

RESOLUTION: 2005-193
CATEGORY: Local Laws
SPONSORED BY: Supervisor Patrick Heaney
DEPARTMENT: Land Management

Notice of Adoption to Amend Chapter 330 (Zoning Map) & to Change the Zoning of Certain Parcels From Highway Business (HB) & Village Business (VB) to Hamlet Office/Residential (HO) & Hamlet Commercial/Residential (HC), From (VB) to (R-20), (HB) to (R-40), & (R-20) to (HO) In North Sea

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

NOTICE OF ADOPTION

TAKE NOTICE, that after public hearings were held by the Town Board of the Town of Southampton on November 23, 2004 and January 11, 2005, at the Town Hall, 116 Hampton Road, Southampton, New York, to hear any and all persons either for or against and closed January 11, 2005 with a ten (10) day written comment period, the Town Board at their meeting on February 8, 2005 shall consider for adoption LOCAL LAW NO. 2 OF 2005 as follows:

"A LOCAL LAW to amend §330, Zoning, of the Town Code of the Town of Southampton in order to re-classify zoning districts from Highway Business District (HB) to Hamlet Office/Residential (HO) and to Hamlet Commercial/Residential (HC); from Village Business (VB) to Hamlet Office/Residential (HO) and to Hamlet Commercial/Residential (HC); Village Business (VB) to Residential (R-20), Highway Business District (HB) to Residential (R-40), and Residential (R-20) to Hamlet Office/Residential (HO), located in the Hamlet of North Sea, pursuant to Section 330-185 of the Town Code".

Copies of the 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. 2 OF 2005

LOCAL LAW amending Chapters 330 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 Intent

In March 1999, the Town Board of the Town of Southampton adopted the 1999 Comprehensive Plan Update, which gave specific recommendations toward the objective of strategically managing the pressure for retail by channeling commercial development to hamlet and village centers. This is in concert with the overall Comprehensive Plan goal to preserve Southampton's open spaces, handsome views, resort qualities, and patterns of home and village center development. The 1999 Comprehensive Plan Update recommends that each and every hamlet and village center be looked at independently in order to identify and preserve the historic, scenic and pedestrian qualities of the specific hamlet center area, and recommendations must be applied in ways that will vary for each hamlet and business center, based on the physical characteristics, zoning, demand, tax base and other hamlet conditions, including the priorities of the local citizenry and businesses. Each hamlet center area was examined in the 1999 Comprehensive Plan Update in order to recognize a unifying concept or theme for the area, and specific objectives and action items were identified. Strengthening the 'country crossroads' concept that features small-scale development and rural vistas along North Sea/Noyack Roads at two locations, Fresh Pond Road/Mary's Lane and North Sea/Noyack intersection to straight path was recommended for North Sea. The objectives indicated for North Sea in the 1999 Comprehensive Plan Update are:

- 1) At both centers, create low impact and attractive neighborhood centers with a rural character. At Straight Path, preserve a cluster of historic and civic uses around a "hamlet green", linked to Conscience Point.
- 2) At both locations, create centers that are as much sources of community pride as they are places to shop for a few conveniences.
- 3) Also at both locations, slow traffic to increase pedestrian and bicyclist safety, as well as ease access in and out of businesses.
- 4) Promote North Sea as a small hamlet center to obviate the need to travel long distances for convenience shopping.

To accomplish the objectives of creating low impact and attractive neighborhood centers with a rural character, allowing low-scale/low-impact commercial uses in connection with historic/open space preservation and providing an orderly transition in uses, density and bulk between the existing residential and commercial development, Hamlet Office/Residential (HO) and Hamlet Commercial/Residential would replace the current Highway Business (HB) zoning to the north of Mary's Lane in North Sea. The 1999 Comprehensive Plan Update recommends utilizing Hamlet Commercial/Residential (HC) zoning to manage intensification of retail uses at key locations in connection with rural design motifs and shared parking and access/egress. Hamlet office/residential (HO) is recommended to allow residential uses and compatible commercial uses proximate to the HC areas, and in connection with preservation of residential and historic building types.

