middle Line Highway. The parcel is just north of the former Rowe Industries site and directly adjacent to Middle Line Highway where buried line used as part of the on going Super Fund groundwater cleanup is installed. Negotiations by the Town to purchase this property for community preservation in 2004 were unsuccessful.

#### 15. Mashashimuet Park



Mashashimuet Park is located three hundred (300) yards north of the Reid Brothers automotive repair yard. The park and playing fields on the corner of Jermain and Main Streets also have tennis courts and a picnic area. The parking area is often used as a meeting place for groups going on trail hikes.

The CAC has asked that future development in the area allow space for bicycle and pedestrian access and scenic corridors to the park.

## **VI. History of the Highway Business Zone and its Relationship to the Sag Harbor Gateway Area**

Southampton adopted its first Building Zone Ordinance in 1957 after a comprehensive review of the community's existing and potential future development, and the evident land use problems at that time. Over the next seven years, new data and analyses became available from various public and private sources. It was then apparent that the zoning regulations provided for a future population far in excess of the community's resources. As a result, two steps were undertaken.

First the town, with professional assistance, proceeded to review the new data and analyses in light of known development trends and existing land uses and to prepare a comprehensive amendment of the Building Zone Map. This first stage considered the "more obviously needed" amendments. The second stage was to contract for a more detailed analyses and a Town Master Plan.

The initial stage resulted in the comprehensive zoning map amendment of 1966. The section now designated as the "Sag Harbor Gateway Study Area" was zoned residential. The second stage was presented in the 1970 Master Plan and Zoning Map. In the Master Plan the Study Area was designated in the Future Land Use Map as Suburban and Beach Residence (R-20). The 1970 Master plan describes Suburban and Beach Residence in the following manner. "In view of the very low population density limitation for the unincorporated area of the town and the existing relatively high gross population density in the Village Residence areas, as well as the quality of the terrain in such places as the barrier beach and low lying shore areas, it is necessary that the broad areas in which the Suburban and Beach Residence is the principal use have an overall density goal of approximately 0.7 persons per gross acre. This is slightly less than one-eighth of that in the Village Residence areas.

"Suburban and Beach Residence is located over broad portions of the community totaling approximately 26,100 gross acres. By virtue of the projected lower overall density it is not anticipated that a community sewage disposal system will be required except where a planned residential development is proposed with more concentrated housing."

In the 1970 Master Plan, Highway Business areas were designated for highway oriented business and services such as automobile services and sales, certain transient services, offices and wholesale facilities, but not retail shopping and personal service facilities generally found in Village and Shopping Center Business. These areas were designed to serve as locations for certain commercial recreation activity and entertainment establishments. However, transient and resort motels were prohibited since areas for

those uses were specified separately. The Highway Business areas were to be built in accordance with considerable open space and contemporary standards similar to those for a shopping center, including off-street parking.

Every attempt was made to have Highway Business areas comply with a beautification and safety programs. This included the saving of good existing on-site trees and other natural features as well as buffer plantings separating such uses from adjacent residential areas. Frontages along the highway were made adequate to provide distinct curb cuts controlling traffic ingress and egress and to allow room for the street tree plantings. Adjoining businesses were asked to cooperate with one another in integrating their traffic circulation and parking plans. Signs were designated as not garish, oversized nor distracting to motorists. It was expected that site plan reviews by the Planning Board would go a long way in carrying out that type of program. It was advantageous for all businesses to comply because of the generally improved area appearance as contrasted with typical highway business strips elsewhere in Nassau and Suffolk Counties. Such a beautification and safety program was thought to enhance the resort aspects of the community.

In 1972, the Sag Harbor Gateway Study Area was zoned R-20. It was not part of the proposed Highway Business Area. The Reid Brothers, Mance, and Bayburger Properties were developed at this time.

The next major changes in zoning occurred in 1983 and 1984. In 1983, the proposed Sag Harbor Gateway Area remained R-20. It was not until the 1986 zone change that this area was rezoned Highway Business. This zone change was followed by the 1999 Comprehensive Plan Update.

#### 1999 Comprehensive Plan Update

The 1999 Comprehensive Plan Update, in its section on Hamlet Business Areas, Technical Findings and Community Support, developed a three-pronged strategy to strategically manage the pressure for retail development, while still enhancing the Town's "town and country" physical, social and shopping landscape. The third element of the strategy focused on the highway business areas. It built on the clear recognition that there already was a lot of highway business in the town, and that the challenge was not just guiding new development, but addressing issues raised by the appearance and quality of existing development (e.g., along County Road 39). It suggested that again, general policies and regulatory improvements should be made with regard to convenience and appearance, and then each and every area should have its own, individualized plan, developed in cooperation with the business, resident and civic communities. The objective was to make the highway business areas attractive as well as prosperous.

It provided that Planned Light Industrial Parks and limited light industrial uses should be allowed by special exception in Highway Business (HB) districts. Agricultural uses were to be allowed in Highway Business (HB). Wholesale/distribution business uses were to be generally allowed in HB. Automobile uses, e.g., drive-thru's, car sales, and fueling

stations were to be allowed in HB. Amusement and recreation were to be allowed in HB and SLB only.

### Current Trends for Areas Zoned Highway Business

The present outlook for areas zoned Highway Business is a trend toward encouraging development that will not place a further stress on the already overburdened highway system. In addition there seems to be a growing attitude that “commercial sprawl” and “strip zoning” are results of Highway Business zoning and that Hamlet Nodes or Traditional Neighborhood Design Areas are preferable to this type of continued development.

### Planned Development Districts

Further, the new Planned Development Districts (PDDs) have become a means of instituting a new type of zoning that encourages “increased flexibility to achieve more desirable development through the use of more creative and imaginative design of residential, mixed use, commercial and industrial areas than is presently achievable under conventional land use techniques and zoning regulations and to preserve, adapt and improve existing open space, land uses and communities, consistent with the recommendations of the Town’s Comprehensive Plan.” §330-240. The various long-term goals which the Board wishes to achieve by this legislation include: (7) Preservation of a sense of place in communities and the creation and reestablishment of small hamlet communities and atmosphere which foster the sharing of amenities and the utilization of local services. (8) Creation of planned residential communities providing an array of housing meeting the social and economic needs of residents of the hamlets, the Town and the region. (12) Development of communities wherein, collectively, the mix of uses, aesthetically, physically, socially and economically encourages the creation and/or preservation of a sense of place, pride and values.

To these ends a number of areas in the Town of Southampton presently zoned Highway Business are being proposed to be redeveloped under the Residential Planned Development District, one for a senior citizen complex of fifty (50) units with 20% of affordable units. Among the arguments for rezoning in these areas are (1) that the residential facilities will generate far less traffic than businesses on the same sites thus easing the burden on the respective highways, (2) that these housing complexes will be the beginning of the nodes that will expand into traditional Hamlet Areas, thus maintaining the model of smaller communities, (3) that the number of school children found in this type of community is fewer than those found in traditional single-family housing and therefore less of a burden on the local educational system and less of a tax burden.

It appears that the present trend will make it more difficult for development projects in Highway Business areas to satisfy both the actual needs and the desires of the local communities. While the need for the traditional Highway Business services might remain real, the perception of the community that those uses are not compatible with their

neighborhoods is growing. HB zones are usually located on major routes that lead to/ and or through village centers and hamlet centers because the traffic generation is ideal for supporting area businesses. However, the perception is that businesses generate more traffic and in an area where traffic problems are an everyday occurrence, anything that is seen as generating more is unwanted.

The present automotive repair garage in the Sag Harbor Gateway Area and a service station in the local area process 2000 State Car Inspections per year and provide minor repair work to a large number of community vehicles. In their absence, community members would have to travel further to have their vehicles maintained and repaired. Convenience has become a way of life for many local residents, and for a majority of seasonal visitors. Lack of services may become an issue in the near future. Small hamlets which provide a mix of services and conveniences will vie with hamlets that seem to be restricting themselves to upscale-only services. The service sector Trade Parade will only get larger as more small businesses and contractor businesses are forced out of what are to become residences-only areas.

Hamlet Office/Hamlet Commercial Zoning

Another prevalent current alternative for Highway Business use is Hamlet Office or Hamlet Commercial Use. Under these zones, business uses are restricted to those most compatible as transition zones from residential uses to centers of local commerce.

This is probably the most expected recommendation for the study area as it provides a type of transition zone to Sag Harbor Village while allowing some of the uses that have historically been seen in this area. As well, this alternative would permit new residential units and conversion of the existing single family dwelling. Apartments would be permitted by special exception. Parks and playgrounds would be permitted.

One problem to be addressed under this scenario would be to insure that the permitted retail-like uses would not conflict with those in the Village Center. Another problem, ultimately, is that the area’s needs for services provided under Highway Business zoning might not be met.

**VII. Analysis of Land Use Development Options**

Comparison of the Differences Between the Highway Business Zone and the Hamlet Office/Commercial Zone as listed in the 1999 Comprehensive Plan Update

Table 10

	Hamlet Office	Hamlet Commercial	Highway Business
Permitted Uses:	Some low-impact retail by SE	Most types of retail, by SE	1 use per ½ acre or greater
	Housing	Housing	none

	HO	HC	HB
Performance Guidelines:	No late night hours, early AM delivery, noise, odors, liquor license	No late night hours, early AM delivery, noise, odors	
Design Guidelines:	Residential yards, lot coverage, and setbacks  < 3000 s.f. Footprints  Pitched roof, plate glass, attractive facades/signage, etc.	Residential yards, lot coverage, and setbacks  < 3000 s.f. Footprints  Pitched roof, plate glass, attractive facades/signage etc.	Business  No building > 15,000 s.f.

1. The Table of Permitted Uses in the Town Code (See Appendix Two) shows that residential uses are permitted in HO/HC and not in HB. Apartment use is permitted by special exception in HO/HC. The Residential Community Facilities allowed are similar in both districts with the difference that HO/HC requires Special Exception for fire station, municipal office, or similar buildings. Nursing Homes and wireless communication towers are not permitted in HO/HC. No businesses in the wholesale business category are allowed in HO/HC but are allowed by Special Exception in HB. Many more retail business uses are allowed in HO/HC than in HB. Many office businesses are allowed in both districts. No automotive categories are allowed in HO/HC. Some personal and other service categories are allowed in HO/HC only by special exception. Some manufacturing industry is allowed in HB. Accessory uses are allowed in both districts.

2. A quick comparison of Dimensional Requirements (See Appendix Three) for these three districts is as follows. Note that while minimum lot sizes are smaller in HO/HC, the lot coverage for main and accessory buildings is reduced to 20 percent.

Dimension	HB	HO/HC
Lot Area		
Min. sq.ft.	40,000	10,000
_Min. dwelling u.	not permitted	10,000
Lot Coverage		
Max(percent)	30	20
Lot width, min.	150	75
Height, max.		
Stories	2	2
Feet	35	32
Yards, prin. bldg. ft.		
Front	50	30
Side, 1	20	15
Side, total	60	30
Side, abut st. cn.	50	30
Rear	0	30
Yard, Access. Bldg.		
Distance from street	100	40
Distance from side	-	5
Distance from rear	50	0
Building Size (maximum)	15,000 sq. ft	3,000 sq ft. (SE to 6,000 sq. ft.)
Maximum no. of uses	1 for 20,000 business	1 for 4,000 sq. ft. office use
	1 for 4,000 offices	1 for 10,000 sq. ft. commercial

### 3. 330-162.18 Building Size (See Appendix Three)

A. Buildings that are proposed either in the Hamlet Office (HO) or Hamlet Commercial (HC) zoning districts may be greater than 3,000 square feet in size, but no building shall be greater than 6,000 square feet in size, subject to the following standards:

(1) For every 1,000 square feet, or portion thereof greater than 3,000 square feet, of additional building space, one apartment shall be provided subject to requirements set forth in §330-158. At least one dwelling unit shall be reserved for a moderate-income family as defined in §330-5; or

(2) A minimum of 50% of the total area is restricted from further development and is reserved for a park, undisturbed open space, regional storm water detention facility or public right-of-way or other similar benefit to the public.

B. For buildings larger than 3,000 square feet, up to a maximum of 4,000 square feet, the minimum side and rear transition yard shall be 35 feet. (Existing is 30 total for both sides, with a minimum of 15, and 30 for rear.)

C. For buildings larger than 4,000 square feet, the minimum side and rear transition yard shall be 50 feet. (Existing is 30 total for both sides, with a minimum of 15, and 30 for rear.)

4. Additional standards that shall apply in HO/HC are delineated in § 330-30 B and §.330-31 E. (See Appendix Four)

No off-street parking or loading shall be permitted in the front yard. All buildings and structures shall maintain a residential appearance. No single building shall exceed 3000 square feet without meeting special exception standards. All buildings on a single lot or development shall be compatibly designed. No more than 20% of the lot shall be covered with main and accessory buildings and no more than 60% of the lot shall be covered by impervious or paved surfaces.

The maximum number of uses permitted in a building or buildings upon a lot or land within any business district shall be limited as follows:

HO and HC District: one use for every 4,000 square feet of lot area for office uses and one use for every 10,000 square feet of lot area for commercial uses, except that the minimum number of square feet of lot area required per dwelling unit for a dwelling use shall be as specified in the Business Districts Table of Dimensional Regulations and such minimum shall apply to a dwelling use which lawfully existed at the effective date of this chapter.

§330-162.19 Hamlet Office/Residential and Hamlet Commercial/Residential dwellings and 330-83 Yards (See Appendix Four) also shape the HO/HC District.

**Potential Land Use at Build-Out in Sag Harbor Gateway**

Because of unique environmental restrictions, building square footage in the Sag Harbor Gateway Study Area may be significantly diminished in order to allow compliance with all of the applicable state and local environmental requirements. The following are rough estimates only and may not accurately reflect building envelopes that might finally be approved by the Conservation Board, the Zoning Board of Appeals, and the Planning Board of the Town of Southampton. Different types of additional square footage will also translate into different amounts of traffic generation, utility use, water use, and use of public amenities in general.

**Build-out Analysis: Hamlet Office (HO) Zoning versus Highway Business (HB) Zoning**

	Existing Use	Estimated Maximum Allowable *	
		Under HO	Under HB
<u>Reid</u>	4,132 sq ft	4,250 sq ft	1,875 sq. ft.
2.9 acres	auto repair and junkyard	(Wetland Setbacks.)	(Wetland Setbacks). Pre-existing use: 4,132 sq. ft.
	Existing Use	HO	HB

<u>Bayburger</u> 0.9 acres	2,458 sq ft restaurant	9,000 sq ft (1,6000 w/apts, 1, 3000)	2,458 sq. ft. Pre-existing use. HB uses: 13,000
<u>1796, LLC</u> 0.742 acres	single family house	6,000 sq ft (2,3000 sq. ft or 1, 6000)	Because of an existing dwelling, the minimum lot size per dwelling would be 20,000 sq. ft, or one dwelling. 3,500 sq, ft. HB uses: 10,000
<u>Turnpike Partners</u> 1.2 and 0.9 (HB) 3.6 R-20 not counted	vacant land	24,000 sq ft  (4) 6,000 sq. ft. bldgs.w/ special except.	30,000 sq ft  (2) 15,000 sq ft. bldgs.
<u>Sag Harbor</u> <u>Antique Fire Trucks</u> 0.9 acres	vacant land	900 sq. ft. (Wetland Setbacks)	900 sq. ft. (Wetland Setbacks)
<b>TOTAL</b>		<b>44, 150 sq. ft.</b>	<b>58,032 sq. ft.</b>

\*Prior to determining adjusted gross lot area, accurate boundaries for wetlands, surface waters and flood zones shall be delineated and shown on official surveys and site plans.

While Highway Business is associated with auto-oriented businesses and oftentimes Big Box stores, Hamlet Office uses are limited to those most closely compatible with transition zones to hamlet business areas and are intended to provide a uniform residential feel to the zoned area.

Residential to Hamlet Office Zoning

To change Residential zoning to Hamlet Office zoning would allow a potential increase in square footage. Yet, because all building in the area is restricted by the clearance guidelines of the Aquifer Protection Overlay District, only minimal increase would be allowed over existing square footage. All four of the residential lots are presently occupied by dwellings. Some lots have accessory structures, as well. It is unlikely that changes will be made in the near future.

Build-out Analysis: Hamlet Office (HO) Zoning versus Residential 20,000 Square Feet (R-20) Zoning

		<u>Estimated Maximum Allowable</u>	
		<u>Under R-20</u>	<u>Under HO*</u>
<u>Lacina</u>	single family	existing	8750 sq. ft.
Golden	single family	existing	3900
Golden	single family	existing	3900
Fabiano	single family	existing	7750

\*Prior to determining adjusted gross lot area, accurate boundaries for wetlands, surface waters and flood zones shall be delineated and shown on official surveys and site plans. Aquifer Protection Overlay District limits clearing under either designation. Total square footage may not be accurately determined without an actual site plan.

**VIII. Traffic Analysis**

One of the reasons that the study area has become a focus for Sag Harbor Village is that traffic in the northerly direction (Scuttlehole Road to Brickiln Road --See traffic data in Appendix Five and Six) down Bridgehampton Sag Harbor Turnpike from Montauk Highway has increased dramatically with the overall year round and seasonal population increase in the Town of Southampton. The 2000 year round population in the Town of Southampton was estimated by the US Census to be 56,139. The 2005 estimated population was 61,535. The present build out estimate for the year round population is 85,441 with a peak seasonal population of 212,502. **Sheer increase in population numbers (38% possible) has precipitated an increase in traffic on all area roads.**

Two other gateway areas draw people into Sag Harbor Village: in over the bridge on Route 114 from North Haven and down Route 114 from East Hampton.

Any change in existing land use will potentially create more traffic for the Gateway Area as much of the land in this area is presently undeveloped.

Potential Traffic Generated by Existing Uses November 2008

026-01-001	1796	Single Family Home	10 trips per day
026-01-02	Turnpike Partners	Undeveloped	0 trips
026-1-3	Bayburger Restaurant	approved seats	400 trips per peak day
024-04-034	Sag Harbor Antique Fire	Undeveloped	0 trips
026-1-10-2	Reid Brothers	auto repair	98 trips per day
026-1-4	Lacina	Single family	10 trips per day
026-1-5	Golden	Single family	10 trips per day
026-1-8	Golden	Single family	10 trips per day
025-1-7.1	Fabiano	Single family	10 trips per day

Totals: 548 trips per day

Potential Traffic Generated by Possible Future Uses

026-1-10-2	Reid Brothers	Contractor Building, Auto Repair	600 trips per day
026-01-02	Turnpike Partners	(4)Commercial Bldgs.	488 trips per day
026-01-09		multi-family dwellings	
026-01-3	Bayburger	Restaurant	400 per peak day
026-01-001	1796, LLC	Contractor parking	55 per day
		Two family house	
026-1-4	Lacina	Minimal HO use	55
026-1-5	Golden	Minimal HO use	55
026-1-8	Golden	Minimal HO use	55
026-1-7.1	Fabiano	Minimal HO use	55
<b>TOTAL</b>			<b>1763 per peak day</b>

The overall increase in potential projected trips per day from present use to projected possible future use is 1763 trips per day, or an increase of three hundred (300) percent over existing use. In relation to adjusted average overall trips on the Bridgehampton Sag Harbor Turnpike from Scuttlehole Road to Brickiln Road of 9838 trips per day (See Traffic: Appendix Five and Appendix Six ), this represents an increase of 18 (18) percent in traffic.

Traffic in the Sag Harbor Gateway will increase under any scenario as the total year-round population of the area increases and the seasonal population continues its expansion with more persons staying for long weekends from Thursday until Tuesday morning, summer visitors coming in May and staying through October, and part-time retirees assuming year-round residence.

## **IX. Conclusions**

Existing zoning in the Sag Harbor Gateway is a result of “use-based” zoning, a way to separate different land applications from one another. Over time, the citizens of the Sag Harbor area have become more concerned with maintaining the character of the area and enhancing their quality of life than separating uses. They seem to agree that there is a type of development that might be more appropriate and that this development promotes the existing character, rather than threatening it. Planning for the future of this area must then account for this desire to maintain character while also allowing for the continued growth of the area with uses that are needed by the community.

Design features of future buildings should be consistent with the highest standards and acknowledge the area’s long history and existing historic buildings. As an entrance to a Village Center, the Sag Harbor Gateway and surrounding area could offer uses such as medium-density residential, office, and small retail services. The building types could include small office buildings with second floor apartments. The public frontage of these buildings might include narrow sidewalks, bike lanes, planters, and a consistent tree pattern along the road, perhaps mirroring that in front of the Reid Brothers area. Residential condominiums and small detached housing complexes could adjoin the office areas in the rear. Both of these types of buildings might feature porches, stoops, and terraces to help enhance the pre-existing historic maritime character of the village center. The large park just down the road already serves as a green and playground area.

**X. Recommendations**

**1. REZONE TO HAMLET OFFICE ZONING**

Rezoning the Sag Harbor Gateway Highway Business Area and Residential 20,000 square feet (R-20) zoning area to Hamlet Office (HO) zoning is most consistent with the wants and needs of the citizens of the Sag Harbor area as it provides both the residential character desired by the community as well as the office services required to meet the requirements of a growing population. In addition, Hamlet Office zoning shifts the emphasis from separation of uses to a strategy of building vibrant communities that allow a mix of uses, thus diminishing the sprawl that is associated with an auto-oriented culture and improving the quality of life for everyone.

The following chart lists the existing zoning and proposed zoning for all parcels in the Sag Harbor Gateway Study Area.

**SAG HARBOR GATEWAY STUDY AREA  
TAX MAP PARCELS**

<b>TAX MAP #</b>	<b>ACRES</b>	<b>EXISTING ZONING</b>	<b>PROPOSED ZONING</b>
26-1-10-2	2.9	HB	HO
26-1-001	0.742	HB	HO
26-1-02	0.9	HB	HO
26-01-09/split parcel	1.2	HB	HO
26-1-03	0.8	HB	HO
26-1-110	0.2	HB	HO
24-04-034	0.9	HB	HO
26-1-108	0.1	HB	HO
26-01-09/split parcel	3.6	R-20	RPDD
26-1-5	0.5	R-20	HO
26-1-8	0.5	R-20	HO
26-1-4	1.2	R-20	HO
26-1-7.1	1.0	R-20	HO

In addition, the following HO/HC design guidelines can be implemented in the Gateway Area to provide a transition from Bridgehampton Sag Harbor Turnpike into the Village of Sag Harbor. Sensitivity to the scale of development, project design and local architecture

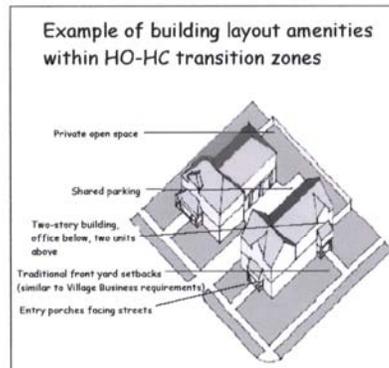
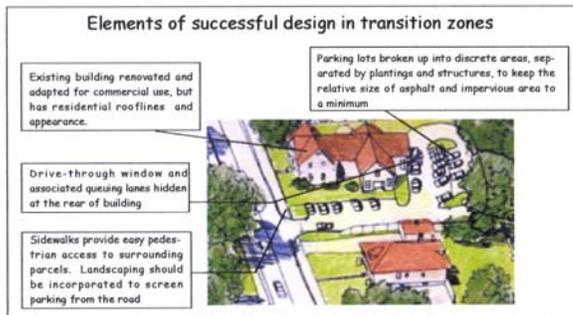
is of the utmost importance in order to ensure compatibility with the surrounding community character.

### HO-HC Design Guidelines

Hamlet Office/Residential (HO) and Hamlet Commercial/ Residential (HC) zoning occurs on the periphery of hamlet and village centers throughout the Town, and provides a transition between these centers and Residential Zones. As such, sensitivity to the scale of development, project design and local architecture is of the utmost importance in order to ensure compatibility with the surrounding community character.



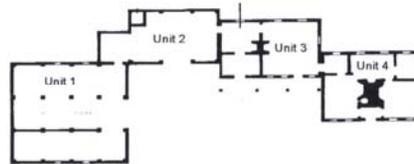
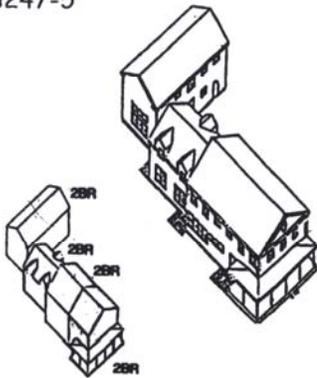
Clusters of residential scale buildings up to 3,000 sq. ft. may be constructed instead of a single large-mass building.



2. REZONE R-20 to RESIDENTIAL PLANNED DEVELOPMENT DISTRICT  
 Complementing the recommendation for Hamlet Office zoning for the Gateway Area is the recommendation to rezone the Turnpike Partners' split parcel, R-20 property to

Residential Planned Development District in order to build multi-family dwellings and establish a neighborhood to meet a growing need for workforce housing in the Sag Harbor area. Access through the Hamlet Office district to the re-landscaped Bridgehampton Sag Harbor Turnpike will allow RPDD residents to journey north to the Mashashimuet Park for recreation and to access public transportation. .

Manor House Concepts: Two, three or four family dwellings  
S247-5



The trick in making multi-family housing blend in with single family neighborhoods is to design the buildings to look like single family residences. Many lessons can be drawn from the numerous examples of historic two-family homes throughout small town America. In New England, many were built in the local nineteenth vernacular style, although some are strongly Greek revival, Gothic, or Italianate in derivation. Southampton has several examples of classic and historic styles as well as farmsteads and other traditional rural architecture that can be used as a model for multi-unit housing.



Filling in additional compatible uses in this pedestrian and bicycle friendly area will develop a mixed-use community that will complement the activities of Sag Harbor Village and allow for the enhancement of community character

### 3. MONITOR ALL SENSITIVE LANDS

All proposed future development will be monitored by both the DEC and the Town to ensure that all sensitive lands are protected and that as much open space as possible is preserved to safeguard the best interests of the Sag Harbor community and ensure an attractive gateway.

#### **THESE COMBINED RECOMMENDATIONS CONFORM WITH FIVE AREA GOALS AND THE SUFFOLK COUNTY SMART GROWTH POLICY PLAN TO:**

1. Direct development to strengthen the existing community by providing a preparatory area, a transition zone that does not duplicate the village center
2. Preserve open space and natural resources by providing park/open space connections to existing designated protection areas
3. Provide conformance with the Comprehensive Plan Economic Development Vision Goals: to promote low-impact, small-scale light industrial and office development, with an emphasis on small business enhancement rather than big business recruitment and to provide incentives for non-conforming uses to comply with zoning
4. Ensure conformance with the Suffolk County Smart Growth Policy Plan objectives to provide sensible growth, balance jobs, and economic development with the preservation of the natural environment and the historical community fabric.
5. Encourage mixed land uses and mixed use buildings
6. Create a range of housing opportunities

The Sag Harbor Gateway Study Area Plan strengthens the existing community fabric and provides a healthy environment and high quality of life. It recognizes the interrelated web of housing, transportation, business facilities, open space and social interaction that enriches our lives, supports our economy and respects our natural resources.

## Appendices

1. Appendix One: Resolution to Begin Sag Harbor Gateway Study
2. Appendix Two: § 330-33, Business District Table of Use Regulations
3. Appendix Three: §330-34, Business Districts Table of Dimensional Regulations
4. Appendix Four: Local Law 65 of 2003: Hamlet Office/ Residential and Hamlet Commercial/ Residential Zoning Districts, including:
  - § 330-30 General Regulations
  - § 330-31 Maximum Number of Uses
  - § 330-83 G. Yards
  - § 330-158 Apartments in Certain business Districts
  - §330-162.18 Hamlet Office/Residential and Hamlet Commercial/Residential building size.
  - §330-162.19 Hamlet Office/Residential and hamlet Commercial/ Residential Dwellings
5. Appendix Five: New York State Department of Transportation, Traffic Hourly Count Report: County Road 79 (Bridgehampton/Sag Harbor Turnpike) from SR 27 to Scuttlehole Road
6. Appendix Six: New York State Department of Transportation, Traffic Hourly Count Report: County Road 79 (Bridgehampton/Sag Harbor Turnpike) from Scuttlehole Road to Brickiln Road)
7. Appendix Seven: Aquifer Protection Overlay District
8. Appendix Eight: Public Health Assessment Rowe Industries
9. Appendix Nine: Applying Smart Growth Principles to Suffolk County Towns and Villages

## APPENDIX ONE

### AUTHORIZATION TO PREPARE SAG HARBOR GATEWAY STUDY

**WHEREAS**, in March 1999, the Town Board of the Town of Southampton adopted the 1999 Comprehensive Plan Update; and

**WHEREAS**, the 1999 Comprehensive Plan Update states that clearly, it is in the interest of the Town's tax and jobs base to stay responsive to retail and commercial development trends; but as clearly, unplanned commercial development puts at risk the town's rural image and resort economy; and

**WHEREAS**, the 1999 Comprehensive Plan Update recommends development of small scale commercial buildings, with the overall vision promoting a simple hierarchy of retail development and office centers that build on existing and potential market assets of hamlet and village centers; and

**WHEREAS**, the 1999 Comprehensive Plan Update states that as part of a three-pronged strategy to attain the above goals that it build on the clear recognition that each of Southampton's hamlet and village centers present different challenges and opportunities; and

**WHEREAS**, a goal of the 1999 Comprehensive Plan Update is to look at each hamlet and village center independently with the participation of that center's business, resident and civic communities; and

**WHEREAS**, Sag Harbor officials, local residents, and various civic and non-profit organizations have expressed their concerns about the effects of future growth on the area known as the Gateway, located on the Bridgehampton-Sag Harbor Turnpike at the boundary of Sag Harbor Village, adjacent to Ligonee Brook and the Long Pond Greenbelt ; and

**WHEREAS**, the following issues are raised by the cumulative impact of existing and proposed development projects in the Gateway, currently zoned Highway Business (HB):

- Community character
- Gateway beautification
- Transportation, including traffic analysis, roadway use and improvement, and pedestrian access
- Residential use and potential affordable housing creation
- Environmental impacts including the Long Pond Greenbelt and Ligonee Brook
- Land use development options
- Design of architectural and land use form

**WHEREAS**, in order to address the recommendations of the Comprehensive Plan, the increasing pressure of auto-dependent, strip commercial development and to address concerns by local residents, the Town Planning and Development Administrator recommends that a study be completed in order to review and evaluate existing land uses and zoning of the Gateway and to prepare recommendations for future land use development; Now

**THEREFORE BE IT RESOLVED**, the Town Board of the Town of Southampton approve the recommendation of the Town Planning and Development Administrator that the Town of Southampton, Department of Land Management prepare a Sag Harbor Gateway Study for the Highway Business (HB) zoned area next to Sag Harbor Village.

**Financial Impact**

preparation to be done internally by Land Management.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Steven Kenny, Councilman
<b>SECONDER:</b>	Nancy Graboski, Councilwoman
<b>AYES:</b>	Nancy Graboski, Linda Kabot, Steven Kenny, Chris Nuzzi
<b>ABSENT:</b>	Patrick Heaney

## APPENDIX TWO

### §330-33 BUSINESS DISTRICT TABLE OF USE REGULATIONS

**Town of Southampton**  
**§ 330-33, Business Districts Table of Use Regulations, Part 1**  
**[Last amended 8-26-2003 by L.L. No. 65-2003]**

P = Permitted use      SE = Special exception use      X = Prohibited use

ALL UNLISTED USES ARE PROHIBITED IN ALL DISTRICTS

SIC Code <sup>1</sup>	Use Classification	VB Village Business	HB Highway Business	SCB Shopping Center Business	OD Office Business	MTL Motel Business	RWB Resort and Water front Business	HO Hamlet Office/ Residential	HC Hamlet Commercial/ Residential
	A. Residential uses.								
	(1) 1-family detached dwelling, new.	X	X	X	SE	P	X	P	P
	(2) 2-family detached dwelling, new.	X	X	X	SE	SE	X	P	P
	(3) Conversion of existing 1-family dwelling for 2 families.	X	X	X	SE	SE	X	P	P
	(4) Dwelling lawfully existing prior to adoption of this chapter.	P	P	P	P	P	P	P	P
	(5) Apartment. <sup>2</sup>	SE	X	X	SE	X	X	SE	SE
	(6) Conversion into residential condominium or residential cooperative.	SE	SE	SE	SE	SE	SE	SE	SE
	(7) 3- and 4-family detached dwelling, new	—	—	—	—	—	—	SE	SE
	B. Residential community facilities.								
	(1) Church or similar place of worship or religious instruction, parish house, rectory, seminary or convent.	P	P	P	P	P	P	P	P
	(2) (Reserved)								
	(3) Nursery school or child day care.	SE	SE	X	SE	X	X	SE	SE
	(4) Park, playground or recreational area when authorized or operated by the municipality.	P	P	P	P	P	P	P	P
	(5) Public library or museum.	P	P	P	P	P	P	SE	SE
	(6) Fire station, municipal office or any governmental building of similar character.	P	P	P	P	P	P	P	P
	(7) School, elementary or high public, denominational or private, nonprofit, operated or licensed by the New York State Education Department.	P	P	P	P	P	P	P	P

NOTES:

1 "SIC Code" refers to the 1972 Standard Industrial Classification Manual as supplemented in 1977. Said code and supplement are incorporated by reference as part of this chapter.

2 Per Article IIA and § 330-158.

**Town of Southampton**  
**§ 330-33, Business Districts Table of Use Regulations, Part 2**  
**[Amended last 8-26-2003 by L.L. No. 65-2003]**

P = Permitted use      SE = Special exception use      X = Prohibited use

ALL UNLISTED USES ARE PROHIBITED IN ALL DISTRICTS

SIC Code	Use Classification	VB Village Business	HB Highway Business	SCB Shopping Center Business	OD Office Business	MTL Motel Business	RWB Resort and Water front Business	HO Hamlet Office/ Residential	HC Hamlet Commercial/ Residential
	(8) School for the mentally retarded, public or private, nonprofit, for which a certificate of incorporation has been approved and an operating certificate issued under Article 31 of the Mental Hygiene Law of the State of New York.	SE	SE	SE	SE	SE	SE	SE	SE
8081	(9) Alcohol or substance abuse rehabilitation centers.	X	SE	X	X	X	X	X	X
8321	(10) Homeless shelters.	X	SE	X	X	X	X	X	X
	C. General community facilities.								
	(1) Beach club, nonprofit.	X	X	X	X	X	SE	X	X
	(2) Bus passenger shelter.	P	P	P	X	X	P	P	P
	(3) Nursery school or child day care.	SE	SE	X	SE	X	X	SE	SE
	(4) (Reserved) <sup>2</sup>								
	(5) (Reserved)								
	(6) Nursing home or proprietary rest home.	X	SE	X	SE	X	X	X	X
	(7) Multiracial, fraternal, social or educational institutional office or meeting room, nonprofit.	SE	P	P	SE	P	X	SE	SE
	(8) Public utility structure or right-of-way, sewage treatment plant or water supply facility necessary to serve the municipality.	SE	SE	SE	SE	SE	SE	SE	SE
	(9) Wireless communications towers and antennas.	SE	SE	SE	SE	SE	SE	X	X
	(10) Yacht club and marina, nonprofit.	X	X	X	X	X	SE	X	X
	D. Business uses.								
	(1) Agricultural category.								
01	Agriculture, excluding animal husbandry	X	P	P	P	P	P	P	P
0279	Animal shelter, kennel or aviary	X	SE	X	X	X	X	X	X
02	Animal husbandry	X	X	X	X	X	X	X	X
074	Veterinary services or kennel	X	SE	X	X	X	X	X	X
078	Landscape and horticultural services	X	P	X	X	X	X	SE	SE

NOTES:

2 Editor's Note: Former Subsection C(4), Medical arts building, was repealed 8-27-1999 by L.L. No. 26-1999. Said local law also provided that it would not apply to any application which had received site plan approval or special exception permission prior to the effective date of the local law.

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**Town of Southampton**  
**§ 330-33, Business Districts Table of Use Regulations, Part 3**  
**[Amended last 8-26-2003 by L.L. No. 65-2003]**

P = Permitted use      SE = Special exception use      X = Prohibited use

ALL UNLISTED USES ARE PROHIBITED IN ALL DISTRICTS

SIC Code	Use Classification	VB Village Business	HB Highway Business	SCB Shopping Center Business	OD Office Business	MTL Motel Business	RWB Resort and Water front Business	HO Hamlet Office/ Residential	HC Hamlet Commercial/ Residential
	Greenhouse, agricultural	P	P	P	P	X	X	X	SE
	Greenhouse, commercial	SE	SE	SE	SE	X	X	SE	SE
	Plant nursery	P	P	P	P	X	X	X	X
	Horse farm, horse stabling facility or horseback riding academy	X	SE	X	SE	X	X		
	(2) Wholesale business category.							X	X
5012	Automotive and other motor vehicles	X	SE	X	X	X	X	X	X
5013-4	Automotive parts and supplies	X	SE	X	X	X	X	X	X
5021/3	Furniture and home furnishings	X	SE	X	X	X	X	X	X
5031	Lumber, plywood and millwork	X	SE	X	X	X	X	X	X
5041-2	Sporting and recreational goods and supplies	X	SE	X	X	X	X	X	X
5043	Photographic equipment and supplies	X	SE	X	X	X	X	X	X
5053	Electrical apparatus and equipment, wiring supplies and construction materials	X	SE	X	X	X	X	X	X
5054	Electrical appliances, television and radio sets	X	SE	X	X	X	X	X	X
5055	Electronic parts and equipment	X	SE	X	X	X	X	X	X
5072	Hardware	X	SE	X	X	X	X	X	X
5074-5	Plumbing and heating equipment and supplies	X	SE	X	X	X	X	X	X
5078	Refrigeration equipment and supplies	X	SE	X	X	X	X	X	X
5081	Commercial office, business, food service and fountain machines and equipment	X	SE	X	X	X	X	X	X
5083	Farm and garden machinery and equipment	X	SE	X	X	X	X	X	X
5086	Professional equipment and supplies	X	SE	X	X	X	X	X	X
5087	Service establishment equipment and supplies	X	SE	X	X	X	X	X	X
5094	Jewelry, watches, diamonds and other precious stones	X	SE	X	X	X	X	X	X
5099	Other durable goods' wholesale distribution	X	SE	X	X	X	X	X	X
5111-3	Paper and paper products	X	SE	X	X	X	X	X	X
5133	Piece goods (woven fabrics)	X	SE	X	X	X	X	X	X
5134	Notions and other dry goods	X	SE	X	X	X	X	X	X
5136-7	Clothing, furnishings and accessories	X	SE	X	X	X	X	X	X
5139	Footwear	X	SE	X	X	X	X	X	X

**Town of Southampton**  
**§ 330-33, Business Districts Table of Use Regulations, Part 4**  
**[Amended last 8-26-2003 by L.L. No. 65-2003]**

P = Permitted use      SE = Special exception use      X = Prohibited use

ALL UNLISTED USES ARE PROHIBITED IN ALL DISTRICTS

SIC Code	Use Classification	VB Village Business	HB Highway Business	SCB Shopping Center Business	OD Office Business	MTL Motel Business	RWB Resort and Waterfront Business	HO Hamlet Office/ Residential	HC Hamlet Commercial/ Residential
5181-2	Beer, wine and distilled alcoholic beverages, wholesale/retail beverage distribution	X	SE	X	X	X	X	X	X
5191	Farm supplies	X	SE	X	X	X	X	X	X
5199	Other nondurable goods' distribution							X	X
	(3) Retail business category.								
5231	Paint, glass and wallpaper stores	P	P	P	X	X	X	P	P
5251	Hardware stores	P	X	P	X	X	X	X	P
5261	Retail nursery and lawn and garden supply stores	X	P	P	X	X	X	X	SE
5271	Mobile home dealers	X	P	X	X	X	X	X	X
5311	Department stores	P	X	P	X	X	X	X	X
5334	Variety stores	P	X	P	X	X	X	X	P
5399-3	General merchandise stores	P	X	P	X	X	X	X	P
5411	Grocery stores	P	X	P	X	X	X	X	P
5422-3	Meat and fish stores	P	X	P	X	X	X	X	SE
5431	Fruit and vegetable markets	P	X	P	X	X	X	X	P
5441	Candy, nut and confectionery stores	P	X	P	X	X	X	X	P
5451	Dairy products stores	P	X	P	X	X	X	X	SE
5426-3	Retail bakery, baking and selling	P	X	P	X	X	X	X	SE
5499	Other food stores	P	X	P	X	X	X	X	SE
5511-21	Motor vehicle dealers (new and used)	X	SE	X	X	X	X	X	X
5531	Auto and home supply stores	X	P	X	X	X	X	X	X
5541	Gasoline service stations and filling stations	X	SE	X	X	X	X	X	X
5551	Boat dealers	X	SE	X	X	X	X	X	X
5561/99	Recreational and utility trailer dealers	X	SE	X	X	X	X	X	X
5571	Motorcycle dealers	X	SE	X	X	X	X	X	X
5611/51	Clothing, personal furnishings and accessories	P	X	P	X	X	X	X	P
5661	Shoe stores	P	X	P	X	X	X	X	P
5661	Furriers	P	X	P	X	X	X	X	P
5699	Miscellaneous apparel	P	X	P	X	X	X	X	P
5712	Furniture and home furnishings	P	P	P	X	X	X	SE	P
5713	Floor covering stores	P	P	P	X	X	X	SE	P
5714	Drapery, curtain and upholstery stores	P	P	P	X	X	X	SE	P

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**Town of Southampton**  
**§ 330-33, Business Districts Table of Use Regulations, Part 5**  
**[Amended last 8-26-2003 by L.L. No. 65-2003]**