Therefore, both Hamlet Office/Residential (HO) and Hamlet Commercial/Residential would replace the Village Business (VB) zoning from Fresh Pond Lane to Mary's Lane, as the permitted uses, scale of development and project design under these classifications would render development that is more compatible with the surrounding community character.

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

Properties in transition areas that frame hamlet centers zoned Village Business would be rezoned with the proposed Hamlet Commercial/Residential (HC) zoning. 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 intent of the Comprehensive Plan is to keep commercial development along major arterial roads (i.e. CR 38, Montauk Hwy, SR 24, etc.). Therefore the specific commercial to residential changes (i.e. VB to R-20) are related to those properties that cannot be accessed directly from main thoroughfares (have frontage on local streets/minor arterials) and are either vacant or currently developed with single-family homes. Residential to commercial changes are indicated for those parcels that are split-zoned (with both commercial and residential classification) and are developed commercially.

Upon referral and consideration, the Suffolk County Planning Commission has indicated this to be a matter of Local Determination.

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

The subject parcels are being re-zoned as follows: HB to HO, HB to HC, VB to HO, VB to HC, HB to R-40, VB to R-20, R-40 to HO as shown on the maps entitled "Proposed Hamlet Office/Residential (HO) and Hamlet Commercial/Residential (HC) Zoning Districts- North Sea", prepared by the Town of Southampton, Department of Land Management - Planning Division, dated July 8, 2004 and last revised January 11, 2005 and specifically indicated on the table below:

TAX MAP #	ACREAGE	EXISTING ZONING	PROPOSED ZONING
900 - 77 - 4 - 38.2	1.6	HB	HO
900 - 77 - 4 - 38.4	1.2	R40	HO
900 - 77 - 4-41	0.4	HB	R-40
900 - 77 - 4 - 42	0.5	HB	HO
900 - 77 - 4 - 43	0.3	HB	HO
900 - 77 - 4 - 44	0.3	HB	HO
900 - 77 - 4 - 46.1	0.5	HB	HC
900 - 77 - 4 - 47	0.2	HB	HC
900 - 95 - 1 - 18	0.7	VB	HC
900 - 95 - 1 - 19	0.7	VB	HC
900 - 95 - 1 - 20	0.4	VB	HO

TAX MAP #	ACREAGE	EXISTING ZONING	PROPOSED ZONING
900 - 95 - 1 - 21	0.4	VB	HO
900 - 95 - 1 - 22	0.7	VB	HO
900 - 95 - 1 - 25	0.2	VB	R20
900 - 95 - 1 - 26.1	0.2	VB	HO
900 - 95 - 1 - 26.2	0.2	VB	R20
900 - 95 - 1 - 27	0.2	VB	HO
900 - 95 - 2 - 17.5	0.2	VB	HC
900 - 95 - 2 - 17.6	0.3	VB	HC
900 - 95 - 2 - 3.1	0.5	VB	HC
900 - 95 - 2 - 3.2	0.2	VB	HC
900 - 95 - 2 - 4	0.5	VB	HO
900 - 95 - 2 - 5	0.3	VB	HO
900 - 95 - 2 - 6	0.3	VB	HO
900 - 95 - 2 - 7	0.3	VB	HO
900 - 95 - 2 - 8	0.3	VB	HO
900 - 96 - 1 - 14	0.2	VB	R20
900 - 96 - 1 - 15	0.2	VB	R20
900 - 96 - 1 - 16	0.4	VB	HC
900 - 96 - 1 - 17.1	0.3	VB	HC
900 - 96 - 1 - 18.1	0.2	VB	HC
900 - 96 - 1 - 19	0.2	VB	HC
900 - 96 - 1 - 20	0.2	VB	R20
900 - 96 - 1 - 21	0.2	VB	R20
900 - 96 - 1 - 4	0.2	VB	R20
900 - 96 - 1 - 5	0.2	VB	R20
900 - 96 - 1 - 7	0.2	VB	HO
900 - 96 - 1 - 8	0.3	VB	HO
900 - 96 - 1 - 9	0.3	VB	R20
900 - 96 - 2 - 1	0.3	VB	HC
900 - 96 - 2 -	0.2	VB	R20