P = Permitted use      SE = Special exception use      X = Prohibited use

ALL UNLISTED USES ARE PROHIBITED IN ALL DISTRICTS

SIC Code	Use Classification	VB Village Business	HB Highway Business	SCB Shopping Center Business	OD Office Business	MTL Motel Business	RWB Resort and Waterfront Business	HO Hamlet Office/ Residential	HC Hamlet Commercial/ Residential
5719	Miscellaneous home furnishings	P	X	P	X	X	X	SE	P
5722	Household appliance stores	P	P	P	X	X	X	X	P
5732	Radio, television and related stores	P	P	P	X	X	X	X	P
5733	Music stores	X	X	P	X	X	X	X	P
5812	Drive-through or drive-in establishment	P	X	SE	X	X	X	X	X
5812	Restaurant, drive-in	X	X	X	X	X	X	X	X
5812	Restaurant, drive-through or drive-thru	X	X	SE	X	X	X	X	X
5812	Restaurant, fast-food	SE	SE	SE	X	X	X	X	X
5812	Restaurant, standard	P	P	P	P	P	P	SE	P
5812	Restaurant, take-out	P	P	P	X	P	P	X	X
5813	Bar, tavern or nightclub	X	SE	SE	X	SE	SE	X	X
5912	Drugstores	P	X	P	X	X	X	X	P
5921	Liquor stores (beer and wine)	P	P	P	X	X	X	X	P
5931	Used merchandise stores	P	P	P	X	X	X	X	SE
5934	Antique stores	P	P	P	P	X	X	P	P
5941	Sporting goods and bicycle shops	P	X	P	X	X	X	X	P
5942	Bookstores	P	X	P	X	X	X	X	P
5943	Stationery stores	P	X	P	X	X	X	X	P
5944	Jewelry stores	P	X	P	X	X	X	X	P
5945	Hobby, game and toy stores	P	X	P	X	X	X	X	P
5946	Camera and photographic supply stores	P	X	P	X	X	X	X	P
5947	Gift, novelty and souvenir shops	P	X	P	X	X	X	X	P
5948	Luggage and leather goods	P	X	P	X	X	X	SE	P
5949	Sewing, needlework and piece goods stores	P	X	P	X	X	X	SE	P
5961	Mail-order houses	P	P	P	X	X	X	SE	P
5982	Fuel and ice dealers (except oil and gas)	X	SE	X	X	X	X	X	X
5983	Fuel oil dealers (fuel storage in tanks)	X	SE	X	X	X	X	X	X
5984	Liquefied gas dealers (fuel storage in tanks)	X	SE	X	X	X	X	X	X
5992	Florists	P	X	P	X	X	X	SE	P
5993	Cigar stores and tobacconists	P	X	P	X	X	X	X	P
5994	News dealers and newsstands	P	X	X	X	X	X	X	P

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**Town of Southampton**  
**§ 330-33, Business Districts Table of Use Regulations, Part 6**  
**[Amended last 8-26-2003 by L.L. No. 65-2003]**

P = Permitted use      SE = Special exception use      X = Prohibited use

ALL UNLISTED USES ARE PROHIBITED IN ALL DISTRICTS

SIC Code	Use Classification	VB Village Business	HB Highway Business	SCB Shopping Center Business	OD Office Business	MTL Motel Business	RWB Resort and Waterfront Business	HO Hamlet Office/ Residential	HC Hamlet Commercial/ Residential
	Retail center								
	Community	X	X	SE	X	X	X	X	X
	Hamlet	SE	X	SE	X	X	X	X	X
	Regional	X	X	X	X	X	X	X	X
5999	Other retail	P	X	P	X	X	X	SE	SE
	(4) Office business category.								
078	Landscape and horticultural services	—	—	—	—	—	—	SE	P
60-1	Banks and credit agencies	P	P	P	P	X	X	X	P
60-1	Drive-through or drive-in bank	X	SE	P	SE	X	X	X	X
62	Security and commodity brokers, exchanges and services	P	P	P	P	X	X	P	P
63-4	Insurance offices	P	P	P	P	X	X	P	P
65-6	Real estate offices	P	P	P	P	X	X	P	P
67	Other investment offices	P	P	P	P	X	X	P	P
731	Advertising services	P	P	P	P	X	X	P	P
732	Credit/mercantile reporting agencies	P	P	P	P	X	X	P	P
733	Mailing, reproduction, commercial art and stenography services	P	P	P	P	X	X	P	P
736	Personnel supply agencies	P	P	P	P	X	X	P	P
737	Computer and data processing services	P	P	P	P	X	X	P	P
7392	Management, consulting and public relations services	P	P	P	P	X	X	P	P
7393	Protective and security agencies	P	P	P	P	X	X	P	P
801-4	Offices of physicians, dentists and other health practitioners and medical arts buildings	SE	SE	SE	SE	X	X	P	P
807	Medical and dental laboratories	X	SE	X	SE	X	X	X	SE
808	Outpatient care facilities	X	SE	X	SE	X	X	X	X
809	Other health services	X	SE	X	SE	X	X	X	SE
811	Legal services	P	P	P	P	X	X	P	P
824	Correspondence and vocational schools	X	P	X	P	X	X	X	SE
829	Other schools and educational services	X	P	X	P	X	X	X	SE
861-3	Business, professional and labor organizations	P	P	X	P	X	X	P	P

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**Town of Southampton**  
**§ 330-33, Business Districts Table of Use Regulations, Part 7**  
**[Amended last 9-11-2007 by L.L. 46-2007]**

P = Permitted use      SE = Special exception use      X = Prohibited use

ALL UNLISTED USES ARE PROHIBITED IN ALL DISTRICTS

SIC Code	Use Classification	VB Village Business	HB Highway Business	SCB Shopping Center Business	OD Office Business	MTL Motel Business	RWB Resort and Waterfront Business	HO Hamlet Office/ Residential	HC Hamlet Commercial/ Residential
864	Civic, social and fraternal associations	P	P	X	P	X	X	P	P
865	Political organizations	P	P	X	P	X	X	P	P
869	Other membership organizations	P	P	X	P	X	X	P	P
891	Engineering, architectural and surveying services	P	P	X	P	X	X	P	P
892	Noncommercial educational, scientific and research organization	P	P	X	P	X	SE <sup>1</sup>	P	P
893	Accounting, auditing and bookkeeping services	P	P	X	P	X	X	P	P
899	Other services	P	P	X	P	X	X	P	P
	(5) Personal and other service categories.								
15-17	Building construction, general and special trade contractors	X	SE	X	X	X	X	X	X
41	Public passenger transportation services and terminals	X	SE	X	X	X	X	X	X
497	Irrigation systems	X	SE	X	X	X	X	X	X
721	Laundry, dry-cleaning plants and garment services	X	SE	X	X	X	X	X	X
	Laundry, dry-cleaning and garment services (pickup/drop-off centers only)	P	X	P	P	X	X	X	SE
	Dry cleaning - neighborhood service facility	SE	SE	SE	SE	X	X	X	SE
722	Photographic studios	P	X	P	P	X	X	X	P
723-4	Beauty or barber shops	P	X	P	X	X	X	X	P
725	Shoe repair	P	X	P	X	X	X	SE	P
726	Funeral services, except crematory	X	P	X	P	X	X	P	P
729	Costume and formal wear rental, diet or weight-reducing workshops, and tanning salons	P	P	P	X	X	X	X	X
729	Other personal services	X	P	X	X	X	X	X	X
734	Household and building services	X	P	X	X	X	X	X	X
7394	Appliance, furniture and equipment rental and leasing	X	P	X	P	X	X	X	X
751	Auto, truck and trailer rental and leasing	X	SE	X	X	X	X	X	X
753169	Automotive and auto body repair shops	X	SE	X	X	X	X	X	X
7534	Tire retreading and repair shops	X	SE	X	X	X	X	X	X

NOTES:

1 The noncommercial educational, scientific or research organization shall primarily be engaged in the study of the marine environment.

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**Town of Southampton**  
**§ 330-33, Business Districts Table of Use Regulations, Part 8**  
**[Amended last 7-12-2005 by L.L. No. 29-2005]**

P = Permitted use      SE = Special exception use      X = Prohibited use

ALL UNLISTED USES ARE PROHIBITED IN ALL DISTRICTS

SIC Code	Use Classification	VB Village Business	HB Highway Business	SCB Shopping Center Business	OD Office Business	MTL Motel Business	RWB Resort and Waterfront Business	HO Hamlet Office/ Residential	HC Hamlet Commercial/ Residential
7535	Auto paint shops	X	SE	X	X	X	X	X	X
7542	Auto cleaning and carwashes	X	SE	X	X	X	X	X	X
7549	Other auto services	X	SE	X	X	X	X	X	X
762	General electrical repair shops	X	P	X	X	X	X	X	X
763	Watch, clock and jewelry repair	P	X	X	X	X	X	X	P
764	Reupholstery and furniture repair	X	P	X	X	X	X	SE	SE
769	Other repair services, welding	X	SE	X	X	X	X	X	X
4121	Taxicab services, including repairs	X	SE	X	X	X	X	X	X
7399	Business services, not elsewhere classified	X	SE	X	X	X	X	X	X
	(6) Amusement and recreational business category.								
782	Motion-picture, film and tape distribution	P	X	P	X	X	X	X	SE
783	Motion-picture theaters, community	SE	SE	SE	X	X	X	SE	SE
791	Dance halls, studios or schools	SE	SE	SE	X	X	X	X	X
793	Bowling alleys or billiards	X	SE	SE	X	SE	SE	X	X
799	Physical fitness facilities	P	P	P	X	X	X	X	X
7999	Other indoor activities	X	SE	SE	X	SE	SE	X	X
7999	Miniature golf, driving ranges, pitch-n-putt, batting cages, go-carts, bumper cars or similar outdoor recreation	X	SE	X	X	SE	X	X	X
7999	Art galleries	P	X	P	P	X	X	P	P
	(7) Other business uses.								
	Hotels and motels, transient	X	X	X	X	SE	X	X	X
	Motels, resort	X	X	X	X	X	SE	X	X
	Marinas and yacht clubs, for profit	X	X	X	X	X	SE	X	X
	Waterfront business complex	X	X	X	X	X	SE	X	X
	E. Industrial uses:								
	(1) Nonmanufacturing industry.								
422	Warehousing	X	SE	X	X	X	X	X	X
	Self-service storage facility	X	X	X	X	X	X	X	X
	(2) Manufacturing industry.								
825	Bakeries, wholesale	X	SE	X	X	X	X	X	X
2092	Fresh or frozen packaged fish or commercial fishing facilities	X	X	X	X	X	SE	X	X

**Town of Southampton**  
**§ 330-33, Business Districts Table of Use Regulations, Part 9**  
**[Amended last 8-26-2003 by L.L. No. 65-2003]**

P = Permitted use      SE = Special exception use      X = Prohibited use

ALL UNLISTED USES ARE PROHIBITED IN ALL DISTRICTS

SIC Code	Use Classification	VB Village Business	HB Highway Business	SCB Shopping Center Business	OD Office Business	MTL Motel Business	RWB Resort and Waterfront Business	HO Hamlet Office/ Residential	HC Hamlet Commercial Residential
2699	Manufactured ice	X	P	X	X	X	X	X	X
27	Printing or publishing	SE	P	X	X	X	X	X	X
321-3	Glass and glass products	X	SE	X	X	X	X	X	X
325	Pottery and related products	X	SE	X	X	X	X	X	X
373	Ship and boat building and repairing or boatyards	X	X	X	X	X	SE	X	X
3949	Sporting and athletic goods, not elsewhere classified	X	SE	X	X	X	X	X	X
411	(3) Local and suburban passenger transportation.	X	SE	X	X	X	X	X	X
4121	(4) Taxicabs.	X	SE	X	X	X	X	X	X
	F. Accessory uses.								
	(1) Accommodations for not more than 2 roomers or boarders in 1-family detached dwelling, provided that separate kitchen and entrance facilities shall not be provided.	SE	SE	SE	SE	P	SE	SE	SE
	(2) Customary accessory structures and/or uses, except those prohibited by this chapter.	P	P	P	SE	P	P	P	P
	(3) Home occupations other than home professional offices.	P	P	P	SE	SE	SE	P	P
	(4) Home professional offices.	P	P	P	P	P	P	P	P
	(5) Private garages or private off-street parking pursuant to §§ 330-02 through 330-101.	P	P	P	P	P	P	P	P
	(6) Private mooring, docks or similar marine structures in tidal wetlands or walkways over the dunes on an ocean beach pursuant to § 330-39 et seq.	X	X	X	X	X	P	P	P
	(7) Private swimming pools.	P	P	P	P	P	P	P	P
	(8) Signs pursuant to §§ 330-85 through 330-91.	P	P	P	P	P	P	P	P
	(9) Temporary roadside stands for sale at retail of farm products grown on the premises.	X	P	X	X	X	X	SE	SE
	(10) Housing for restaurant employees.	SE	SE	X	SE	SE	SE	SE	SE
	(11) Greenhouses, private.	P	P	P	P	P	P	P	P
	(12) Accessory apartment pursuant to Article IIA of this chapter.	P	P	P	P	P	P	P	P
7011	(13) Bed-and-breakfast in an accessory building.	SE	SE	X	SE	SE	SE	SE	SE
7011	(14) Bed-and-breakfast above stores and restaurants.	---	---	---	---	---	---	SE	SE

11 - 15 - 2007

## APPENDIX THREE

### §330-34 BUSINESS DISTRICTS DIMENSIONAL REGULATIONS

Town of Southampton  
 § 330-34, Business Districts Table of Dimensional Regulations  
 [Amended 5-13-1988 by L.L. No. 7-1988; 7-12-2005 by L.L. No. 29-2005]

Dimension	VB Village Business	HB Highway Business	SCB Shopping Center Business	OD Office Business	MTL Motel Business	RWB Resort and Waterfront Business	HO Hamlet Office/ Residential	HC Hamlet Commercial
Lot area <sup>1</sup>								
Minimum (square feet)	None	40,000	220,000	12,000	40,000	40,000	10,000	10,000
Minimum per dwelling unit (square feet)	None	Not permitted	Not permitted	11,000	40,000	Not permitted	10,000	10,000
Lot coverage								
Maximum lot coverage by main and accessory buildings (percent)	70	30	20	30	20	20	20	20
Lot width, minimum (feet)	20	150	400	100	150	150	75	75
Height, maximum								
Stories	2	2	2	2	2	2	2	2
Feet	35	35	35	35	35	35	32	32
Yards, principal building, minimum (feet)								
Front <sup>2</sup>	10	50 <sup>2</sup>	100	30	60	60	30 <sup>2</sup>	30 <sup>2</sup>
Side, minimum for 1 <sup>2</sup>	No	20	50	15	50	50	15	15
Side, total for both on interior lot	requirement, except 15 if provided	60	100	40	100	100	30	30
Side, abutting side street on corner lot	10	50 <sup>2</sup>	100	30	60	60	30	30
Rear	35	50	50	30	50	50	30 <sup>2</sup>	30 <sup>2</sup>
Yards, accessory buildings and structures, except fences and retaining walls, minimum (feet)								
Distance from street	20	100	Not permitted	10	60	60	40	40
Distance from side line	—	—	—	—	—	—	5	5
Distance from rear line	35	50	Not permitted	10	50	50	10	10

**NOTES:**

<sup>1</sup> Where public sewerage is not available, no lot shall be built upon which has insufficient space for a private sanitary waste disposal system, as determined by the town and the Suffolk County Department of Health Services.

<sup>2</sup> Subject to the provisions of § 330-83.

<sup>3</sup> The front yard setback/transition yard requirement may be reduced to the average front setback of existing buildings within 200 feet of either side of the property.

## **APPENDIX FOUR**

### **Local Law 65 of 2003: Hamlet Office/ Residential and Hamlet Commercial/Residential Zoning Districts, including:**

**§330-30 General Regulations**

**§330-31 Maximum Number of Uses**

**§330-83 G. Yards**

**§330-158 Apartments in Certain Business Districts**

**§330-162.18 Hamlet Office/Residential and Hamlet  
Commercial/Residential building size**

**§330-162.19 Hamlet Office/Residential and Hamlet  
Commercial/Residential Dwellings**

***CATEGORY:*** LOCAL LAWS  
***SPONSORED BY:*** Town Attorney, Sponsor Heaney  
***DEPARTMENT:*** LAND MANAGEMENT  
***RESOLUTION:*** 1173  
***TITLE:*** NOTICE OF ADOPTION TO AMEND CHAPTER 330 OF THE TOWN CODE TO CREATE HAMLET OFFICE/RESIDENTIAL AND HAMLET COMMERCIAL/RESIDENTIAL ZONING DISTRICTS TO BE LOCATED THROUGHOUT THE TOWN

The following resolution was introduced by Supervisor Heaney, seconded by Councilwoman Zenk, and duly ADOPTED with the following recorded vote:

Heaney:Yes; Kenny:Absent; Zenk:Yes; Kabot:Yes; Suskind:Yes

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

#### **NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that after Public Hearings were held by the Town Board of the Town of Southampton on July 23, 2002, September 10, 2002, October 8, 2002, November 12, 2002, January 28, 2003 & March 11, 2003 and closed March 25, 2003 with a ten (10) day written comment period, the Town Board at their meeting on August 26, 2003 adopted LOCAL LAW NO. 65 OF 2003 as follows: "A Local Law to Amend Chapter 330-(30, 31, 33, 34, 78, 83 (g) 2, 84, 88.1, 105, 158 and 162) to create Hamlet Office/Residential and Hamlet Commercial/Residential Zoning Districts of the Code of the Town of Southampton.

Copies of the local law, sponsored by Supervisor Patrick A. Heaney, are on file in the Town Clerk's Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

BY ORDER OF THE TOWN BOARD  
TOWN OF SOUTHAMPTON, NEW YORK  
MARIETTA M. SEAMAN, TOWN CLERK

LOCAL LAW NO. 65 OF 2003

A LOCAL LAW amending Chapter 330-(30, 31, 33, 34, 78, 83 (G) 2, 88.1, 105, 158 and 162) of the Code of the Town of Southampton.

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

#### SECTION 1. Legislative Findings

The 1999 Comprehensive Plan Update (Update) recommends the development of smaller commercial buildings. The overall vision is to promote a simple hierarchy of retail

development and office centers that builds on the existing and potential market assets of the current centers, and enhances the "town and country" image of the town. The pressure for new office and commercial development is expected to grow, slightly from population growth, as counted by the U.S. Census, and greatly from the increase in the amount of time that second-home residents are spending in town.

Given the amount of land zoned for business use, the question is not whether or not there should be new office and commercial development, but the manner in which it takes place. In this context, the Town should promote intensification of uses in existing business centers, especially the hamlet and village centers.

The amount of commercially zoned land in the town should remain much the same, though the precise zoning of lots should be reconsidered in selected places. The Town should provide greater flexibility with regard to use, but with greater control of appearance and design. One-of-a-kind stores that contribute to Southampton's resort image are to be encouraged, as well as the homegrown businesses that are a staple of the local economy.

The Town and other regulatory agencies should seek to concentrate uses in the hamlet and village centers-particularly commercial uses which contribute to the synergy of the centers. A specific strategy in the Updates recommends the use of Hamlet Office/Residential (HO) and Hamlet Commercial/ Residential (HC) zoning on the periphery of hamlet and village centers throughout the Town, to provide a transition between these centers and other Highway Business (HB), Shopping Center Business (SCB) and especially residential zones. The Town should also provide greater flexibility with regard to use, but with greater control of appearance and design.

The proposed Hamlet Office/Residential (HO) zoning would replace the current Office District (OD) zoning in some areas of the Town where such uses, scale of development and project design are more compatible to the surrounding community character. HO would generally allow offices, housing, and low-traffic generating retail and service uses such as those now allowed in office districts, i.e. antique stores, galleries, standard sit-down restaurants. High traffic/impact uses would not be allowed, i.e. video stores, liquor stores, fast food establishments, laundromats, dry cleaners, and gas stations. In addition, HO zoning would entail performance standards by requiring that buildings appear to be residential. For example, parking will not be permitted in the front yard and residential style setbacks for parking in the side and rear yards will be required. Reduced lot coverage, i.e. 20% - 25%, small building footprints, with a maximum building size up – to 3,000 square feet as permitted uses, and up to 6,000 square feet as special exception uses, with residential style windows and entries, pitched roofs, and discrete signage are recommended to more closely resemble residential scale. Additional restrictions on hours of business, times of delivery, i.e. 8:00 a.m. – 8:00 p.m., lighting, noise and odor generation could also apply.

The proposed Hamlet Commercial/Residential (HC) zoning is recommended in transition areas that frame hamlet centers zoned Village Business. The HC zone would involve much the same design and performance standards as HO zoning, but would allow by

special exception some of the commercial and retail uses allowed in the Village Business districts, in addition to housing, offices and other HO uses.

The number of retail uses would also be reduced, and re-categorized, with special consideration of their impact. The new categorization would allow residential uses in Hamlet Office/Residential (HO) and Hamlet Commercial/Residential (HC), as an accessory use in Village Business (VB), and as a pre-existing use in all business districts, while singling out uses (such as fast food and drive-through facilities) that have particular and unique impacts.

It is the intent of these regulations to authorize the Building and Zoning Division in limited circumstances to increase the permitted residential density of certain individual lots and lands proposed for development as of right for two-family dwellings. The proposed regulations also allow the construction of three and four-family residential buildings with the purchase of development rights or Pine Barren Credits (PBC). These regulations provide greater flexibility that will provide a wider range of new housing opportunities, including housing that is affordable to moderate-income individuals or families, in the downtown hamlet areas. These residential buildings will be subject to the dimensional and design standards set forth in these regulations in order to insure that their appearance will be compatible with the surrounding hamlet character. Summer rentals of accessory apartments will be prohibited.

SECTION 2. Amend Chapter 330-(30, 31,33,34, 78,83 (G) 2, 84, 88.1, 105, 158 and 162) of the Town Code by deleting numbers and words with a strike out and inserting underlined numbers and words as follows:

**§ 330-30. General regulations.**

- A. Within any business district, a building, structure, lot or land shall be used only for such uses as are indicated in the Business District Table of Use Regulations for the specific district in which it is located on the Zoning Map and in accordance with the particular classification of that use in that district. Further, any such building, structure, lot or land shall only be utilized in conformance with the provisions of the Business Districts Table of Dimensional Regulations. In addition, such uses shall also comply with all applicable provisions of this chapter.
- B. HO and HC Supplemental District Regulations: In the HO Hamlet Office/Residential District and the HC-Hamlet Commercial/Residential District, the following standards shall apply in addition to the Business District Table of Use Regulations, the Business District Table of Dimensional Regulations and the other provisions of this Article:
  - 1. No off-street parking or loading shall be permitted in the front yard as defined in Section 330-5.
  - 2. All buildings and structures, irrespective of use, shall maintain a residential appearance.

- including: roof pitch, design and materials; front entry; window size, placement and orientation; facade materials and color; and landscaping in the front and side yards. Traditional, residentially-scaled and compatible fixtures for such items as outdoor lighting, outdoor furniture, waste receptacles and lighting standards and walkways shall be used.
3. While more than one building and more than one use shall be permitted on any single lot, no single building shall have a gross floor area in excess of three thousand (3,000) square feet. Buildings shall be no closer than fifteen (15) feet to one another and shall not be connected except by a single level, uncovered or covered, but not enclosed walkways. Atriums as enclosed structures shall not be permitted as such interconnections.
  4. A single building may be permitted to be larger than 3,000 (three thousand) square feet, but no building shall be greater than 6,000 (six thousand) square feet subject, to compliance with the special exception standards set forth in § 330-162.18.
  5. All buildings on a single lot or development shall be compatibly designed whether constructed all at one time or in phases over a period of time. Where practical and appropriate, the primary structure on the lot shall have its main entrance on the facade of the building facing the principal street on which it is located.
  6. No more than twenty percent (20%) of the lot shall be covered by main and accessory buildings. No more than sixty percent (60%) of the lot shall be covered by impervious or paved surfaces, including buildings, structures, driveways, parking and loading areas, walkways, patios and the like. All areas not so covered or paved shall be landscaped with lawn, shrubs, ground cover, trees or similar plantings, and maintained in good condition.
  7. For the purposes of providing transitional yards and screening as per §330 83-G, both the HO and HC Districts shall be considered nonresidential districts. Transitional yards and screening shall be provided in accordance with §330-83G, except where a residential use in the HO or HC District abuts a residential zone.
  8. Along the outer perimeter of all off-street parking areas which are located adjacent to side or rear property lines, and which provide four (4) or more parking spaces, a solid vegetative screen at least two (2) feet in width and a height of at least three and one half (3½) feet shall be provided. An opaque fence of the same height may be utilized in place or in addition to the vegetative screen at the discretion of the approving board.
  9. Signs for non-residential uses shall meet the standards of §330-88.1 of this Code.
  10. Parking trust fund. See §330-101 of this Code.

### **§330-31. Maximum number of uses**

The maximum number of uses permitted in a building or buildings upon a lot or land within any business district shall be limited as follows:

- A. VB and SCB Districts: no limit, except as provided in §§ 330-162.2 and 330-162.3, if applicable.

B. HB District: one use for every 20,000 square feet of lot area, except for offices where one use shall be permitted for every 4,000 square feet of lot area. The minimum number of square feet of lot area required per dwelling unit for a dwelling use which lawfully existed at the effective date of this chapter shall be 20,000 square feet.

C. OD District: one use for every 4,000 square feet of lot area, except that the minimum number of square feet of lot area required per dwelling unit for a dwelling use shall be as specified in the Business Districts Table of Dimensional Regulations for the OD District, and such minimum shall apply to a dwelling use which lawfully existed at the effective date of this chapter.

D. MTL and RWB Districts: one use for every 40,000 square feet of lot area, except for development of a waterfront business complex where the number of uses may be increased by the Planning Board pursuant to special exception approval, but in no case shall exceed one use per 5,000 square feet of lot area, exclusive of underwater land.

E. HO and HC District: one use for every 4,000 square feet of lot area for office uses and one use for every 10,000 square feet of lot area for commercial uses, except that the minimum number of square feet of lot area required per dwelling unit for a dwelling use shall be as specified in the Business Districts Table of Dimensional Regulations and such minimum shall apply to a dwelling use which lawfully existed at the effective date of this chapter.

### **§330-78. Placement of accessory buildings and uses in nonresidential districts**

Except in the HO and HC Districts, A accessory off-street parking areas may be located in required front, side or rear yards, provided they are set back at least ten (10) feet from all property lines and further provided that they do. In the HO and HC Districts, no off-street parking shall be permitted in the front yard. Such accessory off-street parking shall, however, not encroach on required transitional yards established in accordance with §330-83G. The Planning Board may allow accessory off-street parking areas to be set back less than the above-required 10 feet, so long as the Planning Board finds that the location of such off-street parking areas facilities the coordination of joint access driveways and/or joint parking areas with neighboring commercial properties.

#### **§330-83 G (1) Yards**

A. The following accessory structures may be located in any required front or rear yard:

- (1) Awning or movable canopy not exceeding 10 feet in height.
- (2) Open arbor or trellis.
- (3) Retaining wall, fence or masonry wall, pursuant to § 330-109.
- (4) Unroofed steps, patio or terrace not higher than one foot above ground

level.

B. The space in a required front yard shall be open and unobstructed, except for structures provided for in Subsection A and the following:

- (1) An unroofed balcony projecting not more than eight feet into the yard.
- (2) Other projections specifically authorized in Subsections C and D.

- C. Every part of a required yard shall be open to the sky, unobstructed except for retaining walls and for accessory buildings in a rear yard and except for the ordinary projection of sills, belt courses and ornamental features projecting not to exceed six inches. Cornices and eaves shall not project more than 18 inches. Exterior cellar entrances, commonly known as "bilco doors," shall not encroach more than four feet into the required rear yard and shall not encroach at all into any other required yard.
- D. Open or lattice-enclosed fireproof fire escapes or stairways required by law, projecting into a yard not more than four feet, and the ordinary projections of chimneys and pilasters shall be permitted by the Building Inspector when placed so as not to obstruct light and ventilation.
- E. Were a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages.
- F. In any residence district where 25% of the block frontage within 200 feet of a proposed building on neither the same side of the street or across the street is already improved with buildings, the front yard of such proposed building shall be required to exceed the minimum required dimension stipulated in this chapter for the district in which it is situated in cases where the average front yard setback of the two nearest buildings within such 200 feet exceeds such minimum dimension; provided, however, that such increased front yard shall not be required to exceed the minimum required front yard prescribed for the district in which such proposed building is to be located by more than 10 feet.
- G. The following minimum required transitional yards and screening shall be provided within nonresidential districts in order to assure orderly and compatible relationships along certain boundary lines:
  - (1) Adjoining residential districts.
    - (a) The minimum required transitional side and rear yards shall be 50 feet.
    - (b) The minimum required side and rear transitional for non-residential uses located in the HO or HC Zones shall be as follows:
      - (1) For buildings up to 3,000 square feet in size, the minimum side and rear transition yard shall be 20 feet.
    - (c) (b) The minimum required screening within such transitional side and rear yards shall be a six-foot-high stockade-type fence or equal and landscape plantings to be erected and maintained by the nonresidential property owner along the side and rear property lines; provided, however, that the Planning Board, subject to the applicable provisions of §§ 330-181 through 330-184, may modify these requirements for screening where the same, screening effect is accomplished by the natural terrain or foliage.
    - (d) (e) The minimum required transitional side and rear yards provided for in Subsection G(1) of this section may be modified by the Planning Board as part of site plan review pursuant to §§ 330-181 through 330-184 of this chapter where the subject premises is a single lot which lies across district boundaries or where natural, physical or other existing features are present and the goals of this section will be accomplished.

### **§330-83 G (2) Yards**

- (a) The minimum required transitional front yard shall be twenty (20) feet in the OD, HO, HC, MLT and RWB zones.

### **§330-84 Height**

- D. Pyramid Law. Except on lots in the Village Business (VB) District, Highway Business (HB) District, Office District (OD), Hamlet Office/Residential (HO) District, Hamlet Commercial/Residential (HC) District, or Light Industrial (LI-40 and LI-200) Districts, all buildings and structures on any lot in any district must be set back from all property lines so that the height of any point of the building or structure is not greater than the horizontal distance of the point from the nearest property line to the building or structure at that location. Notwithstanding any language in this subsection, the maximum height limitation for a building or structure in the dimensional tables of this chapter (§§330-11, 330-34 and 330-38) shall not be exceeded at any point unless the structure is one exempted under Subsection A hereof. An illustration depicting a typical elevation view showing the control of height of buildings and structures under this subsection is included at the end of this chapter.

### **§330-88.1 Signs in the HO and HC Districts**

- A. Any proposed wall identification sign shall be attached to or incorporated in a building wall. Such signs shall not:
  - (1) Exceed in total area one-half (0.5) square foot for each horizontal foot of such wall on which it is mounted.
  - (2) Exceed in width thirty percent (30%) of the horizontal measurement of the wall upon which it is mounted.
  - (3) Project more than one-half (0.5) foot from such wall.
- B. A single ground identification sign per lot or development may only be erected where the building is set back from the street line a distance of forty (40) feet or more. Such sign shall not:
  - (1) Exceed twenty-four (24) square feet in area
  - (2) Exceed four (4) feet in height measured from ground level
  - (3) Be set back less than ten (10) feet from any property line, except that if the average front yard setback of existing buildings in properties within two hundred (200) feet of either side of the lot on the same side of the street, then the average setback so established shall be applied to such sign
  - (4) Such signs shall be wood and externally illuminated.

**§330-105 Schedules of Minimum Floor Area**

A. One-family dwellings:

<b>Required Lot Area per Dwelling Unit Pursuant to Zoning District</b>	<b>Minimum Floor Area (square feet)</b>	
	<b>1-Story or First Floor</b>	<b>1½- or 2- Story Building Combined (2 floors total)</b>
MFPRD, R-10, R-15, R-20, R-40, <u>HO and HC</u> Districts	800	1,200
R-60, R-80, R-120 and all CR Districts	1,000	1,400

B. Two-family detached dwellings:

<b>Required Lot Area per Dwelling Unit Pursuant Combined to Zoning District</b>	<b>Minimum Floor Area (square feet)</b>	
	<b>1-Story Building First Floor</b>	<b>1½- or 2-Story Building (2floors total)</b>
MFPRD, MF-44, R-10, R-15, R-20, R-40, <u>HO and HC</u> Districts	1,400	1,800
R-60, R-80, R-120 and all CR Districts	1,600	2,000

C. Three- and four-family dwellings:

<b><u>Required Lot Area per Dwelling Unit Pursuant to Zoning District</u></b>	<b><u>Minimum Floor Area (square feet)</u></b>	
	<b><u>1-Story Building or First Floor</u></b>	<b><u>1½- or Story Building Combined (2floors total)</u></b>
<u>HO and HC Districts</u>	<u>2,400</u>	<u>2,800</u>

€D. Apartments dwelling units, where permitted: 600 square feet

**Apartment Unit Area**

<b>Minimum Number of Rooms</b>	<b>(square feet)</b>
1 room, studio or efficiency	600
Each additional room	100
Senior citizen housing	
1 room, studio or efficiency	
Minimum	400
Maximum	500
1 bedroom	
Minimum	500
Maximum	700
2 bedrooms	
Minimum	500
Maximum	800
Apartments in certain business districts	
1 room, studio or efficiency	400
Each additional room	100

~~D~~ E. Mobile homes, where permitted: 600 square feet.

~~E~~ F. Business or industrial building, first floor: 600 square feet.

~~F~~ G. Floor area dimensions for nonresidential uses in the VB District.

(1) Minimum: 500 square feet.

(2) Maximum: 5,000 square feet per use. Uses containing between 5,000 square feet and 15,000 square feet may be permitted by special exception.

(3) No detached or attached building to serve either a single use or a combination of uses shall exceed 15,000 square feet in gross floor area.

~~G~~ H. Units for moderate-income families:

(1) Single-family detached dwellings:

Area	(square feet)
Type of Dwelling	
1-story building or first floor	600
1 1/2- or 2-story building combined, 2-floor total	1,000

(2) Two-family detached dwellings:

Area	(square feet)
Type of Dwelling	
1-story building or first floor	1,200
1 1/2- or 2-story building combined, 2-floor total	1,600

(3) Apartments:

Area	(square feet)
Type of Dwelling	
1-room, studio or efficiency	400
Each additional room	100

~~H~~ I. Accessory apartments created or made conforming under Article IIA: 400 square feet.

~~I~~ J. The maximum total floor area for one- and two-family detached dwellings, as permitted in all residential zoning districts, shall be 20,000 square feet.

**§330-158. Apartments in certain business districts**

- A. The site may be located in a Mixed-Use or Commercial Planned Development District, VB, OD Business District, or HO or HC District.

**§ 330-162.18. Hamlet Office Residential/Hamlet Commercial Residential Building Size.**

- A. Buildings that are proposed either in the Hamlet Office (HO) or Hamlet Commercial (HC) zoning districts may be greater than 3,000 square feet in size, but no building shall be greater than 6,000 square feet in size, subject to the following standards:
  - (1) For every one thousand square feet (1,000), or portion thereof greater than 3,000 square feet, of additional building space, one apartment shall be provided subject to requirements set forth in § 330-158. At least one dwellings unit shall be reserved for a moderate-income family as defined in Section 330-5; or
  - (2) A minimum fifty percent of the total lot area is restricted from further development and is reserved for a park, undisturbed open space, regional stormwater detention facility or public right-of-way or other similar benefit to the public.
- B. For buildings larger than 3,000 square feet, up to a maximum of 4,000 square feet, the minimum side and rear transition yard shall be 35 feet.
- C. For buildings larger than 4,000 square feet, the minimum side and rear transition yard shall be 50 feet.

**330-162.19. Hamlet Office Residential/Hamlet Commercial Residential Dwellings**

- A. For a three (3) family detached dwelling, one (1) development right shall be acquired or one Pine Barren Credit (PBC) pursuant to Article XXIV of this chapter or at least one dwellings unit shall be reserved for a moderate-income family as defined in Section 330-5. There shall be no more than three (3) dwelling units per lot.
- B. For a four (4) family detached dwelling, one (1) development right or one (1) Pine Barren Credit (PBC) shall be acquired pursuant to Article XXIV of this chapter. In Addition, at least one dwelling unit shall be reserved for a moderate-income family as defined in Section 330-5. There shall be no more than four (4) dwelling units per lot.
- C. Rental or ownership of dwelling units reserved for affordable housing shall comply with the requirements of Chapter 216 of the Town Code.
- D. Owner occupancy required. The owner or owners of the lot upon which the accessory apartment is located shall reside within the principal dwelling or the accessory apartment, and said dwelling or apartment shall be considered the owner's or owners' domicile or principal place of abode. No other owner or

owners shall own a larger percentage collectively or individually than the owner-occupant.

- E. At least one additional off-street parking space shall be provided for on the lot for the accessory apartment, and such space(s) shall not be located in the required minimum front yard. The Building Department may require additional off-street parking spaces where the occupant(s) of the dwelling or accessory apartment own more than one vehicle.
- F. If a second or new entrance to the accessory apartment is constructed, ground floor outside entrances to the accessory apartment shall be from the side or rear yard. Second floor outside entrances shall be from the rear yard.
- G. A dwelling to which the accessory apartment is to be added pursuant to this article shall not be eligible for a seasonal rental permit under Article XIV of this chapter.
- H. Only the owner-occupant of the residence may apply for this building permit and shall execute such agreements, contracts, easements, covenants, deed restrictions or other legal instruments running in favor of the Town as, upon recommendation of the Town Attorney, will ensure that:
  - (1) The principal dwelling or the apartment is the domicile of the owner-occupants.
  - (2) The principal dwelling or the apartment is the domicile of all tenants therein.
  - (3) The apartment or any proprietary or other interest therein will not be sold to the tenant or any other party, except as part of a sale of the entire residence in which the apartment is located.
  - (4) All leases of the rental apartment shall be in writing and made available to the Town Building Department upon request and shall be for a minimum of a one-year term.
  - (5) The apartment is properly constructed, maintained and used, and unapproved uses are excluded therefrom.
  - (6) Any other conditions deemed reasonable and necessary to ensure the immediate and long-term success of the apartment in helping to meet identified housing needs in the community is met.









## APPENDIX SEVEN

### AQUIFER PROTECTION OVERLAY DISTRICT

#### ARTICLE XIII Aquifer Protection Overlay District

##### § 330-63. Findings.

- A. The Town Board of the Town of Southampton is empowered by § 263 of the Town Law of the State of New York to enact zoning regulations which, in accordance with the Town Master Plan, facilitate the adequate provision of water to the residents of the Town and also promote the health, safety and welfare of the Town. The sole source of drinking water for the Town of Southampton is its underground aquifers. The federal government has given sole source aquifer designation to this area. The aquifers must be kept pure if a continued source of potable drinking water is to be available for future generations. It is the policy of the Town Board to protect the Town's supply of drinking water in its pristine state and prevent the degradation of this valuable and essential resource.
- B. The Town Master Plan and subsequent studies and updates have located geographic areas in the Town where water recharge geographic areas in the Town where water recharge into the aquifers is the deepest and the greatest recharge occurs. These areas have been designated as water catchment regions.
- C. These water catchment regions affect the water quality for the entire Town. The types of land use which occur above the water catchment regions directly impact upon the aquifer and its quality. Thus, the type of land use in the water catchment regions must be compatible with the function of water recharge to ensure the goal of protecting the drinking water supply of the Town.
- D. The recent Cornell University Water Study clearly indicates the importance of regulating certain uses to preserve pure water quality.
- E. The Town Board has already recognized that the density of population and intensity of land use are variables which affect both water quality and quantity. Programs to reduce population density and promote open space have already been implemented which benefit both water quality and water quantity.
- F. Of equal importance in protecting water quality are the types of land uses which are permitted in water catchment regions. Land use regulations must be implemented which strictly regulate land uses which are incompatible with water recharge and the protection of the Town's supply of pure drinking water.
- G. It is the purpose of this chapter, in accordance with findings of the Cornell University Water Study, to create an Aquifer Protection Overlay District to regulate land use over those areas which have been found to be water catchment regions in order to promote the goals of the Town Master Plan and the policy of the Town Board to promote water recharge and prevent degradation of the sole source aquifer.

##### § 330-64. Applicability.

The provisions of this article shall apply to lands in the Town, outside of incorporated villages, superimposed upon the Zoning Map of the Town of Southampton, delineated as "Aquifer Protection Overlay District."

### **§ 330-65. Definitions.**

As used in this article, the following terms shall have meanings as indicated:

**CROPS** — The same meaning as provided in § 301, Subdivision 2a, b, c and d, of the Agriculture and Markets Law of the State of New York. **[Amended 7-10-1990 by L.L. No. 19-1990]**

**DISTURB** — Any action to change, interfere with or otherwise destroy natural vegetation beyond reasonable management purposes. **[Added 11-14-1989 by L.L. No. 23-1989]**

**FERTILIZED VEGETATION** — Areas of vegetation cultivated by man which require irrigation or the application of fertilizers, pesticides, herbicides or other substances in order to grow or maintain its existence.

**FERTILIZER** — Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth.

**HAZARDOUS SUBSTANCE** — Petroleum; or any substance designated as a "hazardous substance" under Section 311 of the Federal Water Pollution Control Act (33 U.S.C. § 1321) or which is a hazardous waste under Title 9 of Article 27 of the State Environmental Conservation Law; or any substance listed by the State Environmental Conservation Department which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or poses a substantial present or potential hazard to human health or the environment when improperly stored or otherwise managed. **[Amended 7-10-1990 by L.L. No. 19-1990]**

**HAZARDOUS WASTES** — Includes, but is not necessarily limited to, all materials or chemicals listed as "hazardous wastes" pursuant to Article 27 of the State Environmental Conservation Law or all toxic pollutants defined in Subdivision 19 of § 17-0105 of said law.

**HERBICIDE** — Any substance used to destroy or inhibit plant growth.

**INCOMPATIBLE USES** — Any hazardous wastes or substances that may ultimately be discharged to groundwater or the storage of such substance that may contaminate the groundwater.

**LOT** — A single piece of land or building plot which is incapable of further subdivision under Chapter 330 of the Town Code.

**NATURAL VEGETATION** — Existing and naturally occurring indigenous vegetation which grows and is maintained without need of irrigation or applications of fertilizers, pesticides, herbicides or other substances.

**PESTICIDE** — Any substance used to destroy or inhibit pests such as rodents and insects.

**SEPTAGE** — The contents of a septic tank, cesspool or other individual sewage treatment facility which receives sewage wastes.

**TRACT** — Any parcel of real property capable of subdivision pursuant to all applicable requirements.

**WASTE DISPOSAL AREA** — Land used for the depositing of waste materials such as landfills.

**WASTE MATERIALS** — Unwanted or discarded solid, liquid or gaseous materials.

**§ 330-66. Construal with other statutes.**

- A. The provisions of Chapter 247, Open Space, of this Code shall be applicable to lands located within the overlay district zoned for residential use.
- B. Lands within the overlay district are designated critical environmental areas pursuant to the State Environmental Quality Review Act. *Editor's Note: See § 8-0101 of the Environmental Conservation Law.*
- C. Incompatible uses within the overlay district shall be restricted or prohibited as provided by § 15-0514 of the Environmental Conservation Law of the State of New York and the rules and regulations promulgated thereunder.
- D. Whenever the provisions of any other statute, law, rule or regulation impose stricter standards to protect groundwater quality, said stricter standard shall govern.