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900 - 96 - 2 - 11.3	0.3	VB	R20
900 - 96 - 2 - 12	0.3	VB	R20
900 - 96 - 2 - 13.1	0.2	VB	HC
900 - 96 - 2 - 14	0.4	VB	R20
900 - 96 - 2 - 2	0.2	VB	HC
900 - 96 - 2 - 4	0.3	VB	HO
900 - 96 - 2 - 5	0.1	VB	HC
900 - 96 - 2 - 6	0.3	VB	HO
900 - 96 - 2 - 7	0.2	VB	HO
900 - 96 - 2 - 8	0.2	VB	HO
900 - 96 - 2 - 9	0.2	VB	R20
900 - 96 - 3 - 1.1	1.3	VB	HC
900 - 96 - 3 - 2.1	0.3	VB	HC
900 - 96 - 3 - 3.1	1.5	VB	HO
900 - 96 - 3 - 3.2	0.4	VB	HC
900 - 96 - 3 - 4	0.5	R20	HO
	Total:		
	22.2 acres		

SECTION 3. Severability

If any section or part of this local law, now or through supplementation, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Effective Date

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

RESOLUTION: 2005-229
CATEGORY: SEQRA
SPONSORED BY: Supervisor Patrick Heaney
DEPARTMENT: Town Attorney

**SEQRA to Amend Chapter 330 (Zoning Map) and to Change the Zoning of Certain
Parcels In North Sea**

WHEREAS, the Town Board is considering an amendment to §330 (Zoning) of the Town Code of the Town of Southampton in order to re-classify zoning districts from Highway Business District (HB) to Hamlet Office/Residential (HO) and to Hamlet Commercial/Residential (HC); from Village Business (VB) to Hamlet Office/Residential (HO) and to Hamlet Commercial/Residential (HC); Village Business (VB) to Residential (R-20), Highway Business District (HB) to Residential (R-40), and Residential (R-20) to Hamlet Office/Residential (HO), located in the Hamlet of North Sea, pursuant to Section 330-185 of the Town Code, and

WHEREAS, the Town Board has reviewed the provisions of the New York State Environmental Quality Review Act (SEQRA) and Chapter 157 (Environmental Quality Review) of the Town Code; and

WHEREAS, the proposed action meets the criteria of a Type I action; and

WHEREAS, the Town Board of the Town of Southampton proposes to undertake the action itself and is, therefore, assuming lead agency status; and

WHEREAS, the Town Board has conducted a review of the information contained in the Environmental Assessment Forms prepared by the Department of Land Management; and

WHEREAS, the potential impacts and the magnitude and importance of potential impacts have been considered by the Town Board; now, therefore, be it

RESOLVED, that the amendment to §330 (Zoning) of the Town Code of the Town of Southampton in order to re-classify zoning districts from Highway Business District (HB) to Hamlet Office/Residential (HO) and to Hamlet Commercial/Residential (HC); from Village Business (VB) to Hamlet Office/Residential (HO) and to Hamlet Commercial/Residential (HC); Village Business (VB) to Residential (R-20), Highway Business District (HB) to Residential (R-40), and Residential (R-20) to Hamlet Office/Residential (HO), located in the Hamlet of North Sea, pursuant to §330-185 of the Town Code, will not result in any large and important impacts, and therefore will not have a significant impact on the environment; and be it further

RESOLVED, that the Town Board hereby adopts a NEGATIVE DECLARATION pursuant to the State Environmental Quality Review Act and Chapter 157 of the Town Code.