**§ 330-67. Protection of natural vegetation. [Amended 5-13-1986 by L.L. No. 7-1986; 12-27-1988 by L.L. No. 26-1988; 11-14-1989 by L.L. No. 23-1989; 9-26-1995 by L.L. No. 46-1995; 8-23-2005 by L.L. No. 43-2005]**

- A. To ensure maximum water recharge and to minimize the potential for fertilized vegetation, natural vegetation located on a tract or lot shall be preserved to the maximum extent possible, consistent with the following parameters:
  - (1) The natural vegetation on a lot or a tract in the overlay district shall not be disturbed until such time that a building permit, site plan approval or final subdivision approval is received or until such time that the Planning Board has granted approval to a site disturbance plan as provided below:
    - (a) The site disturbance plan shall be based on a recent survey of the subject parcel, at a minimum scale of one inch equals 40 feet, or at a scale found sufficient by the Department of Natural Resources for review purposes. Said survey/plan shall depict the existing vegetated areas and the areas proposed to be disturbed. A recent aerial photograph, at the same scale, may be substituted, provided that the property boundaries and the areas proposed to be disturbed are superimposed.
    - (b) The request to the Planning Board to review the site disturbance plan shall be made or authorized by the landowner(s) and shall include an affidavit which advises the Planning Board what the purpose and need for the proposed disturbance is. The Planning Board may approve the plan or approve the plan with modifications or conditions. The Planning Board may also disapprove said plan if it is found that the proposed disturbance is not consistent with the intent of the provisions of this article, or if the purpose of the disturbance is for future development of the property which has not been approved by the Town.
    - (c) If restoration or revegetation is required on any site disturbance plan, the Planning Board may require the applicant to post a performance bond in an amount equal to the estimated cost of restoring the disturbed areas to their previous state. The term of said performance bond shall not exceed a period of one year and shall not be released until written notification is received from the Planning Board that the disturbance has been satisfactorily completed in accordance with the approved plan.
  - (2) Nonresidential lots and tracts.
    - (a) For nonresidential lots or tracts proposed for development, the amount of disturbance of natural vegetation shall not exceed 50% of the area of the respective lot or tract. The Planning Board may restrict the remainder of the site or portions thereof so that the burden of meeting the maximum disturbance limitation

is not borne by any future lots resulting from the subdivision of the tract.

- (b) For nonresidential tracts proposed for subdivision, the total amount of disturbance of natural vegetation shall not exceed greater than 50% of the area of said tract. In determining the amount of disturbance on a proposed lot in a subdivision, the Planning Board shall first calculate the amount of disturbance for all roads, common driveways, drainage areas, active park areas and any other improvements connected to the subdivision map and then proportionately divide the remaining area among the proposed lots.
- (3) For multifamily lots or tracts, including parcels for senior citizen and affordable housing projects, but excluding attached-housing planned residential developments, the amount of disturbance of natural vegetation shall not exceed 50% of the area of the respective lot or tract. The Town Board may alter or waive the provisions of this subsection where an affordable housing project otherwise would meet the provisions of the Town Code and a revegetation program which protects the aquifer is incorporated into the project design.
- (4) Residential lots and tracts.
  - (a) For residential lots, the amount of disturbance of natural vegetation shall not exceed the following percentages, except on flagpole lots, where the area of the pole shall be exempt from the total lot area and the total amount of clearing permitted:

<b>Lot Size (square feet)</b>	<b>Percentage of Site</b>
1 to 15,000	75%
15,001 to 30,000	60%
30,001 to 60,000	50%
60,001 to 90,000	35%
90,001 to 140,000	25%
140,001 to 200,000	20%
200,001 or greater	15%

- (b) For the development of a residential tract with one single-family dwelling and its accessory structures, the amount of disturbance of natural vegetation shall not exceed the maximum percentage allowed as provided in Subsection A(4)(a) above for the minimum required lot area of the zoning district in which the tract lies (e.g., a tract upon which a dwelling is proposed in the CR-40 Zone would not be allowed to be disturbed in excess of 50% of 40,000 square feet). The Planning Board may modify the provisions of this subsection where the applicant has agreed to restrict the remainder of the site or portions thereof so that the burden of meeting the maximum disturbance limitation is not borne by any future lots resulting from the subdivision of the tract.
- (5) Notwithstanding the provisions of the aforementioned subsections, the Planning Board, when considering a planned residential development (cluster) subdivision of a tract within the overlay district, may allow a greater amount of disturbance on a lot within the proposed map, provided that no more than 25% of the natural vegetation on the tract shall be disturbed for development. In determining the amount of disturbance on a proposed lot, the Planning Board shall first calculate the amount of disturbance for all roads, common driveways, drainage areas, active park areas and any other improvements connected to the subdivision map and then proportionately divide the

remaining area among the proposed lots.

- B. Notwithstanding the provisions of the aforementioned subsections, lots or tracts upon which authorization is received from the Planning Board for a special exception use or authorization is received from the Town Board for the establishment of a PDD pursuant to Article XXVI of this chapter may be allowed to disturb a greater amount of the natural vegetation, provided that said use is consistent with the intent and policies of the Aquifer Protection Overlay District and that a revegetation program which protects the aquifer is incorporated into the project design. **[Amended 1-10-2006 by L.L. No. 6-2006]**
- C. The provisions of this section do not apply where the natural vegetation on a lot or tract was substantially disturbed as a result of previous land uses prior to the effective date (April 4, 1984) of this chapter. However, previously disturbed lands which are left to revert to natural vegetation for a period of 20 years shall be subject to these regulations.
- D. The Planning Board, when considering the subdivision of a tract within the overlay district, shall utilize development or building envelopes, scenic easements, reserved areas, covenants and restrictions or any other reasonable means to implement the requirements of this section. The use of the planned residential development as provided in Chapter 247 of the Town Code should be evaluated by the Planning Board to allow flexibility on the limitations for disturbance on proposed lots and to provide better management of the resultant open space areas.

**§ 330-68. Restriction of fertilized vegetation. [Amended 11-14-1989 by L.L. No. 23-1989]**

To minimize the potential for groundwater contamination from fertilizers, pesticides, herbicides and other substances, fertilized vegetation shall not exceed 15% of the area of a lot within the overlay district. Fertilized vegetation on a tract shall not exceed 20,000 square feet, except if said fertilized vegetation is in accordance with a landscape plan approved by the Planning Board. Said landscape plan shall clearly indicate the proposed landscaping, as well as the anticipated amount (in pounds per square feet) of fertilizer which will be applied. Lands currently utilized or utilized within the last 20 years of the effective date of this chapter for the production of crops shall be excluded from the requirements of this provision.

**§ 330-69. Building permit compliance. [Added 11-14-1989 by L.L. No. 23-1989 Editor's Note: This local law repealed former § 330-69, Waste disposal areas. See now § 330-69.1. ]**

- A. Any and all applications for a building permit within the Aquifer Protection Overlay District shall include a survey which depicts the existing natural vegetation and the proposed areas to be disturbed. No application for a building permit shall be accepted unless it complies with the provisions of this section.
- B. The applicant for a building permit shall have the proposed building and/or structure and the areas to be disturbed staked by a licensed surveyor in accordance with the survey. In addition, plastic surveying ribbon or an equivalent shall be placed around the perimeter of the area proposed to be disturbed.
- C. The Building Inspector shall, at the time of the required building inspections, determine whether or not the areas to be disturbed are in compliance with the survey. The Building Inspector may request the Department of Natural Resources to make an inspection to assist in its determination. Should there be a violation, a stop-work order, as provided in Chapter 123 of the Town Code, shall be issued. It shall be the burden of the applicant to prove that the site disturbance complies with the provisions of this section by the submission of an as-built survey. Should there be no violation, the stop-work order shall be lifted. Should said as-built survey depict a violation of these provisions, a site disturbance plan, as provided in § 330-67A(1) of this chapter, shall be submitted to the Planning Board for review. The stop-work order may only be lifted once the Planning Board is satisfied that the overly disturbed areas

have been properly revegetated with low maintenance, nonfertilizer species, consistent with the policies of the Town as delineated in this section.

- D. The Building Inspector shall not issue a certificate of occupancy or certificate of compliance for a building or structure in the overlay district until an as-built survey indicating compliance with the provisions of this section is submitted. Should said as-built survey depict a violation of these provisions, a site disturbance plan, as provided in § 330-67A(1) of this chapter, shall be submitted to the Planning Board for review. The certificate of occupancy or certificate of compliance may only be issued once the Planning Board is satisfied that the overly disturbed areas have been revegetated with low maintenance, nonfertilizer species, consistent with the policies of the Town as delineated in this section.

**§ 330-69.1. Waste disposal areas. [Added 11-14-1989 by L.L. No. 23-1989]**

The location of new public or private waste disposal areas to be used for, but not limited to, the disposal of septage or waste materials shall be prohibited in the overlay district.

**§ 330-69.2. Waivers. [Added 11-14-1989 by L.L. No. 23-1989]**

The provisions of this article may only be modified by the Planning Board after due consideration is given to a site disturbance plan, as provided in § 330-67A(1) of this chapter, and where the applicant has proven that there is a practical difficulty in meeting these regulations and that environmental considerations are still satisfied to the maximum extent possible.

**§ 330-69.3. Conflicts with other requirements. [Added 11-14-1989 by L.L. No. 23-1989]**

In order to create consistency with the provisions of this article, the Planning Board may consider amendments to previously filed covenants or easements which are more restrictive. Amendments to previously filed covenants or easements shall be no less restrictive than the provisions of this article.

**§ 330-69.4. Remedies and penalties for violations. [Added 3-25-2003 by L.L. No. 30-2003]**

A. Purpose and findings.

- (1) In 1993, New York State adopted § 57-0119 of the Environmental Conservation Law, entitled "Central Pine Barrens Joint Planning and Policy Commission." This Commission consists of five voting members: a member appointed by the Governor, the County Executive of Suffolk County, and the Supervisors of the Towns of Brookhaven, Riverhead and Southampton.
- (2) This Commission was formed to implement, manage and oversee land use within the Central Pine Barrens area on Long Island. ECL 57-0119(6)(a) gives the Commission the power to prepare, adopt and insure implementation of the Comprehensive Land Use Plan. ECL Article 57 recognizes the importance of the three local Towns to regulate the implementation of the plan within the Central Pine Barrens region.
- (3) The authority to establish a Comprehensive Land Use Plan is contained in ECL § 57-0121. In conformance with ECL 57 and the Comprehensive Land Use Plan, the Town Board of the Town of Southampton adopted two overlay districts for the Central Pine Barrens Region, one in 1986 (Aquifer Protection Overlay District) and one in 1995 (Central Pine Barrens Overlay District).
- (4) The intention of the original legislation adopted in 1995 and the resulting plan was that the local planning and zoning powers and authority to regulate land uses by local

municipalities within the Central Pine Barrens area would not be affected by said legislation and plan.

- (5) In an effort to address unauthorized or illegal activity within the boundaries of the Central Pine Barrens Area, in particular clearing of large tracts of land without the necessary approvals, the members of the Commission have expressed an interest in enforcing Article 57 of the ECL. Although each of the zoning codes of the respective three Towns contains penalty provisions for violations of the Code, no specific provisions are included for violations of regulations within the Central Pine Barrens area. Article 57 of the ECL does not specifically provide for an enforcement or penalty provision.
  - (6) The Towns of Brookhaven, Riverhead and Southampton desire to discourage and prevent unauthorized and illegal land clearing activities within the core area and the compatible growth area of the Long Island Central Pine Barrens region, as well as the Aquifer Protection Overlay District in the Town of Southampton. Any amendment to Article 57 of the ECL should be consistent with existing code enforcement provisions in each of the three Towns.
  - (7) This section is necessary to raise the potential penalties under the authority of the respective Town codes for unauthorized and illegal land clearing activities, as well as provide enforcement of provisions of the respective Town codes regarding the Long Island Pine Barrens region.
  - (8) While the fine amounts set forth herein are significant, they are not out of proportion to the nature of the violation. Violations occurring within the Central Pine Barrens area and the Aquifer Protection Overlay Area may threaten groundwater and the endangered and threatened plants and animals found within the Central Pine Barrens. Through the enactment of Article 57 of the ECL, the State Legislature has seen fit to protect this environmentally sensitive area. This section is adopted pursuant to the home rule authorization found within § 10(4)(b) of the Municipal Home Rule Law and is intended to supersede § 268 of the Town Law.
- B. In addition to the penalties provided for in § 330-186 of this chapter, any person or entity who shall violate any of the provisions herein shall restore the subject premises or property or shall undertake any necessary remedial action, including but not limited to the posting of a performance and maintenance bond, as required by the Town in order to bring the subject premises or property into conformance with the requirements of this chapter and the Central Pine Barrens Comprehensive Land Use Plan or any permit, covenant or condition issued pursuant thereto, in addition to the fines set forth in Subsection C below.
  - C. Any person or entity who shall violate any of the provisions contained in Article XXIV or the Aquifer Protection Overlay District, or any permit, covenant or condition issued pursuant thereto, shall be guilty of a violation of such, which shall be punishable by a fine not to exceed \$10,000 or no more than one year in jail, for violations occurring on premises or property located within the Aquifer Protection Overlay District, and an additional fine of \$1,000 per day in both areas for each day that such violation continues. A violation of this section shall be classified as an unclassified misdemeanor.
  - D. Any fines or penalties collected pursuant to § 330-69.4A, B or C of this Code shall be deposited with the Town Comptroller's office and shall be maintained in a segregated account to be used exclusively for protection, preservation, enhancement and/or restoration of the natural resources and ecosystems of the Central Pine Barrens Region.
  - E. Where authorized by a duly adopted resolution of the Town Board, the Town Attorney shall bring and maintain a civil proceeding, in the name of the Town, in the Supreme Court, to permanently enjoin the person or persons conducting or permitting any violation of this article from further conducting or permitting said violation

## APPENDIX EIGHT

### PUBLIC HEALTH ASSESSMENT of ROWE INDUSTRIES

## PUBLIC HEALTH ASSESSMENT

### ROWE INDUSTRIES GROUNDWATER CONTAMINATION SAG HARBOR, SUFFOLK COUNTY, NEW YORK

#### SUMMARY

The Rowe Industries Site, which is on the National Priorities List, is in Sag Harbor, Suffolk County, New York. The facility operated as a small tool and motor manufacturing plant from 1961 to 1974. During these years, waste water was discharged into drains leading east from the building, into drywells, onto the land surface, or into a small pond further east. On-site subsurface soils and on and off site surface water, sediments, and groundwater are contaminated with [volatile organic chemicals \(VOCs\)](#). Due to contamination discovered in 1983, residences with contaminated wells were connected to a public water supply in March 1985, preventing further [exposure](#) via this route. A potential public health threat exists for residents of houses adjacent to the site whose homes may be accumulating volatile organic vapor levels from contaminated soil gas.

The remedial investigation determined that levels of groundwater contamination have not significantly decreased since 1984 on or off-site; therefore, a source of continuing contamination remains on-site. Existing groundwater contamination could, if no remedial actions are taken, contaminate other area private wells.

Based on the information reviewed, this site currently poses an [indeterminate public health hazard](#). As noted in the pathways analysis section, human exposure to contaminated groundwater has occurred. This past exposure is considered a public health hazard because persons were exposed to [contaminants](#) in private drinking water supplies at levels that may result in adverse health effects. There is a potential for further exposure to contaminated media through ingestion, [dermal absorption](#) and inhalation if no remedial actions are taken. These media include groundwater, off-site surface water and sediments, and soil vapor through vapors entering basements of nearby private residences.

Citizens in the area of the site expressed concern over groundwater contamination of private and public wells at the time of discovery of the contamination. The present concerns are regarding wells not connected to the public water supply and past exposures.

The New York State Department of Health (NYS DOH) has made recommendations to (1) continue to monitor private and public water supplies near the site, (2) survey soil gas off-site, and (3) remove the contaminant sources on-site.

The data and information developed in the public health assessment for the Rowe Industries Groundwater Contamination site, Sag Harbor, New York, has been reviewed by the Agency for Toxic Substances and Disease Registry's (ATSDR) Health Activities Recommendations Panel for appropriate follow-up with respect to health actions. Because of past exposure to contaminated drinking water, the panel determined that follow-up health actions are needed. Specifically, the panel determined that those persons exposed in the past should be added to NYS DOH's registry being developed for VOC exposures from drinking contaminated water. In addition, the panel determined that community health education be performed for the persons who were exposed to contaminants in their drinking water. This action has already been performed by the NYS DOH.

## **BACKGROUND**

In cooperation with the Agency for Toxic Substances and Disease Registry (ATSDR), the New York State Department of Health (NYS DOH) will evaluate the public health significance of this site. More specifically, the ATSDR and NYS DOH will determine whether health effects are possible and will recommend actions to reduce or prevent possible health effects. ATSDR, located in Atlanta, Georgia, is a federal agency within the U.S. Department of Health and Human Services and is authorized by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ([CERCLA](#)) to conduct public health assessments at hazardous waste sites.

### **A. Site Description and History**

All figures and tables in this public health assessment are in [Appendices A](#) and [B](#), respectively. The Rowe Industries site is located in the Town of Southhampton on the South Fork of Long Island ([Figure 1](#)). The site is on the east side of the Sag Harbor-Bridgehampton Turnpike in the Town of Southhampton, about 1,500 feet south of the Village of Sag Harbor boundary ([Figure 2](#)). The property is about 8.5 acres in size. About one acre is covered by the building, and about one acre is a paved parking area. The remaining 6.5 acres are undeveloped and are wooded with trees and brush. A pond is about 300 feet northeast of the building. The western portion of the property is a relatively flat lawn area. The small pond and wetland area are located in the northeast portion of the property. The property is bounded on the north by a residential property, on the south by private residences on Lily Pond Road, on the east by the Town of Southhampton Nature Conservancy land and on the west by the Bridgehampton-Sag Harbor Turnpike.

Rowe Industries, or R.I. Liquidation Corporation, operated at this site from 1961 to 1974. On December 31, 1974, ownership of Rowe was transferred to Aurora Products

Corporation. Nabisco purchased Aurora on May 28, 1971 and sold Rowe assets, except the Sag Harbor property, on July 14, 1978. The Sag Harbor site was sold to Sag Harbor Industries (SHI) in July 1980. Rowe dissolved on April 20, 1982. The site was not used from 1974 until it was sold in 1980. Sag Harbor Industries continues to occupy the site and conduct manufacturing, primarily coil winding. This includes electronic assembly, wire winding and stripping, a limited varnish vacuum process, epoxy pour, wave soldering and wire moldings coating. In addition, part of the property is leased for manufacturing art restoration tables, and for an electronics laboratory.

Rowe manufactured small motors that were used in small appliances such as hair dryers and small tools. Rowe also manufactured transformers that were incorporated into Aurora's model racing car sets. Many types of organic solvents were used to degrease oil-coated metal parts that were used in the manufacturing process. A former employee of Rowe Industries indicated that many types of solvents were discharged directly from two vats into drains leading east from the building, into drywells, directly onto the land surface or to a small on-site pond further east. Occasionally, the drywell in the wooded area would back-up and overflow. The former employee noticed discoloration of the soil around the pond and drywell.

The building was completely destroyed by fire in 1962. The former employee stated that 40 to 50 drums of chemicals which were in the barrel storage area were buried beneath the east parking lot during the razing of the building.

Sampling results from private wells were the first evidence of groundwater contamination in the area. In January 1983 the Suffolk County Department of Health Services (SC DHS) collected a sample from a private well and found high levels of organic chemicals. The SC DHS then surveyed 46 private wells in the area and investigated nearby commercial establishments to identify possible sources. Fourteen private wells had levels of organic compounds above New York State Department of Health guidelines in effect at the time. The wells with contamination were all north of Rowe Industries, in the direction of groundwater flow. Two private wells immediately south of the Rowe facility were not contaminated. The SC DHS installed 39 monitoring wells to define the plume and pinpoint the source. A plume was found coming from the Rowe Industries site, travelling north. The SC DHS collected [sludge](#) samples from pipes that went from the Rowe building to drywells. These samples were contaminated with several organic compounds. In August 1984, the SC DHS requested funding from the New York State Department of Environmental Conservation (NYS DEC) for extending a public water supply to the affected residences. This request was forwarded to the United States Environmental Protection Agency (US EPA). In January 1985, the US EPA contracted with the Suffolk County Water Authority to extend its public water supply mains into the affected area, and contracted with the Town of Southhampton to install individual hookups to the water mains. This work was completed in March 1985.

The US EPA initiated cost recovery actions which led to a negotiated Order on Consent with Nabisco Incorporated and Sag Harbor Industries (SHI) to conduct a Remedial Investigation/Feasibility Study (RI/FS). Remedial Investigations (RI) follow preliminary

site investigations conducted by town, county, state and/or federal agencies that verify hazardous wastes are present and that the wastes pose a significant threat to public health and the environment. The RI is carried out to determine the nature and extent of contamination. The Feasibility Study (FS) uses RI information to develop alternative remedial actions that will eliminate the site's threat to public health or the environment. The Rowe Industries site was nominated to the National Priorities List (NPL) in 1985. In June 1989, a Preliminary Health Assessment was issued for the site; it was prepared by the NYS DOH under a cooperative agreement with the ATSDR. A draft RI was submitted to the US EPA in May 1990, and, after revisions, resubmitted in February 1992. An FS was submitted to the US EPA for the site in March 1992. A Record of Decision (ROD) was signed for this site on October 1, 1992.

#### B. Actions Implemented During the Public Health Assessment Process

Private wells identified at the public meeting were sampled by the Suffolk County Department of Health Services in October 1992. None of the wells sampled were found to contain site-related contamination. At this meeting, NYS DOH staff discussed the potential health effects of ingestion of water contaminated with chemicals from the site and informed residents that a NYS DOH physician is available for specific concerns and problems.

#### C. Site Visit

Mr. William Lowden of the NYS DOH inspected the Rowe Industries site in July 1988. The site, now occupied by Sag Harbor Industries, consists of a one story brick building. A fence extends from the sides of the building and restricts access from the front, but this fence does not completely surround the site. No chemicals were being used in the current manufacturing process.

Small dark stained areas were seen in the former drum storage area behind the building. There is a fence around the former drum storage area. An attempt was made to inspect the on-site pond, but the area is heavily overgrown and access was not possible. No physical or other hazards were observed.

The most recent site visit was conducted on September 10, 1992, by Mr. Geoffrey Laccetti of the NYS DOH. Sag Harbor Industries continues manufacturing at the site. The site consists of a one-story brick building with a paved parking lot on both sides and behind the building. A barbed wire topped fence extends from the sides of the building and completely encloses the paved areas on the sides and behind the building, including the former drum storage area. Any barrels with product in them are stored in a secure building on-site. An attempt was made to inspect the on-site pond. Access from a dirt road off Lily Pond Road was not possible due to heavy overgrowth of vegetation. Trespassing in this area outside the fence is highly unlikely due to the extremely dense vegetation. There is a private residence off Lily Pond Drive, west of the site, that is about 20 feet from the fence. No physical or other hazards were observed.

## D. Demographics, Land Use, and Natural Resource Use

### Demographics

The NYS DOH estimated, from the 1990 Census, that 1,298 people live within 1 mile of the Rowe Industries site. This population increases during the summer months due to vacationers. The population within 1 mile of the site is 99 percent white. The site is located within census tract 1907.04 in which 6.4 percent of the population is under 5 years of age, 16.8 percent is 5-19 years of age, 58.3 percent is 20-64 years old and 18.4 percent is 65 years or older. Socio-economic data are not yet available from the 1990 Census. The median household income in 1979 for this census tract was \$19,031 with 6.9 percent of the families having income below the poverty level.

### Land Use

The majority of the land near the Rowe Industries site is used for residential housing. Most private residences are year round, single family homes. Several of the homes on Carroll Street have gardens and small numbers of farm animals. Only a few commercial buildings are near the site. North of the site is a small commercial bakery which was formerly a gasoline station. Further north are several more gasoline stations. West of the site is a New York Telephone Company building. A gasoline station and a village landfill (currently being used only as a transfer station) are south of the site.

### Natural Resource Use

The entire area, aside from houses supplied with public water due to site contamination, is served by private wells and on-site sewage disposal systems.

The only stream in the area is Ligonee Brook. The brook originates in Long Pond which is located southeast of the site (see [Figure 1](#)). Ligonee Brook normally is dry until it reaches Sag Harbor Turnpike, at which point discharging groundwater causes it to flow. A catch basin/drywell which collects storm water runoff is on Carroll Street. These basins are used on Long Island to increase groundwater recharge rates.

There are no public water supply wells within a one mile radius of the site.

## E. Health Outcome Data

The NYS DOH maintains several health outcome data bases which could be used to generate site specific data if warranted. These data bases include a cancer registry, congenital malformations registry, heavy metals registry, occupational, lung disease registry, vital records (birth and death certificates), and hospital discharge information.

In 1990, the NYS DOH reported on breast cancer incidence rates for small geographic areas of Nassau and Suffolk Counties for the years 1978-1987. An evaluation of this

study is included in the [Health Outcome Data Evaluation](#) section.

## COMMUNITY HEALTH CONCERNS

Concerns regarding private well water quality and the need to protect the quality of the underlying aquifer were expressed during the initial discovery of the groundwater contamination. These same concerns were expressed at the public meeting held for this site on September 9, 1992. Several residents of the area requested their wells be sampled. Other residents were concerned about the potential health effects of past exposures from ingesting contaminated water. Several residents that are near the [plume](#) but whose wells have not been contaminated requested to be connected to the public water supply. There were also concerns regarding the plan to release treated water into the local marine waters.

On March 3, 1993, the NYS DOH sent copies of the public health assessment for the Rowe Industries site to all known interested parties requesting concerns and comments on the report. Responses to public comments received by the NYS DOH are included in [Appendix C](#).



Explanation of Significant Differences

ROWE INDUSTRIES SITE

VILLAGE OF SAG HARBOR
Suffolk County, New York

EPA
Region 2

December 2001

#####

INTRODUCTION

In accordance with Section 117(c) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Section 300.435(c)(2)(i) of the National Oil and Hazardous Substances Pollution Contingency Plan, if after the selection of a remedial action plan, a component of the action differs in any significant respect from the original action, an explanation of the significant differences and the reasons such changes were made must be published.

The 1992 Record of Decision (ROD) for the Rowe Industries site called for the extraction and treatment of contaminated ground water and discharge of the treated ground water to Ligonee Creek/Inner Sag Harbor Cove. In response to public concern regarding a freshwater discharge into a saltwater environment, the U.S. Environmental Protection Agency (EPA) has decided not to discharge any treated ground water to Ligonee Creek and Sag Harbor Cove. Instead, all treated ground water will be discharged into a recharge basin that will be constructed on a Town of Southampton-owned property located adjacent to Sag Harbor Industries.

This ESD will become part of the administrative record file for the Rowe Industries site. The entire administrative record for the site, which also includes the Remedial Investigation Report, Feasibility Study Report, ROD, Proposed Plan, and other reports and documents related to the site, is available for public review at the following location:

John Jermain Library
Main Street
Sag Harbor, NY 11963

The Administrative Record file is also available for public review at the EPA Region II office at the following location:

U.S. Environmental Protection Agency
290 Broadway, 18th Floor
New York, New York 10007-1866
Hours: 9:00 A.M. - 5:00 P.M. (Monday - Friday)

The changes to the selected remedy are not considered by EPA and the New York State Department of Environmental Conservation (NYSDEC) to have fundamentally altered the remedy selected in the ROD. The remedy remains protective

of human health and the environment.

SUMMARY OF SITE HISTORY, CONTAMINATION PROBLEMS, AND REMEDIAL EFFORTS

The Rowe Industries site is located on Bridgehampton-Sag Harbor Turnpike, in the Village of Sag Harbor, Suffolk County, New York, approximately 75 miles east of New York City.

The site contains an eight-acre industrial facility. The most prominent feature of the site is a small factory covering one acre of the property with the remainder containing a lawn area, parking lot, woods and a small pond. Residences are located on two sides of the facility.

The site is underlain with mostly medium to fine sand with some gravel and clay. Sag Harbor Cove is about 3,000 feet northwest of the site. Ligonee Brook, which flows into Sag Harbor Cove, is to the east and north of the site.

The Rowe Industries facility was constructed in 1953 to manufacture small electric motors and transformers. Chlorinated solvents were used to degrease oil-coated metals during the manufacturing process. Waste solvents were discharged into on-site dry wells and/or stored behind the facility, where they leaked into the soils below. The original building was completely destroyed by a fire in 1962, and was rebuilt that same year to twice its original size.

In November 1965, Aurora Plastics purchased the plant and its equipment from Rowe Industries. The manufacture of the motors continued and Nabisco acquired Aurora Plastics in the early 1970's. The facility remained active until 1974, when Nabisco relocated its operations and the building was closed.

The building remained shuttered until it was sold to Sag Harbor Industries in 1980. The facility is currently used to manufacture electronic devices. Solvents are no longer used in the manufacturing process.

Ground water contamination was first discovered by the Suffolk County Department of Health in 1983. Water from a private well near the site revealed contamination by three solvents, 1,1,1-trichloroethane (TCA), 1,1,2-trichloroethylene

(TCE), and tetrachloroethylene (PCE). Further investigations determined that a ground water contaminant plume extended from the former Rowe Industries facility northwest to Ligonee Creek and Sag Harbor Cove. Based on the extent of ground water contamination, the Rowe Industries site was placed on the National Priorities List on July 7, 1987.

In September 1988, EPA and Nabisco entered into an Administrative Order on Consent, Index No. IL-CERCLA-80213, for the performance of a remedial investigation and feasibility study (RI/FS) to determine the nature and extent of the contamination at and emanating from the site and to identify and evaluate remedial alternatives.

The results of the RI/FS indicated the presence of VOC-contaminated soils on the facility grounds, VOC-contaminated soils within three dry wells, VOC-contaminated ground water underlying the site, and a VOC-contaminant plume extending northwest from the on-site contaminated soil area to Ligonee Creek and Sag Harbor Cove. On September 30, 1992, a ROD was signed. The major components of the selected remedial action in the ROD are:

- ! Excavation and off-site disposal of approximately 230 cubic yards of volatile-organic-contaminated soils within the former drum storage area (a portion of the former drum disposal area is located on adjacent residential property).
- ! Excavation and off-site disposal of approximately 135 cubic yards of contaminated sludge and underlying soils associated with the dry wells.
- ! Confirmatory sampling to ensure that soils with concentrations above soil cleanup objectives have been excavated.
- ! Backfilling of the excavated areas with clean fill after excavation.
- ! Remediation of the ground water by the installation of seven extraction wells which will pump the contaminated ground water to an air stripping treatment system with ultimate discharge of treated water to Sag Harbor Cove.
- ! Implementation of a monitoring program that includes the collection and analysis of the influent and effluent from the treatment system, and long-term monitoring of the ground water to track the migration and concentrations of the contaminants of concern.

Nabisco, Inc. and Sag Harbor Industries agreed to design and implement the selected remedy. A Consent Decree formalizing this settlement was entered by the District Court for the Eastern District of New York in April 1994. Soon afterward, Nabisco's consultant, Leggett, Brashears & Graham (LBG), commenced preparation of the remedial design work plan and related planning documents.

Based on soil sampling data obtained as part of the soil remedial design, the volume of contaminated soils from the former drum storage area requiring excavation increased

significantly from the ROD estimate. It was also determined that approximately half of the excavated soils were more highly contaminated than originally believed which would necessitate on-site pretreatment prior to off-site disposal in order to comply with the requirements of Resource Conservation and Recovery Act Land Disposal Restrictions. Based on these new findings, in July 1997, EPA issued an ESD which modified the selected remedy for contaminated soils. The changes to the remedy included the treatment of the unsaturated soils (above the water table) in the former drum storage area using in-situ soil vapor extraction (SVE)<sup>1</sup> instead of excavation, and treatment of the saturated soils (below the water table) using air sparging to enhance the effectiveness of the ground water extraction and treatment system<sup>2</sup>.

The dry wells and the contaminated soils associated with the former drum storage area were excavated in 1998 and the soil was completely treated by April 1999 using an on-site ex-situ SVE system. Off-site disposal of the dry well sludges and treated soils followed. The in-situ SVE system and air sparging systems were also installed in 1998. The in-situ SVE system operated from December 1998 through March 2000 and removed more than 500 pounds of VOCs. Confirmatory soil sampling revealed one small area within the former drum storage area which required additional treatment. The in-situ SVE system is currently being operated to treat the remaining contaminated portion of the former drum storage area.

EPA is also currently conducting focused pumping of a small area where ground water samples indicated elevated levels of VOCs. Soil and ground water samples collected as part of the installation of the in-situ SVE system revealed a layer of natural clay (clay lens) near the top of the water table within the former drum storage area. The ground water flowing above the clay lens was contaminated with levels of VOCs as high as 9,700 micrograms per liter (µg/l) (the ground water standard for individual VOCs in ground water is typically about 5 µg/l). To clean up this hot spot, four small ground water extraction wells were installed in this area in late 2000. The extracted ground water is being treated on-site and discharged to an on-site pond. Pumping of this area will continue until the decline in the level of contaminants has stabilized.

The installation of nine ground water recovery wells along the

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<sup>1</sup> SVE involves drawing air through a series of wells to volatilize the solvents contaminating the unsaturated soils. The extracted vapors are then treated in an activated carbon unit and monitored before being vented to the atmosphere. In-situ SVE leaves the soils in place while they are being remediated.

<sup>2</sup> Air sparging involves bubbling air below the water table to volatilize the solvents contaminating the ground water and soils. The volatilized solvents are drawn up through the unsaturated soils by a series of SVE wells. The extracted vapors are then treated in an activated carbon unit and monitored before being vented to the atmosphere.

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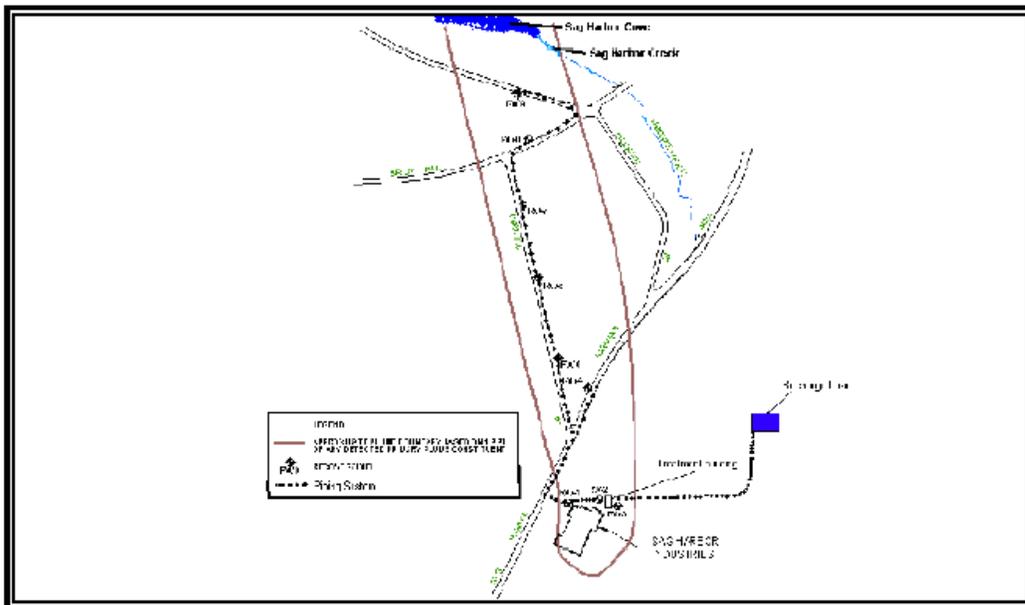


Figure 1 - Ground Water Remediation System

length of the ground water plume was completed in mid-2000. Figure 1 shows the locations of the nine recovery wells.

In May 2001, in response to public concern regarding a freshwater discharge into a saltwater environment, EPA issued an ESD outlining its decision to reduce the amount of treated ground water discharged to Ligonee Creek and Sag Harbor Cove by splitting the discharge between two locations—Ligonee Brook<sup>3</sup> at its intersection with Bridgehampton-Sag Harbor Turnpike and a recharge basin that would be constructed on Sag Harbor Industries' property. Since pumping the contaminant plume will reduce the natural ground water flow to Ligonee Creek and Sag Harbor Cove, the treated ground water discharge to Ligonee Brook was intended to replace this flow. It would have also facilitated the creation of a wetland called for in the Village of Sag Harbor's Local Waterfront Revitalization Program.

At public meetings held in May, June, and July 2001, the public voiced concern regarding the discharge of any treated water into Ligonee Creek and Sag Harbor Cove. In addition, an examination of the proposed location for the on-site recharge basin by herpetologists revealed that it was a prime habitat for the tiger salamander, which is included on New York State's endangered species list. As a result, EPA evaluated several off-site locations for the construction of a recharge basin. Based upon this review, it was determined that the best location was a portion of a 7.6-acre Town of Southampton-owned property located adjacent to the Sag Harbor Industries property. On December 12, 2001, the Town of Southampton and Nabisco entered into an agreement to allow a recharge basin to be built and operated on this property.

**DESCRIPTION OF SIGNIFICANT DIFFERENCES AND THE BASIS FOR THOSE DIFFERENCES**

The ROD called for the treated ground water to be discharged in Ligonee Creek/Inner Sag Harbor Cove. However, in response to public concern about potential impacts resulting from the discharge of fresh water into a saline environment, EPA has decided to instead discharge the treated ground water to a recharge basin that will be constructed on the Town of Southampton's property located adjacent to the Sag Harbor Industries property. This property is large enough to construct a recharge basin which will be capable of receiving all of the treated ground water (the average daily flow of the treated ground water is estimated at 770,000 gallons per day). However, since pumping the contaminant plume will reduce the natural ground water flow to sections of Ligonee Brook, it is possible that the pumping rate of some of the recovery wells (particularly those located closest to Ligonee

Brook) may need to be reduced during low water conditions<sup>4</sup> to avoid lowering the water level in Ligonee Brook. Therefore, this area will need to be carefully monitored. The treated ground water discharged into the recharge basin will meet all NYSDEC discharge requirements.

Based upon preliminary ground water modeling results, it is anticipated that the remediation of the majority of the contaminant plume will be completed within about five years. While it is difficult to quantify, it is estimated that 90% of the contamination from the ground water plume would be removed during this period.

The construction of the ground water treatment system and the piping associated with the extraction wells is currently underway. It is anticipated that the ground water extraction, treatment, and recharge system will be operational by Spring 2002.

**SUPPORT AGENCY COMMENTS**

NYSDEC and the New York State Department of Health, after careful consideration of the modified remedy, support the modified remedy due to the environmental, public health, and technical advantages, and the fact that the modified remedy significantly changes but does not fundamentally alter the remedy selected in the ROD.

**AFFIRMATION OF STATUTORY DETERMINATIONS**

Considering the new information that has been developed and the changes that have been made to the selected remedy, EPA and NYSDEC believe that the remedy remains protective of human health and the environment, complies with federal and state requirements that are applicable or relevant and appropriate to this remedial action, and is cost-effective. In addition, the modified remedy utilizes permanent solutions and alternative treatment technologies to the maximum extent practicable for this site.

**PUBLIC PARTICIPATION**

EPA and NYSDEC rely on public input to ensure that the concerns of the community are considered in selecting an effective remedy for each Superfund site. Questions or comments related to the ESD or the planned construction activities can also be directed to:

Pamela Tames, P.E.  
 Project Manager  
 U.S. Environmental Protection Agency  
 290 Broadway, 20th Floor  
 New York, New York 10007-1866

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<sup>3</sup> Ligonee Brook discharges into Ligonee Creek.

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<sup>4</sup> The pumping rate in each of the nine recovery wells can be adjusted to alleviate any adverse impacts.

## APPENDIX NINE

### APPLYING SMART GROWTH PRINCIPLES to SUFFOLK COUNTY TOWNS and VILLAGES



#### Smart Communities Through Smart Growth

#### Applying Smart Growth Principles to Suffolk County Towns and Villages



Suffolk County Planning Commission  
March, 2000

**Smart Communities  
Through  
Smart Growth  
Applying  
Smart Growth Principles  
to  
Suffolk County  
Towns and Villages**

Suffolk County Planning Commission  
March, 2000

Photographs on the cover, top to bottom:

Argyle Lake, Babylon Village, NY  
Ronkonkoma LIRR Station, Ronkonkoma, NY  
Coventry Village, Smithtown, NY  
Main Street, Northport Village, NY

**Smart Communities Through Smart Growth**

Suffolk County Planning Commission

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# Smart Communities Through Smart Growth

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### Smart Communities Through Smart Growth

*Suffolk County Planning Department* 1

Example of Housing in Babylon Village which is near the train station and close to downtown. This new shopping development in Water Mill enhances the users experience through many features that includes a pedestrian friendly design.

## Forward

Sustainable environments, friendly communities, and Smart Growth are umbrella terms incorporating progressive land use techniques that utilize resources wisely. Smart Growth concepts embrace a basic goal:

**To protect or conserve existing resources for current and future use in ways that allow for continued growth and maximize the potential of those resources without negatively impacting the environment.**

"Resources" can be identified as anything from open space, to downtown business districts; existing infrastructure; including roads, public water and sewer mains; schools and community centers, blighted areas, and even brownfields. The concept of "Smart Growth" is also a reaction to the wasteful, sprawling and often destructive approach to land use characterized in many parts of Long Island which have gobbled up community resources, whether they be land, water or basic infrastructure. To give further credence to the term "Smart Growth", New York State is currently considering several pieces of legislation that provide incentives to local municipalities to better handle and plan their use and stewardship of local resources. There are many examples of sprawl or "dumb growth" throughout the County. Just look around and ask: are we choking on traffic? Is the downtown anemic while the congested highway corridors sprout shopping strips or big boxes? Is the simplest need for a loaf of bread beyond reach without a car? We all live the consequences of "unsmart growth." The culprits may be auto-oriented infrastructure, rigid zoning laws, federal home lending, a combination of these, or even others. Whatever the reason, Suffolk County communities are not without tools to address this issue. Many communities have adopted policies and local laws to lessen sprawl and the waste of natural resources. In fact, some municipalities in Suffolk County may be ahead of the rest of the state in their reaction to suburban sprawl.

The main goal of this primer is to look into what principles make up "Smart Growth". The primer will take note of good examples of Smart Growth techniques in the County. Although

there is unsmart growth and sprawl in our communities, there are land planning tools being utilized by some that may have wider applicability. As new projects are discussed, it is hoped that this primer will be a reference document for smarter projects and, as a result, Smart Communities for Suffolk County.

## **Applying Smart Growth Principles to Suffolk County Towns and Villages**

*Suffolk County Planning Department ii*

*Suffolk County Planning Department 1*

# **A Brief History of Growth in the Nassau-Suffolk Region, Long Island, NY**

It can be argued that the Nassau-Suffolk Region is one of the oldest suburban sprawl communities in this country. Beginning with the post World War II development of Levittown up to today's march out to the East End, waves of development have periodically washed over the Region.

In the beginning development was embraced and encouraged by scores of governments and individuals. The mass production of automobiles and the federal government's decision to disburse population away from atomic bomb-prone city centers after World War II, led to a dramatic change to America's landscape. This development pattern enabled a large majority of the current suburban population to trace their roots to large American cities. With mobility and home financing, people poured out of the cities to the fresh air and green spaces of the countryside.

A great majority of Nassau and Suffolk's population can trace their roots to Brooklyn and Queens. How many of us can say that at least one of our parents is originally from these areas?

Nassau and Suffolk's suburban growth has a direct correlation to the outward migration from New York City. As major roads were built, the citizenry was able to leave the crowded city for the suburbs. Government sponsorship of reduced interest mortgages and the favorable tax status of mortgage interest still encourages people to move, buy and invest in a new home on the fringe of the city they once called home.

This process of suburbanization (sprawl) deeply impacted what was an agrarian culture in both Nassau and Suffolk Counties.

## **Population and Housing**

**Beginning in 1930 and ending in the 1970's, the Bi-county population exploded. In 1930, the total Bi-county regional population was 463,914 people. By 1950, that population doubled to 948,894 and then doubled again in 1960 to a whopping 1,966,000 people.** That kind of growth at that time in our nation's history was unprecedented. While other areas of this country were seeing post-war growth, they were not seeing growth as rapid as Nassau and Suffolk's.

**In 1972, the US Census designated the Nassau Suffolk Region as the first non-urban core area in the United States as its own Standard Metropolitan Statistical Area.** Between 1950 and 1960 Nassau/Suffolk grew by more than one million people. That is an average of 100,000 people a year! This sprouted from the productive pastures of Nassau and Western Suffolk where new housing developments and shopping centers grew. During this time a huge number of houses were built in both counties.

**Between 1950 and 1970 more than 220,000 individual detached homes were built in Suffolk County alone. Nassau's boom was between 1940 to 1960 when that county added about 250,000 housing units to the landscape. These figures illustrate how large and imposing the explosion of population and development was on the island.**

## **Applying Smart Growth Principles to Suffolk County Towns and Villages**

*Suffolk County Planning Department 2*

Water Mill is an example of a newer hamlet in Suffolk County that might feel the pressure from large-scale commercial development

On Long Island, suburban sprawl rolled over and obliterated the agricultural landscape. After a while the large influx of people demanded ever larger amounts of land for larger lot housing and commercial development. Initially, the development bolstered the existing downtowns, but eventually auto-oriented shopping centers and malls developed and shifted the focus of shoppers and residents away from downtown with its small shops and limited parking. The decline of the pre-war downtowns was the beginning of the adverse effects of sprawl on Long Island.

In the last twenty years the Nassau-Suffolk Region has continued this piecemeal suburban sprawl eastward even though population growth

has slowed and stabilized. Between 1970 and 1980 about 100,000 housing units were constructed to house a population that had grown by almost 160,000 people. Compare this with the following ten years when 60,000 more units accommodated only an additional 40,000 people.

**The trend was and is more housing square footage on larger lots.** The amount of land that is consumed to build these new homes is higher now than it was when the population was growing by leaps and bounds. New houses in a typical subdivision have one to two acre lots as opposed to the ½ acre or less that were built in the past. Here in Suffolk County we are consuming more land to house fewer people as compared with twenty years ago when we were putting more people on far less amounts of land. This is an example of not using one of our resources, land, wisely for the next generation. More land and road frontage per unit has also translated into higher per capita taxes for municipal services over the years.

### **Smart Communities Through Smart Growth**

*Suffolk County Planning Department 3*

An example in Oakdale on Montauk Hwy of an underutilized shopping center. The action for commercial development has moved north to Sunrise Highway.

This housing development, in Dix Hills, illustrates the current trend in more land used to house fewer people.

By allowing sprawl to continue many towns now look like Any Place, USA. It all looks the same. Sprawl has stripped away the very sense of place and replaced it with a commercialized version of every where else.

Due to its unique history, Long Island is an interesting mix of pre-suburban sprawl communities with downtowns surrounded by the newer developments of houses (built in the 60's 70'and 80's) and commercial uses along the major highways outside of the older centers.

In the last ten years, development patterns, quality of life and the environment have become major issues for many Long Islanders. Along with high taxes, these concerns all have a direct link to unchecked growth.

Long Island is collectively scratching its head and wondering: "**Where is that beauty, fresh air and green space which attracted us here**

**in the first place?"** This unchecked growth is often aided by the very communities that chart and control the growth.

There are many examples outside the Long Island Region of the ill effects of suburbia. One such area is Atlanta, Georgia. The city in recent months has had all of its federal highway funding canceled because of re-occurring poor air quality. The poor air quality is a direct result of Atlanta's auto-oriented sprawl and unchecked growth. The fact that a majority of the people that work in Atlanta use the car and live a great distance from outside the city has led to an overdependence on the car as the primary means of transportation. The result of this dependence has given Atlanta the longest average commute in the nation and has even made Hewlett Packard reconsider building a new skyscraper facility in downtown Atlanta. The city that in the early 80's and 90's was booming is now seeing the storm clouds on the horizon. Even though Atlanta has a central business district its problems can easily be applied to Long Island. The spread out nature of Atlanta's growth mimics a great deal of the Island's landscape. Can you imagine if a large company that was headquartered here on Long Island decided to not expand here due to traffic and growth congestion? Would that awaken all of us to see how affecting our quality of life development really is?

### **Applying Smart Growth Principles to Suffolk County Towns and Villages**

*Suffolk County Planning Department 4*

This newly built shopping center, because of a merger of two retail giants, stands completely abandoned. Meanwhile, another new shopping center was built across the street.

#### **Zoning and Ordinances: The DNA of Sprawl**

The characteristics of the current landscape can be traced to zoning and ordinances. Originally designed to ensure adequate light and air for packed tenement dwellers, zoning has robbed much development of its mixed use energy and symbiosis. It may be argued that the Region's zoning codes favor cars over people, segregate land uses, do not promote connections between land uses and do not promote flexibility. Think about it. Individuals have to make separate trips for almost everything here on the island causing extreme dependence on the automobile.

Shopping centers, offices and industrial parks

are all located along main roads. Residences are about as far as you can possibly get from commercial uses, forcing more car trips which add to road congestion.

For every new shopping center constructed along any given highway on Long Island, new infrastructure as well as traffic congestion are added into the equation that make up sprawl.

"Smart Growth" is not an all out cure for sprawl and the every day woes of current Long Islanders but it does provide a framework and a dialogue to help set forth the necessary actions that need to take place in Suffolk County.

Suffolk's proximity to New York City and the fact that our County has many different faces adds to our unique position. The County is roughly divided between the heavily suburbanized towns of western Suffolk County and the rural tourism-based eastern half of the County. The County possesses downtowns, fishing villages, world famous beach resorts, a winery region, the most productive farmland in the state, and centers of higher learning and industry. The County has a wide range of communities, such as Commack, built during the onset of suburbanization, and communities such as, Manorville that are now just becoming suburbanized. This primer will outline some benefits and the applicability of implementing Smart Growth to our local communities.

*Suffolk County Planning Department 5*

## **Principles of Smart Growth**

Smart Growth is comprised of many principles, some of which have been agreed upon by the **Smart Growth Network**. The network was initiated as a program through the EPA and is made up of a large coalition of organizations and municipalities that have interests in Smart Growth for their own communities. Since the concept is ultimately community-based, smart growth for one area may be different than another area. Some principles may be inversely related, for example focusing intense mixed use development toward areas of existing infrastructure may by default save open space. The same can be said when applying mixed use development with housing. Once again, by default, an almost instant need for walking is created. This helps promote the smart growth principle of creating pedestrian friendly

communities.

The following principles are compiled from the Smart Growth Network and other national, state and local groups that deal with the issues of Smart Growth. While the principles can be stated many ways they can be boiled down to their essential components. Many others can be created or tailored depending on local situations throughout Suffolk County.

- **Direct development to strengthen existing communities.**
- **Encourage mixed land uses and mixed use buildings.**
- **Encourage Consultation between Communities.**
- **Take advantage of compact building sizes and create a range of housing opportunities.**
- **Provide a Variety of Transportation Choices.**
- **Create Pleasant Environments and Attractive Communities.**
- **Preserve Open Space and Natural resources.**
- **Make development decisions predictable, fair and cost effective.**

### **Applying Smart Growth Principles to Suffolk County Towns and Villages**

*Suffolk County Planning Department 6*

*Suffolk County Planning Department 7*

Development of an office building adjacent to the existing Smithtown railroad station takes advantage of existing transportation infrastructure and proximity to the Central Business District. Reconstruction of the Gardiner Manor Mall reuses an existing commercial site. This reuse avoids both the creation of an abandoned shopping center and construction of an additional new shopping center.

## **Applying the Principles of Smart Growth**

**Direct development to strengthen existing communities and sites.**

*Outcome of this action:*

This will help many of our local downtowns, and other areas that contain preexisting infrastructure. These areas have been impacted by strip development along outlying roadways in Suffolk County. Smart Growth actions can be applied to the redevelopment of older areas including commercial, industrial and residential sites. Some of this activity is already occurring. The Gardiner Manor Mall in Islip Town is now being reused as a much more up-to-date shopping center. This reuse allowed for the redevelopment of an existing site as opposed to carving out another site in an area that is not suited for such a development.

## **Applying Smart Growth Principles to Suffolk County Towns and Villages**

*Suffolk County Planning Department 8*

These buildings in downtown Northport Village exemplify a mixed use of first floor retail with second and third floor residential use.

Retailers in Northport encourage walkers by providing comfortable benches and a clean and safe sidewalk.

### **Encourage mixed land uses and mixed use buildings**

#### ***Outcomes of this action:***

This activity will help create the density of development that is needed to sustain a healthy community. By mixing compatible uses, a walking community is created. By having stores on the first floor and residential uses on the second or third, the base population is within walking distance of these uses. This action can already be seen in older downtown areas such as Sayville, Northport or Huntington. By providing many differing services in any given area, local synergy is created and the need for people to drive to that area for any particular services or stores is diminished. This will help reduce the use of the automobile. Sayville is an example of a downtown that incorporates a healthy mix of uses in a centralized location.

The main street area has many stores and services that provide for residents and visitors alike. Retail stores are shoulder to shoulder with restaurants and personal services such as barber shops and professional offices. Many residents can walk from a store in town to the post office, then on to the bank and finally to the library. All of these examples of walkability are aspects of the smart growth principles. The concentration of uses in a tight knit area lends itself to leaving the car in one place. It might even allow a resident to walk into town and leave the car at home. The alternative is to drive everywhere because of the separation of land uses that have been zoned, compartmentalized and spread out, each in its own location unrelated to the other.

### **Smart Communities Through Smart Growth**

*Suffolk County Planning Department 9*

An example of Senior citizen housing built on an old school site in downtown Lindenhurst.

Pictured is a garden apartment complex adjacent to and existing rail road station.

### **Encourage Consultation between Communities**

#### ***Outcome of this action:***

Suffolk County is faced with the contrast of protection vs. growth. Some communities wish to protect their resources while others prefer to develop them. Differences in development philosophies create an environment that pits towns against their neighbors. Lawsuits and a general feeling of resentment can result from the lack of coordination between communities. There are numerous examples of protracted legal posturing in the development process in Suffolk County. Consequently, discussion between communities, civic associations and community leaders should be engaged when dealing with development and in particular Smart Growth. If one town applies Smart Growth and a neighbor does not, an isolated approach to Smart Growth results. This may work at the start but it is not cohesive enough for the larger scale. One municipality's approach might negate the accomplishments of another, for example, the approval of a large mall across the town's line. The one town's idea of directing growth to areas of existing infrastructure is dealt a fatal blow by the other town's lack of cooperation with its neighbor.

**Take advantage of compact building sizes and create a range of housing opportunities**

***Outcomes of this action:***

This action refers to allowing densities that are associated with traditional compact downtowns to be applied to residential and commercial development that occurs from new growth. A framework provided through local zoning codes can allow higher densities which use land more wisely. Higher densities would be allowed in areas located within the existing infrastructure enabling residents to walk to shopping, personal services, community centers and transportation facilities. In terms of housing choices, increased density will allow for a mixture of housing types and prices in the same area. The density, land costs and presence of community support facilities make it easier to develop attractive housing for a variety of income groups. This may be difficult to accomplish in Suffolk County because a majority of single family homes are on half acre to acre lots. However, the burgeoning senior citizen population, those in need of starter and/or economically priced housing do not require the large lots that a big family may need. These targeted groups could be guided to higher

density housing with a variety of styles at existing transit and town centers. High density senior housing exists in the County already. Unfortunately, much of this housing is far away from existing transportation or community downtown centers. It is, however, a step in the right direction. High density housing development should be located in existing downtowns and expanded to offer a variety of choices to a larger populace. (Note: high density development may ultimately lead to the need for sewers and the costs associated with sewer upgrades, expansions and operations.)

### **Applying Smart Growth Principles to Suffolk County Towns and Villages**

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A proposed bus shuttle between the new Ronkonkoma Railroad Station between the station and the new Long Island MacArthur Airport terminal is an example of a Smart Growth transportation choice.

The village park at the end of Main Street in Northport Village incorporates a pleasant environment and an attractive community.

### **Provide a Variety of Transportation Choices**

#### ***Outcomes of this action:***

Suffolk County is home to one of the nations most heavily used commuter railroads as well as the Long Island Expressway, occasionally the butt of jokes as "the world's longest parking lot". Auto registrations have doubled over the last twenty years while population growth has stabilized. An example of a Smart Growth transportation action is a proposed bus shuttle between MacArthur Airport and the Long Island Railroad (LIRR) Ronkonkoma train station. Although not related to housing density, the airline passenger population that is needed to justify moving people between the airport and the station via shuttle can be considered as a transportation alternative. This idea is applicable to Smart Growth policies when relating density to the provision of a variety of transportation choices. Transportation options might relieve Suffolk County's roads of some automobile congestion. Opportunities exist on both the north and south forks of the East End for using the commuter rails for local travel and concentrating development near stations.

**Create Pleasant Environments and Attractive Communities that are pedestrian oriented and give residents a sense of pride in their communities.**

***Outcomes of this action:***

This action will give cohesion to a Smart Growth plan by encouraging uniform design conditions for pedestrian access. Incorporating historical features within a project can compliment the area and strengthen a sense of place. By designing projects that incorporate community interests, municipalities can create or enhance pleasing environments as well as give local residents a sense of pride in their communities. For instance, the Town of Islip has a uniform code for shopping center enhancements. A new store must comply with uniform codes when it enters a shopping center. The new store becomes a catalyst for refurbishing and redeveloping the remainder of the center. This uniform code allows the Town of Islip assure cohesion in design as opposed to the hodgepodge of awnings, signs and design features that characterize many of Suffolk County's shopping centers.

**Smart Communities Through Smart Growth**

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Argyle Lake Village Park in Babylon Village Scenic Vista in Stony Brook

**Preserve Open Space and Natural Resources**

***Outcomes of this action:***

This Smart Growth principle can result by allowing mixed uses in areas with existing infrastructure instead of committing open space for new development. By directing anticipated growth to areas that are already developed there is less development pressure on pristine areas. By default, the municipality preserves natural resources that need protection, create valuable recreational lands and open space preserves and preserve vistas that are pleasing to the eye. All of this strengthens the quality of life. The municipality also retains the land value of existing developed or redeveloped parcels. Less land supply causes the remaining land's value to increase. Having a preserve next to a development adds to the the value of developed property. Conservation easements, clustering, transfer of development rights, conservation subdivisions and purchase of development rights are all Smart Growth tools for open space preservation and conservation. Simply directing development towards areas that are currently developed will not single handedly save these precious natural resources. Some growth will still occur in the areas that are targeted to be

preserved. However through the judicious application of higher densities and mixed land uses in areas that are already developed a new land use trend is possible. While land acquisition is the most direct method of open space preservation, Smart Growth development techniques can also result in the preservation of natural resources.

### **Make Development Decisions Predictable, Fair and Cost Effective**

#### ***Outcomes of this action:***

Reducing red tape can make the Smart Growth process work. For example Southampton Town currently expedites minor subdivision reviews and a similar process has been proposed for Southold. Other improvements that should be considered include: uniform subdivision regulations; simplified site plan requirements; and as-of-right incentives. Smart developments should be structured by towns and villages as permissible alternatives to current zoning when certain conditions are met. Such conditions are: acreage minimums dependent upon location and amount of redevelopment necessary; proximity to transportation choices; and presence of infrastructure, especially sewage disposal. Lack of delay, flexibility and higher densities create cost effective development.

### **Applying Smart Growth Principles to Suffolk County Towns and Villages**

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## **Seedlings of Smart Growth**

### **Town and Village Seedlings for Smart Growth**

Although most of Suffolk County has developed in the days since sprawl began, there are many areas of

our County that resulted from the use of Smart Growth like policies. Some Town and Village programs

or zoning codes that exhibit seedlings of Smart Growth follow.

#### ***Central Pine Barrens Protection***

Environmentally sensitive pieces of land in the towns of Brookhaven, Southampton, and Riverhead are being protected to preserve the natural resources within the 100,000 acre area. Ground water and habitat preservation are being accomplished through this protection act that was initiated in 1993 and adopted in 1995. Various land uses and zoning measures are used to accomplish the preservation goals.

**Transfer of Development Rights, Cluster Zoning and Conservation Easements** are the three main planning tools in use at this time. This protection act guides development away from environmentally sensitive land and directs it to areas that are more equipped for development. A 50,000 acre area outside the core preservation area called the compatible growth area encompasses the receiving area. Many receiving areas are contiguous with existing infrastructure and close to downtowns or hamlet centers. By redirecting the development through this regional

plan, the protection act is accomplishing some aspects of Smart Growth.

### ***Transfer of Development Rights (TDR)***

Transfer of Development Rights (TDR) is a technique in which the development rights of one parcel of land are transferred to another parcel in order that the sending parcel can not be further developed and increased development density is permitted on the receiving parcel. The Suffolk County Health Department amended the county rules of development relating to sanitary waster disposal to incorporate TDR.

Development and density which complies with local zoning can now be moved from a one area to another through the sterilization of sending parcels within the County. This Smart Growth principle results in the preservation of land every year. Brookhaven Town has been particularly active in creating a market for TDR credits out of the sensitive Pine Barrens areas. TDR credits have been used to create additional density in approved subdivisions and for modest increases in the number of beds in newly built nursing and retirement homes. These TDRs resulted in the preservation of close to 200 acres in the last two years.

## **Applying Smart Growth Principles to Suffolk County Towns and Villages**

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### **Town and Village Seedlings for Smart Growth Continued**

#### ***Cluster Zoning***

This Smart Growth tool allows for an arrangement of buildings on the land in which lot size and/or setback requirements are varied in order to provide open space, or other amenities. It maintains the same density as permitted in a conventional subdivision; also known as open space or conservation subdivision. Most of the towns in Suffolk County use clustering in subdivisions to preserve wetlands, farms, scenic vistas and historical sites.

#### ***Planned Unit Development (PUD)***

A special provision or district in the zoning ordinance, planned unit development and planned development districts can be applied to development of large tracts of land, usually permitting a combination of residential and nonresidential land uses, developed as a unit. PUDs differs from clustering since it can involve mixed land uses and an increase in density. The towns of Islip and Brookhaven have these districts in their zoning code. However, these developments are treated as zoning changes and often require costly land assemblage and therefor are rarely used by developers.

#### ***Conservation Easements***

Easements, covenants, restrictions or other interests in real property can be created, which limit or restrict development, management or use of property for the purpose of maintaining the scenic, open space, historic, archeological, architectural, natural condition, character, or significance. Conservation easements provide for some limited development in the context of open space or farmland preservation.

### **Smart Communities Through Smart Growth**

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The Greenview in Oakdale is an example of Islip's attempt to rezone parts of Sunrise Highway for more residential as opposed to commercial development.

### **Town and Village Seedlings for Smart Growth Continued**

#### ***Special Studies:***

#### ***Sunrise Highway Corridor Study, Town of Islip***

Unlike the western part of Sunrise Highway in the Town of Islip, the eastern section of Sunrise Highway was not as built out with commercial development prior to its transformation as an expressway. The western part of the highway is filled with the typical sprawl that accompanies commercial strip

zoning along highway corridors. This kind of development weakened existing communities along the more traditional shopping/residential areas on Montauk Highway to the South.

A study done prior to the widening of the roadway recommended that a large portion of the available land along Sunrise Highway be rezoned to high density/clustered residential. **The policy plan specifically states that the vitality of existing hamlet centers and older shopping centers would be weakened because the amount of new commercial space would far exceed gains in population and disposable income.** The Town of Islip has focused a good deal of new high-density garden style apartment/residential development in recent years because of the recommendation of this study. Greenview in Oakdale, Saddle Rock in Bohemia and Spruce Ponds in Holbrook are examples of providing housing and eliminating the negative effects of continued commercial sprawl along Sunrise Hwy.

#### ***Housing in or near Central Business Districts***

A significant aspect of Smart Growth recommends housing be located within walking distance or in the central part of a town for easy access to services, business, community and municipal facilities. Examples of various Suffolk County municipalities exemplifying this principle follow.

##### ***Brentwood, Town of Islip***

The Sunrise Corridor Study uncovered the need to develop more apartments for seniors, empty nesters and singles in Islip Town. One project is in Brentwood very close to the downtown and within walking distance to the post office, library and train station. This project was approved by Islip Town because this project is going to have a positive impact on downtown Brentwood. This senior housing project will be completed in the latter half of the year 2000.

#### **Applying Smart Growth Principles to Suffolk County Towns and Villages**

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#### **Town and Village Seedlings for Smart Growth Continued**

##### ***Housing in or near Central Business Districts Continued***

##### ***Town of Southampton***

Southampton has provided for Senior Citizen housing in areas that are easily accessible to transit and within easy access to hamlet/ business centers. The Senior Citizen Zone Code states that the Senior citizen zone should be a site within a convenient distance to a central business district or hamlet area, which provides shopping, transportation and community facilities. This kind of zoning is very much a part of the Smart Growth concept. It provides for housing that is dense and in an area that is already developed, by putting development in areas with existing infrastructure. It provides for housing in a pedestrian oriented hamlet center as well. Hampton Bays has two examples that encompass

these ideals. There are two projects just south of the tracks in Hampton Bays less than a quarter of a mile from the center of town and the train station. The Town Code provides for apartments on the second floor of offices or stores in the Central Business District with the stipulation that there are no more than 2 bedrooms in one apartment. The code also states only one apartment per office or no more than two apartments per building.

**Multi-Family Residential** in the township will be provided if the district is within one and half miles of the boundary of an existing village boundary. The idea is that community services and transit are within an accessible distance to a higher population that would reside in the Multi-Family-Residential district.

**Accessory Apartments:** Above stores in Central Business Districts these units provide residents with easy access to shopping, personal services, community facilities, offices, shared parking and other downtown amenities. Recent changes in the state building code will allow for facilitated mixed use new construction of this type the access to walk to and from businesses to your home and also provides for a wider array of options for housing.

### **Smart Communities Through Smart Growth**

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Mixed use buildings containing commercial use on the first floor and apartments on the second floor in St. James in the Town of Smithtown

### **Town and Village Seedlings for Smart Growth Continued**

#### ***Housing in or near Central Business Districts Continued***

*Town of Smithtown*

The Town of Smithtown allows accessory apartments above stores or offices in the following zoning categories:

Professional Business 3, Neighborhood Business and the Central Business District. These are contingent upon approval by special exception from the Board of Appeals.

These examples appear along Lake Ave in St. James.

*Villages:*

*Amityville, Northport and Port Jefferson*

**Amityville** provides for apartments in the downtown above stores. The applicant needs to go through the zoning board of appeals and attain a special permit from the zoning board.

In **Northport** existing apartments above stores in the Central business district have remained viable due to the desirability of the downtown location, which mixes a variety of stores, restaurants and other facilities that include Northport's harbor recreational opportunities.

**Port Jefferson** allows for accessory apartments in the General Commercial C-2 district as well as the General Commercial District C-1. Planning Board approval is required as a conditional "as of right" use.

## **Applying Smart Growth Principles to Suffolk County Towns and Villages**

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Photos above show the reconstructed LIRR Ronkonkoma Train Station with surrounding mixed uses.

The Village of Northport, above, has been identified by Vision Huntington as one of Long Islands best examples of a community that embodies Smart Growth principles.

### **Town and Village Seedlings for Smart Growth Continued**

#### ***Mixed Use Zoning - Town of Brookhaven***

The Town of Brookhaven has identified two areas where mixed use can occur. In **J7 Zoning** or Central Transportation District, mixed use development can occur in the area around the **Ronkonkoma Train Station** and near and adjacent to the **Port Jefferson Train Station**. The purpose of this zoning is to encourage and permit the development of compatible business, industrial and residential uses within close proximity to major transportation facilities. Residential uses existing at the time of the creation of this district are legal non-conforming uses and have been grandfathered into the existing code.

Currently the Ronkonkoma Train Station provides a mix of retail and offices with the existing homes around the area. The J-7 zone allows stores, restaurants, professional offices, (in some to a height of 6 stories) and municipal services. The development of this transportation district is a great model of Smart Growth development exemplifying access to mass transit via the new train station development. The code permits higher density to encourage land assemblage, demolition and redevelopment. This code was modeled on the Town of Islip Downtown Development District for Bay Shore.

#### ***Smart Growth Initiative - Town of Huntington***

The Town Board by resolution, has adopted Smart Growth Principles and directed the Planning and Building Departments to be part of a Smart Growth Steering Committee.

Two not-for-profit groups dealing with the Smart Growth issue are assisting the Town: **Sustainable Long Island** and **Vision Huntington**. Both are actively involved with the Town to see that the town has the best resources and people to do the job. These groups have also worked together with the Town on a pilot project for Gerard Street in Huntington Village that should be completed in a year or two.

The Gerard Street project is a traffic calming/ beautification project to enhance the streetscape of the downtown around the Huntington post office. The projects public input/charrette design process was funded by the Town as a way to facilitate community participation in planning and design. This participatory approach is a cornerstone of Smart Growth.

### **Smart Communities Through Smart Growth**

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## **Federal and State Seedlings for Smart Growth**

As Smart Growth becomes an issue that incorporates many aspects of daily life, many of our government officials and offices are taking an active role in promoting or educating the public at large on Smart Growth issues.

### **The Federal Role**

Communities know best -- land use and infrastructure decisions are, and will continue to be made by

local and state entities. Each community should grow according to its own values -- the appropriate role

of the federal government is to help inform not direct patterns of future growth. The federal government

can help communities by:

- < Sharing information, tools and resources to help them understand and envision the future impacts of

- different growth strategies;

- < Providing incentives for communities to work together to address challenges and opportunities related to patterns of growth and development; and

- < Aligning federal actions to support community smart growth efforts.

A list of federal, state and local initiatives to encourage Smart Growth to occur follows. They encompass

federal programs that put government building investment in downtowns in the form of new facilities or

reusing and enhancing older structures to give the downtown a boost. This allows the federal government

to be a carrier of Smart Growth principles that intensifies the development in areas that are already

developed and hopefully within walking distance to each other.

### **Applying Smart Growth Principles to Suffolk County Towns and Villages**

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#### ***Federal Seedlings for Smart Growth***

##### **EPA - Sustainable Development Challenge Grants:**

Provides competitive grants, up to 80% of the cost of the project, for local communities that range between \$30,000 to \$250,000 dollars. These grants will build partnerships that will increase the capacity of communities to ensure long-term environmental protection through the application of sustainable development strategies. EPA intends these competitive grants to be catalysts that challenge communities to invest in a more sustainable future.

##### **EPA - Smart Growth Network:**

Is a program initiated by the EPA's office of Urban and Economic Development Division (UEDD) and includes about thirty well known not-for-profit, private enterprise and other forms of government involved in casting a national spotlight on metropolitan development that serves the economy, community and the environment. The Smart Growth principles that this packet discusses are directly from the Smart Growth Network.

##### **General Services Administration - Good Neighbor Program:**

Is a program initiated in 1996 as a commitment to build local partnerships and to enhance the livelihood of the nations communities by serving as a catalyst for economic revitalization in the establishment and construction of and continued reuse of buildings in downtown's across the nation for the agencies needs.

##### **United States Department of Transportation (USDOT) -TEA - 21:**

An extension of the ISTEA bill that was passed in the mid 90's, the bill allows for heavy investment from the federal government in major transportation projects. A major component is ISTEA's landmark environmental provisions to reduce air and water pollution, to preserve wetlands and open space, and to make transportation facilities more compatible with the environment. Major funding for alternative transportation appears throughout the bill. Enhancing existing mass transportation, and improving and creating more pedestrian friendly access through non-automobile transit is a key focus for this bill. TEA-21 continues the commitment to protect and enhance communities and the natural environment affected by transportation.

### **Smart Communities Through Smart Growth**

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#### ***State Seedlings for Smart Growth***

##### **New York**

New York State has agreed to convene a special task force to study the Smart Growth issue further. The task force will consist of heads of various state agencies. The task force is expected to be formed at the end of this year or at the beginning of next year. The state has also appropriated money through the Dept. of State to provide for \$800,000 dollars for pilot projects that will incorporate Smart Growth principles. These monies are to be given out within the next few months. An announcement as to the procedure to attain the funds will be announced shortly from the Dept of State.

##### **Maryland**

The State of Maryland is by far the one state that has taken the Smart Growth agenda to the forefront. Passed in 1997 The Smart Growth Areas Act, Chapter 759 of the Laws of Maryland requires the state to fund target areas for "growth-related projects" called Priority Funding Areas. Growth related projects are defined as State programs, which encourage or support growth and development such as highways, sewer and water construction and State leases of new office facilities. The Priority Funding Act is written so that the local municipalities, namely the counties can have a written model to base their own criteria for Priority Funding Areas. The PFA further states that the boundaries of these areas will be drawn by the counties using land use, developed density, zoning density, and water and sewer service criteria contained within the act. Suffolk County can look at this example as a possible way to adopt Smart Growth policies within its own agencies that deal with infrastructure that have a great impact on the type of development that goes on in the County.

#### **County Seedlings for Smart Growth**

##### **Suffolk County**

The County's role in the last few years had been to help retain and/or expand existing county buildings and or facilities to help downtowns stem the tide against decline. The county's initiatives follow.

##### ***Central Islip Psychiatric Center - Central Islip***

Central Islip Court Complex; reusing the old Psychiatric Center land for the new County court complex, federal court house, Touro law college as well as a new ballpark. This location is accessed by a major road and interchange improvements funded by the County. The Town of Islip was instrumental in the redevelopment of the property, through the adoption of a community-based Master Plan.

L. Park Row, a housing complex that reuses land that originally housed the Central Islip Psychiatric Center.

R. The Central Islip Court Complex including the Federal Court Building and the County Court Building.

## **Applying Smart Growth Principles to Suffolk County Towns and Villages**

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### **County Seedlings for Smart Growth Continued**

#### ***Touro Health Services Center- Bay Shore***

Touro Health Services College in conjunction with the Town of Islip moved into the old County Mini-Center in downtown Bay Shore in 1997. (Photo right) The influx of college students is helping to stabilize and bolster the downtown area, which was the major reason for the County working with the Town and College to effectuate the transfer.

#### ***Downtown Riverhead***

Expansion and renovation of the Riverhead County Courts will bring more people into the area to use business and services that are located in Downtown Riverhead. Another relocation is the Cornell Cooperative Extension to a new site in Downtown Riverhead. The County is working with the Long Island Railroad Museum and the Town of Riverhead to refurbish Steam Engine 39 as the centerpiece for a future transportation system moving tourists between Riverhead and Greenport to cut traffic congestion on the North Fork.

#### ***County Health Department site in Downtown Brentwood***

County services located in downtown Brentwood in an older underutilized shopping center. It is also close to the railroad station. (Photo right)

#### ***Downtown Revitalization Grant Program***

Initiated by the county legislature, the program provides money to downtowns for assistance to better remedy the esthetics of Suffolk County's Central Business Districts. It is hoped that these monies will provide for basic (lampposts, pavers, new sidewalks etc.) enhancements to the area that will provide for a more pleasing environment for visitors and residents alike.

#### ***Other Counties***

##### ***Lancaster County: An example through Co-operation***

The County and Townships are working together to examine the codes and variances that might hinder a more resourceful community. Lancaster County, Pennsylvania is aggressively working with its local Townships on the Smart Growth issue. The County and the Townships are similar to Suffolk County, the townships make the majority of the planning decisions and the County serves in an advisory position. The County's comprehensive plan was amended to include Smart Growth principles. Then the County asked the Townships if they would change their plans to reflect what the county has proposed in the overall comprehensive plan. If the townships agree to amend their comprehensive plans then the County will pay the amendment costs thereby providing an incentive to implement new Smart Growth features.

### **Smart Communities Through Smart Growth**

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### **Private Sector Investment for Smart Growth**

#### ***Traditional Neighborhood Development (TND) Fund***

TND is an investment opportunity that is putting equity and financing for Smart Growth type residential/ mixed use developments throughout the country. The TND fund strictly invests with companies that are developing these types of communities that embody many of the Smart Growth Principles. The TND fund is seeking out and helping to develop the market potential for one of the highest return potentials of any segment of the US real estate market. The TND fund will invest in projects and the development companies by investing only in communities that ensure traditional character through strict design and architectural codes as well as requiring that each element financed is consistent with a communities master plan. This fund works exclusively

with the private sector. **It is up to the local municipalities to change their zoning codes to allow such investment in those projects to occur and make it attractive for development companies to want to invest in that kind of growth here in Suffolk County.**

### **Applying Smart Growth Principles to Suffolk County Towns and Villages**

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Coventry Village, part of a mixed use residential and commercial development that includes rental apartments, owned attached and single family detached units, a drug store and day care center in Smithtown Town.

New office buildings constructed in downtown Babylon Village with architecture consistent with the existing style and scale of the Village.

## **Conclusion:**

# **Smart Growth and its Application to Suffolk County**

There is no simple method for incorporating Smart Growth in Suffolk County. Implementation is as varied as the County itself. County and Town officials should heed of this when applying Smart Growth to local municipalities.

The County has differing problems that may require multiple solutions. The County's landscape provides a multitude of issues.

Smart Growth principles are more apt to be used in their entirety on the East End of the Island because development pressure is high, resources are unique and historical and natural features remain relatively untouched. On the western end of the county, Smart Growth would be applied gradually because the area is already heavily developed. Currently these areas are undergoing in-fill development, small subdivisions construction, office development, reuse and rehabilitation of shopping centers, redevelopment of the state hospitals, and the gradual uplifting of the downtowns. These are steps in the right direction. The incorporation of Smart Growth principles within these projects need to be more widely considered.

**Is a development designed for people or for cars? Does the development complement and strengthen existing community fabric?** These are the questions that need to be asked by the County and the Towns and the answers should incorporate a Smart Growth principles.

### **Applying Smart Growth Principles to Suffolk County Towns and Villages**

New shopping center with pedestrian friendly design  
An abandoned part of a shopping center in  
Babylon Town

Smart Growth is a positive trend to change the ways in which this nation and Suffolk County have been developing. The citizens of this country have become aware of the Smart Growth initiative and have reacted favorably. In 1998, 240 local initiatives which incorporated some aspects of Smart Growth were passed. If the buzzwords "Smart Growth" are merely a phase, people seem to like it. Smart Growth has the potential to create dialogues about changing the landscape and how we function in that landscape in a positive way. The \$7.5 billion federal dollars that were appropriated to do just that opens the door for further governmental assistance. That same momentum exists in Suffolk County. The voters of Suffolk County continue to support almost all preservation and quality of life initiatives that are placed on the ballot.

Local governments should be commended on their response to the public. As the national spotlight continues to enlighten quality of life issue, more and more people are asking the question: **Is my community really providing a healthy environment and high quality of life?**

Potential new families and business are not only looking at taxes and schools, but at the sense of place amidst all the clutter. As other parts of the country aggressively change local laws to address Smart Growth issues, Suffolk County might find itself lagging behind other regions for not only high paying jobs and education, but increasingly a place to congregate, a place to walk and more importantly a sense of place.

Suffolk County needs to provide a landscape and a mindset that knows how to use its resources well and re-adapts itself to those changing needs in a pro-active way. Suffolk County, the Towns and the Villages need to seriously address these issues and move toward the reality that our "human ecology" can be accommodated best by Smart Communities.

**These communities recognize the interrelated web of housing, transportation, business facilities, open space and social interaction that enrich our lives, supports our economy and respects our natural resources.**

**Appendix: Smart Communities Through Smart Growth**

## **Resources for Smart Growth**

Geoffrey Anderson

### **EPA: Smart Growth Network**

202-260-2769

Shannon Armstrong or Marya Morris

### **American Planning Association**

312-431-9100

Naomi Freeman

### **National Association of Counties**

202-942-4262

Kendra Brichle

### **Cities and Counties**

202-962-3865

Jerry Bogacz

### **New York Metropolitan Transportation**

#### **Council**

212-938-3443

Robert Burchell

### **Center for Urban Policy Research**

#### **Rutgers University**

732-932-3133 ext. 542

### **Dover +Kohl**

#### **Urban Designers**

305-666-0446

Larry Duket

### **State of Maryland Planning Department**

1-410-767-4573

Steven Finn

### **Ontario County, NY Planning Department**

716-396-4455

Andrew Freleng, AICP

### **Suffolk County Planning Department**

631-853-5006

Terry Kaufman

### **Lancaster County Planning Department**

1-717-299-8300

Rebecca Lubin

### **New York Planning Federation**

518-432-4094

Gene Murphy

### **Town of Islip Planning Department**

631-224-5455

Diana Saltel

### **Westchester County Planning Department**

914-285-4769

Larry Stid

## **Rochester Planning Department**

716-428-6924

Ron Stein

## **Vision Huntington**

631-423-6501

## **Sustainable Long Island**

516-424-1799

[Progress@sustainableLI.org](mailto:Progress@sustainableLI.org)

## **TND Fund**

Lloyd Zuckerberg

212-794-3484

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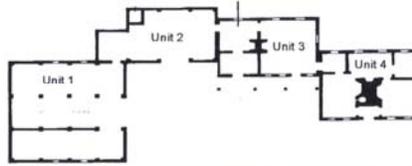
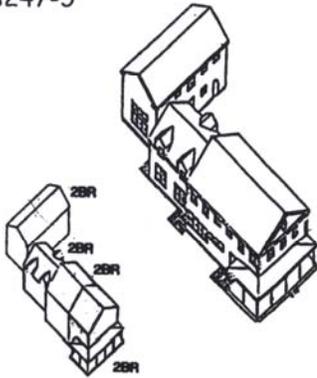
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## 2. REZONE R-20 to RESIDENTIAL PLANNED DEVELOPMENT DISTRICT

Complementing the recommendation for Hamlet Office zoning for the Gateway Area is the recommendation to rezone the Turnpike Partners' split parcel, R-20 property to Residential Planned Development District in order to build multi-family dwellings and establish a neighborhood to meet a growing need for workforce housing in the Sag Harbor area. Access through the Hamlet Office district to the re-landscaped Bridgehampton Sag Harbor Turnpike will allow RPDD residents to journey north to the Mashashimuet Park for recreation and to access public transportation.

Manor House Concepts: Two, three or four family dwellings  
 \$247-5



The trick in making multi-family housing blend in with single family neighborhoods is to design the buildings to look like single family residences. Many lessons can be drawn from the numerous examples of historic two-family homes throughout small town America. In New England, many were built in the local nineteenth vernacular style, although some are strongly Greek revival, Gothic, or Italianate in derivation. Southampton has several examples of classic and historic styles as well as farmsteads and other traditional rural architecture that can be used as a model for multi-unit housing.




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Filling in additional compatible uses in this pedestrian and bicycle friendly area will develop a mixed-use community that will complement the activities of Sag Harbor Village and allow for the enhancement of community character

### 3. MONITOR ALL SENSITIVE LANDS

All proposed future development will be monitored by both the DEC and the Town to ensure that all sensitive lands are protected and that as much open space as possible is preserved to safeguard the best interests of the Sag Harbor community and ensure an attractive gateway.

#### **THESE COMBINED RECOMMENDATIONS CONFORM WITH FIVE AREA GOALS AND THE SUFFOLK COUNTY SMART GROWTH POLICY PLAN TO:**

1. Direct development to strengthen the existing community by providing a preparatory area, a transition zone that does not duplicate the village center
2. Preserve open space and natural resources by providing park/open space connections to existing designated protection areas
3. Provide conformance with the Comprehensive Plan Economic Development Vision Goals: to promote low-impact, small-scale light industrial and office development, with an emphasis on small business enhancement rather than big business recruitment and to provide incentives for non-conforming uses to comply with zoning
4. Ensure conformance with the Suffolk County Smart Growth Policy Plan objectives to provide sensible growth, balance jobs, and economic development with the preservation of the natural environment and the historical community fabric.
5. Encourage mixed land uses and mixed use buildings
6. Create a range of housing opportunities

The Sag Harbor Gateway Study Area Plan strengthens the existing community fabric and provides a healthy environment and high quality of life. It recognizes the interrelated web of housing, transportation, business facilities, open space and social interaction that enriches our lives, supports our economy and respects our natural resources.

## **Appendices**

1. Appendix One: Resolution to Begin Sag Harbor Gateway Study
2. Appendix Two: §330-33, Business District Table of Use Regulations
3. Appendix Three: §330-34, Business Districts Table of Dimensional Regulations
4. Appendix Four: Local Law 65 of 2003: Hamlet Office/ Residential and Hamlet Commercial/ Residential Zoning Districts, including
  - §330-330 General Regulations
  - §330-31 Maximum Number of Uses
  - §330-158 Apartments in Certain Business Districts
  - §330-162.18 Hamlet Office/Residential and Hamlet Commercial/Residential building size
  - §330-162.19 Hamlet Office/Residential and Hamlet Commercial/Residential Dwellings
  - §330-83 G. Yards
5. Appendix Five: New York State Department of Transportation, Traffic Hourly Count Report: County Road 79 (Bridgehampton/Sag Harbor Turnpike) from SR 27 to Scuttlehole Road
6. Appendix Six: New York State Department of Transportation, Traffic Hourly Count Report: County Road 79 (Bridgehampton/Sag Harbor Turnpike) from Scuttlehole Road to Brickiln Road)
7. Appendix Seven: Aquifer Protection Overlay District
8. Appendix Eight: Public Health Assessment Rowe Industries
9. Appendix Nine: Applying Smart Growth Principles to Suffolk County Towns and Villages